

Regular Meeting
8:00 P. M.
March 12, 1962
Court Room

Present:

Mayor Robert H. Butler

City Manager, G. W. Ray

Councilmen:

Ted O. Rhodes
D. B. Maness
Sol C. Rose
Eugene Plummer

Public Works Commission Secretary, A. B. Car
Public Works Commission Administrator, Ray Muench

City Attorney, J. O. Tally, Jr.

Mayor Butler called the meeting to order.

The first item of business, a petition for rezoning a tract of land on Ft. Bragg Road between McPherson Avenue, Barrington Cross and Pecan Drive was temporarily withdrawn by the petitioner, Mrs. Marian Szymkowitz, and hearing reset for May 11th.

A public hearing having been advertised and there being no opposition present and on motion by Councilman Rose, seconded by Councilman Plummer, Council voted to amend the zoning ordinance as follows:

Rezone from R-5 Residential District to P-1 Professional District a tract of land adjacent to Hay and Davis Streets and Arsenal Avenue described as follows:

BEGINNING at the southwestern corner of Hay Street and Davis Street and running thence with the western margin of Davis Street South $2\frac{1}{2}$ degrees West 425 feet more or less to the northwestern corner of Arsenal Avenue and Davis Street; thence with the northern margin of Arsenal Avenue in a westwardly direction approximately 218 feet; thence North $2\frac{1}{2}$ degrees East 3 chains 31 links; thence North 3 degrees East 3 chains $\frac{3}{4}$ links to the southern margin of Hay Street 3 chains and 3 links to the beginning; and being the property conferred to Jesse G. Wellons and Frances C. Wellons, his wife on the 4th day of April, 1949.

Upon motion by Councilman Rhodes, seconded by Councilman Maness, the Council voted to adopt the following final sidewalk paving resolutions:

FINAL RESOLUTION REQUIRING THE LAYING OF SIDEWALKS PURSUANT TO PETITION ON OLD WILMINGTON ROAD ON EAST SIDE, THEREOF, BETWEEN CAPE FEAR COURT AND FISHER STREET.

After careful study and consideration of the matter and of all pertinent facts and circumstances, including engineering and planning studies and advice, and in the exercise of its best legislative judgment, The City Council of Fayetteville, North Carolina, finds as fact that:

1) A petition, was filed with The City Council of Fayetteville, North Carolina, requesting the laying of sidewalks and other below described improvement on Old Wilmington Road, on East side thereof between Cape Fear Court and Fisher Street, and said petition is in due and sufficient form, containing a general description of said sidewalks laying and other improvement proposed for said Street, and requesting that such sidewalks laying and other improvement be made in conformity with the applicable provisions of law, and that the total cost of such sidewalks laying and other improvement below specified be specially assessed against the property abutting on said Street, and said petition has been signed by at least a majority in number of the owners, who own at least a majority of all lineal feet of frontage, of the lands abutting on said Street.

and

2) The RESOLUTION and ORDER adopted at its meeting on the 12th day of February, 1962, by the City Council of the City of Fayetteville, North Carolina, entitled "PRELIMINARY RESOLUTION REQUIRING THE LAYING OF SIDEWALKS PURSUANT TO PETITION ON OLD WILMINGTON ROAD, ON EAST SIDE THEREOF BETWEEN CAPE FEAR COURT AND FISHER STREET", having been duly published on the 1st day of February, 1962, in THE FAYETTEVILLE OBSERVER, a newspaper published in the City of Fayetteville, North Carolina, giving notice of a meeting of the City Council to be held on the 12th day of February, 1962, at 8:00 o'clock P. M., in the Court Room at the City Hall of Fayetteville, North Carolina, when all objections to the legality of making the proposed improvements were to be made in writing, signed in person or by Attorney, filed with the Clerk of the City of Fayetteville,

at or before said time, and that any such objections not so made would be waived, and objections to the legality, as well as to the policy or expediency, of the making of said improvements not having been filed or made (or having been filed and made, which objections were duly considered by said City Council, and none of said objections were sustained):

and

3) The public interest, safety, convenience and general welfare requires the sidewalks laying and other below described improvement of OLD WILMINGTON ROAD ON EAST SIDE THEREOF BETWEEN CAPE FEAR COURT AND FISHER STREET,

and

4) The property abutting on said street to be so improved will be benefited by such improvement to the extent of the cost thereof to be assessed, as stated below, against such abutting property:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, DOES ORDER THAT:

1) Sidewalks to city plans and specifications, shall be laid on all of that portion of OLD WILMINGTON ROAD ON EAST SIDE THEREOF which lies between CAPE FEAR COURT and FISHER STREET, the total cost of such improvements to be specially assessed upon the lots and parcels of land abutting upon said improved street portions according to the extent of the respective frontage thereon by an equal rate per foot of such frontage, to be paid after completion of such work and within thirty (30) days after notice of assessment, in cash with no interest, or in five equal annual installments, bearing annual interest at six (6%) per cent, payable annually.

2) This RESOLUTION and ORDER shall be published once in THE FAYETTEVILLE OBSERVER, a newspaper published in the City of Fayetteville; and shall be in effect immediately following such publication,

Adopted this 12th day of February, 1962, by the City Council of the City of Fayetteville, North Carolina.

ROBERT H. BUTLER
Mayor

MAURICE W. DOWNS
Clerk

FINAL RESOLUTION REQUIRING THE LAYING OF SIDEWALKS PURSUANT TO PETITION, ON OLD WILMINGTON ROAD ON WEST SIDE THEREOF, BETWEEN CAMPBELL AVE. AND WILMINGTON ROAD.

After Careful study and consideration of the matter and of all pertinent facts and circumstances, including engineering and planning studies and advice, and in the exercise of its best legislative judgment, The City Council of Fayetteville, North Carolina, finds as fact that:

1) A petition, was filed with The City Council of Fayetteville, North Carolina, requesting the laying of sidewalks and other below described improvement on OLD WILMINGTON ROAD ON WEST SIDE THEREOF between CAMPBELL AVENUE and WILMINGTON ROAD and said petition is in due and sufficient form, containing a general description of said sidewalks laying and other improvement proposed for said Street, and requesting that such sidewalks laying and other improvement be made in conformity with the applicable provisions of law, and that the total cost of such sidewalks laying and other improvement below specified be specially assessed against the property abutting on said Street, and said petition has been signed by at least a majority in number of the owners, who own at least a majority of all lineal feet of frontage, of the lands abutting on said Street.

and

2) The RESOLUTION and ORDER adopted at its meeting on the 12th day of February, 1962, by the City Council of the City of Fayetteville, North Carolina, entitled "PRELIMINARY RESOLUTION REQUIRING THE LAYING OF SIDEWALKS PURSUANT TO PETITION ON OLD WILMINGTON ROAD," having been duly published on the 1st day of February in the FAYETTEVILLE OBSERVER, a newspaper published in the City of Fayetteville, North Carolina, giving notice of a meeting of the City Council to be held on the 12th day of February, 1962, at 8:00 o'clock P.M., in the Court Room at the City Hall of Fayetteville, North Carolina, when all objections to the legality of making the proposed improvements were to be made in writing, signed in person or by Attorney, filed with the Clerk of the City of Fayetteville, at or before said