

Upon motion by Councilman Rhodes, seconded by Councilman Maness, the Council voted unanimous adoption to the following resolution:

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION, BY CONDEMNATION, OF CERTAIN LAND OWNED BY WEST-HANKINS REALTY, INC., A NORTH CAROLINA CORPORATION

WHEREAS the City of Fayetteville, pursuant to Chapter 63 of the General Statutes of North Carolina, owns and operates, by and through its Airport Commission, a Municipal Airport.

AND WHEREAS the public demand for air service requires expansion of the facilities of said Airport to include the land owned by West-Hankins Realty, Inc., described as follows:

NORTH CAROLINA
CUMBERLAND COUNTY
TOWNSHIP OF PEARCE'S MILL:

BEGINNING at the eastern common corner of lots number 5 and 6, Block "K" (all lots, blocks, and streets in the description are as shown on a plat of Lake Lyon, Section 1, recorded in Plat Book 21, page 45, Cumberland County Registry) and running thence along the northeastern line of the said subdivision South 28 degrees 08 minutes East, 747.36 feet to an iron pin; thence South 24 degrees 34 minutes 30 seconds West 1228.77 feet along the eastern line of the West-Hankins property to a concrete monument; thence South 86 degrees 16 minutes 30 seconds West 635.40 feet along the southern line of the West-Hankins property to a point; thence North 34 degrees 15 minutes East 576.81 feet to a point in Davidson Drive; thence North 17 degrees 12 minutes East 150.48 feet to a point; thence North 15 degrees 07 minutes East 140.00 feet to an iron pin; thence North 52 degrees 24 minutes West 147.84 to an iron pin; thence North 31 degrees 59 minutes East 64.95 feet to a point; thence North 63 degrees 48 minutes West 60.14 feet to an iron pin; thence North 29 degrees 32 minutes West 205.78 feet to an iron pin; thence North 26 degrees 11 minutes East 547.33 feet to a point; thence South 48 degrees 07 minutes East 29.35 feet to an iron pin; thence North 63 degrees 52 minutes East 171.95 feet to an iron pin; thence North 28 degrees 03 minutes West 46.36 to a point; thence North 61 degrees and 52 minutes East 259.97 feet to the point of beginning, containing 25.08 acres more or less.

AND WHEREAS, in the public interest, it is necessary that said City acquire the above described land, for said airport, in that landing at and taking off from said aircraft at altitudes so low as to make any other use of an activity upon said land not connected with aircraft, hazardous or impractical and it also being necessary that said City acquire said land for the installation, maintenance and operation of instrument landing aids and systems to assist aircraft in landings and takeoffs:

AND WHEREAS, over a period of several months, said City, through said Commission, has, in good faith, negotiated with said West-Hankins Realty, Inc., to acquire, by purchase, said land above described and, in said negotiations, said City, through said Commission, among other efforts, did:

- A) determine that fair, just and full compensation for said land would not exceed \$15,000.00 and negotiated for many weeks with said West-Hankins Realty, Inc., but they declined to consider any price near said figure;
- B) thereafter, at the sole expense of said City, cause an appraisal by licensed realtors to be made of said land value of which the highest single appraisal was that a fair, just and full compensation for said land would be \$15,240.00, and did offer said sum for such land to said West-Hankins Realty, Inc., but they refused and rejected said offer;

AND WHEREAS said City and said West-Hankins Realty, Inc., still cannot agree upon the price to be paid as fair, just and full compensation for said land:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, THAT:

- A) It is found as fact that each and all parts of paragraphs 1) through 5) above are true.
- B) Without limiting the generality of the foregoing, it is found necessary, in the public interest and in the promotion of safety, convenience, and the general welfare, that said City acquire land of said West-Hankins Realty, Inc., described in paragraph 2) above.

C) Without limiting the generality of the foregoing, it is found that said City has undertaken by extended negotiations in good faith to acquire from said West-Hankins Realty, Inc., by purchase, said land for amounts that represented fair, just and full compensation therefor, but said offers of said City have been refused and rejected by said West-Hankins Realty, Inc., and said City and said West-Hankins Realty, Inc., still cannot agree upon the price to be paid as fair, just and full compensation for said land.

D) Special Proceeding shall be instituted in the name of the City of Fayetteville in the Superior Court of Cumberland County, North Carolina, for the acquisition, by said City, by eminent domain, the land of said West-Hankins Realty, Inc., described in paragraph 2) above against all persons owning or claiming any interest in said land, including, but not limited to, West-Hankins Realty, Inc., and that, in said Special Proceeding, the court be prayed to appoint Commissioners to determine the compensation which justly should be paid to the owners of said property, as provided by law.

Adopted this 22nd day of January, 1962.

I, MAURICE W. DOWNS, City Clerk of the City of Fayetteville, North Carolina, do hereby certify that the foregoing is a true, correct and full copy of a resolution adopted by the City Council in regular meeting convened, with a quorum present, held on the 22nd day of January, 1962, and which resolution is duly recorded in the minutes of such meeting.

This 22nd day of January, 1962.

MAURICE W. DOWNS
City Clerk

At Planning Board's recommendation; Councilman Rhodes moved that a public hearing be advertised for Council's next regular meeting on February 12 for annexation of a tract of land contiguous to the present City Limits in Stratford Hills off Cliffdale Road. Motion seconded by Councilman Plummer and carried.

Upon motion by Councilman Plummer, seconded by Councilman Maness, the Council voted final plat approved to Stratford Hills, Section I, subject to City Engineer and Public Works Commission approval.

Planning Director Rumbough stated that the Planning Board had been presented with a proposition for trading some property on Ft. Bragg Road to provide an entrance to the city property opposite the point at which Elm Street enters Bragg Boulevard, so that the possibility of extending Elm St. to Ft. Bragg Road and on into the city could be established.

The Planning Board's recommendation to the Council is that the proposition be declined since it is not to the city's best interests.

Councilman Rose moved that the Council not entertain the proposition. Motion was seconded by Councilman Rhodes and carried.

Upon motion by Councilman Plummer, seconded by Councilman Maness, the Council voted approval to the following Taxicab Driver Permit Applications:

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| David Allen Underwood | James H. Bryant |
| Carl A. Whitwright | David Jerome Hutter |
| Amos Coleman | John William Farnharmer |
| | James Eugene Callihan |

City Attorney Tally presented to the Council for preliminary discussion, a proposed ordinance containing amendments to the city's present Alcoholic Beverage Ordinance which he had been requested to draw.

The proposed changes would be in the form of requirement of a \$500.00 bond for new and renewed licenses and a change in the application for license form to sell alcoholic beverages. The bond would be continuing from year to year as the privilege license is issued and would only be forfeited in case of default for cause by the licensee.

There were some 12 persons in the audience recognized for a discussion of the issue. Among them; Mr. Sol Novin, Mr. James Blue and Mr. Chason.