

The third item of business was a public hearing on the question of amending Section 32.46 of Chapter 32 of the City Code, Zoning Section 32.46 would be amended by deleting subsection (2), Minimum Required Rear Yards, and subsection (3), other Yards, and inserting a new subsection (2) and (3) as follows:

(2) Minimum Required Rear Yard.....20 feet adjacent to a residential district line and 20 feet on lots accessible to or abutting a private alley. No rear yard shall be required on lots which are not accessible to or abut a private alley provided that off-street loading and unloading is provided in accordance with the requirements of Section 32.58. If rear yards are provided where not required, they shall be at least 3 feet in depth.

(3) Minimum Width of Side Yard.....15 feet adjacent to a residential district line and 15 feet along side street lot lines on corner lots. Commercial buildings may be built next to or on common lot lines by common consent if lot line walls have a fire resistance rating as required by the building code in the fire zone. If side yards are provided where not required, they shall be at least 3 feet in width.

No opposition was offered and upon motion by Councilman Rhodes, seconded by Councilman Rose and by unanimous vote, the amendment was adopted.

The fourth item of business was a public hearing on the question of rezoning that portion of the C-3 Heavy Commercial District at the Northeast corner of Cumberland and Hillsboro Streets which is described below be rezoned from C-3 Heavy Commercial to R-5 Residential, that the remainder of the area be rezoned to and M-2 Industrial:

Beginning at the northeastern corner of Hillsboro Street and Cumberland Street and running thence with the northern margin of Cumberland Street South 75 degrees East 548.07 feet to a point in the northern margin of Cumberland Street; and running thence North 4 degrees 35 minutes East 163 feet; and running thence North 75 degrees West 485.07 feet to a point; and running thence South 2 degrees 10 minutes West 24.4 feet to a point; and running thence North 75 degrees West 70 feet to the eastern boundary of Hillsboro Street; and running thence with the eastern boundary of Hillsboro Street South 2 degrees 10 minutes West 140 feet to the beginning.

After discussion and there being no opposition voiced and upon motion of Councilman Plummer, seconded by Councilman Rhodes, the zoning ordinance was amended as proposed.

A public hearing was held on the proposal to annex to the City a tract of land contiguous to the present City limits and Holly Springs Sub-division and bounded and described as follows:

Beginning at the northeast corner of the tract of which this is a part, as recorded in Book 97, page 141, Cumberland County Courthouse, said corner being also the southeast corner of a 10.7 acre tract formerly owned by E. Williams as recorded in Book 75, page 93, Cumberland County Registry, and runs with the southern line of the 10.7 acre tract about South 55 degrees West 810 feet to a stone and pipe, the sixth corner of the tract of which this is a part; thence with another of the original lines North 74 degrees 46 minutes West 955.32 feet to an iron pipe in said line, said iron pipe being the northeast corner of Lot 4, Block "B", of Holly Springs, Part 5, as shown in Book of Plats 22, page 70; thence with the eastern line of Holly Springs, Part 5, South 44 degrees 50 minutes West 364.61 feet to an iron pipe, the southeast corner of Lot 4, Block "D", Holly Springs, Part 5; thence with line of Holly Springs, Part 3, as shown in Book of Plats 17, page 58, South 75 degrees 10 minutes East 298.33 feet to an iron pipe; thence South 23 degrees 40 minutes East 491.53 feet to an iron pipe; thence South 22 degrees 10 minutes West 758.04 feet to an iron pipe; thence with the line of Holly Springs, Part 2, as shown in Book of Plats 15, page 38, South 67 degrees 50 minutes East 350 feet to an iron pipe; thence with the present City limits line about North 80 degrees East about 1450 feet to Big Cross Creek; thence up the creek as it meanders about 1700 feet to the beginning.

There was no opposition offered and upon motion of Councilman Rose and seconded by Councilman Plummer, this tract of land was by unanimous vote annexed to the City.

At the last regular meeting there was a public hearing on the matter of ordering paved, without a petition from the abutting owners, a short section of Tarwick Avenue lying between Terry Circle and the Glendale Acres Sub-division. Because of opposition from one of the abutting owners, the hearing was continued to this meeting in order that an effort could be made to reach an agreement among the interested parties.

The City Manager read a letter from the Riddle-Floyd Construction Co., Inc. in which they agreed to pay one-third the cost of this paving, if the Council would order it done. Mr. Ashley of the Engineering Department reported that this arrangement was satisfactory

to the property owners involved and Councilman Plummer's motion that this section of Tarwick Avenue be paved with the City bearing its usual one-third cost and the abutting owners sharing one-sixth cost each. The motion was seconded by Councilman Maness and by unanimous vote the following resolution was adopted:

NORTH CAROLINA,
CUMBERLAND COUNTY
CITY OF FAYETTEVILLE

NOTICE OF MEETING OF
CITY COUNCIL

Notice is hereby given of a meeting of the City Council at the time and place for the purpose stated in the following resolution and order:

PRELIMINARY RESOLUTION
REQUIRING THE PAVING,
WITHOUT A PETITION,
OF
TARWICK AVENUE

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 judgement, The City Council of Fayetteville, North Carolina, finds as fact that:

- 1) The Paving of TARWICK AVENUE is necessary in order to connect streets already paved, to wit, TERRY CIRCLE and TARWICK AVENUE;
 - 2) The public interest, safety, convenience and general welfare requires the paving and other below described improvement of TARWICK AVENUE;
- and
- 3) The property abutting on said street to be so paved and improved will be benefited by such pavement and improvement to the extent of the part 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) All of that portion of TARWICK AVENUE which lies between TERRY CIRCLE and TARWICK AVENUE, shall be paved (or repaved) and curbs and gutters laid thereon, the cost of such improvements (exclusive of so much of said cost as is incurred at street intersections) to be specially assessed in the amount of two-thirds thereof 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 perfoot of such frontage, to be paid after completion of such work and within 30 days after notice of the assessment, in cash with no interest, or in five equal annual installments, bearing annual interest at six (6%) percent, payable annually.
- 2) A meeting of the City Council of Fayetteville will be held at the City Hall of Fayetteville at 8:00 P.M. on the 26th day of March 1962, on the proposed improvement(s) shall be made in writing, signed in person or by attorney, and filed with the Clerk of the City of Fayetteville at or before such time, and any such objections not so made will be waived.
- 3) This resolution and order shall be published once in THE FAYETTEVILLE OBSERVER, a newspaper published in the City of Fayetteville, ten days before the time fixed for said meeting.

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

All persons interested may, and are invited to appear and be heard.

ROBERT H. BUTLER
MAYOR

Maurice W. Downs
Clerk