

REGULAR MEETING  
City Council  
Court Room  
Monday  
December 9, 1963  
8:00 P.M.

Present:

Mayor Wilbur Clark

Councilmen: Eugene Plummer  
Ted Rhodes  
Luther Packer  
Charles Holt

G. W. Ray, City Manager  
J. U. Tally, Jr., City Attorney  
R. A. Muench, Jr., P. W. C.  
Administrator  
H. B. Stein, P. W. C.  
Treasurer

Mayor Clark opened the meeting and called on Councilman Holt to deliver the invocation.

A public hearing having been advertised and there being no opposition present and upon motion by Councilman Plummer, seconded by Councilman Holt, the following Ordinance levying certain utilities assessments was unanimously approved:

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE  
EXTENSION OF WATERWORKS AND OTHER IMPROVEMENT ON AND  
IN DEAL STREET.

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

1) The preliminary assessment roll for the extension of waterworks and sewerage systems and other improvement on and in DEAL STREET, the City of Fayetteville, North Carolina, was filed in the office of the Clerk of the City of Fayetteville, North Carolina, at a meeting of the Council of the City of Fayetteville, North Carolina, on the 11th day of November, 1963, and said Clerk was directed to publish in the Fayetteville Observer, a newspaper in general circulation published in Fayetteville, North Carolina, a notice that such preliminary assessment roll had been so computed, filed as aforesaid, and was open for inspection by all persons interested, and said notice was accordingly published in said newspaper in its issue of the 27th day of November, 1963, reading as follows:

NOTICE OF MEETING OF  
CITY COUNCIL  
CUMBERLAND COUNTY  
CITY OF FAYETTEVILLE  
Notice is hereby given of a  
meeting of the City Council at the  
time and place and for the pur-  
pose stated in the following resolu-  
tion and order:  
RESOLUTION AND ORDER TO  
FILE AND PUBLISH PRELIM-  
INARY ASSESSMENT ROLL  
FOR EXTENSION OF WATER-  
WORKS AND OTHER IMPROVE-  
MENTS ON AND IN DEAL ST.  
After careful study and con-  
sideration of the matter and of  
all pertinent facts and circum-  
stances, 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) DEAL STREET, in the City  
of Fayetteville, North Carolina,  
has been improved by the ex-  
tension thereon and therein of  
the city water works and water  
service laterals and the total  
cost of such improvements has  
been computed and ascertained  
and assessments of a portion of  
the cost of the same made by  
the City Council, which has made  
an assessment roll for such  
project, with the name of each  
person assessed, the amount as-  
sessed against each such person,  
with a brief description of the  
lot or parcels of land so as-  
sessed.  
NOW, THEREFORE, The City  
Council of the City of Fayette-  
ville, North Carolina, does order  
that:  
1) Said preliminary assessment  
roll shall be immediately filed  
and deposited in the office of  
Maurice W. Downs, City Clerk  
of the City of Fayetteville, in the  
City Hall of the City of Fayette-  
ville, where the same may be  
inspected by all parties inter-  
ested.  
2) Notice is hereby given that  
a meeting of the City Council of  
Fayetteville, North Carolina, will  
be held in the Court Room of the  
City Hall of Fayetteville, North  
Carolina, at 8:00 P.M. on the  
9th day of December, 1963, to  
hear allegations and objections  
in respect of the aforesaid spec-  
ial assessments, when and where  
all persons interested may at-  
tend and be heard; and notice is  
further given that any person in-  
terested in said assessment roll  
who shall fail to appear at said  
time and place and make or file  
objections thereto, will be for-  
ever barred and precluded from  
contesting the amount or validity  
of such assessments, and such as-  
sessment roll thereupon will be  
confirmed.  
3) This RESOLUTION and  
ORDER shall be published once  
in the Fayetteville Observer, a  
newspaper published in the City  
of Fayetteville, ten (10) days be-  
fore the time fixed for said meet-  
ing.  
Adopted this 11th day of No-  
vember, 1963, by the City Council  
of the City of Fayetteville, North  
Carolina.  
WILBUR CLARK  
Mayor  
All persons interested may, and  
are invited to, appear and be  
heard.  
Maurice W. Downs

2) The City Council of Fayetteville, North Carolina, met at the time and place as stated in said published notice to hear protests or objections to said preliminary assessment roll, and no such protest or objections were filed or otherwise made, and all persons affected by said preliminary assessment had legal notice of such meeting and of such assessment;

NOW, THEREFORE, THE City Council of the City of Fayetteville, North Carolina, does ordain that:

1) A copy of the assessment roll, above referred to, is hereby adopted and made a part of this ordinance. Said assessment roll shows the property owners concerned and the lots and parcels of land abutting directly on said street so improved, and said assessment roll shows the respective portions of the costs of said improvements proposed to be assessed against said lots and parcels, which respective portions of such costs, have been calculated according to the extent of the respective frontages of said lots and parcels of land on said street so improved, by equal rates per foot of such frontage.

And such respective portion of such costs, as so shown on said assessment roll, be and the same are hereby assessed against such property owners and against such lots and parcels of land.

2) Said assessment referred to in the preceding paragraph levied against the property located on said Street so improved be and the same is, hereby in all respects, confirmed and hereby declared to be a lien upon said property, of the same nature and to the same extent as County, City or Town Taxes, and superior to all other encumbrances, and it is hereby declared that the levy is made only for the purpose of defraying a portion of the cost for the public improvement made upon said Street, which is a direct benefit to the property on said Street and that said benefits to said property are greater in value to said property than the cost of assessments hereby made.

3) A copy of this assessment roll shall be filed immediately in the office of the Tax Collector of the City of Fayetteville, North Carolina, who shall cause the same be published twenty-one days (21) after the adoption of this ORDINANCE by notice in The Fayetteville Observer, a newspaper published in the City of Fayetteville, to the effect that the said assessment roll has been completed, confirmed, and is now on file in his office, and that the owners of the property against whom said assessments are made may pay said assessments without interest, provided it is paid in full within thirty (3) days after the date of publication of said notice, and if not so paid, said assessment roll shall bear interest from the date of ratification of this ORDINANCE at the annual rate of six (6) per cent.

4) The persons against whom the assessments hereinbefore referred to have been made, shall, at their option, have the right to pay said assessments in five (5) equal annual installments, each installment bearing annual interest from the date of ratification of this ORDINANCE at the rate of six (6) per cent, the first installment to be due in the City of Fayetteville, North Carolina, thirty (30) days after the publication of the Tax Collector's said notice and in the same manner as City Taxes, and a like installment to be due and payable each year thereafter for a period of four (4) years at the same place as for the payment of City Taxes; further, any person against whom any such one of said assessments hereinafter referred to have been made can have the right, at his option, to pay off and discharge the entire assessment at any time during the continuation of said assessments by paying the balance due, plus interest at the annual rate of six (6) per cent as aforesaid.

5) This ORDINANCE shall be in full force and effect from and after the date of its adoption.

Adopted this 9th day of December, 1963, by the City Council of the City of Fayetteville, North Carolina.

/s/ Wilbur Clark  
Mayor

/s/ Maurice W. Downs  
Clerk

A public hearing having been advertised and there being no opposition present and upon motion by Councilman Packer, seconded by Councilman Plummer, the following resolution regarding street paving and utilities was unanimously approved.

FINAL RESOLUTION  
REQUIRING THE PAVING  
AND OTHER IMPROVING,  
PURSUANT TO PETITION,  
OF  
PERSHING 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, pursuant to North Carolina General Statute 160-82, et seq. was filed with the City Council of Fayetteville, North Carolina, requesting the paving and other below described improvement of PERSHING STREET, and said petition is in due and sufficient form, containing a general description of the paving and other improvement proposed for said street, and requesting that such paving and other improvement be made in conformity with the applicable provisions of law, and that the proportion of the cost of such paving 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