

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

Present:

Mayor Wilbur Clark

Councilmen: Eugene Plummer
Ted Rhodes
m Luther Packer
Charles Holt

G. W. Ray, City Manager
J. O. 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
NORTH CAROLINA
CUMBERLAND COUNTY
CITY OF FAYETTEVILLE

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

RESOLUTION AND ORDER TO
FILE AND PUBLISH PRELIMINARY
ASSESSMENT ROLL FOR
EXTENSION OF WATERWORKS
AND OTHER IMPROVEMENTS
ON AND IN DEAL 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) DEAL STREET, in the City of Fayetteville, North Carolina, has been improved by the extension 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 assessed against each such person, with a brief description of the lots or parcels of land so assessed.

NOW, THEREFORE, The City Council of the City of Fayetteville, 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 Fayetteville, where the same may be inspected by all parties interested.

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 8th day of December, 1963, to hear allegations and objections in respect of the aforesaid special assessments, when and where all persons interested may attend and be heard; and notice is further given that any person interested in said assessment roll who shall fail to appear at said time and place and make or file objections thereto, will be forever barred and precluded from contesting the amount or validity of such assessments, and such assessment 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 before the time fixed for said meeting.

Adopted this 11th day of November, 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 hereinbefore 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