

I HEREBY CERTIFY that the foregoing is a true and correct copy of the legal opinion on the bonds therein described which was manually signed by Mitchell, Pershing, Shetterly & Mitchell, New York, N. Y., and was dated as of the date of delivery of and payment for said bonds.

(Facsimile signature)

Mayor of the

City of Fayetteville, North Carolina

Upon motion of Councilman Packer, seconded by Councilman Plummer, the foregoing resolution entitled: "RESOLUTION AUTHORIZING THE PRINTING OF THE LEGAL OPINION ON THE \$1,600,000 BONDS TO BE ISSUED UNDER DATE OF DECEMBER 1, 1963" was passed by the following vote:

Yeas: Councilmen Clark, Plummer, Packer, and Holt.
Nays: None.

City Attorney Tally, reporting on the public auction held in October on the leasing of city property at the Lion's Civic Center on West Rowan Street, stated that the bid of the Lions Club of \$1.00 per year had lain over in the office of the Clerk of Cumberland County Superior Court for the required ten (10) day period and had not been raised. Thereupon Councilman Plummer moved to lease the property to the Lion's Club at the rate of \$1.00 per year for ninety (90) years. Motion seconded by Councilman Holt and carried unanimously.

On Planning Board Matters, Planning Director Rumbough reported that the Planning Board would hold a public hearing on the initial zoning of the Cain Road and Pamalee Drive area annexed to the City on July 22, 1963. He stated that the Planning Board is recommending that the entire area be initially zoned R10 Residential District, and that the public hearing will be held before the Planning Board on November 21st after which time the Planning Board will make final recommendation to the Council concerning the initial zoning of this area. Council took no action on the matter.

Upon motion by Councilman Holt, seconded by Councilman Packer, Council voted unanimous approval to a public hearing December 9th on the rezoning of an area on Southern Avenue extending Northward from its intersection with Winslow Street from R6 Residential District to C3 Heavy Commercial District and to a hearing at the same time on amending the Zoning Ordinance to delete the words "operated by three persons or less" from Section 32-28, Subsection (58).

The Planning Director then reported that an application had been received by the Planning Board from the developers of Holiday Park for the extension of water and sanitary sewer into Section 11 of the Sub-division under the outside of the city policy. By way of review of the situation he reported that on November 9, 1961 the Planning Board recommended the extension of utilities into Holiday Park, Section I under City's newly adopted policy regarding outside city utility extensions. On April 18, 1963 Planning Board recommended extension of water to lots 130 through 148 of Section 11. When the initial application for utilities outside city was made in November, 1961 Holiday Park was not contiguous to the city, and it would have been impossible to annex the area at that time. Other annexations - Briarwood Hill, Franklin Park - have since made Holiday Park contiguous to the city. It is due to this set of circumstances that developers are making their request.

The developers, Mr. J. W. Pate and Mr. Walter Moorman, were recognized by the Council and requested, in view of the above explanation, that utilities be extended into Section 11 of Holiday Park Sub-division without annexation and particularly since it has been the general interpretation that the November, 1961 action gave approval for extension to the entire sub-division. They hastened to add that they would not object to the annexation of the whole sub-division when necessary at a later date.

Following some further discussion, Councilman Plummer moved to follow the recommendation of the Planning Board and extend the requested utilities into Section 11 of Holiday Park Sub-division, as recorded in Plat Book 27, Page 28, Cumberland County Registry and subject to the approval of the City Engineer and based on the approving opinion of City Attorney Tally. Motion seconded by Councilman Packer and approved unanimously.

The Planning Director requested a joint meeting of the Council and Planning Board to discuss the Downtown Association. A meeting was tentatively set for Monday, November 18th from 12 Noon until 2 P.M.

Council recognized Mr. E. S. Autry, owner of Safety Taxi Company who requested Council's assistance with unfair practices and discriminatory actions to City cab drivers operating on the Fort Bragg imposed on Checker Cabs operating within the city, as are now being imposed by military authorities on city cabs operating on the reservation. Upon questioning, Sgt. Hart, City Taxicab Inspector, stated that on several occasions Checker Cab Drivers had been cited for violations of regulations within the City. The City Attorney suggested that the Taxicab Association arbitrate the matter with the Fort Bragg authorities. Attorney Coy Brewer, representing the Association, stated this had been tried with no results at a compromise. Mayor Clark then advised Mr. Autry and Mr. Brewer that he would contact the Fort Bragg authorities regarding the matter and attempt a satisfactory settlement.

Council recognized Mr. Frederick L. Burns, Chairman of the Hope Playground Advisory Committee,

who presented a petition requesting the Council to lease for their group from the U. S. Government the former U.S.O. Building located on Winslow Street. City Manager Ray stated he had discussed this matter with Recreation Dept. Supt. C. Shire and investigation reveals the building is in a state of deterioration as well as fire damaged and the cost to renovate would be excessive. Mayor Clark accepted the petition and informed Mr. Burns that all consideration would be given to the request to provide recreational facilities for the group.

Three petition for the paving and improving of several city streets were presented. The petitions were certified to have been signed by a majority of the property owners owning a majority of the front footage along the streets. Councilman Plummer moved that the petitions be accepted and that public hearings be advertised for December 9th by the adoption of the following resolutions. Motion seconded by Councilman Holt and approved unanimously.

PRELIMINARY RESOLUTION
REQUIRING THE PAVING,
AND
OTHER IMPROVEMENT,
PURSUANT TO PETITION,
OF
ROCHESTER DRIVE, COMMERCE STREET,
AUGUSTA DRIVE, CHESTERFIELD DRIVE,
AND ISLEY 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 Chapter 224 of the Private Laws of North Carolina of 1927, (Section 128, et seq. of the Code of the City of Fayetteville), has been filed with the City Council of Fayetteville, North Carolina, requesting the paving and other below described improvement of ROCHESTER DRIVE, COMMERCE STREET, AUGUSTA DRIVE, CHESTERFIELD DRIVE, AND ISLEY STREET, and said petition is in due and sufficient form, containing a general description of the paving and other improvement proposed for said Streets, 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 Streets, 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 Streets;

and

2) The public interest, safety, convenience and general welfare requires the paving and other below described improvement of ROCHESTER DRIVE, COMMERCE STREET, AUGUSTA DRIVE, CHESTERFIELD DRIVE, AND ISLEY STREET;

and

3) The property abutting on said streets 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 ROCHESTER DRIVE from EXISTING PAVEMENT to WESTERN LINE OF LOT 16, BLOCK 1, SAVOY III, and all of that portion of COMMERCE STREET from NORTHERN BOUNDARY OF SAVOY HEIGHTS III TO TURNPIKE ROAD, and all of that portion of AUGUSTA DRIVE from COMMERCE STREET TO ISLEY STREET, and all of that portion of CHESTERFIELD DRIVE from COMMERCE STREET TO ISLEY STREET, and all of that portion of ISLEY STREET from ROCHESTER DRIVE to TURNPIKE ROAD, shall be paved and curbs and gutters laid thereon, and water and sanitary sewer mains and service laterals shall be constructed and installed in said streets or parts thereof within the limits defined above; such water and sanitary sewer mains and service laterals to be in accordance with standards of the Public Works Commission of the City of Fayetteville; and such improvements also to include the necessary grading as determined by Public Works Commission engineers and to do all other work incidental to the construction and installation of said water and sanitary sewer mains and service laterals and the cost of all 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 (except that the entire cost of such water and sanitary sewer service laterals shall 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 installments, bearing annual interest at six (6%) per cent, 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 9th day of December, 1963, on the proposed improvements when all objections to the legality of making said proposed improvements 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 (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, N. C.

WILBUR CLARK
Mayor

Maurice W. Downs
Clerk