

**A RESOLUTION AUTHORIZING  
CONDEMNATION TO ACQUIRE CERTAIN  
PROPERTY RIGHTS FOR A PERMANENT EASEMENT  
OVER THE PROPERTY OF ALW LAKE ASSOCIATION, INC.**

**WHEREAS**, the Public Works Commission of the City of Fayetteville, NC (COMMISSION) and the City of Fayetteville, NC (CITY) adopted an agreement on May 7, 2008 and May 12, 2008, respectively, for the funding of water and sewer installation for areas 6 through 34 that were annexed by the CITY and designated as Phase V; and

**WHEREAS**, the COMMISSION intends to design and construct areas 18 through 19 (PROJECT) in fiscal years 2015 through 2017; and

**WHEREAS**, the PROJECT will be funded with transfers from the Annexation Phase V Reserve Fund; and

**WHEREAS**, the COMMISSION finds it necessary to acquire certain property rights in order to complete the PROJECT; and

**WHEREAS**, the COMMISSION has determined that it is necessary and in the public interest to acquire certain property rights owned by ALW Lake Association, Inc., for the following public purposes:

To protect the public health, to provide the public with an adequate and sound system of distribution of water and sanitary sewer services and improve such systems to meet the need for expanded or upgraded services, the plaintiff is condemning the herein described interest:

1. To install, operate and maintain a system of water and sanitary sewer to the citizens of Fayetteville and Cumberland County.

**WHEREAS**, the appropriate representatives of the Public Works Commission have been unable to acquire the needed interest in this property by negotiated conveyance.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE:**

1. That it recommends and requests the of City of Fayetteville that it acquire by condemnation, for the purposes stated above, the property and interest described as follows:

**STATEMENT OF PROPERTY TAKEN**

In the public interest, it is necessary that the Public Works Commission of the City of Fayetteville acquire in, upon, and over the below described land for said systems an easement that will vest said City with a perpetual right, easement and privileges to build, construct, lay, install, maintain and operate water and sanitary sewer lines, connections, attachments, equipment and accessories necessary or desirable in connection therewith to have full ingress and egress thereto and therefrom over adjoining lands of the owner to patrol, inspect, alter, improve, repair, relocate, remove and replace any and all such lines, pipes, drains, connections, manholes and other attachments, equipment and accessories, within the easement area, to keep clear all trees, undergrowth and other encroachments located within the easement boundary, unless otherwise specified below, of said pipes, lines and equipment, and along with the right to trim or remove all dead, leaning or dangerous trees which may reach or damage the lines or facilities and have all rights and privileges necessary or convenient for the full enjoyment or use of these easements in, on, under, over, through or across that certain land described below. Any fences that have to be temporarily removed during the water and sanitary sewer construction will be replaced in as good or equal condition upon completion of construction. For purposes of clarification, it is to be understood that this is the taking of an easement and not fee simple title.

(a) DESCRIPTION OF PERMANENT EASEMENT NO. 1 The permanent easement lies within that certain parcel of land located on the northern side of Lake Trail Drive as described in the deed of record duly recorded in Deed Book 4186, Page 0867 (Tract "B" - Plat Book 86, Page 50) of the Cumberland County, North Carolina Registry.

The specific boundary points are as follows: BEGINNING at a point in the eastern line of the Davis tract as recorded in Deed Book 5384, Page 0865 (Tract I), said beginning point being located South 26 degrees 37 minutes 03 seconds East, 53.20 feet from the northernmost corner of said tract and leaving the property line and running North 60 degrees 58 minutes 15 seconds East 25.56 feet to a point in the western line of an existing utility easement; thence with the existing easement South 54 degrees 07 minutes 00 seconds East 22.08 feet to a point; thence leaving the existing easement and running South 60 degrees 58 minutes 15 seconds West 35.76 feet to a point in the eastern line of the above referenced Davis tract; thence with said line North 26 degrees 37 minutes 03 seconds West, 20.02 feet to the PLACE AND POINT OF BEGINNING, and being a 20-foot wide permanent utility easement as shown on FPWC Drawing AS-14939D, a copy of which is attached and labeled as Exhibit A.

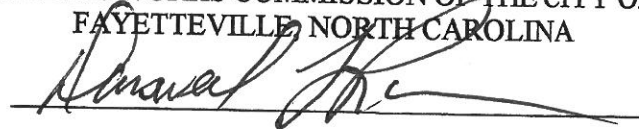
(b) DESCRIPTION OF PERMANENT EASEMENT NO. 2

The specific boundary points are as follows: BEGINNING at the common rear (northern) corner of Lots 19 and 20 of Arran Lakes West, Lake Section as recorded in Plat Book 87, Page 83 and running thence with the northern line of Lot 19 North 58 degrees 43 minutes 44 seconds West 21.90 feet to a point; thence leaving the property line and running North 21 degrees 11 minutes 22 seconds East 8.76 feet to a point in the southeast line of an existing 30-foot wide utility easement; thence with said easement South 49 degrees 42 minutes 45 seconds East 29.26 feet to a point in the northern line of Lot 20; thence with said line South 84 degrees 48 minutes 36 seconds West 6.80 feet to the PLACE AND POINT OF BEGINNING, and being a permanent utility easement as shown on FPWC Drawing AS-14939G, a copy of which is attached and labeled as Exhibit B.

2. The Public Works Commission of the City of Fayetteville does herewith request that the City of Fayetteville adopt a Resolution directing that the necessary proceedings be instituted by PWC or the City of Fayetteville under Chapter 40 of the North Carolina General Statutes to acquire the water and sanitary sewer easements herein described.

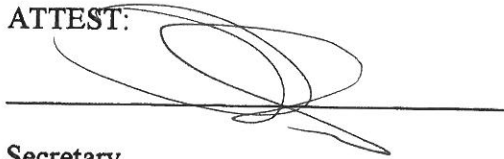
ADOPTED, THIS the 13TH day of JANUARY, 2016.

PUBLIC WORKS COMMISSION OF THE CITY OF  
FAYETTEVILLE, NORTH CAROLINA

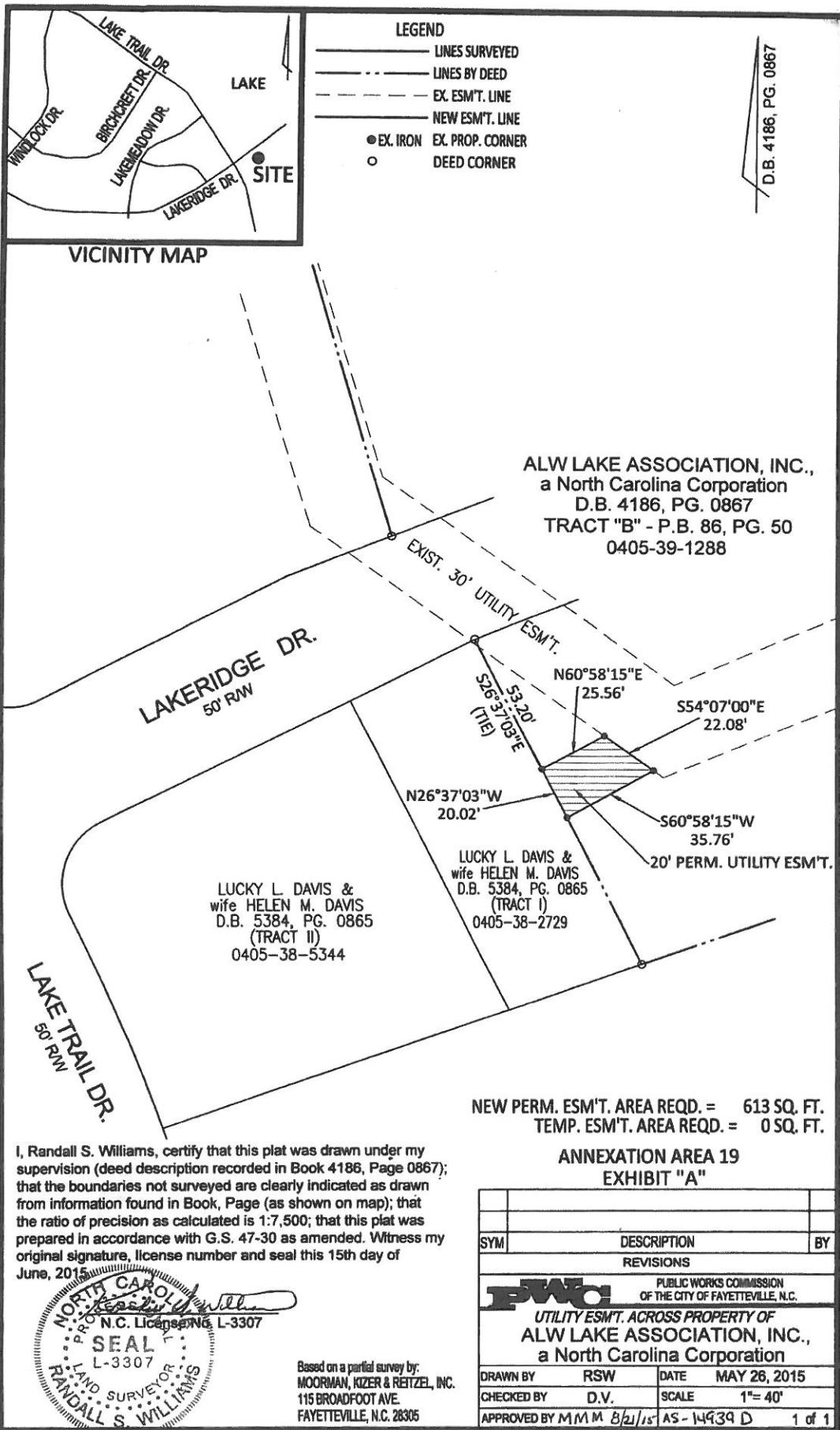


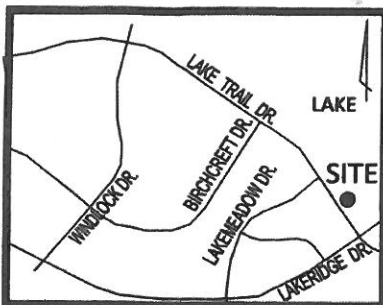
Chairman

ATTEST:



Secretary





VICINITY MAP

- LEGEND**
- LINES SURVEYED
  - - - LINES BY DEED
  - - - EX. ESM'T. LINE
  - - - NEW ESM'T. LINE
  - EX. IRON
  - EX. PROP. CORNER
  - DEED CORNER

P.B. 87, PG. 83

ALW LAKE ASSOCIATION, INC.,  
a North Carolina Corporation  
D.B. 4186, PG. 0867  
TRACT "B" - P.B. 86, PG. 50  
0405-39-1288

ARRAN LAKES WEST  
LAKE SECTION  
P.B. 87, PG. 83

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ARRAN LAKES WEST  
LAKE SECTION  
P.B. 87, PG. 83

19

MARCO A. PUJADA &  
wife STEFANIE PUJADA  
D.B. 9535, PG. 0895  
0405-38-2729

EXIST. 30' UTILITY ESM'T.

PERM. UTILITY ESM'T.

N21°11'22"E  
8.76'

S49°42'45"E  
29.26'

N58°43'44"W  
21.90'

S84°48'36"W  
6.80'

EXIST. 20' DRAINAGE ESM'T.

ARRAN LAKES WEST  
LAKE SECTION  
P.B. 87, PG. 83

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JARROD L. LESLIE &  
spouse MARITZA J. LESLIE  
D.B. 9149, PG. 0001  
0405-38-3714

LAKE TRAIL DR.  
50' RW

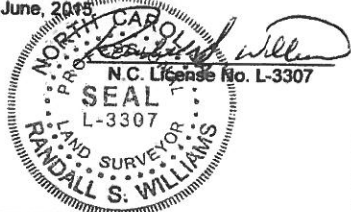
21

ARRAN LAKES WEST  
LAKE SECTION  
P.B. 87, PG. 83

NEW PERM. ESM'T. AREA REQD. = 165 SQ. FT.  
TEMP. ESM'T. AREA REQD. = 0 SQ. FT.

ANNEXATION AREA 19  
EXHIBIT "B"

I, Randall S. Williams, certify that this plat was drawn under my supervision (deed description recorded in Book 9535, Page 0895); that the boundaries not surveyed are clearly indicated as drawn from information found in Book, Page (as shown on map); that the ratio of precision as calculated is 1:7,500; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this 15th day of June, 2015.



Based on a partial survey by:  
MOORMAN, KIZER & REITZEL, INC.  
115 BROADFOOT AVE.  
FAYETTEVILLE, N.C. 28305

SYM	DESCRIPTION	BY
REVISIONS		
PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE, N.C.		
UTILITY ESM'T. ACROSS PROPERTY OF ALW LAKE ASSOCIATION, INC., a North Carolina Corporation		
DRAWN BY	RSW	DATE MAY 21, 2015
CHECKED BY	D.V.	SCALE 1"= 40'
APPROVED BY	mm 6/24/15	AS-149396 1 of 1