

**A RESOLUTION AUTHORIZING  
CONDEMNATION TO ACQUIRE CERTAIN  
PROPERTY RIGHTS FOR A PERMANENT EASEMENT  
OVER THE PROPERTY OF JOHN S. KIE**

**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 17 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 John S. Kie, 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 City 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 southeast side of Strickland Bridge Road (SR1140)(60-foot right-of-way) and the northeast side of Vineyard Drive (60-foot Right-of-Way) as described in the deed of record duly recorded in Deed Book 6962, Page 863, Deed Book 9490, Page 653, and Deed Book 9608, Page 359, and shown as Lot 40 Emerald Gardens Section 4, Part 2 in the Plat of Record duly recorded in Plat Book 39, Page 79, of the Cumberland County, North Carolina Registry.

The specific boundary points are as follows: BEGINNING at the common front (southwest) corner of Lots 41 & 40 of Emerald Gardens Section 4, Part 2 as referenced above, said beginning corner being in the northeast right-of-way margin of Vineyard Drive and running thence with said right-of-way margin North 38 degrees 16 minutes 00 seconds West, 4.00 feet to a point; thence leaving the road and running North 51 degrees 44 minutes 00 seconds East, 140.00 feet to a point in the northeast line of the subject property; thence with said line 38 degrees 16 minutes 00 seconds East, 4.00 feet to the common rear (northeast) corner of Lots 41 and 40; thence with the common line between said lots South 51 degrees 44 minutes 00 seconds West, 140.00 feet to the Place and point of beginning and being a permanent utility easement as shown in greater detail on PWC Drawing AS-14783MMM, a copy of which is attached as Exhibit A.

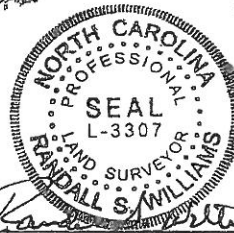
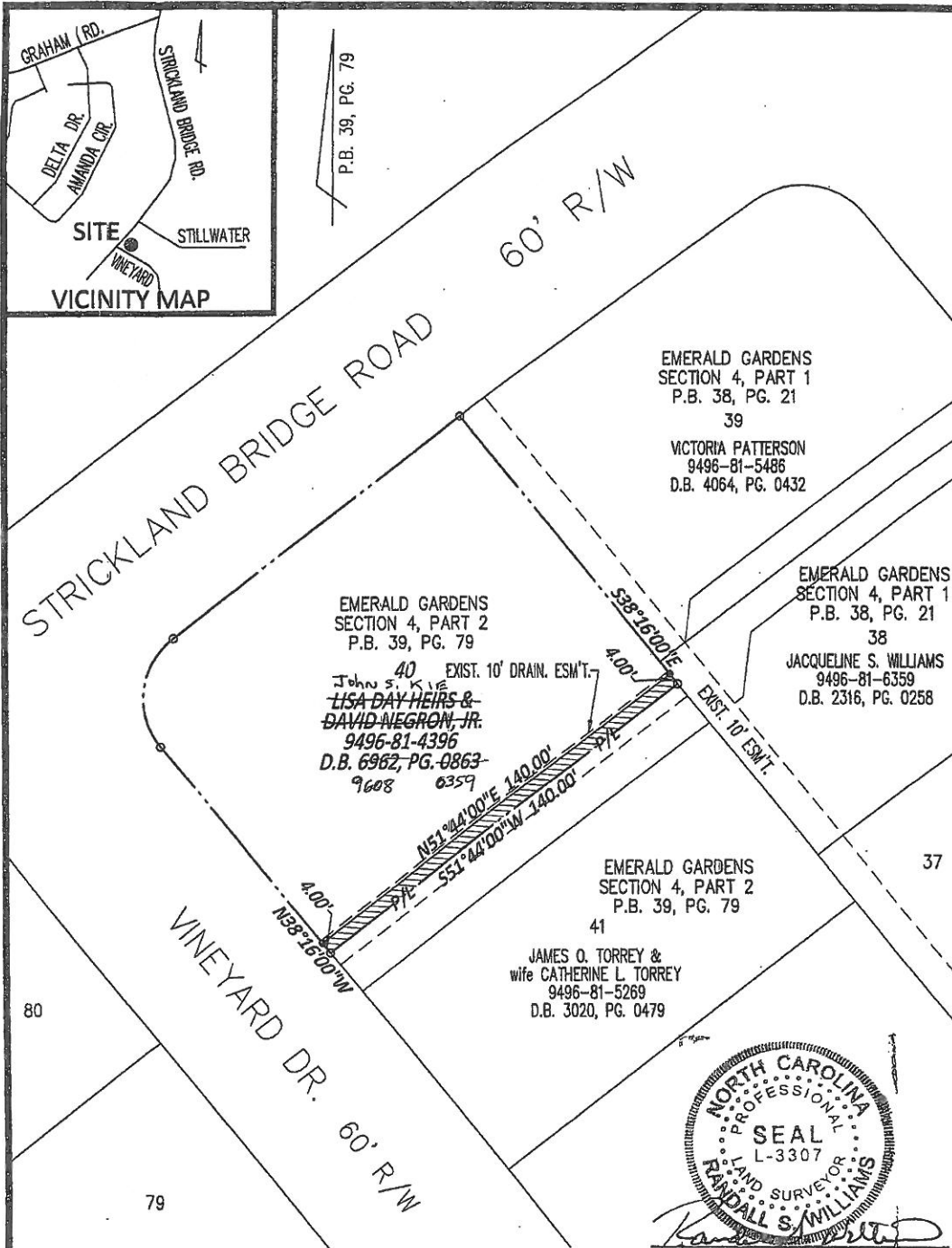
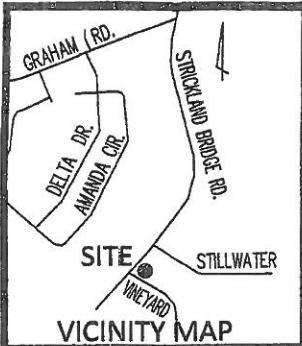
ADOPTED, THIS the 13<sup>TH</sup> day of JANUARY, 2016.

PUBLIC WORKS COMMISSION OF THE CITY OF  
FAYETTEVILLE, NORTH CAROLINA

  
Chairman

ATTEST:

  
Secretary



TOTAL LOT AREA = 15,324 SQ. FT.  
EXIST. ESM'T. AREA = 700 SQ. FT.  
NEW PERM. ESM'T. AREA REQD. = 560 SQ. FT.  
NEW ESM'T. INSIDE EXISTING = 560 SQ. FT.  
NET NEW ESM'T. = 0 SQ. FT.  
AREA REMAINING = 14,624 SQ. FT.  
TEMP. ESM'T. AREA REQD. = 0 SQ. FT.

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

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

# ANNEXATION PHASE V, AREA 17 EXHIBIT "A"

SYM	DESCRIPTION	BY
	REVISIONS	
<p><b>PWC</b> PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE, N.C.</p> <p>UTILITY ESM'T. ACROSS PROPERTY OF <b>LISA DAY HEIRS &amp; John S. Kie</b> <b>DAVID NEGRON, JR.</b></p>		
DRAWN BY	RSW	DATE MAY 13, 2014
CHECKED BY	D.V.	SCALE 1" = 40'
APPROVED BY	mm 6/6/14 AS-14783MM	