

**A RESOLUTION AUTHORIZING
CONDEMNATION TO ACQUIRE CERTAIN
PROPERTY RIGHTS FOR A PERMANENT EASEMENT
OVER THE PROPERTY OF ROBERT MONROE et ux PAULA MONROE AND TAJA JO
(MONROE) BROWER et vir JASON TODD BROWER AND SPRINGCASTLE FINANCE
FUNDING TRUST**

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 Robert Monroe et ux. Paula P. Monroe and Taja Jo (Monroe) Brower et vir. Jason Todd Brower, 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

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 EASEMENT The easement lies within that certain parcel of land located on the eastern side of Hyannis Drive (SR 1352)(60-foot Right-of-Way) as described in the deed of record duly recorded in Deed Book 6423, Page 714, and shown as Lot 30 Emerald Gardens in the Plat of Record duly recorded in Plat Book 31, Page 42, both of the Cumberland County, North Carolina Registry.

The specific boundary points are as follows: BEGINNING at a point in the common line between Lots 31 and 30 of Emerald Gardens as referenced above, at a point located North 54 degrees minutes 00 seconds East, 169.33 feet from the common front (western) corner of said lots and running with said common line North 54 degrees 21 minutes 00 seconds East, 36.98 feet to a point; thence leaving said line and running South 71 degrees 26 minutes 05 seconds East, 29.83 feet to a point in the western line of the Outlot as shown on a map of Ridgewood Section One as recorded in Plat Book 86, Page 97 and the eastern line of the subject property; thence with said line South 09 degrees 13 minutes 00 seconds West, 51.61 feet to a point; thence leaving the property line and running North 07 degrees 53 minutes 55 seconds West, 23.37 feet to a point; thence North 71 degrees 26 minutes 05 seconds West 49.42 feet to the PLACE AND POINT OF BEGINNING and being a 30-foot wide permanent utility easement as shown in greater detail on FPWC Drawing AS-14784LL, a copy of which is attached and labeled as Exhibit A.

Also included is a 10-foot wide temporary construction easement lying adjacent to and west and south of the above described permanent easement. All rights in the temporary construction easement will revert to the herein grantors, their heirs and assigns upon completion of the utility installation project.

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 sewer easements herein described.

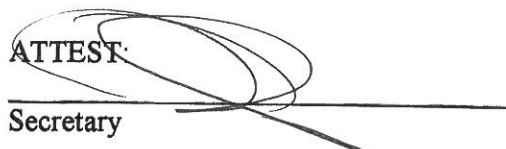
ADOPTED, THIS the 13TH day of JANUARY, 2016.

PUBLIC WORKS COMMISSION OF THE CITY OF
FAYETTEVILLE, NORTH CAROLINA



Chairman

ATTEST



Secretary

