

**A RESOLUTION AUTHORIZING
CONDEMNATION TO ACQUIRE CERTAIN
PROPERTY RIGHTS FOR A PERMANENT EASEMENT
OVER THE PROPERTY OF JASMIN K. MARTIN AND WELLS FARGO BANK N.A.**

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 Jasmin K. Martin and Wells Fargo Bank, N.A. 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 two temporary easements and one permanent 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. The easements lie within that certain parcel of land located on the eastern side of Chilton Drive (60-foot right-of-way) as described in the deed of record duly recorded in Deed Book 7951, Page 374, and shown as Lot 164 Southgate Section 3 in the Plat of Record duly recorded in Plat Book 41, Page 71, of the Cumberland County, North Carolina Registry, and being variable in width, containing 2,082 square feet more or less, and being more particularly described as follows:

The specific boundary points are as follows: BEGINNING at a one inch pipe found in the eastern right-of-way of Chilton Drive, said pipe being a common corner of Lot 164 and Lot 165 as recorded in Plat Book 41, Page 71 of the Cumberland County Registry and being located South 15 degrees 44 minutes 54 seconds East, 79.29 feet from a one inch iron pipe found at the northwest corner of Lot 164, and North 15 degrees 47 minutes 21 seconds West, 86.91 feet from a one inch iron pipe found at the southwest corner of Lot 165; thence along the eastern right-of-way of Chilton Drive North 15 degrees 44 minutes 54 seconds West 9.45 feet to a point; thence leaving said right-of-way 72 degrees 39 minutes 41 seconds East, 98.89 feet to a point; thence North 17 degrees 18 minutes 03 seconds West, 5.00 feet to a point; thence North 72 degrees 39 minutes 41 seconds East, 53.10 feet to a point in the common rear line of Lot 164 and the rear line of Lot 18 as recorded in Plat Book 36, Page 73 of the Cumberland County Registry; thence along the common rear line of Lot 164 and the rear lines of Lot 18 and Lot 17 South 16 degrees 01 minutes 20 seconds East 19.48 feet to a one inch pipe found, said pipe being the southeast corner of Lot 164; thence along the common line of Lot 164 and Lot 165 South 74 degrees 33 minutes 30 seconds West, 151.90 feet to the place and point of BEGINNING as shown in greater detail on PWC Drawing AS-14782A, a copy of which is attached and labeled Exhibit "A".

Also granted are two temporary construction easements being variable in width, containing a total of 942 square feet more or less, and being more particularly described as follows:

(b) DESCRIPTION OF TEMPORARY EASEMENT NO. 1

COMMENCING at a one inch iron pipe found in the eastern right-of-way of Chilton Drive,

said pipe being a common corner of Lot 164 and Lot 165 as recorded in Plat Book 41, Page 71 of the Cumberland County Registry and being located South 15 degrees, 44 minutes 54 seconds East 79.29 from a one inch iron pipe found at the northwest corner of Lot 164 and North 15 degrees 47 minutes 21 seconds West, 86.91 feet from a one inch iron pipe found at the southwest corner of Lot 165; thence along the eastern right-of-way of Chilton Drive North 15 degrees 44 minutes 54 seconds West 9.45 feet to the place and point of BEGINNING; thence continuing along said right-of-way North 15 degrees 44 minutes 54 seconds West, 10.00 feet to a point; thence leaving said right-of-way North 72 degrees 39 minutes 41 seconds East, 25.88 feet to a point; thence South 72 degrees 39 minutes 41 seconds West, 26.15 feet to the place and point of BEGINNING.

(c) DESCRIPTION OF TEMPORARY EASEMENT NO. 2

COMMENCING at a one inch pipe found in the eastern right-of-way of Chilton Drive, said pipe being a common corner of Lot 164 and Lot 165 as recorded in Plat Book 41, Page 71 of the Cumberland County Registry and being located South 15 degrees 44 minutes 54 seconds East 79.29 feet from a one inch iron pipe found at the northwest corner of Lot 164 and North 15 degrees 47 minutes 21 seconds West, 89.91 feet from a one inch iron pipe found at the southwest corner of Lot 165; thence along the eastern right-of-way of Chilton Drive North 15 degrees 44 minutes 54 seconds West, 9.45 feet to a point; thence leaving said right-of-way North 72 degrees 39 minutes 41 seconds East 88.89 feet to the place and point of BEGINNING, thence North 17 degrees 18 minutes 03 seconds West, 15.00 feet to a point; thence North 72 degrees 39 minutes 41 seconds East 63.33 feet to a point in the common rear line of a lot 164 and the rear line of Lot 18 as recorded in Plat Book 36, Page 73 of the Cumberland County Registry; thence along said common line South 16 degrees 01 minutes 20 seconds East, 10.00 feet to a point; thence leaving said common line South 72 degrees 39 minutes 41 seconds West, 53.10 feet to a point; thence South 17 degrees 18 minutes 03 seconds East, 5.00 feet to a point; thence South 17 degrees 18 minutes 03 seconds East, 5.00 feet; thence South 72 degrees 39 minutes 41 seconds West 10.00 feet to the place and point of BEGINNING.

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.

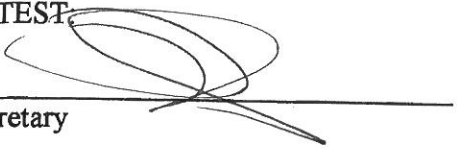
ADOPTED, THIS the 13TH day of JANUARY, 2016.

PUBLIC WORKS COMMISSION OF THE CITY OF
FAYETTEVILLE, NORTH CAROLINA


Chairman

ATTEST

Secretary

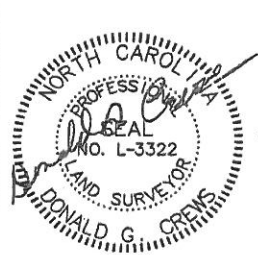
A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right, positioned over a horizontal line.

COMPILED BY W.K. DICKSON & CO., INC. ALL RIGHTS RESERVED. REPRODUCTION OR USE OF THE CONTENTS OF THIS DOCUMENT, INCLUDING ANY PART THEREOF, WITHOUT WRITTEN PERMISSION OF W.K. DICKSON & CO., INC. IS PROHIBITED. ONLY COPIES FROM THE ORIGINAL OF THIS DOCUMENT, MARKED WITH AN ORIGINAL SEALING AND SEAL, SHALL BE CONSIDERED TO BE VALID. THE COPIES.

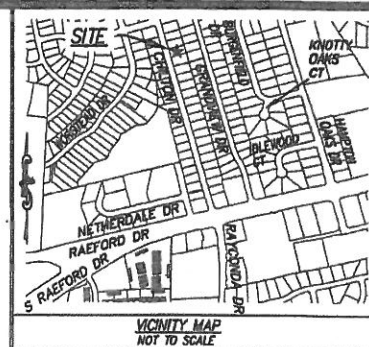
I, DONALD G. CREWS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE PROPERTY LINES SHOWN HEREON ARE CALCULATED PROPERTY LINES AND WERE DRAWN FROM FIELD LOCATED BOUNDARY EVIDENCE AND/OR RECORDED DEEDS AND MAPS AS NOTED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 +; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 SECTION F-11-M AS AMENDED;

I FURTHER CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION, WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL.

THIS 14 DAY OF MAY, A.D. 2014.



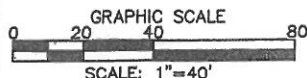
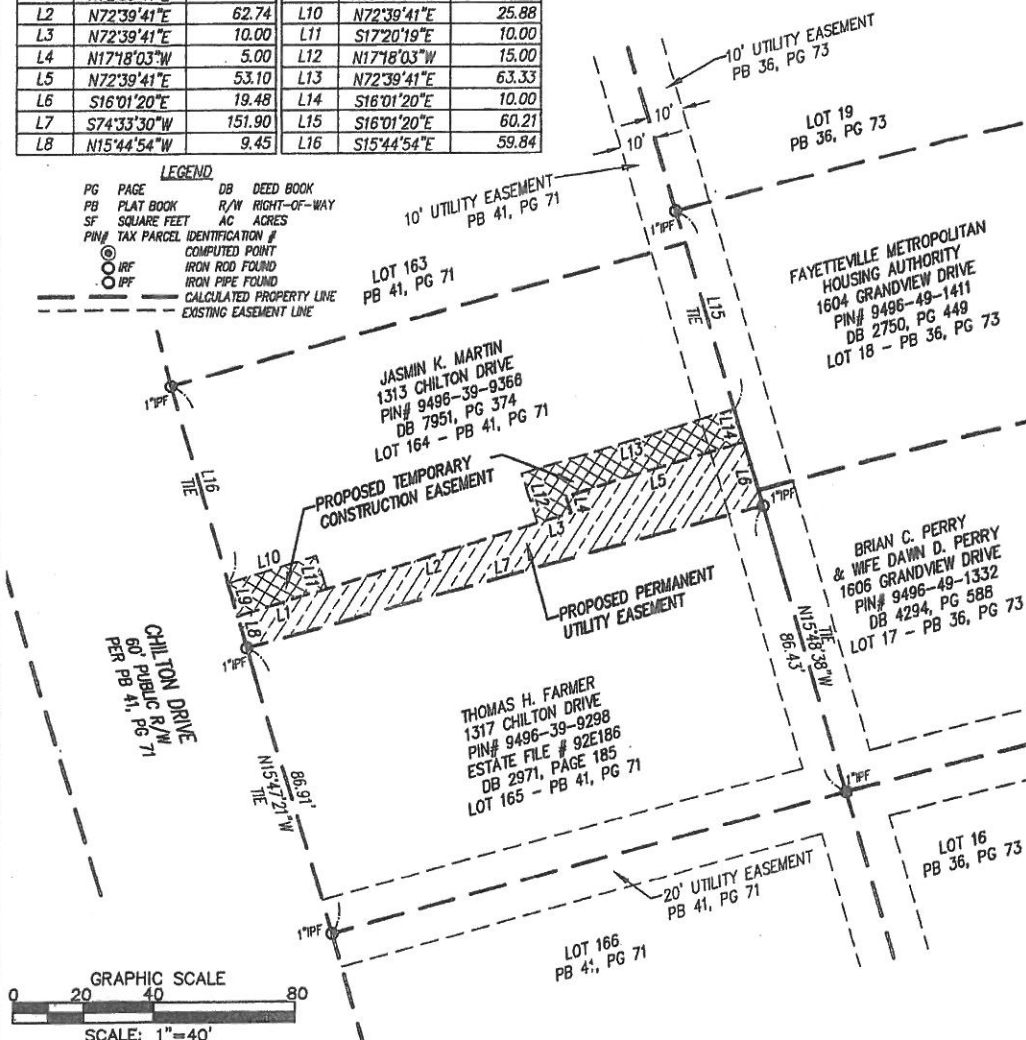
NC GRID NAD 83/2011



LINE TABLE			LINE TABLE		
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N72°39'41"E	26.15	L9	N15°44'54"W	10.00
L2	N72°39'41"E	62.74	L10	N72°39'41"E	25.88
L3	N72°39'41"E	10.00	L11	S17°20'19"E	10.00
L4	N17°18'03"W	5.00	L12	N17°18'03"W	15.00
L5	N72°39'41"E	53.10	L13	N72°39'41"E	63.33
L6	S16°01'20"E	19.48	L14	S16°01'20"E	10.00
L7	S74°33'30"W	151.90	L15	S16°01'20"E	60.21
L8	N15°44'54"W	9.45	L16	S15°44'54"E	59.84

LEGEND

PG PAGE DB DEED BOOK
PB PLAT BOOK R/W RIGHT-OF-WAY
SF SQUARE FEET AC ACRES
PIN# TAX PARCEL IDENTIFICATION #
CIR# COMPUTED POINT
IRF IRON ROD FOUND
IRP IRON PIPE FOUND
--- CALCULATED PROPERTY LINE
--- EXISTING EASEMENT LINE



NOTES:

1. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET UNLESS OTHERWISE NOTED.
2. THE PROPERTY LINES SHOWN HEREON ARE CALCULATED PROPERTY LINES AND WERE DRAWN FROM FIELD LOCATED BOUNDARY EVIDENCE AND/OR RECORDED DEEDS AND MAPS AS NOTED HEREON. ALL FOUND PROPERTY CORNERS SHOWN WERE LOCATED BY AN ACTUAL FIELD SURVEY.
3. THIS MAP WAS PREPARED FOR RIGHT-OF-WAY AND/OR EASEMENT ACQUISITION PURPOSES ONLY AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN.

AREA (BY COORDINATE COMPUTATION)

TOTAL PARCEL AREA = 12,135 SF (0.28 AC)
(BY DEED/PLAT DIMENSIONS)
PERMANENT EASEMENT = 2,082 SF (0.05 AC)
TEMPORARY EASEMENT = 942 SF (0.02 AC)
REMAINING AREA = 9,111 SF (0.21 AC)

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PUBLIC WORKS COMMISSION
OF THE CITY OF FAYETTEVILLE, N.C.

AS-14782A

EXHIBIT 'A' - UTILITY EASEMENT - PWC AREA 16

OWNER: JASMIN K. MARTIN

DEED BOOK: 7951

PAGE: 374

PIN#: 9496-39-9366

TOWNSHIP: SEVENTY-FIRST

COUNTY: CUMBERLAND

STATE: NORTH CAROLINA

PROJECT MANAGER: MWF

DRAWN BY: JRM

APPROVED BY: norm c/s/j4

PROJECT# 20130147.00.RA

SCALE 1"=40'

DATE: 9/2013 THRU 4/2014

Parcel 1