

**RESOLUTION TO AUTHORIZE THE CONDEMNATION
OF EASEMENTS AND THE DELEGATION OF REAL ESTATE
ACQUISITION AUTHORITY TO THE GENERAL MANAGER**

WHEREAS, Fayetteville Public Works Commission (PWC), as a public authority under North Carolina law, is entitled to exercise eminent domain rights as a local public condemnor to acquire real property interests that will be titled in the name of The City of Fayetteville and used to extend, enlarge, or improve the public enterprise comprised of PWC's utility operations;

WHEREAS, PWC has determined at this time that its utility operations should be extended, enlarged, and improved by the acquisition of eighteen (18) easements specified hereinbelow in the name of The City of Fayetteville, by and through PWC, and such acquisition is necessary and in the public interest for the benefit and use of the public, specifically by and through the establishment, extension, enlargement, or improvement (to meet the need for expanded or upgraded service) of an adequate and sound system of transmission and distribution of electricity, water supply and distribution, and sanitary sewer lines and systems;

WHEREAS, PWC has the authority under Section 6A.8 of Chapter VIA of the Charter of The City of Fayetteville to delegate certain duties and responsibilities when necessary or convenient for its operations, including but not limited to the execution of contracts, settlement statements, instruments, and other legal documents necessary for the acquisition of interests in real property, which shall be titled in the name of the City of Fayetteville, by and through PWC; and

WHEREAS, PWC has deemed that the delegation of certain duties and responsibilities specified hereinbelow are consistent with PWC's authority and fiduciary responsibilities.

**THEREFORE, LET IT BE RESOLVED BY THE COMMISSIONERS OF
FAYETTEVILLE PUBLIC WORKS COMMISSION THAT:**

1. Fayetteville Public Works Commission, acting by and through its General Manager, is hereby authorized to acquire by condemnation, for the purposes stated above in the name of The City of Fayetteville, the property rights and interests described as follows:

a. Permanent and Temporary utility easements ranging approximately 20-feet to 30-feet in width across the following designated Parcel PINs: 0404-60-6535, 0404-20-6862, 9494-90-2530, 9494-90-0552, 9494-80-8851, 9493-39-9448, 9493-39-1578, 9493-29-6482, 9493-29-5490, 9493-18-6924, 9483-99-3846, 0404-50-5913, 0404-31-8623, 0404-41-9355, 0404-31-3069, & 9494-90-4801, all being in Cumberland County, for the purpose of improving PWC's existing and proposed sanitary sewer lines and systems necessary to accommodate the extension of The Big Rockfish Creek Outfall that will also serve to eliminate six existing sanitary sewer lift stations that currently serve subdivisions in the area for the purpose of ensuring an adequate and sound system of sanitary sewer lines.

2. The General Manager is authorized to direct the attorney(s) representing Fayetteville Public Works Commission to institute the necessary legal proceedings under Chapter 40A of the North Carolina General Statutes to acquire the easements described hereinabove

3. Pursuant to Section 6A.8 of Chapter VIA of the Charter of The City of Fayetteville, PWC delegates authority to the CEO and General Manager to award and execute contracts, settlement statements, instruments, and other legal documents necessary for the acquisition of interests in real property, which shall be titled in the name of the City of Fayetteville, by and through PWC. This delegation is subject to the requirements and limitations contained within PWC's approved policies.

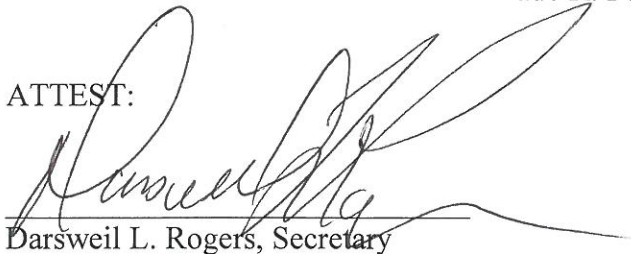
ADOPTED this 13th day of January 2021

FAYETTEVILLE PUBLIC WORKS COMMISSION



Wade R. Fowler, Jr., Chairman

ATTEST:



Darsweil L. Rogers, Secretary