

RESOLUTION DELEGATING AUTHORITY TO THE CEO/GENERAL MANAGER FOR REAL
PROPERTY ACQUISITIONS AND RELATED TRANSACTIONS,
AND RATIFYING PRIOR ACTIONS

WHEREAS, the Fayetteville Public Works Commission (“PWC”) is a public authority of the State of North Carolina and exercises powers granted under Chapter VI of the Charter of the City of Fayetteville (the “Charter”) and the General Statutes of North Carolina; and

WHEREAS, pursuant to Section 6A.9 of Chapter VI of the Charter, real property for PWC utility operations is acquired in the name of the City of Fayetteville, by and through PWC, and such acquisitions constitute an essential governmental function necessary for the construction, operation, maintenance, extension, and improvement of PWC’s public enterprise systems; and

WHEREAS, pursuant to Section 6A.8 of Chapter VI of the Charter, the Public Works Commission may delegate to the Chief Executive Officer/General Manager (“CEO/GM”) such duties and responsibilities as are necessary or convenient for the efficient operation of PWC; and

WHEREAS, the Public Works Commission has previously limited delegation for real property acquisitions under Resolution No. PWC2016.08; and

WHEREAS, PWC has from time to time acquired real property and interests in real property through agreements executed by the CEO/General Manager in furtherance of PWC’s utility functions; and

WHEREAS, the Public Works Commission finds that such prior actions should be ratified to the extent permitted by law, and that a defined delegation of authority—subject to clear monetary and functional limits—is appropriate for the efficient conduct of PWC operations;

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

1. Delegation of Authority for Real Property Acquisitions (Limited).

Pursuant to Sections 6A.8 and 6A.9 of Chapter VI of the Charter of the City of Fayetteville, the Public Works Commission hereby delegates to the CEO/General Manager authority, on behalf of PWC and the City of Fayetteville (as title holder, where applicable), to:

- Identify, evaluate, negotiate, and acquire real property and interests in real property; and
- Determine the necessity and public purpose of such acquisitions in furtherance of PWC’s utility operations; and

- Approve the terms and conditions of acquisition, including purchase price and related transaction costs;

provided that such authority is subject to the limitations set forth below.

2. Ordinary Course Limitation

The authority delegated herein is limited to acquisitions made in the ordinary course of PWC's utility operations, including, without limitation:

- Watershed and source water protection acquisitions;
- Pipeline, transmission, and distribution corridor acquisitions;
- Substation, pump station, lift station, and similar utility site acquisitions;
- Easements, rights-of-way, and temporary construction easements necessary for system expansion, maintenance, or improvement.

This delegation shall not apply to:

- Strategic, non-routine, or large-scale land assemblages;
- Acquisitions not directly tied to existing or planned utility system needs; or
- Transactions that would materially alter PWC's asset portfolio beyond ordinary utility operations.

3. Authority to Execute and Close Transactions

Within the limits set forth herein, the CEO/General Manager is authorized to:

- Execute contracts, options, purchase agreements, settlement statements, deeds, easements, assignments, and related instruments;
- Take all actions necessary to consummate such transactions, including closings, recordings, and post-closing matters;
- Engage and direct attorneys, surveyors, appraisers, title companies, and other professionals; and
- Execute ancillary documents reasonably necessary to complete such acquisitions.

4. Condemnation Authority (Within Scope)

To the extent authorized by law and within the limitations set forth in Sections 2 and 3 above, the CEO/General Manager is authorized to:

- Initiate and prosecute condemnation proceedings for qualifying real property interests; and
- Approve settlements of such proceedings consistent with applicable law.

5. Coordination with the City of Fayetteville

To the extent that any real property acquisition undertaken pursuant to this Resolution requires action, approval, or authorization by the City of Fayetteville as the titled owner of such property under Section 6A.9 of Chapter VI of the Charter of the City of Fayetteville or other applicable law, the CEO/General Manager shall obtain such required action, approval, or authorization prior to or in connection with the consummation of such transaction.

No transaction shall be consummated in a manner that would bind the City of Fayetteville beyond the authority delegated to PWC or the CEO/General Manager under applicable law.

6. Ratification of Prior Real Property Transactions

The Public Works Commission hereby:

- Ratifies, affirms, and approves all prior actions taken by the CEO/General Manager, or his designees, in negotiating, executing, and consummating agreements for the acquisition of real property or interests in real property for PWC purposes, to the extent such actions were within the lawful authority of PWC under Chapter VI of the Charter, including Section 6A.9, and applicable North Carolina law;
- Confirms the validity and enforceability of such agreements and authorizes the CEO/General Manager to take any additional actions reasonably necessary to carry out or perfect such transactions; and
- Provides that this ratification shall not be construed to validate any action taken outside the scope of PWC's lawful authority.

7. Compliance with Law

All actions taken pursuant to this Resolution shall:

- Be consistent with Section 6A.9 of Chapter VI of the Charter governing the acquisition and titling of real property; and
- Comply with all applicable provisions of the North Carolina General Statutes and other governing law.

8. Supersession and Clarification

This Resolution:

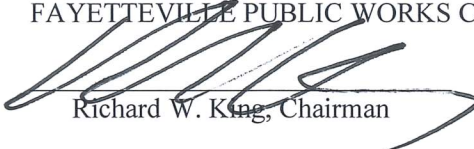
- Supersedes any prior limitation on delegation relating to real property acquisitions contained in Resolution No. PWC2016.08, to the extent of any conflict; and
- Clarifies that real property acquisitions governed by this Resolution are not subject to the procurement thresholds of G.S. 143-129.

9. Effective Date

This Resolution shall be effective immediately upon adoption.

ADOPTED this 10TH day of June, 2026.

FAYETTEVILLE PUBLIC WORKS COMMISSION


Richard W. King, Chairman

ATTEST:

Donald L. Porter, Secretary