

Special Meeting
Monday
May 7, 1962
8:00 P.M.
Court Room

Present:

Mayor Robert H. Butler

Councilmen: Ted O. Rhodes
Sol C. Rose
Eugene Plummer
D. B. Maness

City Manager, G. W. Ray
City Attorney, J. O. Tally, Jr.
PWC Chairman, P. O. Hoffer
PWC Administrator, R. A. Muench

Mayor Butler opened the meeting and welcomed Mr. Alva W. Stewart, Methodist College Librarian and approximately 33 Methodist College students who were present to observe the Council proceedings.

The first item of business was a public hearing to amend the Zoning Ordinance. A public hearing having been advertised and there being no opposition present; Councilman Plummer, moved that the Zoning Ordinance be amended by rezoning the rear portion of a lot on the corner of Hay Street and Myrtle Street which extends to Clarendon Street from R-6 Residential District to R-5 Residential District. The motion was seconded by Councilman Rose and approved by unanimous vote. The area rezoned is as follows:

BEGINNING at a stake in the intersection of the northern margin of Hay Street with the eastern margin of Myrtle Street and running thence with the eastern margin of Myrtle Street North 2 degrees 25 minutes West 324.59 feet to a stake in its intersection with the southern margin of Clarendon Street; thence with said margin South 87 degrees 29 minutes East 131.9 feet to a stake; thence South 0 degrees 6 minutes West 328.86 feet to a stake in the northern margin of Hay Street; thence with said margin North 85 degrees 0 minutes West 118 feet to the point of beginning.

A public hearing having also been advertised and there being no opposition present and upon motion by Councilman Rose, seconded by Councilman Plummer and unanimously approved; The Zoning Ordinance was amended by rezoning the rear portion of two lots on Robeson Street at the corner of Robeson Street and Pershing Street from R-5 Residential District to C-3 Heavy Commercial District and particularly described as follows:

BEGINNING at a point in the western margin of Robeson Street, said point being the northeastern corner of a lot owned or formerly owned by G. S. Barnhill, Sr. and others; and running thence North 68 degrees West 266 feet; and running thence South 22 degrees West 99 feet; thence South 68 degrees East 116 feet; thence North 22 degrees East 9 feet; thence South 68 degrees East 150 feet to the western margin of Robeson Street; thence with the western margin of Robeson Street North 22 degrees East 90 feet and being property of Mrs. Lucille Johnson and G. S. Barnhill, Sr. and others excepting from the above description that portion of the Johnson lot which has been transferred to the City of Fayetteville or others as a right-of-way for Pershing Street.

A public hearing have been advertised and there being no opposition voiced; the Council, upon motion by Councilman Plummer, seconded by Councilman Maness unanimously adopted the following resolution:

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE
PAVING AND OTHER IMPROVEMENT OF OLD WILMINGTON ROAD

After careful study and consideration of the matter and of all pertinent facts and circumstances, and in the exercise of its best legislative judgement, the City Council of Fayetteville, North Carolina, finds as fact that:

1) The preliminary assessment roll for the paving and other improvement of OLD WILMINGTON ROAD, in the City of Fayetteville, North Carolina, was filed in the office of the City Clerk of the City of Fayetteville, North Carolina, on the 11th day of APRIL, 1962, and said Clerk was directed to publish in the Fayetteville Observer, a newspaper in general circulation published in Fayetteville, North Carolina, a notice that such preliminary assessment roll had been

so computed, filed as aforesaid, and was open for inspection by all persons interested, and said notice was accordingly published in said newspaper in its issue of the 27th day of APRIL, 1962, reading as follows:

(Here paste on complete newspaper ad)

2) The City Council of Fayetteville, North Carolina, met at the time and place stated in said published notice to hear protests or objections to said preliminary assessment roll, and no such protest or objections were filed or otherwise made (or, protests and objections being filed and made, the City Council of the City of Fayetteville, North Carolina, found and finds now again that such protests and objections are without merit), and all persons affected by said preliminary assessment had legal notice of said meeting and of such assessment:

NOW, THEREFORE, the City Council of the City of Fayetteville, North Carolina, does ordain that:

1) Two-thirds of the cost of street paving and curbs and gutters, after subtracting the cost of street intersections therefrom, be and the same is hereby assessed against the property owner and against the lots and parcels of land abutting directly on said Street, according to the extent of their respective frontages thereon, by an equal rate per foot of such frontage, and a copy of said assessment for said Street paving and other improvement is hereby adopted and made a part of this ORDINANCE.

2) Said assessment referred to in the preceding paragraph levied against the property located on said Street so paved and improved be and the same is, hereby in all respects, confirmed and hereby declared to be a lien upon said property, of the same nature and to the same extent as County, City or Town Taxes, and superior to all other encumbrances, and it is hereby declared that the levy is made only for the purpose of defraying the cost for the public improvement made upon said Street, namely street paving, laying of curbs and gutters, which is a direct benefit to the property on said Street, and that said benefits to said property are greater in value to said property than the cost of assessments hereby made.

3) A copy of this assessment roll shall be filed immediately in the office of the Tax Collector of the City of Fayetteville, North Carolina, who shall cause the same to be published twenty-one (21) days after the adoption of this ORDINANCE by notice in the Fayetteville Observer, a newspaper published in the City of Fayetteville, to the effect that the said assessment roll has been completed, confirmed, and is now on file in his office, and that the owners of the property against whom said assessments are made may pay said assessments without interest, provided it is paid in full within thirty (30) days after the date of publication of said notice and if so paid, said assessment roll shall bear interest from the date of ratification of this ORDINANCE at the annual rate of six (6%) percent.

4) The persons against whom the assessments hereinbefore referred to have been made, shall, at their option, have the right to pay said assessment in five (5) equal annual installments, each installment bearing annual interest from the date of ratification of this ORDINANCE at the rate of six (6%) percent, the first installment to be due in the City of Fayetteville, North Carolina, thirty (30) days after the publication of the Tax Collector's said notice and in the same manner as City Taxes, and a like installment to be due and payable each year thereafter for a period of four (4) years at the same place as for the payment of City Taxes; further, and person against whom any such one of said assessments hereinbefore referred to have been made can have the right, at his option, to pay off and discharge the entire assessment at any time during the continuation of said assessments by paying the balance due, plus interest at the annual rate of six (6%) percent as aforesaid.

5) This ORDINANCE shall be in full force and effect from and after the date of its adoption.

Adopted this 7th day of MAY, 1962, by the City Council of the City of Fayetteville, North Carolina.

ROBERT H. BUTLER
Mayor

Maurice W. Downs
City Clerk