

Upon motion by Councilman Plummer, seconded by Councilman Rhodes, the following resolution was unanimously adopted:

RESOLUTION AUTHORIZING AND DIRECTING
THE ACQUISITION, BY CONDEMNATION, OF
AN EASEMENT FOR AIRPORT PURPOSES, IN
UPON, AND OVER CERTAIN LAND OWNED BY
LOLA E. SMITH AND HUSBAND L.W. SMITH

Paragraph:

1) WHEREAS The City of Fayetteville, pursuant to Chapter 28 of the Private Laws of 1925, as amended, owns and operates, Grannis Municipal Airport

2) AND WHEREAS the public demand and public safety for said airport services requires extension by said City, of said airport land area to include that portion of the land owned by those listed in the title of this resolution, described as follows:

NORTH CAROLINA

CUMBERLAND COUNTY

TOWNSHIP OF PEARCES MILL:

The northwestern corner of the Lola E. Smith property situated in Pearce's Mill Township, Cumberland County, and adjoining the lands formerly belonging to Lena Bell Corbin to the North and West-Hankins Realty to the West, said lands being now the property of the City of Fayetteville as recorded in Deed Book 920, Page 273, and Deed Book 923, Page 45, Cumberland County Registry; said corner of the Lola E. Smith property described as follows:

BEGINNING at an iron stake near a holly tree, said iron stake marking the Northwest corner of the Lola E. Smith land, running thence along the original Western boundary South 21 degrees 33 minutes West 736.85 feet to a stake; thence along a new line South 58 degrees 51 minutes East 552.28 feet to a stake; thence along another new line North 22 degrees 37 minutes East 1,305.22 feet to a stake on the original Northern boundary, said stake being inside the Right-of-Way of the Doc Bennett Road; thence along the original Northern boundary South 71 degrees 37 minutes 30 seconds West 742.02 feet to the beginning - containing 13.9 acres.

3) AND WHEREAS, in the public interest, it is necessary that said City acquire, the above described land, for said airport;

4) AND WHEREAS, over a period of several months, said City, has in good faith, negotiated with the owner(s) of said land to acquire, by purchase, said land, and, in said negotiations, said City, among other efforts, did:

A) determine that fair, just and full compensation for such land would be Three Thousand Four Hundred Seventy-five and No/100 (\$3,475.00) Dollars and offered said sum therefor to said owner(s), but said offer was refused and rejected;

B) thereafter, at the sole expense of said City, caused an appraisal by three licensed realtors to be made of said land which appraisal was that a fair, just and full compensation for such land would be One Thousand Three Hundred Ninety and No/100 (\$1,390.00) Dollars, but, such amount being less than said City offered, said City did renew their offer of Three Thousand Four Hundred Seventy-five and No/100 (\$3,475.00) Dollars for such land to said owner(s) but said offer was refused and rejected;

5) AND WHEREAS said City and said owner(s) still cannot agree upon the price to be paid as fair, just and full compensation for said land;

6) NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, THAT:

A) It is found as fact that each and all parts of paragraphs 1) through 5) above are true.

B) Without limiting the generality of the foregoing, it is found necessary, in the public interest and in the promotion of safety, convenience, and the general welfare, that said City acquire fee simple title to the land described in paragraph 2) above.

C) Without limiting the generality of the foregoing, it is found that said City has undertaken by extended negotiations in good faith to acquire from the owner(s) of said land, by purchase, said land for amounts that represent fair, just and full compensation therefor, but said offers of said City have been refused and rejected, and said City and said owner(s) still cannot agree upon the price to be paid as fair, just and full compensation for said land.

D) Special Proceeding shall be instituted in the name of the City of Fayetteville in the Superior Court of Cumberland County, North Carolina, for the acquisition, by said City, by eminent domain, of fee simple title to said land described in paragraph 2) above, against all persons owning or claiming any interest in said land, and that, in said Special Proceeding, the Court be prayed to appoint Commissioners to determine the compensation which justly should be paid to the owner(s) of said property, as provided by law.

Adopted this 25th day of November, 1963.

Upon motion by Councilman Plummer, seconded by Councilman Rhodes, the following resolution was unanimously adopted:

RESOLUTION AUTHORIZING AND DIRECTING
THE ACQUISITION, BY CONDEMNATION, OF AN
EASEMENT FOR AIRPORT PURPOSES IN, UPON,
AND OVER CERTAIN LAND OWNED BY E. G.
BRISSEON AND WIFE NANNIE BELL BRISSEON AND
J. E. PASCHALL, TRUSTEE, AND BRANCH BANK-
ING AND TRUST COMPANY

Paragraph:

1) WHEREAS The City of Fayetteville, pursuant to Chapter 28 of the Private Laws of 1925, as amended, owns and operates, Frannis Municipal Airport

2) AND WHEREAS the public demand and public safety for said airport services requires extension by said City, of said airport land area to include that portion of the land owned by those listed in the title of this resolution, described as follows:

NORTH CAROLINA

CUMBERLAND COUNTY

TOWNSHIP OF PEARCES MILL:

BEGINNING at a point in the middle of a farm road, said point being the present Southwest corner of the E. G. Brisson land and being also one of the corners on the Eastern Boundary of the land conveyed by Brisson to J. M. Wilson; running thence along Brisson's Southern line, North 77 degrees 00 minutes 30 seconds East 152.80 feet to a concrete monument which marks another Wilson's corner which is also the Municipal Airport Northeast corner; continuing along Brisson's Southern line North 77 degrees 00 minutes 30 seconds East 555.55 feet to another concrete monument which marks the extended center line of the Municipal Airport's runway; continuing still along Brisson's Southern line North 77 degrees 00 minutes 30 seconds East 200.26 feet to a stake; thence along a new line North 58 degrees 51 minutes West 913.71 feet to a stake in the middle of a field; thence along another new line South 22 degrees 37 minutes West 362.58 feet to a point on the boundary line between Brisson and Wilson, said point being in the middle of a farm road; thence along this boundary line running in the middle of the farm road South 5 degrees 58 minutes 30 seconds East 343.94 feet to the beginning - a strip of land containing 7.3 acres off of the Southwestern corner of the E. G. Brisson land.

3) AND WHEREAS, in the public interest, it is necessary that said City acquire, the above described land, for said airport;

4) AND WHEREAS, over a period of several months, said City, has in good faith, negotiated with the owner(s) of said land to acquire, by purchase, said land, and, in said negotiations, said City, among other efforts, did:

A) determine that fair, just and full compensation for such land would be One Thousand Eight Hundred Twenty-five and No/100 (\$1,825.00) Dollars and offered said sum therefor to said owner(s), but said offer was refused and rejected;

B) thereafter, at the sole expense of said City, caused an appraisal by three licensed realtors to be made of said land which appraisal was that a fair, just and full compensation for such land would be Four Thousand Three Hundred Eighty and No/100 (\$4,380.00) Dollars and did offer said sum for such land to said owner(s) but said offer was refused and rejected;

5) AND WHEREAS said City and said owner(s) still cannot agree upon the price to be paid as fair, just and full compensation for said land.

6) NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, THAT:

A) It is found as fact that each and all parts of paragraphs 1) through 5) above are true.

B) Without limiting the generality of the foregoing, it is found necessary, in the public interest and in the promotion of safety, convenience, and the general welfare, that said City acquire fee simple title to the land described in paragraph 2) above.

C) Without limiting the generality of the foregoing, it is found that said City has undertaken by extended negotiations in good faith to acquire from the owner(s) of said land, by purchase, said land for amounts that represent fair, just and full compensation therefor, but said offers of said City have been refused and rejected, and said City and said owner(s) still cannot agree upon the price to be paid as fair, just and full compensation for said land.

D) Special proceeding shall be instituted in the name of the City of Fayetteville in the Superior Court of Cumberland County, North Carolina, for the acquisition, by said City, by eminent domain, of fee simple title to said land described in paragraph 2) above, against all persons owning or claiming any interest in said land, and that, in said Special Proceeding, the Court be prayed to appoint Commissioners to determine the compensation which justly should be paid to the owner(s) of said property, as provided by law.

Adopted this 25th day of November, 1963.