

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

THIS INDENTURE, Made and entered into this 23rd day of September, A. D., 1963, between the City of Fayetteville, a municipal corporation under the laws of the State of North Carolina, party of the first part, and the ATLANTIC COAST LINE RAILROAD COMPANY, a corporation organized and existing under the laws of the State of Virginia, party of the second part,

WITNESSETH: That the said party of the first part, for an in consideration of the sum of One Dollar to it in hand paid by the said party of the second part at or before the enrolling and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained and sold and by these presents does grant, bargain, sell and convey unto the said party of the second part, its successors and assigns, a right of way and easement for a railroad tract and appurtenances in and over certain tract or parcel of land situate, lying and being at Fayetteville, County of Cumberland, State of North Carolina, and described as follows, to wit:

Beginning at a point distant 8 feet northwestwardly, measured radially, from the center line of the Atlantic Coast Line Railroad Company's southbound main tract; said point being distant 390 feet northeastwardly, measured along said center line, from the Atlantic Coast Line Railroad Company's mile post 210; running thence northeastwardly 205 feet to a point distant 29 feet northwestwardly, measured radially, from the center line of said southbound main tract; thence southeastwardly, radially to said center line, 21 feet to a point 8 feet northwestwardly, measured radially, from the center line of said southbound main track; thence southwestwardly, concentric with said center line, 205 feet to the point of beginning; containing 0.05 of an acre, more or less, and being as shown outlined in red on the print attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said right of way and easement unto the said party of the second part, its successors and assigns, so long as the same shall be used for railroad purposes.

And the said party of the first part does covenant with the said party of the second part that it is lawfully seized of the said premises, that it will warrant and defend the right to the full enjoyment of the easement and right of way hereby granted.

In WITNESS Whereof the said party of the first part has caused these presents to be executed in its corporate name and on its behalf by its Mayor and its corporate seal to be hereunto affixed, attested by its Clerk, the day and year first above written.

CITY OF FAYETTEVILLE, NORTH CAROLINA

By /s/ L. Eugene Plummer

Mayor pro tem

Attest: /s/ Maurice W. Downs
Clerk

Upon motion by Councilman Holt, seconded by Councilman Packer, petitions from property owners on HOMEWOOD STREET and EDGEcombe AVENUE for paving and improving said streets, were accepted and public hearings ordered advertised for October 14th, 1963 by the unanimous adoption of the following resolutions:

PRELIMINARY RESOLUTION
REQUIRING THE PAVING,
AND
OTHER IMPROVEMENT,
PURSUANT TO PETITION,
OF
HOMEWOOD STREET

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

1) A petition, pursuant to Chapter 224 of the Private Laws of North Carolina of 1927, (Section 128, et seq. of the Code of the City of Fayetteville), has been filed with the City Council of Fayetteville, North Carolina, requesting the paving and other below described improvement of Homewood Street, and said petition is in due and sufficient form, containing a general description of the paving and other improvement proposed for said Street, and requesting that such paving and other improvement be made in conformity with the applicable provisions of law, and that the proportion of the cost of such paving and other improvement below specified be specially assessed against the property abutting on said Street, and said petition has been signed by at least a majority in number of the owners, who own at least a majority of all lineal feet of frontage, of the lands abutting on said Street;

2) The public interest, safety, convenience and general welfare requires the paving and other below described improvement of Homewood Street;

3) The property abutting on said street to be paved and improved will be benefited by such pavement and improvement to the extent of the part of the cost thereof to be assessed, as stated below, against such abutting property;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, DOES ORDER THAT:

1) That all of that portion of Homewood Street from Fay Hart Road to City Limit Line, shall be paved and curbs and gutters laid thereon, and water and sanitary sewer mains and service laterals shall be constructed and installed in said street or parts thereof within the limits defined above; such water and sanitary sewer mains and service laterals to be in accordance with standards of the Public Works Commission of the City of Fayetteville; and such improvements also to include the necessary grading as determined by Public Works Commission engineers and to do all other work incidental to the construction and installation of said water and sanitary sewer mains and service laterals and the cost of all such improvements (exclusive of so much of said cost as is incurred at street intersections) to be specially assessed in the amount of two-thirds thereof (except that the entire cost of such water and sanitary sewer laterals shall be specially assessed) upon the lots and parcels of land abutting upon said improved street portions according to the extent of the respective frontage thereon by an equal rate per foot of such frontage, to be paid after completion of such work and within thirty (30) days after notice of assessment, in cash with no interest, or in five equal annual installments, bearing annual interest at six (6%) per cent, payable annually.

2) A meeting of the City Council of Fayetteville will be held at the City Hall of Fayetteville at 8:00 P.M. on the 14th day of October, 1963, on the proposed improvements when all objections to the legality of making said proposed improvements shall be made in writing, signed in person or by Attorney, and filed with the Clerk of the City of Fayetteville at or before such time, and any such objections not so made will be waived.

3) This RESOLUTION and ORDER shall be published once in the FAYETTEVILLE OBSERVER, a newspaper published in the City of Fayetteville, the (10) days before the time fixed for said meeting.

Adopted this 23rd day of September, 1963, by the City Council of the City of Fayetteville, North Carolina.

/s/ Wilbur Clark
Mayor

/s/ Maurice W. Downs
Clerk

PRELIMINARY RESOLUTION
REQUIRING THE PAVING,
AND
OTHER IMPROVEMENT,
OF
EDGEcombe AVENUE

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

1) A petition, pursuant to Chapter 224 of the Private Laws of North Carolina of 1927, (Section 128, et seq. of the Code of the City of Fayetteville), has been filed with the City Council of Fayetteville, North Carolina, requesting the paving and other below described improvement of Edgecombe Avenue, and said petition is in due and sufficient form, containing a general description of the paving and other improvement proposed for said street, and requesting that such paving and other improvement be made in conformity with the applicable provisions of law, and that the proportion of the cost of such paving and other improvement below specified be specially assessed against the property abutting on said street, and said petition has been signed by at least a majority in number of the owners, who own at least a majority of all lineal feet of frontage, of the lands abutting on said Street;

2) The public interest, safety, convenience and general welfare requires the paving and other below described improvement of Edgecombe Avenue;

3) The property abutting on said street to be so paved and improved will be benefited by such pavement and improvement to the extent of the part of the cost thereof to be assessed as stated below, against such abutting property;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, DOES ORDER THAT:

1) That all of that portion of Edgecombe Avenue from the Northern Boundary of Chestnut Hills Subdivision, shall be paved and curbs and gutters laid thereon, and water and sanitary sewer mains and service laterals shall be constructed and installed in said street or parts thereof within the limits defined above; such water and sanitary sewer mains and service laterals to be in accordance with standards of the Public Works Commission of the City of Fayetteville; and such improvements also to include the necessary grading as determined by Public Works Commission engineers and to do all other work incidental to the construction and installation of said water and sanitary sewer mains and service laterals and the cost of all such improvements (exclusive of so much of said cost as is incurred at street intersections) to be specially assessed in the amount of two-thirds thereof (except that the entire cost of such water and sanitary sewer service laterals shall be specially assessed) upon the lots and parcels of land abutting upon said improved street portions according to the extent of the respective frontage thereon by an