

Regular Meeting
City Council - Fayetteville, N. C.
February 22, 1960

The regular meeting of the City Council was held in the City Hall at 8 P.M. on February 22, 1960.

Present: Mayor George B. Herndon Nelson Taylor, Acting City Attorney

Councilmen: J. W. Pate, Jr.
Eugene Plummer
Sol C. Rose
Ernest L. Massei

Public hearing having been duly advertised and there being no opposition present, on motion of Councilman Plummer, seconded by Councilman Pate, the following ordinance was adopted at 8:04 P.M.:

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF DOBBIN AVENUE AND STEVENS STREET

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

1) The preliminary assessment roll for the paving and other improvement of Dobbin Avenue and Stevens Street, in the City of Fayetteville, North Carolina, was filed in the office of the City Clerk of the City of Fayetteville, North Carolina, at a meeting of the City Council of the City of Fayetteville, North Carolina, on the 22nd day of February, 1960, 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 8th day of February, 1960, reading as follows:

PRELIMINARY RESOLUTION
REQUIRING THE PAVING,
PURSUANT TO PETITION
OF
STEVENS STREET AND DOBBIN 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 judgement, The City Council of Fayetteville, North Carolina, finds as fact that:

1) A petition, pursuant to North Carolina General Statute 160-82, et seq, has been filed with the City Council of Fayetteville, North Carolina, requesting the paving and other below described improvements of Stevens Street, and Dobbin Avenue, and said petition is in due and sufficient form, containing a general description of the paving and other improvement proposed for said Streets, 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 Streets, 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 streets.

and

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

and

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) All of that portion of Stevens Street which lies between Campbell Avenue and VanStory Street, and all of that portion of Dobbin Avenue which lies between the Fort Bragg Road and Morgan-ton Road, shall be paved (or repaved) and curbs and gutters laid thereon, the cost of such improve-ments (exclusive of so much of said cost as is incurred at street intersections) to be specially assessed in the amount of two-thirds thereof 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 22nd day of February 1960, on the proposed improvement(s) when all objections to the legality of making said proposed improvement(s) 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, ten (10) days before the time fixed for said meeting.

Adopted this 27th day of January, 1960, by the City Council of the City of Fayetteville, North Carolina.

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 owners and against the lots and parcels of land abutting directly on said Streets, 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 not so paid, said assessment roll shall bear interest from the date of ratification of this ORDINANCE at the annual rate of six (6) per cent.

4) The persons against whom the assessments hereinbefore referred to have been made, shall, at their option, have the right to pay said assessments 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) per cent, 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 any 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) per cent as aforesaid.

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

Adopted this 22nd day of February, 1960, by the City Council of the City of Fayetteville, North Carolina.

George B. Herndon
Mayor

Louis H. Zehner
Clerk