



# Town of Holly Springs

## Town Council Meeting Agenda Form

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Agenda Item #: 10f

Meeting Date: | Nov. 20, 2018 |

**Agenda Placement: New Business**

(Special Recognitions (awards, proclamations), Requests & Communications (reports, information presentations), Public Hearings, Consent Agenda, Unfinished Business, New Business, Closed Session or Agenda Addition)

Subject Title: | Condemnation Resolution, New Hill Rd. Widening |

Presenter Name(s): | John Schifano |

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**Action(s):**

- Adopt Resolution 18-47 for the condemnation of the property indicated.

**Background:**

Pursuant to Chapters 136 and 40A of the North Carolina General Statutes, the Town of Holly Springs is vested with the authority to condemn property for a public purpose. The property in question is located at 1338 New Hill Rd. and is part of a road widening project required with the traffic impact of Thales Academy. Attempts to negotiate with property owner have proven unsuccessful. |

**Funding Source(s):**

| Street Reserves |



THE TOWN OF

# Holly Springs

**Resolution No.:** 18-47

**Date Submitted:** Nov. 20, 2018

**Date Adopted:** Nov. 20, 2018

**RESOLUTION OF THE TOWN COUNCIL OF HOLLY SPRINGS AUTHORIZING CONDEMNATION PURSUANT TO CHAPTER 136 AND CHAPTER 40A OF THE NORTH CAROLINA GENERAL STATUTES TO ACQUIRE CERTAIN PROPERTY OF THOSE PERSONS LISTED ON THE ATTACHED EXHIBIT "A"**

**WHEREAS**, the governing body of the Town of Holly Springs hereby determines that it is necessary and in the public interest to acquire certain property owned by those persons listed on Exhibit "A" for the following public purpose: Acquisition of public rights-of-way and construction easements, drainage easements, and utility easements related to improvements to the subject properties as listed in Exhibit A, to wit: New Hill Road Widening; and,

**WHEREAS**, the proper officials or representatives of the Town of Holly Springs have been unable to acquire the needed interest in this property by negotiated conveyance; and,

**WHEREAS**, the Town is authorized pursuant to the General Assembly Session Law 2005-57 to use N.C. Gen Stat §136 and N.C. Gen Stat §40A to acquire such interests in property for the public purpose of opening, widening, extending or improving roads, streets, alleys, and sidewalks for public use;

**NOW, THEREFORE BE IT RESOLVED** by the governing body of the Town of Holly Springs that:

1. The Town of Holly Springs shall acquire by condemnation, for the purposes stated above, the property and interest described on "Exhibit A"; and,
2. The attorneys representing the Town of Holly Springs are directed to initiate the necessary proceedings under Chapter 136 and 40A of the North Carolina General Statutes to acquire the property herein described.

Adopted this, the 20th day of November, 2018.

Attest:

(SEAL)

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Dick Sears, Mayor

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Joni Powell, Town Clerk

## EXHIBIT A

### Condemnation Area-

James Taylor Tract- PIN No. 0649258795; REID No. 0084548

#### AREA 1 – RIGHT OF WAY

BEGINNING at a point on the northern right-of-way margin of Holly Springs – New Hill Road, said point marking the southeast corner of Town of Holly Springs (Deed Book 3708, Page 587); thence N 04°00'18" E a distance of 22.12' to a new iron pipe; thence S 74°39'48" E a distance of 14.60' to a new iron pipe; thence S 04°15'06" W a distance of 19.82' to a point on the northern right-of-way margin of Holly Springs – New Hill Road, thence along said right-of-way margin, N 83°42'40" W a distance of 14.24' to a point to the original Point of Beginning. The above described area containing an area of 299 square feet (0.01 acres) more or less.

#### AREA 2 – RIGHT OF WAY

BEGINNING at an existing iron pipe on the northern right-of-way margin of Holly Springs – New Hill Road, said iron pipe marking the southeast corner of Denise Sidney (Deed Book 1586, Page 236); thence N 04°15'06" E a distance of 10.32' to a new iron pipe; thence S 74°39'48" E a distance of 25.78' to a point; thence S 81°55'40" E a distance of 58.42' to a point; thence S 82°26'09" E a distance of 141.75' to a new iron pipe; thence S 07°26'05" W a distance of 6.51' to a point on the northern right-of-way margin of Holly Springs – New Hill Road, thence along said right-of-way margin, the following three calls:

- 1) N 82°25'53" W a distance of 59.88' to a point;
- 2) N 82°11'44" W a distance of 104.58' to a point;
- 3) N 82°39'05" W a distance of 60.67' to the original Point of Beginning.

The above described area containing an area of 1,495 square feet (0.03 acres) more or less.

#### AREA 3 – RIGHT OF WAY

BEGINNING at a point on the northern right-of-way margin of Holly Springs – New Hill Road, said iron pipe marking the southeast corner of Julius Hodge (Deed Book 1137, Page 408); thence N 07°18'17" E a distance of 6.51' to a new iron pipe; thence S 82°26'09" E a distance of 2.86' to a point; thence S 81°24'44" E a distance of 187.62' to a new iron pipe; thence S 72°36'05" E a distance of 20.25' to a point on the northern right-of-way margin of Holly Springs – New Hill Road, thence along said right-of-way margin, the following two calls:

- 1) N 82°04'38" W a distance of 46.07' to a point;
- 2) N 82°25'53" W a distance of 164.30' to the original Point of Beginning.

The above described area containing an area of 962 square feet (0.02 acres) more or less.

All deeds referenced above recorded in Wake County Register of Deeds.