

**A RESOLUTION AUTHORIZING CONDEMNATION  
TO ACQUIRE CERTAIN PROPERTY OF EVELYN KENNEDY HEIRS**

WHEREAS, the Board of Commissioners of the Town of Pittsboro hereby determines that it is necessary and in the public interest to acquire certain property owned by EVELYN KENNEDY HEIRS for the following public purposes:

To protect the public health, to provide the public with an adequate and sound public wastewater system, and to improve such system to meet the need for expanded or upgraded services, the Town of Pittsboro is condemning the herein described property interests, specifically, to construct, maintain and access the Town of Pittsboro Wastewater Transmission System.

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

WHEREAS, the Town authorizes herein the serving of a Notice of Intent to Institute an Action to Condemn in the form and manner required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF PITTSBORO, THAT:

1. The Town of Pittsboro shall acquire by condemnation, for the purposes stated above, the property and easement interest in a certain tract described in Deed Book 326, Page 148 Chatham County Registry. The easement area taken is more particularly described as follows:

**SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY  
REFERENCE**

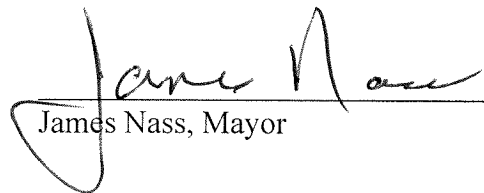
2. The owners of the Easement Area are to be sent in the manner required by Chapter 40A of the North Carolina General Statutes a Notice of Intent to Institute an Action to Condemn

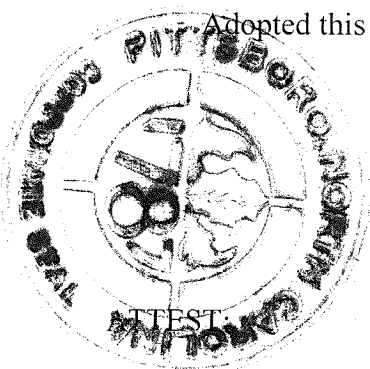
3. The attorneys representing the Town of Pittsboro are directed to institute the necessary proceedings under NCGS § 40A-1, et seq. as authorized by NCGS § 40A-3(b)(4) and/or other appropriate statutory provisions and local acts to acquire the property herein described.

Adopted this 12<sup>th</sup> day of April 2021.

TOWN OF PITTSBORO

By:

  
James Nass, Mayor




  
Cassandra M. Bullock, Town Clerk

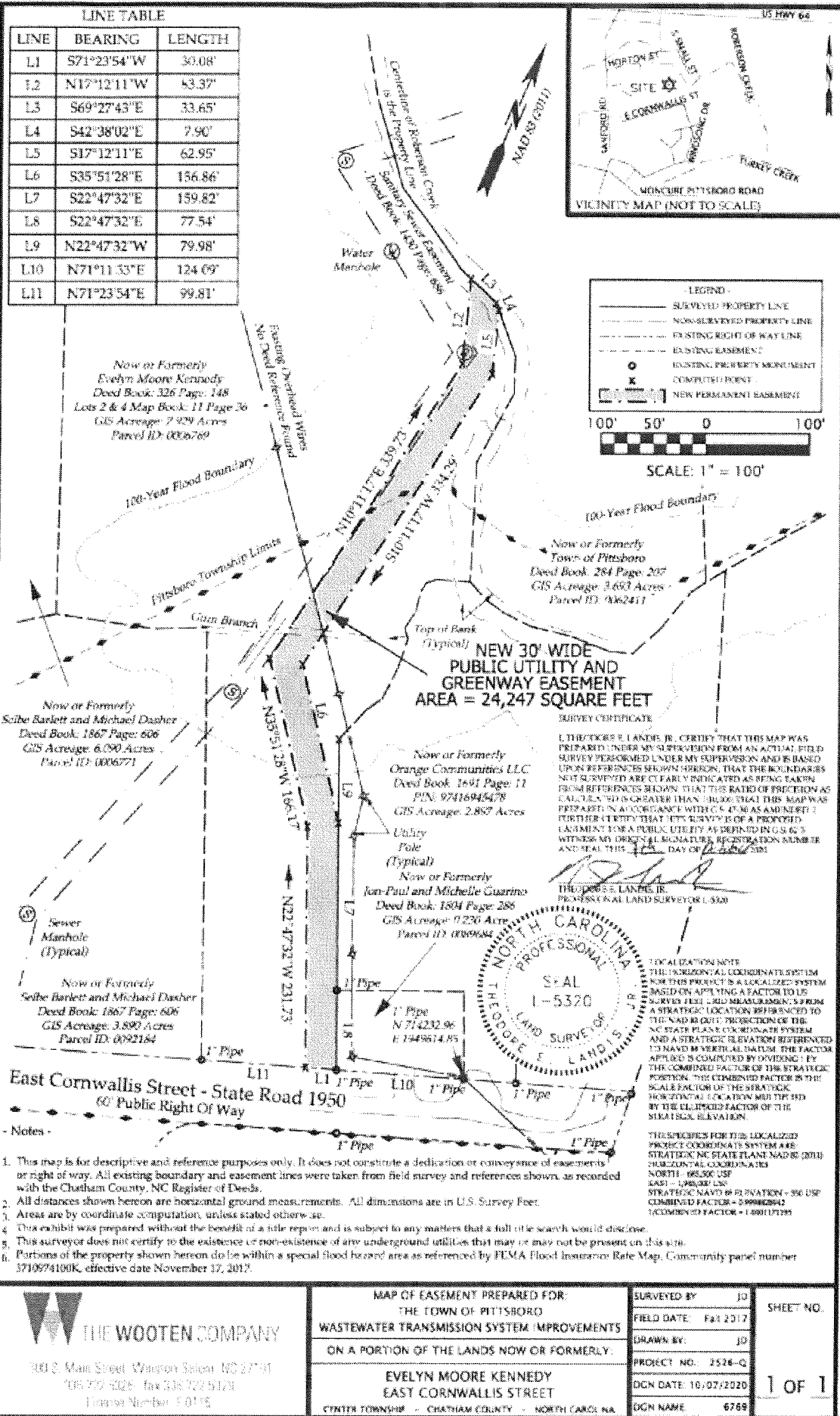
EXHIBIT A

The Town of Pittsboro shall acquire by condemnation, for the purposes stated above, the property and easement interest(s) in a portion of certain tracts described in Deed Book 326, Page 148 Chatham County Registry.

The property interest areas taken are more particularly described as follows:

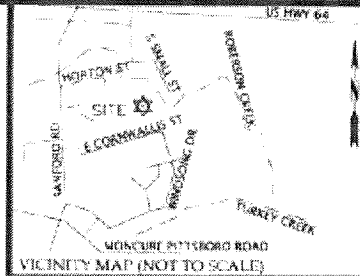
PERMANENT UTILITY EASEMENT(S)

All of the property within the permanent easement premises designated as "New 30' wide Public Utility and Greenway Easement" on Chatham County Tax Parcel **APKAR: 6769**, as shown on plat entitled "Map of Easement Prepared for the Town of Pittsboro Wastewater Transmission System Improvements on a Portion of the lands now or formerly owned by Evelyn Moore Kennedy East Cornwallis Street", prepared by The Wooten Company, dated 10/07/2020, reference to which is hereby made for a more particular description.



**LINE TABLE**

LINE	BEARING	LENGTH
L1	S71°23'54"W	30.08'
L2	N17°12'11"W	43.37'
L3	S69°27'43"E	33.65'
L4	S42°38'02"E	7.90'
L5	S17°12'11"E	62.95'
L6	S35°51'28"E	156.86'
L7	S22°47'32"E	159.82'
L8	S22°47'32"E	77.54'
L9	N22°47'32"W	79.98'
L10	N71°11'33"E	124.09'
L11	N71°23'54"E	99.81'



**LEGEND**

- SURVEYED PROPERTY LINE
- - - NON-SURVEYED PROPERTY LINE
- - - EXISTING RIGHT OF WAY LINE
- - - EXISTING EASEMENT
- EXISTING PROPERTY MONUMENT
- ⊗ COMPLETED POINT
- NEW PERMANENT EASEMENT

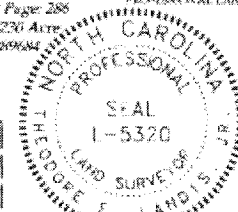
100' 50' 0 100'

**SCALE: 1" = 100'**

**NEW 30' WIDE PUBLIC UTILITY AND GREENWAY EASEMENT AREA = 24,247 SQUARE FEET**

**SURVEY CERTIFICATE**

I, THEORE E. LANDIS, JR., CERTIFY THAT THIS MAP WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY SUPERVISION AND IS BASED UPON REFERENCES SHOWN HEREON. THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BEING TAKEN FROM REFERENCES SHOWN. THAT THE RATIO OF PRECISION AS CALCULATED IS GREATER THAN 1/1000. THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 42-18.6 AND NEXT I FURTHER CERTIFY THAT THIS SURVEY IS OF A PROPOSED EASEMENT FOR A PUBLIC UTILITY AS DEFINED IN G.S. 42-3 WITH MY OWN ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 17th DAY OF FEBRUARY 2017.



**LOCAL DATUM NOTE:**  
THE HORIZONTAL COORDINATE SYSTEM FOR THIS PROJECT IS A LOCALIZED SYSTEM BASED ON APPLYING A FACTOR TO THE SURVEYED GRID MEASUREMENTS FROM A STRATEGIC LOCATION REFERENCED TO THE NAD 83 DATUM. THE STRATEGIC POSITION, THE COMBINED FACTOR IS THE SCALE FACTOR OF THE STRATEGIC HORIZONTAL LOCATION MULTIPLIED BY THE ELEVATION FACTOR OF THE STRATEGIC ELEVATION.

**THE SPECIES FOR THE LOCALIZED PROJECT COORDINATE SYSTEM ARE:**  
STRATEGIC NAD 83 POINT NAD 83 (2011) HORIZONTAL COORDINATE IS NORTH - 198,500 USF EAST - 1,048,000 USF STRATEGIC NAD 83 ELEVATION - 350 USF COMBINED FACTOR = 0.999982642 ACCUMULATED FACTOR = 1.000117125

- Notes -**
- This map is for descriptive and reference purposes only. It does not constitute a dedication or conveyance of easements or right of way. All existing boundary and easement lines were taken from field survey and references shown, as recorded with the Chatham County, NC Register of Deeds.
  - All distances shown herein are horizontal ground measurements. All dimensions are in U.S. Survey Feet.
  - Areas are by coordinate computation, unless stated otherwise.
  - This exhibit was prepared without the benefit of a title report and is subject to any matters that a full title search would disclose.
  - This surveyor does not certify to the existence or non-existence of any underground utilities that may or may not be present on this site.
  - Portions of the property shown herein do lie within a special flood hazard area as referenced by FEMA Flood Insurance Rate Map, Community parcel number 3710974100K, effective date November 17, 2012.

**THE WOOTEN COMPANY**

300 S. Main Street, Winston-Salem, NC 27101  
 703.779.5325 fax 703.772.5170  
 License Number: F 0115

**MAP OF EASEMENT PREPARED FOR:**  
 THE TOWN OF PITTSBORO  
**WASTEWATER TRANSMISSION SYSTEM IMPROVEMENTS**  
 ON A PORTION OF THE LANDS NOW OR FORMERLY:  
**EVELYN MOORE KENNEDY**  
**EAST CORNWALLS STREET**  
 CENTER TOWNSHIP - CHATHAM COUNTY - NORTH CAROLINA

SURVEYED BY:	JD	<b>SHEET NO.</b>  <b>1 OF 1</b>
FIELD DATE:	Feb 2017	
DRAWN BY:	JD	
PROJECT NO.:	2526-Q	
DGN DATE:	10/07/2020	
DGN NAME:	6769	



MEMO TO: Mayor and Commissioners

FROM: Chris Kennedy, Town Manager

SUBJECT: Resolution Authorizing the Town to Initiate Condemnation Procedures to Acquire Certain Property

DATE: April 12, 2021

Purpose: Notice of Intent to Institute an Action to Condemn the property and easement interest(s) in a portion of certain tracts described in Deed Book 326, Page 148 of the Chatham County Registry.

Background:

- It is the Town's understanding that Evelyn Kennedy, the record owner of this parcel is deceased and that there is some uncertainty about her heirs and their locations.
- To date, the Town's right-of-way acquisition agent has been unsuccessful in negotiating a permanent easement from the owners. This segment of the force main project is necessary to transmit wastewater from the Wastewater Treatment Plant to East Cornwallis Street.
- Out of an abundance of caution it may be necessary to acquire this easement by eminent domain if the Town is ultimately unsuccessful in otherwise acquiring the right-of-way.
- Not less than thirty (30) days prior to the filing of any complaint in condemnation, the Town must notify the owners of its intent to institute an action pursuant to NC GS 40A-40. It is imperative that the Town have all of the right-of-way needed for the project.
- This permanent easement will be 30' in width and accommodates the ability of both an easement for public utilities and a greenway trail easement.

Recommendation:

Adoption of the attached Resolution serving as a Notice of Intent to Institute an Action to Condemn and thereby authorizing the Town to initiate condemnation procedures to acquire certain property for the Town of Pittsboro Wastewater Transmission System Improvements on a Portion of the lands now or formerly owned by Evelyn Moore Kennedy East Cornwallis Street.

Attachments:

1. Resolution