

**RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE a portion of  
Liddell Street in the City of Charlotte, Mecklenburg County, North Carolina**

Whereas, **Norfolk Southern Railway Company** has filed a petition to close a portion of **Liddell Street** in the City of Charlotte; and

Whereas, the portion of Liddell Street to be closed lies approximately 395 feet between the North and South boundaries of Norfolk Southern Corporation's tract as shown in a map marked "Exhibit A" and is more particularly described by metes and bounds in a document marked "Exhibit B", both of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina.

Whereas, the procedure for closing streets and alleys as outlined in North Carolina general statutes, Section 160A-299, requires that Council first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said statute further requires that the resolution shall be published once a week for two successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley and

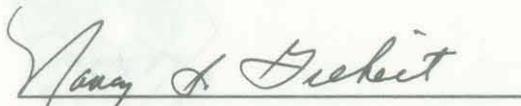
Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of April 12, 1999, that it intends to close a portion of **Liddell Street** and that the said street (or portion thereof) being more particularly described on a map and by a metes and bounds description available for inspection in the City Clerk's office, and hereby calls a public hearing on the question to be held at 7:00pm on Monday, the 24th day of May, 1999 in CMGC meeting chamber, 600 East 4th Street Charlotte North Carolina.

The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing as required by N.C.G.S. 160A-299.

**CERTIFICATION**

I, Nancy S. Gilbert, Dep. City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of April, 1999, the reference having been made in minute book 113, and recorded in full in Resolution Book 35, page(s) 521.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of April, 1999.



Nancy S. Gilbert, CMC, Deputy City Clerk

**A RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES**

Reference is made to the schedule of "Taxpayers and Refunds Requested" attached to the Docket for consideration of the City Council. On the basis of that schedule, which is incorporated herein, the following facts are found:

1. The City-County Tax Collector has collected certain taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time limits.
3. The amounts listed on the schedule were collected through either a clerical or assessor error.

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 12th day of April, 1999 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

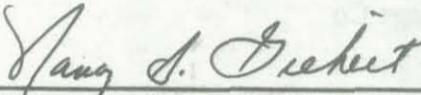
Approved, and adopted by the City Council of Charlotte, North Carolina, at a regular session convened on the \_\_\_\_\_ day of \_\_\_\_\_

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of April, 1999, the reference having been made in Minute Book 113, and recorded in full in Resolution Book 35, Page(s) 522-524.

Brenda Freeze  
City Clerk

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of April, 1999.

  
Nancy S. Gilbert, CMC, Deputy City Clerk

**TAXPAYERS AND REFUNDS REQUESTED**

**MORE THAN \$100**

<u>Name</u>	<u>Amount of Refund</u>
<u>Clerical Error</u>	
Associates Leasing Inc	\$ 149.51
HPI Management LP	1,164.12
Ellis Eunice Marie	105.00
Rushing Melba D	105.00
Rushing Melba D	105.00
Mitchell, Rallings, Singer	360.26
Budget Rent A Car of Charlotte	2,422.63
Bellina Thomas P	127.89
Bellina Thomas P	127.89
Bellina Thomas P	104.26
Bellina Thomas P	104.26
Pitts Iris D	123.62
Smith Excell	105.00
Marshall Air Systems Inc	1,221.85
Marshall Air Systems Inc	1,221.85
Marshall Air Systems Inc	1,498.77
Marshall Air Systems Inc	1,498.77
Polymer Recovery Corporation	264.32

**Board of Equalization Review Adjustment**

Northwest Mortgage Co	137.68
Best Buy Co Inc	122.94
Best Buy Stores, L.P.	134.44
Schaefer Systems	2,451.62
Equitable Life Assurance	2,014.92
American General Realty Adv.	1,495.15
Home Federal Savings	343.05
First Union	20,466.43

Center Properties	374.34
American Trading Real Estate	1,489.11
American Trading Real Estate	1,016.64
American Trading Real Estate	2,693.70
American Trading Real Estate	723.06
American Trading Real Estate	1,355.49
American Trading Real Estate	2,921.30
American Trading Real Estate	1,307.20
Roman Catholic Diocese of Char	13,637.17
Gomez Gabriel E & Sarah	222.98
Princippal Residential Mtg. Inc	118.71
<b>Total</b>	<b>\$63,835.93</b>

RESOLUTION

I, Mayor [Name], hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of April, 1999, the reference being made to Minutes Book [Number], and recorded as follows:

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 12th day of April, 1999.

  
\_\_\_\_\_  
Mayor

Mayor [Name], County Clerk

**RESOLUTION  
AUTHORIZING THE CITY OF CHARLOTTE  
TO ENTER INTO AN AGREEMENT WITH  
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**

A motion was made by Councilmember Autrey and seconded by Councilmember Wheeler for adoption of the following resolution, and upon being put to a vote, was duly adopted.

**WHEREAS**, the City of Charlotte is requesting the North Carolina Department of Transportation to assist in the funding of a Transit Technology Grant;

**WHEREAS**, the City of Charlotte will provide 10 percent of the cost of the above described project;

**NOW, THEREFORE, BE IT RESOLVED** that the Director of Transportation is hereby authorized to enter into a contract with the Department of Transportation and execute all agreements and contracts with the North Carolina Department of Transportation, Public Transportation Division.

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO **HEREBY CERTIFY** that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of April, 1998, the reference having been made in Minute Book 113, and recorded in full Resolution Book 35, Page(s) 525.

**WITNESS** my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of April, 1999.

  
Nancy S. Gilbert  
Nancy S. Gilbert, CMC, Deputy City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS  
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

---

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **MATTHEWS SEWER TRUNKS-PHASE II PROJECT**; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

PROPERTY DESCRIPTION:

Amount necessary for the **MATTHEWS SEWER TRUNKS-PHASE II PROJECT** and estimated to be approximately **919.25 square feet (0.022 ac.) for temporary construction easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 227-042-15, said property currently owned by **CHARLES JACKSON WHISNANT and wife, SHIRLEY ROSS WHISNANT**; or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

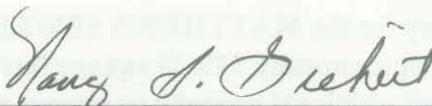
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of April, 1999, the reference having been made in Minute Book 113, and recorded in full in Resolution Book 35, Page(s) 526-527.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of April, 1999.



Nancy S. Gilbert, CMC, Deputy City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS  
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

---

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **MATTHEWS SEWER TRUNKS-PHASE II PROJECT**; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

PROPERTY DESCRIPTION:

Amount necessary for the **MATTHEWS SEWER TRUNKS-PHASE II PROJECT** and estimated to be approximately **2,820.65 square feet (0.065 ac.) for permanent sewer easement and temporary construction easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 193-461-27, said property currently owned by **WESLEY L. SINGLETON and wife, DEBORAH S. SINGLETON, JOHN C. MACNEILL, JR., Trustee; COASTAL MORTGAGE SERVICES, INC., Beneficiary; PEOPLES HERITAGE SAVINGS BANK, Assignee;** or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

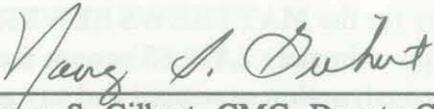
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of April, 1999, the reference having been made in Minute Book 113, and recorded in full in Resolution Book 35, Page(s) 528-529.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of April, 1999.

  
\_\_\_\_\_  
Nancy S. Gilbert, CMC, Deputy City Clerk

RESOLUTION TO BE ADOPTED BY THE  
CHARLOTTE CITY COUNCIL

Whereas, on September 18, 1998, Portman Holdings, L.P., Starwood Hotels & Resort Worldwide, Inc., Trade Mart Associates, Ltd. and Shottenstein Realty Company (collectively, "Portman") submitted a proposal in response to the City of Charlotte's request for proposal to develop a convention center hotel and parking deck; and

Whereas, on October 12, 1998, the Charlotte City Council ("Council") adopted a resolution approving in principle the proposal as submitted by Portman for the construction and development of an approximately 700-room hotel and related parking deck (the "Project"); and

Whereas, in accordance with the authorization of the Council, the City Manager's office entered into negotiations with Portman as to the terms of the arrangement between the City and Portman respecting the development of the Project; and

Whereas, as a result of such negotiations between the City Manager's office and Portman, the City and Portman entered into a Memorandum of Understanding dated November 17, 1998, which such Memorandum of Understanding was unanimously approved by Council; and

Whereas, in furtherance of the understanding set forth in the Memorandum of Understanding, the City Manager and her designees have undertaken to negotiate the definitive legal agreements setting forth the relationship between the City and Portman respecting the development of the Project; and

Whereas, the proposed relationship among the City (and the Auditorium-Coliseum-Convention Center ("Authority") where applicable), Portman and StarPort I, LLC, the entity formed by Portman to develop and own the Project (the "Developer") is set forth in and governed primarily by:

- (a) a Purchase and Sale Agreement and General Development and Funding Agreement (the "Development and Funding Agreement");
- (b) the Room Block Commitment Agreement,
- (c) the Parking Space Lease Agreement (which includes the Parking Space Commitment), and
- (d) the Meeting Facilities Lease Agreement,

copies of each of which have been made available to the Council; and

Whereas, this Council, recognizing the significant benefit that will accrue to the City through the development of the Project, desires to authorize the City Manager to

execute, on behalf of the City, the Development and Funding Agreement, the Room Block Commitment Agreement, the Meeting Facilities Lease Agreement and the Parking Space Lease (collectively, the "Transaction Documents") in the form as presented to Council; and

Whereas, this Council further desires to authorize the City Manager and her designees to negotiate, and the City Manager to execute on behalf of the City, the Declaration of Condominium and the Declaration of Easements, Covenants, Conditions and Restrictions for the Charlotte Convention Center Hotel, copies of which will subsequently be attached as exhibits to the Development and Funding Agreement, and which such technical documents supplement the Transaction Documents;

NOW, THEREFORE, be it resolved that:

(a) the City invest \$16 Million Dollars in accordance with the terms and provisions of the Development and Funding Agreement, and thereby acquire unencumbered title to the Meeting Facilities and 500 parking spaces as therein provided, such funds to be invested by the City to be allocated from revenues derived from the prepared food tax and the hotel/motel tax levied as authorized by 1989 NC Session Law, sec. 821;

(b) the City Manager is authorized and directed to execute on behalf of the City the Transaction Documents;

(c) the City Manager is authorized and directed to negotiate and subsequently execute on behalf of the City a Declaration of Condominium and Declaration of Easements, Covenants, Conditions and Restrictions for the Charlotte Convention Center Hotel in such form as shall be approved by the City Attorney in order to further implement the Transaction Documents and all as more fully provided in the Development and Funding Agreement;

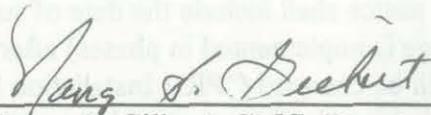
(d) the City Manager is authorized to make such minor modifications or revisions to the Transaction Documents as shall be reasonably necessary or desirable in order to address technical concerns or requests that may be raised by the financial institution providing construction and/or permanent financing for the Project or by the City Bond Counsel provided, however, the following changes or modifications to the Transaction Documents must be first approved by Council: (i) increasing the amount of the City's investment; (ii) eliminating the City's right to specific performance of the Transaction Documents; (iii) reducing the number of hotel rooms to less than 700; (iv) diminishing the quality of title to be received by the City in the Meeting Facility and 500 parking spaces; (v) modifying the term of any of the Transaction Documents, (vi) reducing the number of rooms available under the Room Block Agreement; (vii) reducing the number of parking spaces available under the Parking Space Commitment; or (viii) diminishing the protection now afforded the City in the event of a termination of the ground lease to Developer, a foreclosure under any financing secured by Developer, upon a bankruptcy of Developer or operator or upon a sale of the hotel and parking facility; and

(e) that the City Manager is authorized to take all such other and further steps and execute such other certificates, documents and agreements necessary or desirable in order to carry out the intent and purposes of the foregoing resolutions.

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of April, 1999, the reference having been made in Minute Book 113, and recorded in full in Resolution Book 35, Page(s) 530-532.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of April, 1999.

  
\_\_\_\_\_  
Nancy S. Gilbert, CMC, Deputy City Clerk

A RESOLUTION PROVIDING FINANCIAL ASSISTANCE FOR THE INSTALLATION OF PRESSURE REDUCING VALVES FOR WATER CUSTOMERS OF THE CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT AFFECTED BY A CHANGE IN THE BOUNDARIES OF A WATER PRESSURE ZONE

BE IT RESOLVED by the City of Charlotte, North Carolina:

Section 1. Eligible water customers or property owners may apply for and the City of Charlotte, acting through the Charlotte-Mecklenburg Utility Department, may provide the financial assistance set forth herein when the City proposes to change the boundaries of one or more of its water pressure zones and the Director of the Charlotte-Mecklenburg Utility Department ("Director") determines in his opinion that the following conditions will result:

- A. A substantial increase will occur in the water pressure within the City's water distribution system in one or more water pressure zone(s) ("Affected Water Pressure Zone");
- B. Water customers in the Affected Water Pressure Zone should take reasonable steps to evaluate the need for a pressure reducing valve to protect their private plumbing systems and property from the effects of the increase in water pressure;

Section 2. Before the change in the boundaries of the Affected Water Pressure Zone is implemented, the Director shall endeavor to cause notice of the change in the Affected Water Pressure Zone to be given to each City water customer whose water service connection is located in the Affected Water Pressure Zone by such means and at such time as the Director shall determine. Such notice shall include the date of such notice ("Notice Date") and the date (or dates, if the change is implemented in phases) after which the boundaries of the Affected Water Pressure Zone will be changed ("PRV Installation Date"). The Director may delay the PRV Installation Date in his sole discretion without notice.

Section 3. A person or entity who is eligible for financial assistance in accordance with the terms of this Resolution is herein referenced as an "Eligible Customer" or "Eligible Owner." An Eligible Customer is the City water customer of record for a water service connection at the time that Eligible Work is performed directly related to that service connection. An Eligible Owner is the owner of the plumbing system on which the Eligible Work is performed at the time such Work is performed but is not a City water customer of record at the time such Work is performed. An Eligible Customer or Owner may not apply for financial assistance authorized by this Resolution and any other financial assistance program offered by the City, Mecklenburg County, any other governmental or private entity, unless the financial assistance provided hereunder is insufficient to pay the reasonable costs of the Eligible Work.

Section 4. For purposes of this Resolution, Eligible Work is:

- A. The installation of one or more pressure reducing valves (the number of pressure reducing valves installed being limited to no more than reasonably necessary) in a plumbing system serving an Eligible Customer or owned by an Eligible Owner;
- B. The plumbing system on which the pressure reducing valve(s) is installed must be served directly by a City water service connection located in the Affected Water Pressure Zone; and
- C. Performed after the Notice Date and on or before the thirtieth day after the PRV Installation Date by a licensed plumber in accordance with all applicable building and plumbing codes.

Section 6. Subject to execution of a loan agreement/promissory note approved by the Director and the City Attorney which is consistent with the provisions of this Resolution and subject to the availability of appropriated funds, the City will loan the reasonable costs incurred by an Eligible Customer or Eligible Owner for Eligible Work subject to the following maximum amounts based upon the size of the water service connection in the Affected Water Pressure Zone of the Eligible Customer or Eligible Owner:

Water Service Connection Size	Maximum Loan Amount
3/4 inch	\$ 300
1 to 2 inches	\$ 600
Larger than 2 inches	\$5,000

Section 7. The loan agreement/promissory note shall include the following terms and may include such additional terms and conditions as the Director and City Attorney may approve:

- A. An invoice for the Eligible Work must be presented for approval by the City. The invoice and any supplemental information provided by the Eligible Customer or Owner should permit a determination that the Eligible Work was performed and that the price charged for the Eligible Work is reasonable and does not include any charges for any material or service that is not part of the Eligible Work.
- B. The loan amount will be based upon the approved invoice and will be paid jointly to the plumber performing the Eligible Work and the Eligible Customer or Owner, unless the invoice has already been paid, in which case, the loan amount will be paid to the Eligible Customer or Owner.
- C. Re-payment in 12, substantially equal monthly installments, with the first payment due within 60 days of the execution of the promissory note.
- D. No interest for the timely re-payment of the loan.

- E. Water service to the premises may be terminated for failure to make timely payments on the loan or for any material misrepresentation about the status of the Eligible Work, the Eligible Customer or Eligible Owner.
- F. The entire, unpaid loan amount may be declared to be due and payable immediately upon failure to make any monthly payment in a timely manner or for any material misrepresentation about the status of the Eligible Work, the Eligible Customer or Eligible Owner;
- G. The recovery of reasonable collection expenses, including attorney fees and court costs, if all loan payments are not made in a timely manner.

Section 8. Only one loan will be made to an Eligible Customer or Owner for each water service connection in the Affected Water Pressure Zone, unless the Director determines that there is more than one Eligible Owner served through a water service connection.

Section 9. The Director is authorized in his discretion to: construe and apply the provisions of this Resolution in accordance with the intent and purpose of this Resolution; approve future, reasonable adjustments in the maximum loan amounts set forth in Section 6; authorize higher loan limits on a case by case basis where Eligible Customers or Owners face unusual circumstances or costs; allow hardship extensions to the loan term on a case by case basis; before final action in approving a loan agreement/promissory note, require such additional information concerning the installation of the pressure reducing valve on a case by case basis, including a copy of the inspection report from the Mecklenburg County Building Standards Department; and establish a final date by which loan agreements/promissory notes must be signed for each change in the boundaries of an Affected Water Pressure Zone.

Section 10. Neither the adoption nor the implementation of this Resolution is intended to, and shall not be construed to, create any enforceable duty by the City to provide notice of any increase in water pressure to any City water customer or other person or entity under any circumstances or any right in any City water customer or other person or entity to receive such notice. Neither shall the adoption or implementation of this Resolution be construed to create any liability of the City to any City water customer or other person or entity for failure to provide any notice of any increase in water pressure. The sole purpose of this Resolution is to adopt a policy authorizing financial assistance to certain persons and entities under the limited circumstances set forth herein. This Resolution shall not be construed to become a part of any contract between the City and its current or future water customers and may be modified or rescinded by the City at any time.

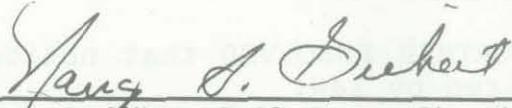
Section 11. The effective date of this Resolution is April 12, 1999.

Adopted this 12th day of April, 1999.

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of April, 1999, the reference having been made in Minute Book 113, and recorded in full in Resolution Book 35, Page(s) 533-536.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of April, 1999.

  
\_\_\_\_\_  
Nancy S. Gilbert, CMC, Deputy City Clerk