

RESOLUTION CLOSING A PORTION OF A 10-FOOT ALLEYWAY BETWEEN SPRUCE STREET AND SOUTH MINT STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, pursuant to the provisions of G.S. §160A-299, the City Council has caused to be published a Resolution of Intent to close a portion of a 10-foot alleyway between Spruce Street and South Mint Street which calls for a public hearing on the question; and

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close a portion of a 10-foot alleyway between Spruce Street and South Mint Street to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least two places along said street or alley, all as required by G.S. §160A-299; and

WHEREAS, the petitioner will provide an access easement to Duke Energy, and all other owners of existing underground utilities and telecommunications to maintain their facilities as shown on the attached map marked "Exhibit A"; and

WHEREAS, the public hearing was held on the 12th day of April, 2010, and City Council determined that the closing of a portion of a 10-foot alleyway between Spruce Street and South Mint Street is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

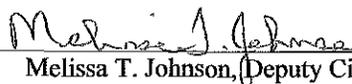
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of April 12, 2010, that the Council hereby orders the closing of a portion of a 10-foot alleyway between Spruce Street and South Mint Street in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A", and is more particularly described by metes and bounds in the document marked "Exhibit B", both of which are attached hereto and made a part hereof.

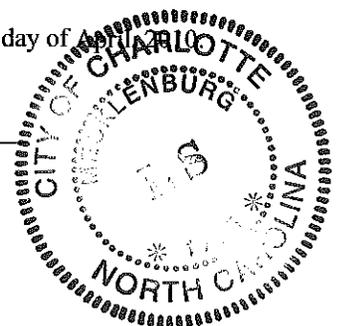
BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

CERTIFICATION

I, Melissa T. Johnson, 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 April, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Pages (432-434).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 19th day of April, 2010.


Melissa T. Johnson, Deputy City Clerk



**10' Wide Alley Vacation
Block 34
WILMOORE, SECTION 2
PB 3, PG 33**

Situated in the State of North Carolina, County of Mecklenburg, City of Charlotte, being part of a 10' wide alley located between Lot Nos. 37 and 3, Block 34, as delineated on the plat for "WILMOORE, SECTION 2", of record in Map Book 3, Page 33, Mecklenburg County Register of Deeds Office; said alley vacation being more particularly described as follows:

BEGINNING at a point in the northerly right-of-way line of said 10 foot wide alley at a common corner of Lot Nos. 37 and 36, as delineated on said plat of "WILMOORE, SECTION 2";

Thence North $84^{\circ} 50' 45''$ East, a distance of 114.00 feet, with said northerly right-of-way line of 10 foot wide alley and southerly line of Lot No. 37, to a point at the current easterly terminus of said 10 foot wide alley, being a common corner of Lot No. 37 and Lot No. 1;

Thence South $25^{\circ} 58' 44''$ West, a distance of 11.68 feet, across said 10 foot wide alley with the current easterly terminus, to a point at the northeasterly corner of original Lot No. 3 of said "WILMOORE, SECTION 2";

Thence South $84^{\circ} 50' 45''$ West, a distance of 111.77 feet, with the southerly right-of-way line of said 10 foot wide alley and northerly line of said original Lot No. 3, to a point at a common corner of Lot Nos. 3 and 4 of said "WILMOORE, SECTION 2";

Thence North $15^{\circ} 42' 46''$ East, a distance of 10.70 feet, across said 10 foot wide alley, to the POINT OF BEGINNING and containing 0.026 acres of land, more or less.

The purpose of this legal description is for the vacation of a 10 foot wide alley and should not be used for fee transfer and not for recordation as per G.S. 47-30 as amended.

The bearings referenced herein are based on the bearing of South $55^{\circ} 59' 34''$ West for the northerly right-of-way line of South Mint Street as delineated in the deed of record in Deed Book 19671, Page 941.

EVANS, MECHWAL, CROBLETON & TILTON, INC.

James M. Pearsall
James M. Pearsall
Professional Land Surveyor No. L-4650
Date 12/31/09



RESOLUTION DIRECTING THAT THE PROJECT BE UNDERTAKEN

WHEREAS, on the 19th day of February, 2010, the property owners on the portion of Wright Avenue lying between Lomax Avenue and a point in the western property line of tax parcel number 15719102 filed with the City of Charlotte a petition for improving said street in the following manner:

By construction of a street approximately 360 feet in length, together with sidewalk, planting strip, curb and gutter, and asphalt travel lanes, in cross-section from east to west as follows: a 5-foot wide sidewalk, a 4-foot wide planting strip, a 2-foot wide curb and gutter, two 9-foot wide travel lanes, and a 2-foot wide curb and gutter, all in accordance with design plans drawn by or for the City of Charlotte, labeled "Wright Avenue Improvement" and dated 9/2008; and

WHEREAS, the City Clerk has certified to this City Council that said petition is sufficient in all respects, the same having been duly signed by a majority in number of the owners, whose property represents a majority of all the lineal feet of frontage of the lands abutting upon the street or portion of street hereinabove described; and

WHEREAS, a preliminary assessment resolution has been adopted by this City Council and a public hearing thereon duly held.

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

1. That part of Wright Avenue lying between Lomax Avenue and a point in the western property line of tax parcel number 15719102 be improved in the following manner:

By construction of a street approximately 360 feet in length, together with sidewalk, planting strip, curb and gutter, and asphalt travel lanes, in cross-section from east to west as follows: a 5-foot wide sidewalk, a 4-foot wide planting strip, a 2-foot wide curb and gutter, two 9-foot wide travel lanes, and a 2-foot wide curb and gutter, all in accordance with design plans drawn by or for the City of Charlotte, labeled "Wright Avenue Improvement" and dated 9/2008.

under and by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina and the procedure therein established, and that said project is hereby directed to be undertaken.

2. That fifty (50%) percent of the total cost of said improvement, exclusive of so much of the total costs as is incurred in improving the street intersections, be hereafter assessed upon the property receiving the improvements, according to the assessment basis as set out in the petition as approved by City Council. The

boundaries of the area benefitted include tax parcel numbers 157-191-01, 157-191-11, 157-191-12, 157-191-13, 157-191-14, 157-191-10, and 157-191-02. The total cost assessed will be apportioned among the assessed properties on the following bases: a) one third on each lot's frontage abutting the project, b) one third on the area of each property being served, and c) one third in an equal rate per lot, according to the number of lots being assessed.

3. That the assessment herein provided for shall be payable in cash or if any property owner shall so elect, such owner shall have the option of paying the assessment in 10 equal annual installments, said installments to bear interest at the rate of up to eight (8%) percent per annum.

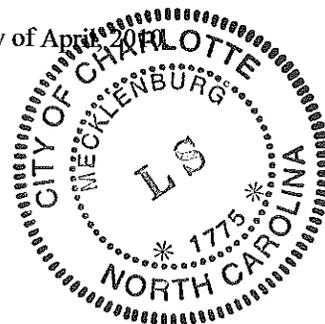
Adopted this 12th day of April, 2010.

CERTIFICATION

I, Melissa T. Johnson, 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 April, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Pages (435-436).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 19th day of April, 2010.


Melissa T. Johnson, Deputy City Clerk



EXTRACTS FROM MINUTES OF CITY COUNCIL

* * *

A Regular Meeting of the City Council of the City of Charlotte, North Carolina was duly held in the Meeting Chamber at the Charlotte-Mecklenburg Government Center in Charlotte, North Carolina, the regular place of meeting, at 7:00 p.m. on April 12, 2010:

Members Present: Councilmembers Barnes, Burgess, Cannon, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock, and Turner.

Members Absent:

* * * * *

* * *

The City Clerk reported to the City Council that the City caused to be published on March 25, 2010 notice of a public hearing to receive comments on the proposed execution and delivery of (1) an Installment Financing Contract (the "*Contract*") to finance (a) the purchase of certain personal property (the "*Equipment*") for use by various City departments for the City's general governmental purposes and (b) (i) the construction, furnishing and equipping of a fire station (the "*Fire Station*"), (ii) the construction, furnishing and equipping of a police station (the "*Police Station*") and (iii) the construction, furnishing and equipping of a consolidated fire department headquarters (the "*Fire Headquarters*") (collectively, the "*Projects*") and (2) a Deed of Trust, Security Agreement and Fixture Filing to create a security interest in all or a portion of the City's fee simple interest in the real property on which one or more of Projects will be located (collectively, the "*Sites*") and the improvements thereon. The public hearing notice stated that the City Council would hold the public hearing on April 12, 2010 at 7:00 p.m. and described the locations of each of the Sites.

The Mayor announced that the City Council would hear anyone who wished to be heard on the questions of the proposed Contract and the Equipment and Projects to be financed thereby. No one spoke at the public hearing.

Council Member Cannon_____ moved that the public hearing be closed. The motion was seconded by Council Member Kinsey_____ and was unanimously adopted.

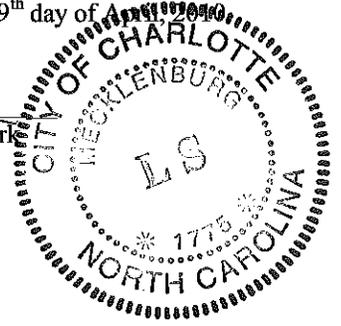
HELD the 12th day of April, 2010.

CERTIFICATION

I, Melissa T. Johnson, 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 April, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Pages (437-438).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 19th day of April, 2010.


Melissa T. Johnson, Deputy City Clerk



EXTRACTS FROM MINUTES OF CITY COUNCIL

* * *

A Regular Meeting of the City Council of the City of Charlotte, North Carolina was duly held in the Meeting Chamber at the Charlotte-Mecklenburg Government Center in Charlotte, North Carolina, the regular place of meeting, at 7:00 p.m. on April 12, 2010:

Members Present: Councilmembers Barnes, Burgess, Cannon, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock, Turner and Mayor.

Members Absent:

* * * * *
* * *

Councilmember Cannon introduced the following resolution, a summary of which had been provided to each Councilmember, copy of which was available with the City Council and which was read by title:

RESOLUTION OF THE CITY OF CHARLOTTE, NORTH CAROLINA APPROVING AN INSTALLMENT FINANCING CONTRACT TO PROVIDE FOR THE ACQUISITION AND INSTALLATION OF CERTAIN EQUIPMENT AND THE CONSTRUCTION, FURNISHING AND EQUIPPING OF CERTAIN PROJECTS SET FORTH THEREIN

WHEREAS, the City of Charlotte, North Carolina (the "City") is a municipal corporation duly created and validly existing under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "State");

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina, to (1) purchase real and personal property, (2) enter into installment financing contracts to finance the purchase or improvement of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased or improved to secure repayment of the purchase price;

WHEREAS, the City Council of the City (the "City Council") hereby determines that it is in the best interest of the City to enter into (1) an installment financing contract (the "Contract") with New Charlotte Corporation, a North Carolina nonprofit corporation, in order to finance (a) the purchase of certain personal property (the "Equipment") for use by various City departments for the City's general governmental purposes, (b) (i) the construction, furnishing and equipping of a fire station (the "Fire Station"), (ii) the construction, furnishing and equipping of a police station (the "Police Station") and (iii) the construction, furnishing and equipping of a consolidated fire department headquarters (the "Fire Headquarters") (collectively, the "Projects") and (c) certain costs related to the execution and delivery

of the Contract; and (2) a deed of trust, security agreement and fixture filing (the "*Deed of Trust*") related to all or a portion of the City's fee simple interest in the real property on which one or more of the Projects will be located (the "*Sites*," and together with the improvements thereon, the "*Mortgaged Property*");

WHEREAS, in order to secure the City's obligations under the Contract, the City will (1) enter into the Deed of Trust and (2) grant to the Corporation and its assignee under the Contract a security interest in the Equipment acquired with the proceeds of the Contract;

WHEREAS, Parker Poe Adams & Bernstein LLP, as special counsel ("*Special Counsel*"), will render an opinion to the effect that entering into the Contract and the transactions contemplated thereby are authorized by law;

WHEREAS, no deficiency judgment may be rendered against the City in any action for its breach of the Contract, and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract;

WHEREAS, the City is not in default under any of its debt service obligations;

WHEREAS, the City's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the City has conformed with generally accepted accounting principles as applied to governmental units in preparing its Annual Budget ordinance;

WHEREAS, past audit reports of the City indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the City has not been censured by the North Carolina Local Government Commission (the "*LGC*"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies;

WHEREAS, the Corporation will execute and deliver Certificates of Participation (Equipment Acquisition and Public Facilities), Series 2010A, evidencing proportionate undivided interests in rights to receive certain Revenues pursuant to the Contract (the "*2010A Certificates*");

WHEREAS, in connection with the sale of the 2010A Certificates by the Corporation to Wells Fargo Bank, National Association and Merrill Lynch, Pierce, Fenner & Smith Incorporated (collectively, the "*Underwriters*"), the Corporation will enter into the Contract of Purchase (hereinafter defined) and the City will execute a Letter of Representation to the Underwriters (the "*Letter of Representation*");

WHEREAS, there have been described to the City Council the forms of the following documents (collectively, the "*Instruments*"), copies of which have been made available to the City Council, which the City Council proposes to approve, enter into and deliver, as applicable, to effectuate the proposed installment financing:

- (1) the Contract;
- (2) the Deed of Trust;
- (3) the Indenture of Trust dated as of May 1, 2010 (the "Indenture") between the Corporation and U.S. Bank National Association, as trustee;
- (4) the Contract of Purchase to be dated on or about May 13, 2010 among the Corporation and the Underwriters (the "Contract of Purchase"); and
- (5) the Letter of Representation;

WHEREAS, to make an offering and sale of the 2010A Certificates, there will be prepared a Preliminary Official Statement (the "Preliminary Official Statement"), a draft thereof having been presented to the City Council, and a final Official Statement (collectively with the Preliminary Official Statement, the "Official Statement") with respect to the 2010A Certificates, which Official Statement will contain certain information regarding the City;

WHEREAS, it appears that each of the Instruments and the Preliminary Official Statement is in an appropriate form and is an appropriate instrument for the purposes intended;

WHEREAS, the City Council did conduct a public hearing on April 12, 2010, to receive public comment on the proposed Contract to acquire the Equipment and the Projects; and

WHEREAS, the City has filed an application to the LGC for approval of the Contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AS FOLLOWS:

Section 1. Ratification of Instruments. That all actions of the City, the City Manager, the Director of Finance, the City Clerk, the City Attorney and their respective designees, whether previously or hereinafter taken, in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments.

Section 2. Authorization of the Official Statement. That the form, terms and content of the Official Statement are in all respects authorized, approved and confirmed, and the use of the Official Statement by the Underwriters in connection with the sale of the 2010A Certificates is hereby in all respects authorized, approved and confirmed.

Section 3. Authorization to Execute the Contract. That the City approves the acquisition of the Equipment and the Projects in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the City in accordance with its terms. The form and content of the Contract shall be and the same hereby are in all respects authorized, approved and confirmed, and the City Manager or the Deputy City Manager and the City Clerk and their respective designees shall be and they hereby are authorized, empowered and directed to execute and deliver the Contract, including necessary counterparts, in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the City's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Contract presented to the City Council, and that from and after the execution and delivery of the Contract, the City Manager, the

Director of Finance and the City Clerk are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

Section 4. Authorization to Execute the Deed of Trust. That the City approves the form and content of the Deed of Trust, and the Deed of Trust is in all respects authorized, approved and confirmed. The City Manager or the Deputy City Manager and the City Clerk and their respective designees are hereby authorized, empowered and directed to execute and deliver the Deed of Trust, including necessary counterparts, in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate. Execution by the City Manager or the Deputy City Manager and the City Clerk or their respective designees shall constitute conclusive evidence of the City's approval of any and all such changes, modifications, additions or deletions therein from the form and content of the Deed of Trust presented to the City Council and from and after the execution and delivery of the Deed of Trust, the City Manager, the City Clerk and the Director of Finance of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Deed of Trust as executed.

Section 5. Letter of Representation. That the form and content of the Contract of Purchase are hereby in all respects approved, and the City Manager or the Deputy City Manager is authorized to execute the Letter of Representation for the purposes stated therein.

Section 6. City Representative. That the City Manager, the Deputy City Manager, the Director of Finance, the City Treasurer and the City Debt Manager are hereby designated as the City's Representatives to act on behalf of the City in connection with the transaction contemplated by the Instruments and the Official Statement, and each is authorized to proceed with the acquisition of the Equipment and the Projects in accordance with the Instruments and to seek opinions as a matter of law from the City Attorney, which City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The City's representative and/or designee or designees are in all respects authorized on behalf of the City to supply all information pertaining to the City as purchaser under the Contract for use in the Official Statement and the transactions contemplated by the Instruments or the Official Statement, the City Manager, the City Clerk and the Director of Finance of the City or their respective designees are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by the Instruments or the Official Statement or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 7. Severability. That if any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 8. Repealer. That all motions, orders, resolutions and parts thereof in conflict with this Resolution are hereby repealed.

Section 9. Effective Date. That this Resolution is effective on the date of its adoption.

2010 Certificates of Participation (COPS)

5 Year - Equipment

<u>Fund</u>	<u>Description</u>	<u>Source</u>	<u>Amount</u>
2211	General Equipment	Budget Ordinance # 4187-X	8,000,000
	Solid Waste Trucks - West Zone	Budget Ordinance # 4261-X	3,600,000
	Recycling / Garbage Containers	Budget Ordinance # 4359-X	7,486,950
	Total 2211		19,086,950
2217	General Equipment - Tech Refresh	Budget Ordinance # 4261-X	2,000,000
2212	Water & Sewer Equipment	Budget Ordinance # 4261-X	1,900,000
0120	Powell Bill Fund	Budget Ordinance # 4261-X	800,000
	Total 5 Year - Equipment		23,786,950

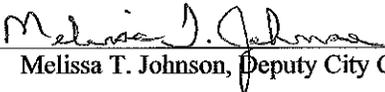
20 Year - Facilities

<u>Expense Center</u>	<u>Facilities Description</u>	<u>Source</u>	<u>Amount</u>
36724	Eastland Fire Station 5620 Central Ave Charlotte, NC 28212 *Phase Status: Receiving Construction Bids *Construction Status: Begins May 2010 *Environmental Studies Completed: Phase I *Appraisal Status: Researching	CIP for 2010 Budget Ordinance # 4175-X	5,675,000 925,000
47788	Providence Police Station 3725 Ellington St Charlotte, NC 28211 *Phase Status: Design *Construction Status: Begins Fall 2010 *Environmental Studies Completed: Phase I, Asbestos *Appraisal Status: Researching	CIP for 2010	2,600,000
47787	Consolidated Fire Headquarters 500 Dalton Ave 1222 Statesville Ave Charlotte, NC 28206 Charlotte, NC 28206 (These are adjacent parcels - both will be used. Final assigned street address for facility is not yet known) *Phase Status: Receiving Design Bids *Construction Status: Begins Fall 2011 (appx) *Environmental Studies Completed: Phase I, Phase II *Appraisal Status: Researching	CIP for 2010 CIP for 2010	5,000,000 400,000
	Total 20 Year - Facilities		14,600,000
	Total Proceeds Needed		38,386,950

CERTIFICATION

I, Melissa T. Johnson, 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 April, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Pages (439-444).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 19th day of April, 2010.



Melissa T. Johnson, Deputy City Clerk



**STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG
CITY OF CHARLOTTE**

WITNESSETH:

WHEREAS, Siemens Energy is a globally recognized leader in the development of energy production facilities and components; and

WHEREAS, Siemens recently announced the selection of Charlotte for a gas turbine manufacturing plant that is expected to create 825 new manufacturing and engineering jobs at an average wage of \$66,000, which exceeds the average wage for Mecklenburg County; and

WHEREAS, the economic impact of Siemens' investment is estimated to be \$107 million annually to Charlotte and the State of North Carolina; and

WHEREAS, the construction of the new manufacturing plant will require an estimated \$1.1 million in rail improvements to Siemens' railroad spur off of the Norfolk-Southern Railroad main line; and

WHEREAS, the North Carolina Rail Division has awarded Siemens a \$150,000 grant to assist with the rail improvements, and

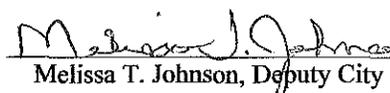
WHEREAS, Siemens has requested the North Carolina Department of Transportation (NCDOT) to contribute \$250,000 in additional contingency funds toward the cost of the rail improvements;

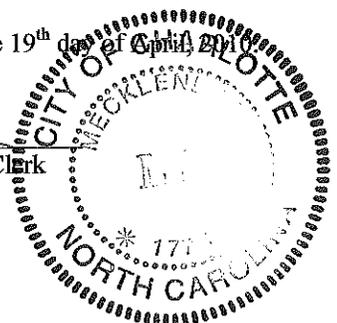
NOW, THEREFORE, BE IT RESOLVED that the Charlotte City Council supports Siemens' request for an additional \$250,000 in contingency funds from NCDOT to support the railway improvements necessary for the construction of the new gas turbine manufacturing facility.

CERTIFICATION

I, Melissa T. Johnson, 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 April, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Page 445.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 19th day of April, 2010.


Melissa T. Johnson, Deputy City Clerk



**RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON APRIL 12, 2010**

A motion was made by Cannon and seconded by Burgess for the adoption of the following Resolution, and upon being put to a vote was duly adopted:

WHEREAS, NCDOT will reimburse the Municipality for design services associated with the relocation and adjustment of water and sewer lines along Mallard Creek Road from Graham Street to Harris Blvd., and;

WHEREAS, under the proposed Agreement and subject to the Agreement provisions, the Municipality shall reimburse the Department for actual construction costs up to the total amount of \$219,520.00; and,

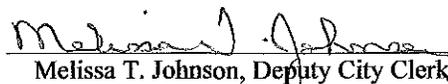
WHEREAS, the Utility Department has programmed funding for said Water and Sewer Construction under Project U-2507A.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Agreement between the North Carolina Department of Transportation and Charlotte-Mecklenburg Utilities is hereby formally approved by the City Council of the City of Charlotte and the Director of Charlotte-Mecklenburg Utilities and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

CERTIFICATION

I, Melissa T. Johnson, 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 April, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Page 446.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 19th day of April, 2010.


Melissa T. Johnson, Deputy City Clerk



RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON APRIL 12, 2010, APPROVING THE DONATION OF SURPLUS PERSONAL PROPERTY TO A NON-PROFIT ORGANIZATION.

A motion was made by Cannon and seconded by Burgess for the adoption of the following Resolution, and upon being put to a vote was duly adopted:

WHEREAS, North Carolina General Statutes Section 160A-280 authorizes the City to donate surplus personal property belonging to the City to a non-profit organization incorporated by the State of North Carolina pursuant to a Resolution adopted after the posting of a public notice of such Resolution at least five days prior to its adoption , and

WHEREAS, the City of Charlotte owns a 1998 Nova LFS Bus # 843, bearing vehicle identification number 2NVYL82P3W3000077, ("the Bus"), which has completed its public transit service life, is surplus property and has been fully depreciated and determined under Federal Transit Authority (FTA) guidelines as eligible for retirement and conveyance pursuant to North Carolina law to an eligible non-profit organization; and

WHEREAS, the Kennedy Public Charter School, Inc., located at 1717 Sharon Road West, Charlotte, NC, ("the Kennedy School" or "the School") is a non-profit corporation chartered by the State of North Carolina, and has been certified by the North Carolina Department of Public Instruction as an official Charter School; and

WHEREAS, the Kennedy School serves one or more "public purposes" as defined by the laws of North Carolina, prominent among which are the provision of general education according to the curricula of the North Carolina Department of Public Instruction, specific instruction in citizenship, community relations and related subjects and the provision of recreational and artistic opportunities for it students; and

WHEREAS, the Kennedy Public Charter School, Inc. has requested the assistance of the City of Charlotte in providing safe and supervised transportation for its students to and from the Kennedy Public Charter School, Inc. and the Charlotte Transit Center on a regular basis, has satisfactory documented its present critical need for such transportation facilities and its inability to fund such facilities for its students at this time and in the immediately foreseeable future;

NOW, THEREFORE, BE IT RESOLVED by the Charlotte City Council that

1. The KBE of the Charlotte Area Transit System or the KBE's designee is hereby authorized to create and execute such documents as may be or become necessary in order to convey the full legal title to the said 1998 NOVA LFS Bus # 843 to the Kennedy Public Charter School, Inc., Inc. The School shall bear and pay any and all costs or expenses which may be incurred in the transfer of title and ownership of such vehicle to the School. The City shall transfer the said bus to the Kennedy School only upon the conditions and subject to the execution of covenants by the Kennedy School that

- A. it shall at all times use and maintain the said bus solely for the provision of public education-related services and the pursuit of the recognized "public purposes" it performs as a part of its State-chartered educational activities;
- B. at such time as it shall deem the Bus to be unsuitable for further service to the School and shall dispose of it, the School shall apply any net proceeds derived from its disposition solely to provide further educational and related services in accord with its charter from the North Carolina Department of Public Instruction.
2. The Kennedy School acknowledges that its representatives have heretofore inspected the said bus to its satisfaction. The City shall convey, and the Kennedy Public Charter School, Inc. shall accept, the said bus in "as is" condition, without restriction or limitation, and without warranty of fitness for a particular purpose or other warranty of any kind.
3. Upon and following the said conveyance, the City shall thereafter bear no obligation or responsibility of any type or kind relating to the operation, maintenance, expense or ownership of the said bus, and all such expenses of ownership shall be the sole responsibility of the Kennedy School.
4. By executing the contractual "Agreement" of conveyance to be provided by the City, the School agrees that it has thereupon waived, forgone and forfeited any and all present or future claims against the City arising out of the School's ownership and operation of the said vehicle thereafter.

CERTIFICATION

I, Melissa T. Johnson, 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 April, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Pages (447-448).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 19th day of April, 2010.


Melissa T. Johnson, Deputy City Clerk



**A RESOLUTION AUTHORIZING THE REFUND OF
CERTAIN BUSINESS PRIVILEGE LICENSES**

Reference is made to the schedule of "Business Privilege License 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:

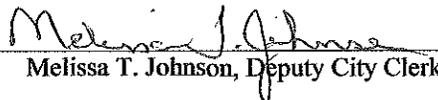
1. The City-County Tax Collector has collected certain taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time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

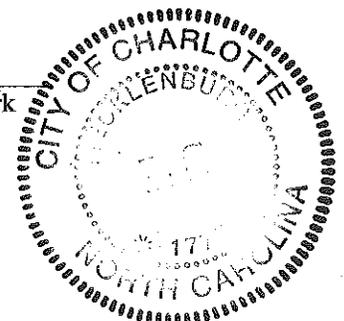
NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 12th day of April 2010 that those taxpayers listed on the schedule of "Business Privilege License Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

CERTIFICATION

I, Melissa T. Johnson, 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 April, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Pages (449-450).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 19th day of April, 2010.


Melissa T. Johnson, Deputy City Clerk



BUSINESS PRIVILEGE LICENSE
REFUNDS REQUESTED

<u>NAME</u>	<u>AMOUNT</u>
Union Telecard Carolinas	\$ 4,637.41
Summerfield Suites Hotel - 44 Charlotte LLC	4,818.18
L'Occitane en Provence	638.09
PSC Custom LP	931.63
Levine Properties	1,931.21
Highland Creek Recreational Center	225.00
Highland Creek Swim Club	25.00
Highland Creek - AG Land Assoc	200.00
Turtle Rock Swim Club	75.00
TOTAL	<u><u>\$ 13,481.52</u></u>

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
ADOPTING AND APPROVING THE EXCHANGE OF LAND RIGHTS ALONG
THE SOUTH BOULEVARD LIGHT RAIL CORRIDOR TO CAROLINA TRUST
BANK, (THE BANK) INVOLVING TAX I. D. NUMBER 14907301, LOCATED AT
4515 OLD PINEVILLE ROAD.**

WHEREAS, the City of Charlotte (the City) purchased the 130-foot-wide Charter Right-of-Way, formerly owned by the Norfolk Southern Railroad, located in the SouthEnd area of the City; and

WHEREAS, in 2005, the City through the action of its council adopted the SouthEnd Transit Station Area Plan to guide the development along the buffer area of the 130-foot wide Rail Corridor; and

WHEREAS, a portion of the Charter Right-of-Way located at 4515 Old Pineville Road in which the Bank is interested in lies outside of the currently preserved transit corridor; and

WHEREAS, in order to proceed with redeveloping the property outside the City's rail corridor, the City agrees to exchange some of its property rights for full and fair compensation, as provided by the North Carolina General Statutes; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte, in its regular session duly assembled, as follows:

- A. The City shall receive from The Bank their real estate interest in approximately 3,500 square feet within the City's rail right-of-way, plus \$14,000. The Bank shall also provide a security fence along the common property line, having a value of \$9,000 to separate the rail corridor from the property being released to The Bank.
- B. The Bank shall receive a release of 21,000 square feet (primarily under the building owned by Carolina Trust Bank) of railroad right of way.

FURTHER RESOLVED, that the City Council for the City of Charlotte authorizes the City Manager or his designee to execute any and all legal documents to complete the exchange of land rights between the City and Carolina Trust Bank.

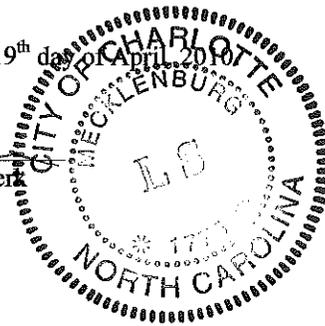
ADOPTED this 12th day of April 2010.

CERTIFICATION

I, Melissa T. Johnson, 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 April, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Pages (451-452).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 19th day of April, 2010.


Melissa T. Johnson, Deputy City Clerk



**RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON APRIL 12, 2009**

A motion was made by Cannon and seconded by Burgess for the adoption of the following Resolution, and upon being put to a vote was duly adopted:

WHEREAS, the Municipality will reimburse NCDOT for the relocation and adjustment of water and sewer lines along I-485 from north of NC27 to northeast Oakdale Road; and,

WHEREAS, the Utility Department has programmed funding for said Water and Sewer Construction under Project R-2248C; and,

WHEREAS, the Municipality proposes to enter into a Supplemental Agreement with the North Carolina Department of Transportation for said Water and Sewer Construction as described in said Agreement; and,

WHEREAS, under the proposed Supplemental Agreement and subject to the Agreement provisions, the Municipality shall reimburse the Department for actual construction costs up to the total amount of \$974,965.18; and,

NOW, THEREFORE, BE IT RESOLVED that the Municipal Agreement between the North Carolina Department of Transportation and Charlotte-Mecklenburg Utilities, is hereby formally approved by the City Council of the City of Charlotte and the Director of Utilities and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

CERTIFICATION

I, Melissa T. Johnson, 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 April, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Page 453.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 19th day of April, 2010.


Melissa T. Johnson, 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 **2009 ANNEXATION-HOOD ROAD NORTH SANITARY SEWER IMPROVEMENTS 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 **2009 ANNEXATION-HOOD ROAD NORTH SANITARY SEWER IMPROVEMENTS PROJECT** and estimated to be approximately **10,156 square feet (.233 acre)** of **sanitary 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. 105-241-04, said property currently owned by **HOWARD ROBIN WINOKUER and spouse, if any; FIRST AMERICAN TITLE COMPANY, Trustee; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., Beneficiary; BB&T COLLATERAL SERVICE CORPORATION, Trustee; BRANCH BANKING AND TRUST COMPANY, Beneficiary, Any Other Parties in Interest, or the owners' successor-in-interest.**

ESTIMATED JUST COMPENSATION:

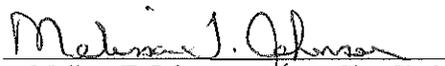
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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, Melissa T. Johnson, 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 April, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Page 454.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 19th day of April, 2010.


Melissa T. Johnson, 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 **2009 ANNEXATION-HOOD ROAD NORTH SANITARY SEWER IMPROVEMENTS 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 **2009 ANNEXATION-HOOD ROAD NORTH SANITARY SEWER IMPROVEMENTS PROJECT** and estimated to be approximately **19,538 square feet (.449 acre) of sanitary 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. 105-192-13, said property currently owned by **JOHNNY M. FLOWERS, SR. and wife, NANCY S. FLOWERS; ROBEY C. BEST, JR., Trustee; AMERISOUTH MORTGAGE COMPANY, Beneficiary; TRSTE, INC., Trustee; FIRST UNION NATIONAL BANK, Beneficiary, Any Other Parties in Interest, 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, Melissa T. Johnson, 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 April, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Page 455.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 19th day of April, 2010.


Melissa T. Johnson, 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 **2009 ANNEXATION-HOOD ROAD NORTH SANITARY SEWER IMPROVEMENTS 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 **2009 ANNEXATION-HOOD ROAD NORTH SANITARY SEWER IMPROVEMENTS PROJECT** and estimated to be approximately **9,405 square feet (.216 acre)** of **sanitary 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. 105-192-10, said property currently owned by **ROBERT W. BLALOCK and wife, EVELYN T. BLALOCK; JERONE C. HERRING, Trustee; BRANCH BANKING AND TRUST COMPANY, Beneficiary; TRSTE, INC., Trustee; WACHOVIA BANK, NATIONAL ASSOCIATION, Beneficiary, Any Other Parties in Interest, or the owners' successor-in-interest.**

ESTIMATED JUST COMPENSATION:

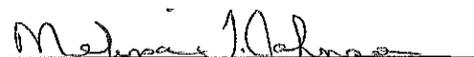
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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, Melissa T. Johnson, 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 April, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Page 456.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 19th day of April, 2010.


Melissa T. Johnson, 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 **2009 ANNEXATION-HOOD ROAD NORTH SANITARY SEWER IMPROVEMENTS 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 **2009 ANNEXATION-HOOD ROAD NORTH SANITARY SEWER IMPROVEMENTS PROJECT** and estimated to be approximately **6,898 square feet (.158 acre) of sanitary 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. 105-192-09, said property currently owned by **WILLIAM L. ETTERS and wife, REBECCA K. ETTERS; CT MORTGAGE INFORMATION SVCS, Trustee; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., Beneficiary, Any Other Parties in Interest**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

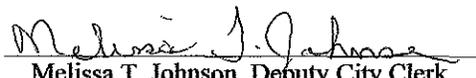
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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, Melissa T. Johnson, 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 April, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Page 457.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 19th day of April, 2010.


Melissa T. Johnson, Deputy City Clerk