

February 2, 1976
Resolutions Book 11 - Page 275

A RESOLUTION PROVIDING FOR PUBLIC
HEARINGS ON PETITIONS FOR ZONING CHANGES

WHEREAS, the City Council has received petitions for zoning changes, which petitions, numbered 76-7 through 76-16 are on record in the Office of the City Clerk, and

WHEREAS, the City Council deems it in the public interest that hearings be held on said petitions,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that public hearings will be held in the Board Meeting Room on the Fourth Floor of the Education Center at 701 East Second Street beginning at 7:30 o'clock P. M. on Monday, the 23rd day of February, 1976 on petitions for zoning changes numbered 76-7 through 76-16.

BE IT FURTHER RESOLVED that notice of said hearings be published as required by law.

APPROVED AS TO FORM:


Henry Underhill, City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 2nd day of February, 1976, the reference having been made in Minute Book 63, and recorded in full in Resolutions Book 11, at page 275.

Ruth Armstrong
City Clerk

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Resolutions Book 41 - Page 276

STATE OF NORTH CAROLINA - COUNTY OF MECKLENBURG
RESOLUTION CALLING FOR A PUBLIC HEARING ON
THE COMMUNITY DEVELOPMENT PLAN AND THE
REDEVELOPMENT PLAN FOR
THIRD WARD TARGET AREA

WHEREAS, under the authority of Article 22 of Chapter 160A of the General Statutes of North Carolina and particularly Section 160A-513 of the General Statutes, the City of Charlotte has prepared a Community Development Plan and a Redevelopment Plan for Third Ward Target Area, Charlotte, North Carolina; and

WHEREAS, the Community Development Plan and the Redevelopment Plan for the Third Ward Target Area has been approved by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, G. S. 160A-513(h) requires that the City Council of the City of Charlotte hold a public hearing upon the Community Development Plan and the Redevelopment Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

1. That on Monday, March 1, 1976, at 3:00 P.M., in the Council Chamber of the City Hall, the City Council shall hold a public hearing on the Community Development Plan and the Redevelopment Plan, Third Ward Target Area.

2. That a description of area specified in the Community Development Plan and the Redevelopment Plan (1) by boundaries and (2) by City block, street and house numbers is as follows:

That certain area in the City of Charlotte, County of Mecklenburg, State of North Carolina, described as follows:

BEGINNING at the intersection of the northeastern right-of-way line of West 5th Street and centerline of the Southern Railroad; thence southwest along the centerline of the Southern Railroad approximately 2,445 feet to the centerline of the Seaboard Railroad (formerly the Piedmont and Northern Railroad); thence northwest along the centerline of the Seaboard Railroad approximately 2,240 feet to the southeastern right-of-way line of Interstate 77 (North-South Expressway); thence northeast along the southeastern right-of-way line of Interstate 77 approximately 2,140 feet to a point; thence southeast along said right-of-way line approximately 190 feet to a point;

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Community Development Plan and the Redevelopment
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thence northeast along a line and continuing along the southeastern right-of-way line of Interstate 77 approximately 305 feet; thence northwest approximately 20 feet; thence northeast approximately 370 feet; thence southeast approximately 10 feet; thence northeast approximately 230 feet; thence northwest approximately 50 feet; thence north approximately 210 feet, 325 feet, and 105 feet to the northeastern property line of the Irwin Avenue Junior High School; thence southeast along said property line approximately 1,120 feet to a point; thence continuing southeast approximately 280 feet to the northwestern right-of-way line of North Clarkson Street; thence northeast along said right-of-way line approximately 30 feet to the northeastern right-of-way line of Cates Street; thence southeast along said right-of-way line approximately 550 feet to the southeastern right-of-way line of North Cedar Street; thence southwest along said right-of-way line approximately 435 feet to a rear property line of a property fronting on West 5th Street; thence southeast along rear property lines of properties fronting on West 5th Street approximately 200 feet to a property corner; thence southwest along a side property line of a property fronting on West 5th Street approximately 150 feet to the northeastern right-of-way line of West 5th Street; thence southeast across West 6th Street and continuing along the northeastern right-of-way line of West 5th Street approximately 510 feet to the POINT OF BEGINNING.

The Target Area can be more particularly described as follows:

BEGINNING at the intersection of the northeastern right-of-way line of West 5th Street and centerline of the Southern Railroad; thence southwest along the centerline of the Southern Railroad approximately 2,445 feet to the centerline of the Seaboard Railroad (formerly the Piedmont and Northern Railroad); thence northwest along the centerline of the Seaboard Railroad approximately 2,240 feet to the southeastern right-of-way line of Interstate 77 (North-South Expressway); thence northeast along

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the southeastern right-of-way line of Interstate 77 approximately 2,140 feet to a point; thence southeast along said right-of-way line approximately 190 feet to a point; thence northeast along the line and continuing along the southeastern right-of-way line of Interstate 77 approximately 305 feet; thence northwest approximately 20 feet; thence northeast approximately 370 feet along the rear property line of that property facing the 200 block of North Sycamore Street; thence northwest approximately 50 feet; thence approximately 210 feet, 325 feet and 105 feet to the northeast property line of Irwin Avenue Junior High School; thence southeast along said property line approximately 1,120 feet to a point; thence continuing 280 feet to the northwestern right-of-way line of North Clarkson Street; thence northeast along said right-of-way line approximately 30 feet to the northeast right-of-way line of Cates Street; 800 block, 817 Cates Street; thence to the southeastern right-of-way line of North Cedar Street; thence southwest along said right-of-way line approximately 435 feet to a rear property line of a property fronting on West 5th Street; 700 block, 738-750 West 5th Street; thence along rear property lines of properties fronting on West 5th Street approximately 200 feet to a property corner; thence southwest along the side property line of a property fronting on West 5th Street approximately 150 feet to the northeastern right-of-way line of West 5th Street; thence southeast across West 6th Street and continuing along the northeastern right-of-way line of West 5th Street approximately 510 feet to the point of BEGINNING. It is intended that all property located within the boundary description above, whether located on a named or unnamed street, alley, lane or court, vacant or improved, be included within the project area, whether or not cited in this block, street and house number description.

3. The Community Development Plan and the Redevelopment Plan for Third Ward Target Area with such maps, plans, contracts and other documents which are part of the proposal, together with the recommendation of the Planning Board and supporting data, are available for public inspection in the City Manager's Office, City

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Hall, and the office of the Director of the Community Development Department of the City of Charlotte, Suite 510, 301 South McDowell Street, Charlotte, North Carolina, and shall be available from the date of this Resolution until the time of the public hearing.

4. That this Resolution shall be published at least once a week for two consecutive weeks in The Charlotte News, a newspaper of general circulation in the City of Charlotte, the first publication to be not less than fifteen (15) days prior to the date fixed for said hearing.

The foregoing Resolution was adopted by the City Council of the City of Charlotte, North Carolina, Monday, February 2, 1976.

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 2nd day of February, 1976, the reference having been made in Minute Book 63, and recorded in full in Resolutions Book 11, at Page 276-279.

Ruth Armstrong
City Clerk

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE RATIFYING
SUPPLEMENTAL AGREEMENTS TO THE CONTRACT WITH SYSTEM DEVELOPMENT
CORPORATION - CONTRACT NO. 73014

BE IT RESOLVED by the City Council of the City of Charlotte that
Supplemental Agreement Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11
are hereby ratified.

ATTEST:

CITY OF CHARLOTTE

Ruth Armstrong
City Clerk

John M. Belk
John M. Belk, Mayor

Approved as to Form:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,
North Carolina, in regular session convened on the 2nd day of February,
1976, the reference having been made in Minute Book 63, and recorded in
full in Resolutions Book 11, at Page 280-283.

Ruth Armstrong
City Clerk

SUMMARY OF PROJECT SUPPLEMENTAL AGREEMENTS

<u>Supplemental Agreement No.</u>	<u>Description</u>	<u>Cost</u>	<u>Extension in Project Completion Date</u>	<u>Status</u>
1	To change the number of Monthly Manpower Utilization Reports from two separate reports to one combined report.	None	None	Executed by Contractor, City and State - Approved by Council
2	To change the method of controller testing, the contractor demonstration and system acceptance. Also to provide for use of special test equipment. Such changes are to be effected in order to provide for: <ul style="list-style-type: none"> a. Controller installation on the street at an earlier date resulting in additional training and familiarity with the new equipment, additional maintenance from contractor personnel and reduced infant mortality problems. b. More thorough testing of local controller functions, thus avoiding infant mortality failures due to untested functions. c. A special test fixture to be furnished to the City of Charlotte for future testing of new controllers, for incorporating new controllers into the system, and for testing communication lines and transmitting/receiving facilities. 	Special test equipment to be furnished the City of Charlotte by the Contractor	None	Executed by Contractor, City and State
3	To change the location of a video surveillance tower in order to: <ul style="list-style-type: none"> a. Provide an increased range of visibility. b. Provide a surveillance area more indicative of overall system-level performance characteristics 	\$5,772.00*	Pro-rata	Executed by Contractor, City and State - Approved by Council

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Supplemental Agreement No.	Description	Cost	Extension in Project Completion Date	Status
4	To expand the system to include the intersections of 10th & Graham Streets and 12th & Graham Streets which were signalized subsequent to specification quantity estimates. These intersections must be included within the CBD system in order to maintain the proper progressions on the affected streets and provide for efficient system operation in the affected area.	\$1,991.78*	Consideration given during final estimate review	Executed by Contractor, City and State - Approved by Council
5	To procure a high-speed electrostatic printer, a card reader, and to modify the print speed of the system teletype in order to: a. Provide for increased software modification capabilities and thus to improve overall system flexibility. b. Provide increased print speed capabilities in order to take full advantage of system report generation capabilities. c. Permit use of manufacturer-developed diagnostic software.	\$14,533.00	Pro-rata	Executed by Contractor, City and State
6	To delete the intersection of Trade & Sycamore Streets from the computerized system. Due to modification in traffic conditions as a result of road construction, the signalization of the intersection of Trade Street and Sycamore Street is no longer warranted. Such modified traffic conditions occurred subsequent to specification quantity estimates.	\$695.89* Credited to the City of Charlotte	Pro-rata	Executed by Contractor, City and State
7	To provide for the conversion of seven intersection controller cabinets from pole mounted cabinets to pedestal mounted cabinets. The conversion of these cabinets is required in order to mate the cabinets with the corresponding street hardware.	\$901.00	Pro-rata	Executed by Contractor, City and State
8	To modify intersection phasing requirements at 33 locations in order to provide facilities appropriate to current street conditions and traffic demand.	\$42,245.00	Pro-rata	Executed by Contractor and City

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(3)

<u>Supplemental Agreement No.</u>	<u>Description</u>	<u>Cost</u>	<u>Extension in Project Completion Date</u>	<u>Status</u>
9	To relocate intersection equipment at the intersections of 4th & College and 4th & Brevard due to construction activities resulting from the City urban renewal program.	\$5,145.00*	Pro-rata	Executed by Contractor and City
10	To provide pedestrian signal indication at the intersections of 3rd & College and 3rd & Church Streets	\$1,517.00	Pro-rata	Executed by Contractor, City and State
11	To provide pedestrian signal indications at the intersection of 11th & Tryon Streets	\$1,259.00	Pro-rata	Executed by Contractor, City and State

* Unit price items not included, i.e., communication cable, video cable, etc.

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Copy of a Resolution Passed by the City Council
of the City of Charlotte, North Carolina

The following resolution was introduced, and Councilman Withrow
moved that it be adopted. The motion was seconded by Councilwoman Chafin
and, upon being put to a vote, the resolution was unanimously
carried;

WHEREAS, the North Carolina Board of Transportation has prepared and adopted plans to make certain street and highway improvements within this Municipality under Project W. O. 9.8100385, said plans consisting of the construction and improvement of The Plaza (SR-2935 and SR-2803) from Eastway Drive to the vicinity of Fairmarket Place, that said project is considered to be a most necessary street and highway improvement for the promotion of public safety and convenience; and,

WHEREAS, the Board of Transportation and this Municipality propose to enter into an agreement for the above mentioned project wherein this Municipality shall cooperate with said Board to the extent of:

- (1) Effecting the necessary adjustments of any utilities under franchise without expense to the Board of Transportation, and providing for the adjustments of any municipally owned utilities without cost or obligation to the Board of Transportation, except that said Board will reimburse this Municipality in accordance with the Board's municipally owned utility policy.
- (2) Participating in the right of way costs incurred by the Board of Transportation to the extent of thirty-three ~~and one-third~~ (33-~~1/3~~) percent of the total cost thereof to be paid to said Board in five (5) equal annual installments with the due dates of said installments being October 1, 1976, October 1, 1977, October 1, 1978, October 1, 1979, and October 1, 1980. Payments shall be based on cost estimates to be adjusted when the actual cost figures are determined.
- (3) Reimbursing the Board of Transportation for the cost of construction of all sidewalks on the project that do not replace existing sidewalks as shown on the project plans, with said reimbursement to be made in a lump sum amount upon completion of the sidewalk construction and upon billing by said Board.
- (4) Authorizing the Board of Transportation to withhold so much of this Municipality's share of funds allocated by the General Statutes of North Carolina, Section 136-41.1, in the event this Municipality fails to pay said Board in accordance with the provisions for payment hereinabove provided, until such time as said Board has received payment in full.
- (5) Entering into an agreement with the Board of Transportation as to establishing, maintaining, and enforcing traffic operating controls for the regulation and movement of traffic on the project.

NOW, THEREFORE, BE IT RESOLVED that Project W. O. 9.8100385, Mecklenburg County, be and it is hereby formally approved by the City Council of the City of Charlotte and that the Mayor and City Clerk (or Manager) of this Municipality be and they are hereby empowered to sign and execute the required agreement between this Municipality and the Board of Transportation.

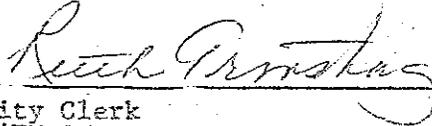
This Resolution was passed and adopted the 2nd day of February
1976.

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I, Ruth Armstrong, Clerk (~~or Manager~~) of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and correct copy of excerpts from the minutes of the City Council of this Municipality;

WITNESS, my hand and the official seal of the City of Charlotte on this 3rd day of February, 1976.



City Clerk
CITY OF CHARLOTTE
NORTH CAROLINA

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RESOLUTION AUTHORIZING THE SUBMISSION
(OF STEP II AND STEP III
GRANT REQUESTS FOR WASTEWATER FACILITIES
IN THE METRO CHARLOTTE "201" AREA

Whereas, the North Carolina Clean Water Bond Act of 1971 has authorized the making of grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, and

Whereas, Resolution 74-31 of the North Carolina Board of Water and Air Resources established a policy for approving State grants from the Pollution Control Account of the Clean Water Fund for Step grants for wastewater treatment works projects, and

Whereas, Title II of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500 U.S.C. 1251 et. seg.) authorized the award of Federal Construction Grants for waste treatment works, and

Whereas, the City of Charlotte intends to request State and Federal grant assistance to aid in Step II design and Step III construction of certain projects as set forth in the "Section 201 Facilities Plan";

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

That the City of Charlotte will arrange financing for all remaining costs of the project if approved for State and Federal grant awards.

That the City of Charlotte will adopt and place into effect on or before completion of the project a schedule of fees and charges which will provide adequate funds for proper operation, maintenance and administration of the system.

That the City of Charlotte will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Mr. David A. Burkhalter, City Manager of the City of Charlotte, authorized to execute and file Step II and III applications on behalf of the City of Charlotte with the Environmental Protection Agency and the State of North Carolina for grants to aid in the construction of the projects described above.

That Mr. David A. Burkhalter, City Manager of the City of Charlotte, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate Federal or State agencies may request in connection with such applications or the project; to make the assurances as contained above, and to execute such other documents as may be required in connection with the applications.

-- continued --

That the City of Charlotte has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto; and hereby authorized the above designated representative to execute an affidavit so stating.

Adopted this the 2nd day of February, 1976 at Charlotte, North Carolina.

John M. Belk

John M. Belk
Mayor

Title

APPROVED AS TO FORM:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 2nd day of February, 1976. the reference having been made in Minute Book 63, and recorded in full in Resolutions Book 11, at Page 286-287.

Ruth Armstrong
City Clerk

February 2, 1976
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A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO DELMAR CORPORATION, LOCATED AT 4301 GOLF ACRES DRIVE IN THE CITY OF CHARLOTTE FOR THE SANITARY SEWER TO SERVE JASON STREET, CARLOTTA STREET AND CONNELLY CIRCLE PROJECT.

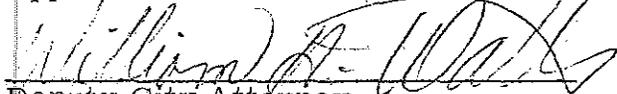
WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Delmar Corporation located at 4301 Golf Acres Drive in the City of Charlotte for a perpetual easement for a sanitary sewer in connection with the sanitary sewer to serve Jason Street, Carlotta Street and Connelly Circle project; and

WHEREAS, the City has in good faith undertaken to negotiate for the purchase of this property, but has been unable to reach an agreement with the owner for the purchase price.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that pursuant to Section 7.81, Chapter 713 of the 1965 Session Laws of North Carolina, being the Charter of the City of Charlotte, as amended, and the authority granted in Chapter 160A-241 of the General Statutes of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of Delmar Corporation located at 4301 Golf Acres Drive in the City of Charlotte, under the procedures set forth in Article 9, Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that \$1,800.00, the amount of the appraised value of said property, is hereby authorized to be deposited in the office of the Clerk of Superior Court of Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

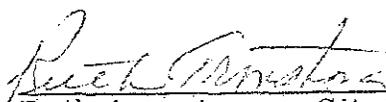
Approved as to form:


Deputy City Attorney

CERTIFICATION

I, Ruth Armstrong, 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 2nd day of February, 1976, and the reference having been made in Minute Book 63, page , and recorded in full in Resolutions Book 11, page 288.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 3rd day of February, 1976.


Ruth Armstrong, City Clerk