

A RESOLUTION AUTHORIZING THE REFUND OF PROPERTY 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:

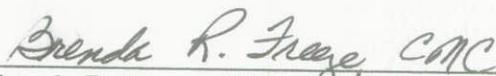
1. The City-County Tax Collector has collected certain taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time 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 13th day of January, 2003 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.

CERTIFICATION

I, Brenda R. Freeze, 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 13th day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Resolution Book 38, Pages 160-161.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 15th day of January, 2003.


Brenda R. Freeze, CMC, City Clerk

**TAXPAYERS AND REFUNDS REQUESTED
MORE THAN \$100**

<u>Name</u>	<u>Clerical Error</u>	<u>Amount of Refund</u>
ABX Air Inc %Airborne Express		\$ 843.29
BB&T		393.10
Wells Fargo Home Mortgage		101.62
Jordans Pond Joint Venture		112.08
Moore Viola B Family LP		370.23
Moore Viola B. Family LP		385.09
Moore Viola B Family LP		385.09
Moore Viola B. Family LP		123.79
Moore Viola B Family LP		378.16
Cheshire Crossing Professional		808.14
Cheshire Crossing Professional		808.14
Cheshire Crossing Professional		808.14
Cheshire Crossing Professional		816.80
Cheshire Crossing Professional		908.51
Carolina Camera Productions		224.09
Palmer's Mini Storage		257.08
Angela R Barker Trust		115.02
Derek D Barker Trust		115.02
Turner Nadia Renee		156.87
Brooks Lawrence E & w		130.55
Total		\$8,240.81

A RESOLUTION AUTHORIZING THE REFUND OF
CERTAIN BUSINESS PRIVILEGE LICENSES

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 27th day of August, 2001 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.

CERTIFICATION

I, Brenda R. Freeze, 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 13th day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Resolution Book 38, Pages 162-163.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 15th day of January, 2003.


Brenda R. Freeze, CMC, City Clerk

**BUSINESS PRIVILEGE LICENSE
REFUNDS REQUESTED**

<u>Name</u>	<u>Amount of Refund</u>
Arbor Smith Landscape & Lawn	\$ 5.00
Event Source, Inc.	16.00
HVAC Balancing & Commission, Inc.	74.24
O'Donnell's Main Street Deli	122.50
TKM Associates	24.00
Body By Design – M. Russell	19.97
Heritage Propane, LP	2,052.53
Modern Salon & Spa	50.00
T Squared Technologies	44.17
Tex America, Inc	21.82
Benfield Construction	60.00
Family Reproductive Health	17.78
Premier Capital Group	50.00
Bar Green, Inc.	513.76
Carolina Piping Systems, Inc.	3,462.28
Carolina Water Systems, Inc.	639.71
Dry Cleaners Unlimited	911.90
JBL Rapid Tax Refunds	334.60
Trefz & Trefz, Inc. DBA – Arby's	3,507.68
Total	\$11,927.94

**RESOLUTION
 DESIGNATION OF APPLICANT'S AGENT**

North Carolina Division of Emergency Management

Organization Name (hereafter named Organization) <u>City of Charlotte</u>	Disaster Number: <u>FEMA 1448-DR NC</u>
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate): <u>None. Federal Agency - Dept. of Transportation</u>	
Applicant's Fiscal Year (FY) Start Month: <u>July</u> Day: <u>1</u>	
Applicant's Federal Employer's Identification Number <u>521333483</u>	
Applicant's Federal Information Processing Standards (FIPS) Number -	

PRIMARY AGENT	SECONDARY AGENT
Agent's Name <u>Harry K. Graham</u>	Agent's Name <u>Gregory L. McDowell</u>
Organization <u>City of Charlotte</u>	Organization <u>City of Charlotte</u>
Official Position <u>Sr. Internal Auditor</u>	Official Position <u>City Auditor</u>
Mailing Address <u>600 E. 4th St.</u>	Mailing Address <u>600 E. 4th St.</u>
City, State, Zip <u>Charlotte, NC 28202</u>	City, State, Zip <u>Charlotte, NC 28202</u>
Daytime Telephone <u>704-336-4177</u>	Daytime Telephone <u>704-336-8085</u>
Facsimile Number <u>704-336-7271</u>	Facsimile Number <u>704-336-7271</u>
Pager or Cellular Number	Pager or Cellular Number

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this _____ day of _____, 20__.

GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title <u>City Council</u>	Name <u>Brenda R. Freeze</u>
Name and Title <u>City of Charlotte</u>	Official Position <u>City Clerk</u>
Name and Title	Daytime Telephone

CERTIFICATION

I, Brenda R. Freeze, (Name) duly appointed and City Clerk (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of Charlotte Cty. Council (Organization) on the 13th day of January, 2003

Date: 1/16/03 Signature: Brenda R. Freeze, CMC

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 **SOUTHWEST WATER TRANSMISSION MAIN 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 for **SOUTHWEST WATER TRANSMISSION MAIN PROJECT** and estimated to be approximately **6,030 square feet (0.1384 acre) of Permanent Easement and 5,023 square feet (0.1153 acre) 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. 059-104-17, said property currently owned by **ROBERT KEITH LEWIS and wife, JOAN LEWIS, and 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, Brenda R. Freeze, 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 13th day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Resolution Book 38, Page 165.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 15th day of January, 2003.


Brenda R. Freeze, CMC, 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 **LONG CREEK PUMP STATION AND FORCE MAIN 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 for **LONG CREEK PUMP STATION AND FORCE MAIN PROJECT** and estimated to be approximately **11,485 square feet (.264 acre) of Permanent 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. 031-486-98, said property currently owned by **BROOKMERE PHASE II, LLC; KEVIN P. BYRNES, Trustee; HUNTERSVILLE INVESTMENT, LLC, Beneficiary; NEW SALEM, INC., Trustee; WACHOVIA BANK, N. A.; and 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, Brenda R. Freeze, 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 13th day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Resolution Book 38, Page 166.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 15th day of January, 2003.


Brenda R. Freeze, CMC, 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 **LONG CREEK PUMP STATION AND FORCE MAIN 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 for **LONG CREEK PUMP STATION AND FORCE MAIN PROJECT** and estimated to be approximately **11,086 square feet (.254 acre) of Permanent 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. 031-163-04, said property currently owned by **DAVID S. MULLANEY and wife, BARBARA G. MULLANEY; and 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, Brenda R. Freeze, 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 13th day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Resolution Book 38, Page 167.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 15th day of January, 2003.


Brenda R. Freeze, CMC, 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 **MARSH ROAD AREA STORM WATER 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 for **MARSH ROAD AREA STORM WATER IMPROVEMENTS PROJECT** estimated to be approximately **4,081 square feet (0.094 acre) of Permanent Drainage 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. 149-103-10, said property currently owned by **JOEL E. MOORE and wife, CASSANDRA A. MOORE; TIM, INC., Trustee; NATIONSBANK OF NORTH CAROLINA, N. A.**, 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, Brenda R. Freeze, 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 13th day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Resolution Book 38, Page 168.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 15th day of January, 2003.


Brenda R. Freeze, CMC, City Clerk

FOR REGISTRATION JUDITH A. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2003 MAR 13 10:05 AM
BOOK: 14972 PAGE: 654-660 FEE: \$27.00
INSTRUMENT # 2003051038

RESOLUTION CLOSING A PORTION OF JOHNSTON ROAD IN THE CITY OF CHARLOTTE,
MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close a portion of Johnston Road 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 Johnston Road 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 2 places along said street or alley, all as required by G.S. 160A-299; and

WHEREAS, the petitioner will provide an access easement to the City of Charlotte to maintain a pedestrian crosswalk as shown on the attached map marked Exhibit C1.

WHEREAS, the public hearing was held on the 13th day of January, 2003 and City Council determined that the closing of a portion of Johnston Road 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 January 13, 2003, that the Council hereby orders the closing of a portion of Johnston Road 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 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

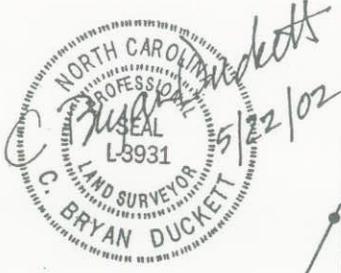
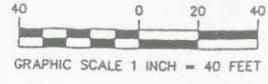
I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 13th day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Resolution Book 38, Pages 169-174.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of January, 2003.

Drawn by: City of Charlotte
Return to: City of Charlotte - Box

Brenda R. Freeze
Brenda R. Freeze, CMC, City Clerk





LOT 5
 TAX# 223-231-03
 CONTINENTAL COMMUNITIES/CLT LLC
 DB 12516, PG 187
 3,436,188 SQ FT
 78.884 ACRES

VARIABLE WIDTH R/W PER MAP
 BOOK 33 PAGE 233 DEDICATED TO
 NCDOT (274,871 SF/6.310 ACRES)

LINE TABLE		
LINE	BEARING	Length
L1	N 65°42'54" W	9.52
L2	N 65°42'54" W	14.60
L3	S 65°42'54" E	14.60

RIGHT OF WAY TO BE ABANDONED
 (3,083 SF/0.070 ACRES)

LOT 3
 TAX# 223-231-10
 LELAND ATKINS JR. & KATHRINE
 A. MATTOCKS (ET-AL)
 DB 4954, PG 893
 MB 36, PG 283
 239,159 SQ FT
 5.490 ACRES

LOT 2
 TAX# 223-231-09
 LELAND ATKINS JR. & KATHRINE A.
 MATTOCKS (ET-AL)
 DB 4954, PG 893
 MB 36, PG 283
 451,429 SQ FT
 10.363 ACRES

JOHNSTON ROAD (VARIABLE WIDTH PUBLIC R/W)
 PER MAP BOOK 33 PAGE 223

NORTH COMMUNITY
 HOUSE ROAD
 (MAP BOOK 36 PAGE 930)

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD	DELTA
C1	23.79'	36.60'	23.04'	N 21°38'01" W	33.09'	88°09'47"
C2	23.79'	37.36'	23.79'	N 69°17'06" E	33.64'	90°00'00"
C3	9768.34'	158.09'	79.05'	S 24°44'55" W	158.09'	0°55'38"
C4	9629.24'	213.79'	106.90'	S 24°57'25" W	213.79'	1°16'20"
C5	23.79'	37.38'	23.80'	S 20°41'50" E	33.65'	90°02'09"
C6	23.79'	37.36'	23.79'	S 69°17'06" W	33.64'	90°00'00"

LINDA E. POISSANT, REVIEW OFFICER OF MECKLENBURG
 COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS
 CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIRE-
 MENTS FOR RECORDING.
 Linda E. Poissant
 Review Officer
 Date 2/6/03

Drawn by: City of Charlotte
 Return to: City of Charlotte

'EXHIBIT A'
 RIGHT OF WAY ABANDONMENT
 JOHNSTON ROAD AND
 NORTH COMMUNITY HOUSE ROAD
 MECKLENBURG COUNTY - NORTH CAROLINA

 **THE SURVEY
 COMPANY, INC.**
 4105-B STUART ANDREW BLVD
 CHARLOTTE, NC 28217
 (704) 561-9970 (704) 561-9972 FAX

Exhibit B
Johnston Road – Right of Way abandonment

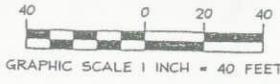
Legal Description

Being a portion of that right-of-way of Johnston Road situated at the intersection of Johnston Road and North Community House Road, City of Charlotte, Mecklenburg County, North Carolina, and as shown on that map recorded in map book 33 page 223, Mecklenburg County Registry, and being more particularly described as follows:

Beginning at a point in the southwest quadrant of the intersection of Johnston Road and North Community House Road; Thence with a curve to the left having a radius of 23.79 feet, through a central angle of $88^{\circ}09'46''$, having an arc length of 36.61 feet, bearing $N 21^{\circ}38'01'' W$ for a chord distance of 33.09 feet; Thence $N 65^{\circ}42'54'' W$ a distance of 9.52 feet to a point; Thence, $N 24^{\circ}16'56'' E$ a distance of 99.41 feet; Thence with a curve to the left, having a radius of 23.79 feet, through a central angle of $90^{\circ}00'00''$, having an arc length of 37.36 feet, bearing $N 69^{\circ}17'06'' E$ for a chord distance of 23.79 feet; Thence $S 20^{\circ}33'45'' W$ a distance of 146.53 feet to the point and place of beginning and containing 3,083 square feet or 0.070 acres of land, more or less as shown on that map titled "Exhibit A – Right of Way Abandonment", prepared by The Survey Company, Inc., dated 05/20/02, and signed by C. Bryan Duckett, PLS 3931, to which reference is hereby made.



Drawn by: City of Charlotte
Return to: City of Charlotte - Plan



LINE TABLE		
LINE	BEARING	Length
L2	N 65°42'54" W	14.60
L3	S 65°42'54" E	14.60
L4	N 69°17'06" E	33.64
L5	N 31°03'02" W	40.48

VARIABLE WIDTH R/W PER
 MAP BOOK 33 PAGE 233
 DEDICATED TO NCDOT
 (274,871 SF/6.310 ACRES)

THIS PLAT IS NOT SUBJECT TO THE PROVISIONS OF THE CITY OF CHARLOTTE OR MECKLENBURG COUNTY SUBDIVISION ORDINANCES AND DOES NOT REQUIRE THE APPROVAL OF THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION. HOWEVER, ANY FURTHER SUBDIVISION OF THIS PROPERTY MAY BE SUBJECT TO THESE PROVISIONS.

CHARLOTTE-MECKLENBURG PLANNING COMMISSION
Shad Spencer
 PLANNING COMMISSION STAFF
 DATE: 12/11/02

TEMPORARY CONSTRUCTION EASEMENT

LOT 5
 TAX# 223-231-03
 CONTINENTAL COMMUNITIES/CLT LLC
 DB 12516, PG 187
 3,436,188 SQ FT
 78.884 ACRES

RIGHT OF WAY TO BE ABANDONED
 (3,506 SF/0.080 ACRES)

JOHNSTON ROAD
 (VARIABLE WIDTH PUBLIC R/W)
 PER MAP BOOK 33 PAGE 223

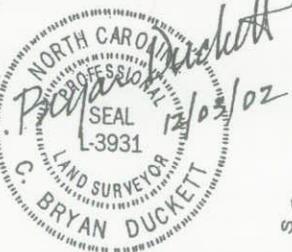
LOT 3
 TAX# 223-231-10
 LELAND ATKINS JR. & KATHRINE A. MATTOCKS (ET-AL)
 DB 4964, PG 893
 MB 36, PG 263
 239,159 SQ FT
 5.490 ACRES

I, SHAD SPENCER, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Shad Spencer
 Review Officer
 DATE: 12/11/02

NORTH COMMUNITY HOUSE ROAD
 (MAP BOOK 36 PAGE 930)

LOT 2
 TAX# 223-231-09
 LELAND ATKINS JR. & KATHRINE A. MATTOCKS (ET-AL)
 DB 4964, PG 893
 MB 36, PG 263
 451,429 SQ FT
 10.363 ACRES



CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD	DELTA
C3	9768.34'	158.09'	79.05'	S 24°44'55" W	158.09'	0°55'38"
C4	9629.24'	213.79'	106.90'	S 24°57'25" W	213.79'	1°16'20"
C5	23.79'	37.36'	23.80'	S 20°41'50" E	33.65'	90°02'09"
C6	23.79'	37.36'	23.79'	S 69°17'06" W	33.64'	90°00'00"

LINDA B. POISSANT, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
Linda B. Poissant
 Review Officer
 DATE: 2/6/03

Drawn by: City of Charlotte
 Return to: Office of Planning

"EXHIBIT C1"
 PERMANENT EASEMENT AREA
 CONVEYED TO THE CITY OF CHARLOTTE, NC
 JOHNSTON RD. AND N. COMMUNITY HOUSE RD.
 MECKLENBURG COUNTY - NORTH CAROLINA

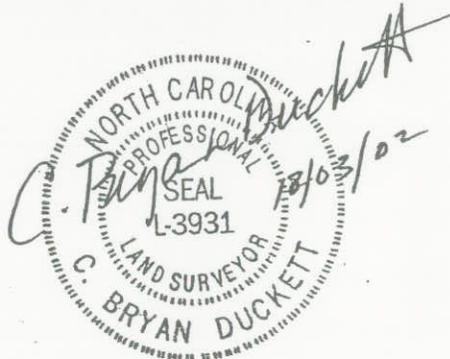
THE SURVEY COMPANY, INC.
 4105-B STUART ANDREW BLVD
 CHARLOTTE, NC 28217
 (704) 561-9970 (704) 561-9972 FAX

Exhibit C2
Johnston Road – Permanent Easement Area
Conveyed to the City of Charlotte, NC

Legal Description

Being a portion of that right-of-way of Johnston Road situated at the intersection of Johnston Road and North Community House Road, City of Charlotte, Mecklenburg County, North Carolina, and as shown on that map recorded in map book 33 page 223, Mecklenburg County Registry, and being more particularly described as follows:

Beginning at a point in the southwest quadrant of the intersection of Johnston Road and North Community House Road; Thence N 31°03'02" W a distance of 40.48 feet; Thence, N 24°16'56" E a distance of 99.41 feet; Thence N 69°17'06" E a distance of 33.64; Thence S 20°33'45" W a distance of 146.53 feet to the point and place of beginning and containing 3,506 square feet or 0.080 acres of land, more or less as shown on that map titled "Exhibit C1 – Permanent Easement Area Conveyed to the City of Charlotte, NC", prepared by The Survey Company, Inc., dated 10/23/02, and signed by C. Bryan Duckett; PLS 3931, to which reference is hereby made.



Drawn by: City of Charlotte
Return to: City of Charlotte, NC



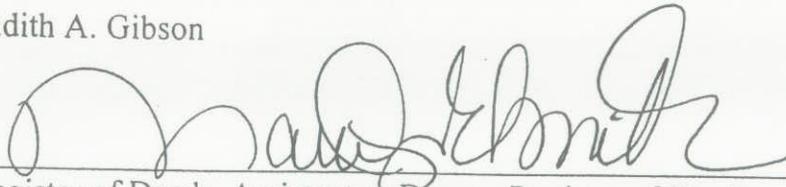
Judith A. Gibson, Register of Deeds
720 E. Fourth Street, Room 103
Charlotte, North Carolina 28202
704-336-2443

State of North Carolina
County of Mecklenburg

I do hereby certify this to be a true copy of the attached document filed and recorded in the aforesaid county as evidenced in Instrument/Book No. 14536 Page No. 288 and ends with Page No. 291

Witness my hand and seal this 13 day of Dec, 2002

Judith A. Gibson



Register of Deeds, Assistant or Deputy Register of Deeds

Drawn by: City of Charlotte
Return to: City of Charlotte - Draw



FOR REGISTRATION JUDITH A. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2003 MAR 13 10:05 AM
BOOK: 14972 PAGE: 661-664 FEE: \$18.00
INSTRUMENT # 2003051039

Drawn by: City of Charlotte
Return to: City of Charlotte - Plan

RESOLUTION CLOSING A PORTION OF CLIFFWOOD PLACE IN THE CITY OF CHARLOTTE,
MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close a portion off Cliffwood Place 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 Cliffwood Place 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 2 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 Power Company, Charlotte-Mecklenburg Utilities, and all other owners of existing underground utilities and telecommunications to maintain their facilities as shown on the attached map marked Exhibit A.

WHEREAS, the public hearing was held on the 13th day of January, 2003 and City Council determined that the closing of a portion of Cliffwood Place 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 January 13, 2003, that the Council hereby orders the closing of a portion of Cliffwood Place 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 document marked "Exhibit B", both of which are attached hereto and made a part hereof.

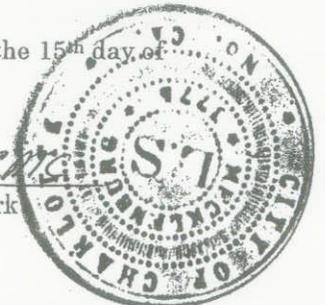
BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

CERTIFICATION

I, Brenda R. Freeze, 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 13th day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Resolution Book 38, Pages 175-177.

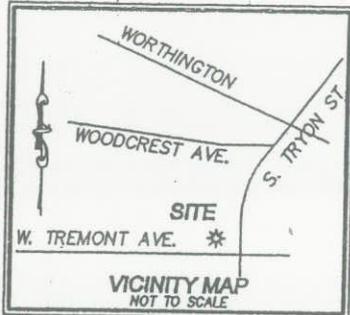
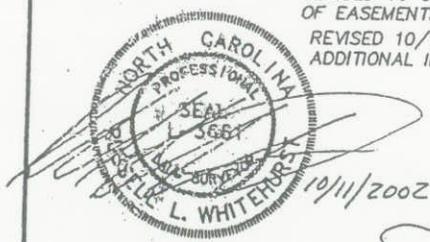
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 15th day of January, 2003.

Brenda R. Freeze CMC
Brenda R. Freeze, CMC, City Clerk



THIS IS TO CERTIFY THAT ON THE 15 DAY OF AUGUST 2002 AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND IMPROVEMENTS, IF ANY, ARE SHOWN HEREON, EXCEPT AS NOTED. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA BOARD RULE .1600 (21 NCAC 56) AND THE ERROR OF CLOSURE FOR THIS PARCEL DOES NOT EXCEED ONE (1) FOOT PER 10,000 LINEAR FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

REVISED TO CHANGE SIZE OF EASEMENTS ON 8/26/02
 REVISED 10/11/02 TO ADD ADDITIONAL INFO. TO ESMTS.



K. DAREN TIETSORT
 DB. 8429, PG. 565
 (NOW OR FORMERLY)

JOSEPH L. HICKS
 BEN E. HICKS
 TRACT TWO
 DB. 4135, PG. 599
 TAX PIN: 119-064-25
 (NOW OR FORMERLY)

H. RAY WILLIAMS &
 WIFE TERRY D. WILLIAMS
 DB. 8943, PG. 221
 TAX PIN: 119-063-10
 (NOW OR FORMERLY)

25,244 sq.ft.
 0.580 acre
 Cliffwood Place
 60' Public R/W
 NOT OPEN

NOTE:
 15' EASEMENT FOR OVERHEAD UTILITIES TO BE REMOVED WHEN UTILITY LINES ARE REMOVED

JOSEPH L. HICKS
 BEN E. HICKS
 TRACT ONE
 DB. 4135, PG. 599
 TAX PIN: 119-064-23
 (NOW OR FORMERLY)

- NOTES:
- NO USGS HORIZONTAL MONUMENTATION FOUND WITHIN 2000 FEET OF SITE.
 - OTHER UTILITIES MAY EXIST, BUT THEIR LOCATIONS ARE NOT KNOWN.
 - SURVEY SUBJECT TO FULL TITLE SEARCH
 - THIS PROPERTY MAY BE SUB-SUBJECT TO RIGHT OF WAYS, EASEMENTS OR RESTRICTIONS EITHER RECORDED OR IMPLIED
 - ATTORNEY TO VERIFY COMPLIANCE ZONING, RESTRICTIVE COVENANTS OR HOMEOWNERS ASSOCIATION REQUIREMENTS OF RECORD.
 - AREA COMPUTED BY COORDINATE GEOMETRY
 - R/W = RIGHT OF WAY
 - EIR = EXISTING IRON REBAR
 - EIP = EXISTING IRON PIPE
 - NIR = NEW IRON REBAR
 - C.M.U. = CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT.
 - D.P.E. = DUKE POWER COMPANY

LEGEND

- E — U/G ELECTRIC
- OHU — OVERHEAD UTILITIES
- W — WATER MAIN
- GAS — GAS MAIN
- SS — SEWER MAIN

FLOOD NOTE:
 THE SUBJECT PROPERTY SHOWN HEREON DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA PER F.E.M.A.

Whitehurst Land Surveying, P.C.



SURVEYING - DESIGN - PLANNING
 RESIDENTIAL & COMMERCIAL
 2110 ROCKY RIVER ROAD NORTH
 MONROE, N.C. 28110
 OFFICE (704) 282 - 1217
 FAX (704) 298 - 9558
 rlwhitehurst@carolina.rr.com
 RUSSELL L. WHITEHURST, PLS
 JAMES L. HELMS
 JOHN D. COLLINS, SI

BOUNDARY SURVEY

ROAD RIGHT-OF-WAY CLOSING (CLIFFWOOD PLACE)
 CITY OF CHARLOTTE, MECKLENBURG COUNTY, NC
 SCALE 1" = 60'
 FOR THE BENEFIT OF TIM CRAWFORD
 MAP REFERENCE IN BOOK _____ PAGE _____
 DEED REFERENCE IN BOOK AS SHOWN PAGE AS SHOWN
 ACAD FILE: G:\TREMONT.DWG FOLDER: 31 JANUARY 2002

Drawn by: City of Charlotte
 Return to: City of Charlotte

I, LINDA B. POISSANT, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
 Linda B. Poissant
 Review Officer
 Date 2/16/03

EXHIBIT B

BEGINNING at an iron stake at the northwesterly corner formed by the intersection of West Tremont Avenue and Cliffwood Place, and also being 112 ft. in a northwesterly direction from the northwesterly edge of South Tryon Street; and running thence with the northerly edge of West Treemont Avenue, N. 82-21-45 W. 125.00 ft. to an iron; thence N. 02-17-30 E. parallel with Cliffwood Place, 349.50 ft. to an iron; thence N. 82-15-30 W. 5.09 ft. to an old iron; thence 84-02-20 W. 165.25 ft. to an old iron; thence N. 83-58-30 W. 21.72 ft. to an old iron; thence N. 88-42-00 W. 180.44 ft. to an iron; thence N 08-11-20 E. 113.87 ft.; thence S. 87-38-10 E. 510.14 ft. to an old iron in the centerline of Cliffwood Place (unopen); thence with the centerline of Cliffwood Place S. 02-25-55 W. 136.24 ft to an old iron; thence S. 82-15-30 E. 25.00 ft. to a point in the westerly edge of Cliffwood Place; thence with the edge of Cliffwood Place S. 02-17-30 W. 349.50 ft. to an iron stake, the point and place of Beginning.

Drawn by: City of Charlotte
Return to: City of Charlotte - Map

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 **CALDWELL AND FIFTH STREETS WIDENING 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 for **CALDWELL AND FIFTH STREETS WIDENING PROJECT**, and estimated to be approximately **27,217 square feet (0.624 acre) in Fee Simple** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel Nos. 125-023-12 and 125-023-13, said property currently owned by **THE TRUSTEES OF DAVIDSON COLLEGE; and Any Other Parties in Interest**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

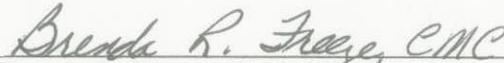
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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, Brenda R. Freeze, 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 13th day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Resolution Book 38, Page 178.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 15th day of January, 2003.


Brenda R. Freeze, CMC, City Clerk

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
AMENDING THE FIVE-YEAR CAPITAL INVESTMENT PLAN FOR FISCAL YEARS
2003 to 2007.**

WHEREAS, the City of Charlotte recognizes the importance of developing long range capital investment planning to maintain the growth and vitality of the community; and

WHEREAS, the City of Charlotte continuously develops and reviews the policy, financial and planning assumptions and impacts of capital investment projects for the City; and

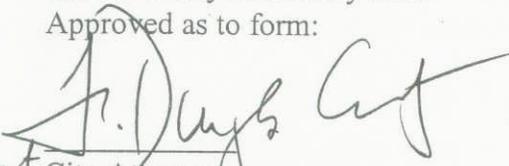
WHEREAS, the City of Charlotte has a five-year Capital Investment Plan based on policy assumptions, so stated in the FY2003-2007 Capital Investment Plan that balance the potential physical development planning with long-range financial capacity; and

WHEREAS, from time to time the Capital Investment Plan must be amended to include changing conditions and new and amended capital projects

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte, in its regular session duly assembled, that it does hereby amend the Capital Investment Plan for fiscal years 2003 to 2007 to add the Gleneagles Road Widening Capital Project at a cost of \$1,050,000, increasing the 5-year total for the Capital Investment Plan to \$2,637,779,930.

This 13th day of January 2003

Approved as to form:


City Attorney

CERTIFICATION

I, Brenda R. Freeze, 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 13th day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Resolution Book 38, Page 179.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 15th day of January, 2003.


Brenda R. Freeze, CMC, City Clerk

Extract of Minutes of a regular meeting of the City Council of the City of Charlotte, North Carolina held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on January 13, 2003.

* * *

A regular meeting of the City Council of the City of Charlotte, North Carolina (the "*City Council*") was held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on January 13, 2003 (the "*Meeting*"), after proper notice, and was called to order by the Mayor, and upon the roll being called, the following members of the City Council answered present:

The following members of the City Council were absent:

Also present:

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AUTHORIZING THE ISSUANCE OF \$100,000,000 GENERAL OBLIGATION BONDS, SERIES 2003A OF THE CITY OF CHARLOTTE, NORTH CAROLINA.

WHEREAS, the Bond Orders hereinafter-described have been adopted, and it is desirable to make provision for the issuance of the Bonds authorized by said Bond Orders;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina (the "*City*"), as follows:

1. For purposes of this Resolution, the following words will have the meanings ascribed to them below:

"*Bond Orders*" means, collectively, the Bond Orders authorizing the Street Bonds adopted by the City Council on August 24, 1998, August 28, 2000 and September 9, 2002; the Bond Order authorizing the Neighborhood Improvement Bonds adopted by the City Council on August 28, 2000 and the Bond Order authorizing the Housing Bonds adopted by the City Council on September 9, 2002, which were approved by the vote of a majority of the voters who voted thereon at referendums duly called and held.

"*City*" means the City of Charlotte, North Carolina, and its successors or assigns.

"*City Council*" means the City Council of the City.

"Federal Securities" means (a) direct obligations of the United States of America for the timely payment of which the full faith and credit of the United States of America is pledged; (b) obligations issued by any agency controlled or supervised by and acting as an instrumentality of the United States of America, the timely payment of the principal of and interest on which is fully guaranteed as full faith and credit obligations of the United States of America (including any securities described in (a) or (b) issued or held in the name of the Trustee in book-entry form on the books of the Department of Treasury of the United States of America), which obligations, in either case, are held in the name of a trustee and are not subject to redemption or purchase prior to maturity at the option of anyone other than the holder; (c) any bonds or other obligations of the State of North Carolina or of any agency, instrumentality or local governmental unit of the State of North Carolina which are (i) not callable prior to maturity or (ii) as to which irrevocable instructions have been given to the trustee or escrow agent with respect to such bonds or other obligations by the obligor to give due notice of redemption and to call such bonds for redemption on the date or dates specified, and which are rated by Moody's, if the 2003A Bonds are rated by Moody's, and S&P, if the 2003A Bonds are rated by S&P, within the highest rating category and which are secured as to principal, redemption premium, if any, and interest by a fund consisting only of cash or bonds or other obligations of the character described in clause (a) or (b) hereof which fund may be applied only to the payment of such principal of and interest and redemption premium, if any, on such bonds or other obligations on the maturity date or dates thereof or the specified redemption date or dates pursuant to such irrevocable instructions, as appropriate; or (d) direct evidences of ownership of proportionate interests in future interest and principal payments on specified obligations described in (a) held by a bank or trust company as custodian, under which the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor on the underlying obligations described in (a), and which underlying obligations are not available to satisfy any claim of the custodian or any person claiming through the custodian or to whom the custodian may be obligated.

"Fitch Ratings" means Fitch, Inc., a corporation organized and existing under the laws of the State of New York, its successors and their assigns and, if such corporation for any reason no longer performs the functions of a securities rating agency, *"Fitch Ratings"* will be deemed to refer to any other nationally recognized rating agency other than Moody's or S&P designed by the City.

"Moody's" means Moody's Investors Service, a corporation organized and existing under the laws of the State of Delaware, its successors and their assigns and, if such corporation for any reason no longer performs the functions of a securities rating agency, *"Moody's"* will be deemed to refer to any other nationally recognized rating agency other than Fitch Ratings or S&P designed by the City.

"S&P" means Standard & Poor's Ratings Services, a Division of The McGraw-Hill Companies, Inc., its successors and their assigns and, if such corporation for any reason no longer performs the functions of a securities rating agency, *"S&P"* will be deemed to refer to any other nationally recognized rating agency other than Fitch Ratings or Moody's designed by the City.

"2003A Bonds" means the City's General Obligation Bonds, Series 2003A, consisting of the Street Bonds, Neighborhood Improvement Bonds and the Housing Bonds, authorized under the Bonds Orders.

2. The City shall issue \$100,000,000 in total aggregate principal amount of its 2003A Bonds.

3. The 2003A Bonds shall be dated as of February 1, 2003 and pay interest semiannually on January 1 and July 1, beginning July 1, 2003. The 2003A Bonds are being issued to provide funds to pay the capital costs of the construction of improvements to the City's streets and sidewalks, housing

improvements and other public improvements in the City (collectively, the "Project"), pursuant to and in accordance with the Bond Orders.

4. The City Council has ascertained and hereby determines that the average period of usefulness of the capital projects being financed by the proceeds of the 2003A Bonds is not less than 25 years computed from the date of issuance of the 2003A Bonds.

5. (a) The 2003A Bonds issued under the Bond Orders described in clause (1) of the definition thereof are payable in annual installments on July 1 in each year, as follows:

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
2005	\$2,125,000	2018	\$4,075,000
2006	2,240,000	2019	4,285,000
2007	2,350,000	2020	4,500,000
2008	2,475,000	2021	4,730,000
2009	2,595,000	2022	4,975,000
2010	2,730,000	2023	5,230,000
2011	2,870,000	2024	5,500,000
2012	3,020,000	2025	5,780,000
2013	3,170,000	2026	6,075,000
2014	3,335,000	2027	6,390,000
2015	3,505,000	2028	6,720,000
2016	3,685,000	2029	3,765,000
2017	3,875,000		

6. The 2003A Bonds shall be numbered from "R-1" consecutively and upward. The 2003A Bonds shall bear interest from their date at a rate or rates which shall be hereafter determined on the sale thereof computed on the basis of a 360-day year of twelve 30-day months.

7. The 2003A Bonds shall be registered as to principal and interest, and the Director of Finance of the City is directed to maintain the registration records with respect thereto. The 2003A Bonds shall bear the original or facsimile signatures of the Mayor or City Manager of the City and the City Clerk of the City. An original or facsimile of the seal of the City shall be imprinted on each of the 2003A Bonds.

8. The 2003A Bonds will initially be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity of each series will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. A book-entry system will be employed, evidencing ownership of the 2003A Bonds in principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the 2003A Bonds will be payable to DTC or its nominee as registered owner of the 2003A Bonds in immediately available funds. The principal of and interest on the 2003A Bonds will be payable to owners of 2003A Bonds shown on the records of DTC at the close of business on the 15th day of the month preceding an interest payment date or a bond payment date. The City will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

If (a) DTC determines not to continue to act as securities depository for the 2003A Bonds or (b) the Director of Finance for the City determines that the continuation of the book-entry system of evidence and transfer of ownership of the 2003A Bonds would adversely affect the interests of the

beneficial owners of the 2003A Bonds, the City will discontinue the book-entry system with DTC. If the City fails to identify another qualified securities depository to replace DTC, the City will authenticate and deliver replacement bonds in the form of fully registered certificates.

9. The 2003A Bonds maturing on or before July 1, 2013 will not be subject to redemption prior to maturity. The 2003A Bonds maturing after July 1, 2013 will be subject to redemption prior to maturity, at the option of the City, from any moneys that may be made available for such purpose, either in whole or in part on any date on or after July 1, 2013, at the principal amount of the 2003A Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption, without a redemption premium thereon.

If less than all of the 2003A Bonds is called for redemption, the City shall select the maturity or maturities of the 2003A Bonds to be redeemed in such manner as the City in its discretion may determine and DTC and its participants shall determine which of the 2003A Bonds within a maturity are to be redeemed by lot; provided, however, that the portion of any 2003A Bond to be redeemed shall be in principal amount of \$5,000 or integral multiples thereof and that, in selecting 2003A Bonds for redemption, each 2003A Bond shall be considered as representing that number of 2003A Bonds which is obtained by dividing the principal amount of such 2003A Bond by \$5,000. Whenever the City elects to redeem 2003A Bonds, notice of such redemption of 2003A Bonds, stating the redemption date, redemption price and identifying the 2003A Bonds or portions thereof to be redeemed by reference to their numbers and further stating that on such redemption date there shall become due and payable on each 2003A Bond or portion thereof so to be redeemed, the principal thereof, and interest accrued to the redemption date and that from and after such date interest thereon shall cease to accrue, shall be given not less than 30 days nor more than 60 days before the redemption date in writing to DTC or its nominee as the registered owner of the 2003A Bonds, by prepaid certified or registered United States mail, at the address provided to the City by DTC, but any failure or defect in respect of such mailing will not affect the validity of the redemption. If DTC is not the registered owner of the 2003A Bonds, the City will give notice at the time set forth above by prepaid first class United States mail, to the then-registered owners of the 2003A Bonds or portions thereof to be redeemed at the last address shown on the registration books kept by the City. The City will also mail or transmit by facsimile a copy of the notice of redemption within the time set forth above (1) to the Local Government Commission of North Carolina (the "*Local Government Commission*"), (2) to each of the then-existing securities depositories and (3) to at least two of then-existing national information services.

10. The 2003A Bonds and the provisions for the registration of the 2003A Bonds and for the approval of the 2003A Bonds by the Clerk of the Local Government Commission shall be in substantially the following form:

(Form of 2003A Bond)

No. R-

\$

UNITED STATES OF AMERICA
STATE OF NORTH CAROLINA
CITY OF CHARLOTTE

INTEREST RATE	MATURITY DATE	DATED DATE	CUSIP No.
	JULY 1, _____	FEBRUARY 1, 2003	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: DOLLARS

GENERAL OBLIGATION BOND, SERIES 2003A

THE CITY OF CHARLOTTE, NORTH CAROLINA (the "City") acknowledges itself indebted and for value received hereby promises to pay to the Registered Owner named above, on the Maturity Date specified above, upon surrender hereof, the Principal Sum shown above and to pay to the Registered Owner hereof interest thereon from the date of this 2003A Bond until it shall mature at the Interest Rate per annum specified above, payable on July 1, 2003 and semiannually thereafter on January 1 and July 1 of each year. Principal of and interest on this 2003A Bond are payable in immediately available funds to The Depository Trust Company ("DTC") or its nominee as registered owner of the 2003A Bonds and is payable to the owner of the 2003A Bonds shown on the records of DTC at the close of business on the 15th day of the month preceding an interest payment date or a bond payment date. The City is not responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

This 2003A Bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, and pursuant to The Local Government Finance Act, the bond orders adopted by the City Council on August 24, 1998, August 28, 2000 and September 9, 2002; which were approved by the vote of a majority of the voters who voted thereon at referendums duly called and held. The 2003A Bonds are issued to provide funds to pay the capital costs of the construction of improvements to the City's streets and sidewalks, housing improvements and other public improvements in the City.

The 2003A Bonds maturing on or before July 1, 2013 will not be subject to redemption prior to maturity. The 2003A Bonds maturing after July 1, 2013 will be subject to redemption prior to maturity, at the option of the City, from any moneys that may be made available for such purpose, either in whole or in part on any date on or after July 1, 2013, at the principal amount of the 2003A Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption, without a redemption premium thereon.

If less than all of the 2003A Bonds shall be called for redemption, the City shall select the maturity or maturities of the 2003A Bonds to be redeemed in such manner as the City in its discretion may determine and DTC and its participants shall determine which of the 2003A Bonds within a maturity are to be redeemed by lot; provided, however, that the portion of any 2003A Bond to be redeemed shall

be in principal amount of \$5,000 or integral multiples thereof and that, in selecting 2003A Bonds for redemption, each 2003A Bond shall be considered as representing that number of 2003A Bonds which is obtained by dividing the principal amount of such 2003A Bond by \$5,000. Whenever the City elects to redeem 2003A Bonds, notice of such redemption of 2003A Bonds, stating the redemption date, redemption price and identifying the 2003A Bonds or portions thereof to be redeemed by reference to their numbers and further stating that on such redemption date there shall become due and payable on each 2003A Bond or portion thereof so to be redeemed, the principal thereof and interest accrued to the redemption date and that from and after such date interest thereon shall cease to accrue, shall be given not less than 30 days nor more than 60 days before the redemption date in writing to DTC or its nominee as the registered owner of the 2003A Bonds, by prepaid certified or register United States mail, at the address provided to the City by DTC, but any failure or defect in respect of such mailing will not affect the validity of the redemption. If DTC is not the registered owner of the 2003A Bonds, the City will give notice at the time set forth above by prepaid first class United States mail to the then-registered owners of the 2003A Bonds or portions thereof to be redeemed at the last address shown on the registration books kept by the City.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this 2003A Bond, exist, have been performed and have happened, and that the amount of this 2003A Bond, together with all other indebtedness of the City, is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on this 2003A Bond in accordance with its terms.

This 2003A Bond shall not be valid or become obligatory for any purpose until the certification hereon shall have been signed by an authorized representative of the Local Government Commission.

IN WITNESS WHEREOF, the City has caused this 2003A Bond to bear the original or facsimile of the signatures of the Mayor of the City and the City Clerk of the City and an original or facsimile of the seal of the City to be imprinted hereon and this 2003A Bond to be dated as of February 1, 2003.

(SEAL)

Mayor

City Clerk

Date of Execution: _____, 2003

The issue hereof has been approved under the provisions of The Local Government Bond Act.

JANICE T. BURKE
Acting Secretary of the Local Government Commission

FORM OF ASSIGNMENT

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

(Please print or typewrite Name and Address,
including Zip Code, and Federal Taxpayer Identification or
Social Security Number of Assignee)

the within 2003A Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

Attorney to register the transfer of the within 2003A Bond on the books kept for registration thereof,
with full power of substitution in the premises.

Dated: _____
Signature guaranteed by: _____

NOTICE: Signature must be guaranteed by
a Participant in the Securities Transfer
Agent Medallion Program ("Stamp") or
similar program.

NOTICE: The signature to this assignment must
correspond with the name as it appears on the
face of the within Bond in every particular,
without alteration, enlargement or any change
whatever.

TRANSFER FEE MAY BE REQUIRED

11. The City covenants to take such action as may be required in the opinion of nationally recognized bond counsel to cause the 2003A Bonds and all actions of the City with respect to the proceeds thereof to comply with Internal Revenue Code of 1986, as amended (the "Code"). In particular, the City covenants as follows:

(a) At least one of the following two conditions will be satisfied for the 2003A Bonds: (1) less than 10% of the proceeds of the 2003A Bonds, reduced by costs of issuance, will be used directly or indirectly in the business of a person other than a state or local governmental unit or (2) less than 10% of the principal or interest on the 2003A Bonds will be (under the terms of such issue or any underlying arrangement) directly or indirectly (A) secured by an interest in property used or to be used in a private business or any interest in payments made with respect to such property or (B) to be derived from payments made with respect to property, or borrowed money, used or to be used in a private business;

(b) Less than 5% of the proceeds of the 2003A Bonds, reduced by costs of issuance, will be used by nongovernmental persons for a use unrelated to the purposes for which the 2003A Bonds are being issued;

(c) It will not loan directly or indirectly more than 5% of the proceeds of the 2003A Bonds to nongovernmental persons;

(d) It will not enter into any management contract with respect to the facilities financed with the proceeds of the 2003A Bonds unless it obtains an opinion of nationally recognized bond counsel that such management contract will not impair the exclusion from a recipient's gross income for federal income tax purposes of the interest on the 2003A Bonds;

(e) The City acknowledges that the continued exclusion of interest on the 2003A Bonds from a recipient's gross income for federal income tax purposes depends, in part, on compliance with the arbitrage limitations imposed by Section 148 of the Code. The City covenants to comply with all the requirements of Section 148 of the Code, including the rebate requirements, and it shall not permit at any time any of the proceeds of the 2003A Bonds or other funds of the City to be used, directly or indirectly, to acquire any asset or obligation, the acquisition of which would cause the 2003A Bonds to be "*arbitrage bonds*" for purposes of Section 148 of the Code;

(f) The 2003A Bonds shall not be "*federally guaranteed*" as defined in Section 149(b) of the Code;

(g) The City covenants to file or cause to be filed Form 8038G in accordance with Section 149(e) of the Code.

12. The Director of Finance is hereby directed to create and establish a special fund to be designated "*City of Charlotte, North Carolina General Obligation Bonds, Series 2003A Project Fund*" (the "*Project Fund*"). The proceeds from the sale of the 2003A Bonds shall be deposited in the Project Fund. Any moneys held in the Project Fund shall be invested and reinvested by the Director of Finance as permitted by the laws of the State of North Carolina and the income, to the extent permitted by the Code, shall be retained in the Project Fund and applied with the proceeds of the 2003A Bonds to pay the costs of the Project, as directed by the Director of Finance. The Director of Finance shall keep and maintain adequate records pertaining to the Project Fund and all disbursements therefrom so as to satisfy the requirements of the laws of the State of North Carolina and to assure that the City maintains its covenants with respect to the exclusion of the interest on the 2003A Bonds from gross income for purposes of federal income taxation.

The Director of Finance is hereby directed to hold proceeds of the 2003A Bonds representing accrued interest in a separate, segregated account and apply amounts held in such account to pay accrued interest on the 2003A Bonds on July 1, 2003.

13. Actions taken by officials of the City to select paying and transfer agents, and a bond registrar, or alternate or successor agents and registrars pursuant to Section 159E-8 of the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, are hereby authorized and approved.

14. The Local Government Commission is hereby requested to sell each series of the 2003A Bonds through a competitive sale to the bidder whose bid results in the lowest interest cost to the City, determined on the basis of the net interest cost method.

15. The Mayor, the City Manager, the Director of Finance and the City Clerk of the City are hereby authorized and directed to cause the 2003A Bonds to be prepared and, when they shall have been

duly sold by the Local Government Commission, to execute the 2003A Bonds and to turn the 2003A Bonds over to the registrar and transfer agent of the City for delivery through the facilities of DTC to the purchaser or purchasers to whom they may be sold by the Local Government Commission.

16. The form and content of the Preliminary Official Statement to be dated on or about January 31, 2003 together with the Official Statement to be dated on or about February 11, 2003 are in all respects authorized, approved and confirmed, and the Mayor, the City Manager, the Director of Finance and the City Clerk of the City are authorized, empowered and directed to execute and deliver the Official Statement in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as shall to the Mayor, City Manager or the Director of Finance of the City seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the approval of the City Council of any and all changes, modifications, additions or deletions therein from the form and content of the Official Statement presented to the City Council.

17. The Mayor, the City Manager, the Director of Finance and the City Clerk of the City are authorized and directed to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the documents contemplated hereinabove or as may be deemed necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution.

18. The City agrees, in accordance with Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission (the "SEC") and for the benefit of the Registered Owners and beneficial owners of the 2003A Bonds, as follows:

(1) by not later than seven months after the end of each Fiscal Year, beginning with the Fiscal Year ending June 30, 2003, to provide to each nationally recognized municipal securities information repository ("NRMSIR") and to the state information depository ("SID"), if any, for the State, in each case as designated by the SEC, the audited financial statements of the City for such Fiscal Year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or if such audited financial statements are not then available, unaudited financial statements of the City for such Fiscal Year to be replaced subsequently by audited financial statements of the City to be delivered within 15 days after such audited financial statements become available for distribution;

(2) by not later than seven months after the end of each Fiscal Year, beginning with the Fiscal Year ending June 30, 2003, to provide to each NRMSIR and to the SID, if any, in each case as designated by the SEC, (a) the financial and statistical data as of a date not earlier than the end of the preceding Fiscal Year for the type of information included under the captions "**THE CITY--DEBT INFORMATION**" and "**-- TAX INFORMATION**" (excluding information on overlapping units) in the Official Statement referred to in Section 16 and (b) the combined budget of the City for the current Fiscal Year to the extent such items are not included in the audited financial statements referred to in clause (1) above;

(3) to provide in a timely manner to each NRMSIR or to the Municipal Securities Rulemaking Board (the "MSRB"), and to the SID, if any, notice of any of the following events with respect to the 2003A Bonds, if material:

(a) principal and interest payment delinquencies;

- (b) non-payment related defaults;
- (c) unscheduled draws on the debt service reserves reflecting financial difficulties;
- (d) unscheduled draws on any credit enhancements reflecting financial difficulties;
- (e) substitution of any credit or liquidity providers, or their failure to perform;
- (f) adverse tax opinions or events affecting the tax-exempt status of the 2003A Bonds;
- (g) modification to the rights of the beneficial owners of the 2003A Bonds;
- (h) call of any of the 2003A Bonds for redemption;
- (i) defeasance of any of the 2003A Bonds;
- (j) release, substitution or sale of any property securing repayment of the 2003A Bonds;
- (k) rating changes; and

(4) to provide in a timely manner to each NRMSIR or to the MSRB, and to the SID, if any, notice of a failure of the City to provide required annual financial information described in (1) or (2) above on or before the date specified.

The City agrees that its undertaking under this Paragraph is intended to be for the benefit of the registered owners and the beneficial owners of the 2003A Bonds and is enforceable by any of the registered owners and the beneficial owners of the 2003A Bonds, including an action for specific performance of the City's obligations under this Paragraph, but a failure to comply will not be an event of default and will not result in acceleration of the payment of the 2003A Bonds. An action must be instituted, had and maintained in the manner provided in this Paragraph for the benefit of all of the registered owners and beneficial owners of the 2003A Bonds.

The City may modify from time to time, consistent with the Rule, the information provided or the format of the presentation of such information, to the extent necessary or appropriate in the judgment of the City, but:

- (1) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law or change in the identity, nature or status of the City;
- (2) the information to be provided, as modified, would have complied with the requirements of the Rule as of the date of the Official Statement, after taking into account any amendments or interpretations of the Rule as well as any changes in circumstances;

(3) any such modification does not materially impair the interest of the registered owners or the beneficial owners, as determined by nationally recognized bond counsel or by the approving vote of the registered owners of a majority in principal amount of the 2003A Bonds.

Any annual financial information containing modified operating data or financial information will explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Paragraph terminate on payment, or provision having been made for payment in a manner consistent with the Rule, in full of the principal of and interest on the 2003A Bonds.

19. Those portions of this Resolution other than Paragraph 18 may be amended or supplemented, from time to time, without the consent of the owners of the 2003A Bonds if in the opinion of nationally recognized bond counsel, such amendment or supplement would not adversely affect the interests of the owners of the 2003A Bonds and would not cause the interest on the 2003A Bonds to be included in the gross income of a recipient thereof for federal income tax purposes. This Resolution may be amended or supplemented with the consent of the owners of a majority in aggregate principal amount of the outstanding 2003A Bonds, exclusive of 2003A Bonds, if any, owned by the City, but a modification or amendment (1) may not, without the express consent of any owner of 2003A Bonds, reduce the principal amount of any 2003A Bond, reduce the interest rate payable on it, extend its maturity or the times for paying interest, change the monetary medium in which principal and interest is payable, or reduce the percentage of consent required for amendment or modification and (2) as to an amendment to Paragraph 18, must be limited as described therein.

Any act done pursuant to a modification or amendment consented to by the owners of the 2003A Bonds is binding on all owners of the 2003A Bonds and will not be deemed an infringement of any of the provisions of this Resolution, whatever the character of the act may be, and may be done and performed as fully and freely as if expressly permitted by the terms of this Resolution, and after consent has been given, no owner of a 2003A Bond has any right or interest to object to the action, to question its propriety or to enjoin or restrain the City from taking any action pursuant to a modification or amendment.

If the City proposes an amendment or supplemental resolution to this Resolution requiring the consent of the owners of the 2003A Bonds, the Registrar shall, on being satisfactorily indemnified with respect to expenses, cause notice of the proposed amendment to be sent to each owner of the 2003A Bonds then outstanding by first-class mail, postage prepaid, to the address of such owner as it appears on the registration books; but the failure to receive such notice by mailing by any owner, or any defect in the mailing thereof, will not affect the validity of any proceedings pursuant hereto. Such notice shall briefly set forth the nature of the proposed amendment and shall state that copies thereof are on file at the principal office of the Registrar for inspection by all owners of the 2003A Bonds. If, within 60 days or such longer period as shall be prescribed by the City following the giving of such notice, the owners of a majority in aggregate principal amount of 2003A Bonds then outstanding have consented to the proposed amendment, the amendment will be effective as of the date stated in the notice.

20. Nothing in this Resolution shall preclude (a) the payment of the 2003A Bonds from the proceeds of refunding bonds or (b) the payment of the 2003A Bonds from any legally available funds.

If the City causes to be paid, or has made provisions to pay, on maturity or on redemption before maturity, to the owners of the 2003A Bonds the principal of the 2003A Bonds (including interest to become due thereon), through setting aside trust funds or setting apart in a reserve fund or special trust

account created pursuant to this Resolution or otherwise, or through the irrevocable segregation for that purpose in some sinking fund or other fund or trust account with an escrow agent or otherwise, moneys sufficient therefor, including, but not limited to, interest earned or to be earned on Federal Securities, the City shall so notify Moody's, S&P and Fitch Ratings, and then the such 2003A Bonds shall be considered to have been discharged and satisfied, and the principal of the 2003A Bonds (including and interest thereon) shall no longer be deemed to be outstanding and unpaid; provided, however, that nothing in this Resolution requires the deposit of more than such Federal Securities as may be sufficient, taking into account both the principal amount of such Federal Securities and the interest to become due thereon, to implement any such defeasance.

If such a defeasance occurs and after the City receives an opinion of a nationally recognized accounting firm that the segregated moneys or Federal Securities together with interest earnings thereon are sufficient to effect a defeasance, the City shall execute and deliver all such instruments as may be necessary to effect such a defeasance and desirable to evidence such release, discharge and satisfaction. Provisions shall be made by the City, for the mailing of a notice to the owners of the 2003A Bonds that such moneys are so available for such payment.

Upon motion of Councilmember Wheeler, seconded by Councilmember Cannon, the foregoing order entitled: **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AUTHORIZING THE ISSUANCE OF \$100,000,000 GENERAL OBLIGATION BONDS, SERIES 2003A OF THE CITY OF CHARLOTTE, NORTH CAROLINA"** was adopted by the following vote:

AYES: Unanimous - Cannon, Carter, Cogdell
Graham, Lochman, Mitchell, Mumford, Spencer,
Tabor, Wheeler, and White

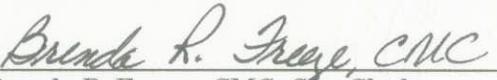
NAYS: _____

PASSED, ADOPTED AND APPROVED this 13th day of January, 2003.

CERTIFICATION

I, Brenda R. Freeze, 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 13th day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Resolution Book 38, Pages 180-192.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 15th day of January, 2003.


Brenda R. Freeze, CMC, City Clerk