

RESOLUTION CLOSING LOWELL STREET (FORMERLY  
LINDEN STREET) LOCATED BETWEEN CUSHMAN STREET  
(FORMERLY CHESTER STREET) AND RUTGERS AVENUE  
(FORMERLY GROVE STREET) 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 Lowell Street which calls for a public hearing on the question; and

WHEREAS, the petitioners sent a copy of the Resolution of Intent to Close Lowell Street by registered or certified mail to all owners of property adjoining the said street, and the petitioners prominently posted a notice of the closing and public hearing in at least two places along Lowell Street, all as required by G.S. 160A-299; and

WHEREAS, the public hearing was held on the 16th day of January, 19 78, and City Council determined that the closing of Lowell Street is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property,

now therefore, be it resolved by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of January 16, 19 78, that the Council hereby orders the closing of Lowell Street in the City of Charlotte, Mecklenburg County, North Carolina as described below:

COMMENCING at a point in the southerly boundary of the right-of-way of Cushman Street (formerly Chester Street) at its intersection with the westerly boundary of the right-of-way of Lowell Street (formerly Linden Street); running thence S 29°00' W with the westerly boundary of the right-of-way of Lowell Street a distance of 362.0 feet to a point in the northerly boundary of the right-of-way of Rutgers Avenue (formerly Grove Street); running thence S 61°00' E with the northerly boundary of the right-of-way of Rutgers Avenue a distance of 40 feet to a point in the easterly boundary of the right-of-way of Lowell Street; running thence N 29°00' E with the easterly boundary of the right-of-way of Lowell Street a distance of 358.7 feet to a point in the southerly boundary of the right-of-way of Cushman Street; and running thence N 47°45' W with the southerly boundary of the right-of-way of Cushman Street a distance of 41 feet to the point or place of beginning, as more fully shown in map recorded in Map Book 3 at page 323 in the Office of the Register of Deeds of Mecklenburg County, North Carolina.

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

APPROVED AS TO FORM:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 16th day of January, 1978, the reference having been made in Minute Book 67, and is recorded in full in Resolutions Book 13, at Page 154.

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE AND THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY RATIFYING AND AMENDING THE AGREEMENT REGARDING THE ZONING OF CERTAIN "BOUNDARY STRIPS" CREATED BY THE ANNEXATION OF CERTAIN AREAS EFFECTIVE JANUARY 25, 1974.

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WHEREAS the City of Charlotte annexed three (3), separate areas effective January 25, 1974 and subsequently adopted zoning regulations for those annexed areas effective on March 4, 1974; and

WHEREAS in establishing portions of the exterior boundaries of these annexation areas, certain street rights-of-way were used as a reference (being the right-of-way line for the reference street which was closer to an unincorporated area of Mecklenburg County as of January 25, 1974), the annexation boundary actually being located ten (10) feet away from and parallel to said right-of-way line (moving in a direction perpendicular to said right-of-way line and toward the closest unincorporated area of Mecklenburg County as of January 25, 1974) (the area between the center line of the reference street and the annexation boundary being hereinafter referred to as "boundary strips"); and

WHEREAS the City of Charlotte requested and Mecklenburg County agreed that Mecklenburg County would continue to exercise its zoning authority over such boundary strips and that the City of Charlotte would not exercise its zoning jurisdiction over such boundary strips; and

WHEREAS the City of Charlotte has annexed ten (10), separate areas effective December 1, 1977 and that in certain instances these recently annexed areas are contiguous to portions of such boundary strips; and

WHEREAS the City of Charlotte and Mecklenburg County desire to ratify their earlier agreement and further to modify said agreement to exclude such portions of those boundary strips that are contiguous to those areas annexed into the City of Charlotte effective December 1, 1977.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte and the Board of Commissioners of Mecklenburg County that the above-described agreement between the City of Charlotte and Mecklenburg County is ratified and further is amended so that the City of Charlotte shall exercise full zoning authority over such boundary strips that are contiguous to any area annexed by the City of Charlotte effective December 1, 1977.

As to those boundary strips that are not contiguous to any area recently annexed by the City of Charlotte, Mecklenburg County shall exercise full zoning authority over such boundary strips.

BE IT FURTHER RESOLVED that the agreement evidenced by this Joint Resolution shall be subject to termination as to all or any portion of such boundary strips by a written resolution formally adopted by either party's governing body and written notice of such action to the other party.

RESOLVED this 16th day of January, 1978.

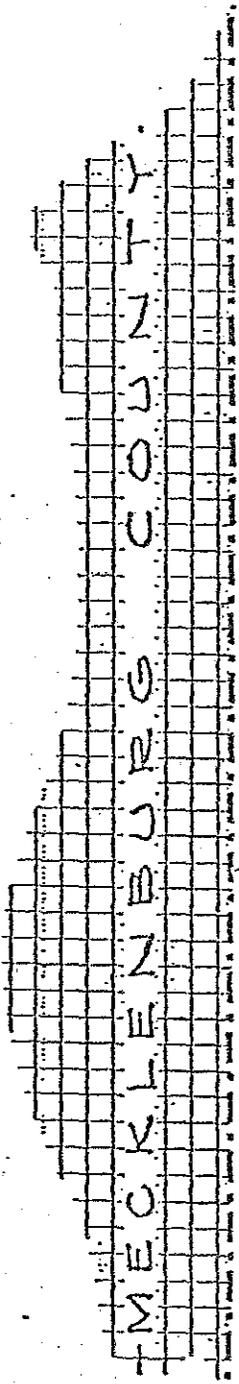
Approved as to form:

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City Attorney

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County Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 16th day of January, 1978, the reference having been made in Minute Book 67, and is recorded in full in Resolutions Book 13, at page 155-157.

Ruth Armstrong  
City Clerk

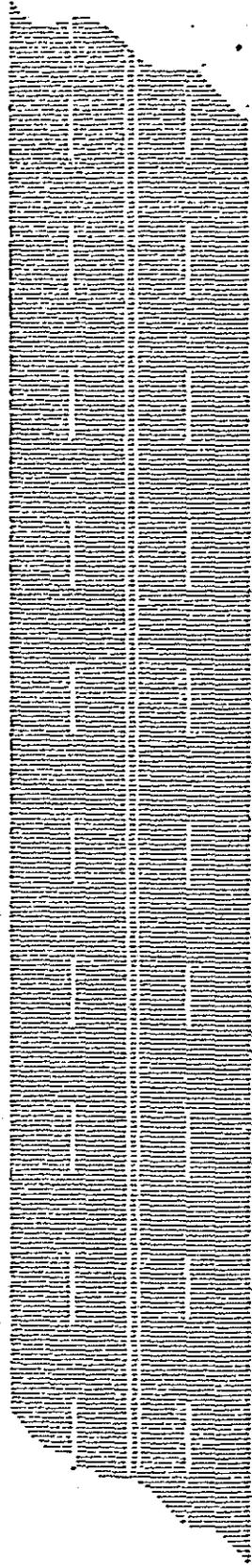


CITY LIMIT LINE, 1977

10'

CITY LIMIT LINE, 1974

ROAD RIGHT-OF-WAY



ROADWAY

ROAD RIGHT-OF-WAY

January 16, 1978

Resolutions Book 13 - Page 158

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE AND THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY REGARDING THE ZONING OF CERTAIN "BOUNDARY STRIPS" CREATED BY THE ANNEXATION OF CERTAIN AREAS EFFECTIVE DECEMBER 1, 1977.

WHEREAS the City of Charlotte annexed ten (10), separate areas effective December 1, 1977 and subsequently adopted zoning regulations for those annexed areas effective on January 16, 1978; and

WHEREAS in establishing portions of the exterior boundaries of these annexation areas, certain street rights-of-way were used as a reference (being the right-of-way line for the reference street which was closer to an unincorporated area of Mecklenburg County as of December 1, 1977), the annexation boundary actually being located ten (10) feet away from and parallel to said right-of-way line (moving in a direction perpendicular to said right-of-way line and toward the closest unincorporated area of Mecklenburg County as of December 1, 1977) (the area between the center line of the reference street and the annexation boundary hereinafter referred to as "boundary strips"); and

WHEREAS the City of Charlotte and Mecklenburg County desire to enter into an agreement whereby Mecklenburg County would continue to exercise its zoning authority over such boundary strips and whereby the City of Charlotte would not exercise its zoning jurisdiction over such boundary strips.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte and the Board of Commissioners of Mecklenburg County that Mecklenburg County shall continue to exercise full zoning authority over such boundary strips and the City of Charlotte shall not exercise its zoning jurisdiction over such boundary strips; provided that, this agreement shall not apply to that portion of the boundary strip located within the Sterling Area which is contiguous to the municipal boundary of the Town of Pineville.

BE IT FURTHER RESOLVED that the agreement evidenced by this Joint Resolution shall be subject to termination as to all or any portion of such boundary strips by a written resolution formally adopted by either party's governing body and written notice of such action to the other party.

RESOLVED this 16th day of January, 1978.

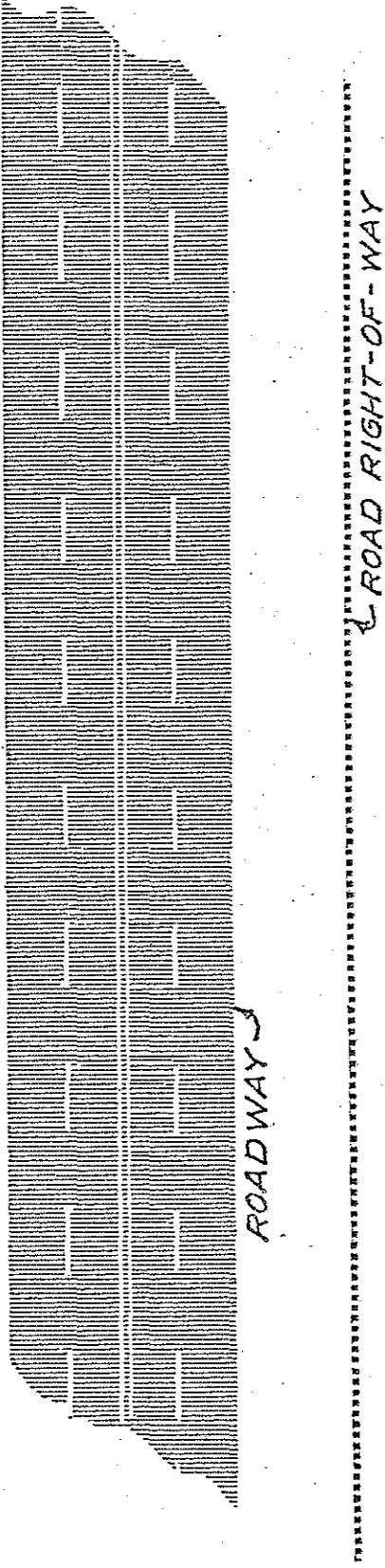
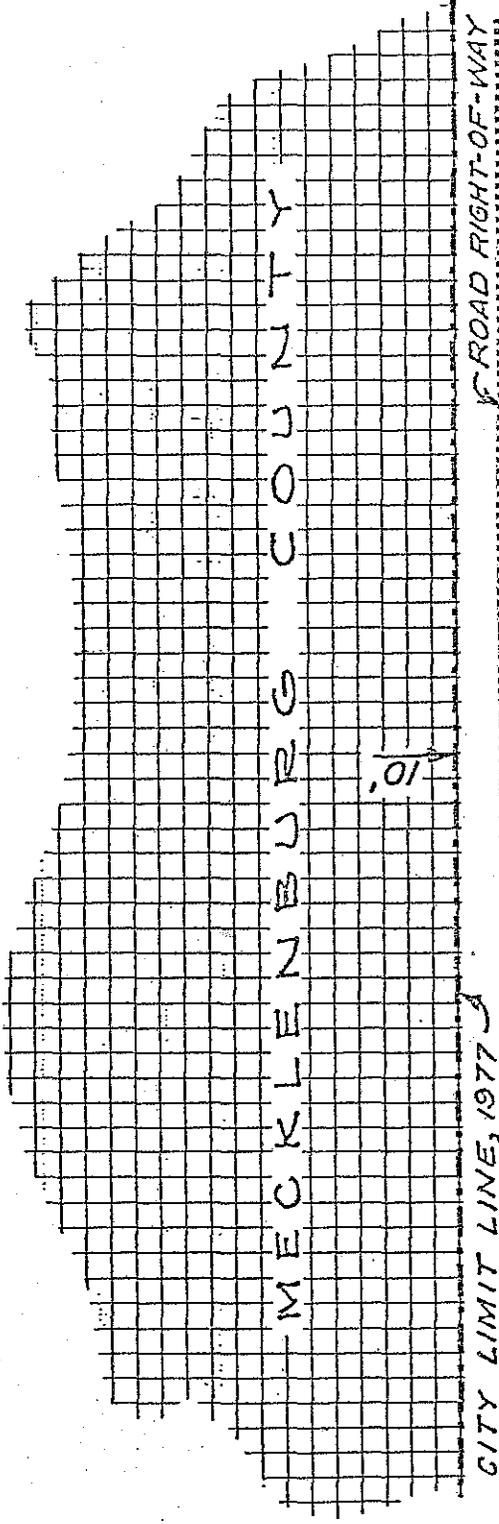
Approved as to form:

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City Attorney

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County Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 16th day of January, 1978, the reference having been made in Minute Book 67, and is recorded in full in Resolutions Book 13, at Page 158-159.

Ruth Armstrong  
City Clerk



RESOLUTION ABOLISHING THE CHARLOTTE PARK AND RECREATION COMMISSION AND ESTABLISHING A NEW DEPARTMENT DESIGNATED AS THE PARKS AND RECREATION DEPARTMENT OF THE CITY OF CHARLOTTE.

WHEREAS, Chapter 179, Session Laws of 1977, authorizes the Charlotte City Council to abolish the Charlotte Park and Recreation Commission following a public hearing and to create and establish in its place a city department; and

WHEREAS, the required public hearing was held on Monday, September 12, 1977; and

WHEREAS, the City Council desires to exercise the authority conferred upon it by the above-mentioned Act.

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

Section 1. That the Charlotte Park and Recreation Commission, as of the effective date of this resolution, shall cease to exist as a body politic and corporate and as a public body.

Section 2. That on the effective date of this resolution, the Parks and Recreation Department be established for the purpose of exercising the powers, duties and responsibilities heretofore exercised by the Charlotte Park and Recreation Commission.

Section 3. That all property, real and personal and mixed, belonging to the Charlotte Park and Recreation Commission shall vest in, belong to, and be the property of the City of Charlotte.

Section 4. That all judgments, liens, rights of liens, and causes of action of any nature in favor of the Charlotte Park and Recreation Commission shall remain, vest in, and inure to the benefit of the City of Charlotte.

Section 5. That all rentals, taxes, assessments, and any other funds, charges or fees, owing to the Charlotte Park and Recreation Commission, shall be owed to and collected by the City of Charlotte.

Section 6. That any actions, suits and proceedings pending against, or having been instituted by the Charlotte Park and Recreation Commission, shall not be abated by such abolition, but all such actions, suits, and proceedings shall be continued and completed in the same manner as if abolition had not occurred, and the City of Charlotte shall be a party to all such actions, suits, and proceedings in the place and stead of the Charlotte Park and Recreation Commission and shall pay or cause to be paid any judgment rendered against the Charlotte Park and Recreation Commission in any such actions, suits, and proceedings, and no new process need be served in any such action, suit, or proceeding.

Section 7. That all obligations of the Charlotte Park and Recreation Commission, including outstanding indebtedness, shall be assumed by the City of Charlotte, and all such obligations and outstanding indebtedness shall be constituted obligations and indebtedness of the City of Charlotte.

Section 8. That all ordinances, rules, regulations and policies of the Charlotte Park and Recreation Commission shall continue in full force and effect until repealed or amended by the governing body of the City of Charlotte.

Section 9. That the City Manager is hereby directed and authorized to undertake the necessary steps to insure that all Park and Recreation Commission employees on the effective date of this resolution are entitled to City employee benefits and privileges, including but not limited to retirement benefits, with credit for all service with the Park and Recreation Commission being creditable to the North Carolina Local Governmental Employees' Retirement System.

Section 10. That from and after the adoption of the resolution, the Charlotte Park and Recreation Commission is hereby authorized and directed to take such actions and to execute such documents as will carry into effect the provisions and the intent of this resolution, and as will effectively transfer its authority, responsibilities, obligations, personnel, property, both real and personal, to the City of Charlotte.

Section 11. That this resolution shall become effective May 1, 1978.

Approved as to form:

Henry W. Underhill Jr.  
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 16th day of January, 1978, the reference having been made in Minute Book 67, page 43, and recorded in full in Resolutions Book 13, page 160.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 19th day of January, 1978.

Ruth Armstrong  
Ruth Armstrong, City Clerk

January 16, 1978  
Resolutions Book 13 - Page 162

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE ALLEY EXTENDING FROM SUNNYSIDE AVENUE TO EAST INDEPENDENCE BOULEVARD IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, J. VAN HANFORD & SON, INC. has filed a Petition to close the alley extending from Sunnyside Avenue to East Independence Boulevard in the City of Charlotte; and

WHEREAS, the alley petitioned to be closed is 10 feet wide, 400 feet long and extends from Sunnyside Avenue to East Independence Boulevard in the Block bounded by East Independence Boulevard, Hawthorne Lane, Sunnyside Avenue and Lamar Avenue in the City of Charlotte, N. C. as shown on a map marked "Exhibit A", and is more particularly described by metes and bounds in a document marked "Exhibit B", both of which are available for inspection in the Office of the City Clerk, City Hall, Charlotte, North Carolina.

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, at its regularly scheduled session of Monday,  
January 16, 197 8, that it intends to close the alley which is 10 feet wide, 400 feet long and extends from Sunnyside Avenue to East Independence Boulevard in the block bounded by East Independence Boulevard, Hawthorne Lane, Sunnyside Avenue and Lamar Avenue in the City of Charlotte, N. C., said alley being more particularly described on a map and by a metes and bound description available for inspection in the City Clerk's Office, and hereby calls a public hearing on the question to be held at 3:00 p.m., on Monday, the 13th day of February, 197 8, at City Hall, 600 E. Trade Street. The City Clerk is hereby directed to publish a copy of this resolution in the Charlotte News once a week for four successive weeks next preceding the date fixed here for such hearing as required by N.C.G.S. 160A-299, and further, the petitioner is directed to send by registered or certified mail a copy of this resolution to all owners of property adjoining the said alley (or portion thereof) as shown on the county tax records. The petitioner is also directed to prominently post a notice of the closing and public hearing in at least two places along said alley.

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 16th day of January, 1978, the reference having been made in Minute Book 67, and is recorded in full in Resolutions Book 13, at Page 162.

Ruth Armstrong  
City Clerk

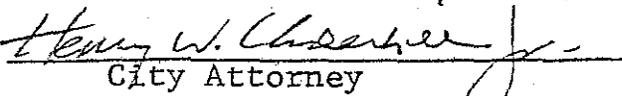
A RESOLUTION AUTHORIZING THE REFUND  
OF CERTAIN TAXES

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

1. The City-County Tax Collector collected taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers made demand in writing for refund of the amounts set out on the schedule within eight years from the date the amounts were due to be paid.
3. The amounts listed on the schedule were collected through clerical error or by a tax illegally levied and assessed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 16th day of January, 19 78, that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded the amounts therein set out and that the schedule and this resolution be spread upon the minutes of this meeting.

Approved as to form:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 16th day of January, 1978, the reference having been made in Minute Book 67, and is recorded in full in Resolutions Book 13, at Page 163.

Ruth Armstrong, City Clerk

## TAXPAYERS AND REFUNDS REQUESTED

<u>NAME</u>	<u>AMOUNT OF REFUND REQUESTED</u>	<u>REASON</u>
Curtis 1000 Inc.	\$ 191.00	Clerical Error
Rosa Scarborough	49.06	Clerical Error
Goodyear Tire & Rubber Co.	667.42	Illegal Levy
Pizza Hut of N.C. Inc.	248.83	Illegal Levy
Ada Anderson	44.00	Illegal Levy
Myrtle H. Brown (Mrs. W.E.)	44.00	Illegal Levy
John Raymond Chance & wife Helen K.	44.00	Illegal Levy
Edgar Hugh Coffey & wife Margaret	44.00	Illegal Levy
Lillian H. Diggs (Mrs. J.D.)	44.00	Illegal Levy
Vincent Edward Love	46.42	Illegal Levy
Cornelius J. McClure & wife T. Jacqueline	12.58	Clerical Error
Dudley Deaton McSwain	76.82	Clerical Error
Walter Edwin Sikes & wife Cynthia L.	1.36	Clerical Error
Sarah A. Steinek	21.25	Illegal Levy
Luvenia M. Walker	44.00	Illegal Levy
Bliss McCall Wheeler	44.00	Illegal Levy
Southern Merchandise	98.27	Illegal Levy
Nancy Jo Baumgardner	28.07	Clerical Error
William Michael Griffin	<u>44.77</u>	Clerical Error
	<u>\$1,793.85</u> =====	