

**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 property 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 9th day of January, 2006 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 9th day of January, 2006, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page(s) 926-927.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 2006.

  
Brenda R. Freeze, CMC, City Clerk

**TAXPAYERS AND REFUNDS REQUESTED**  
**(Clerical Error)**

<b>Name</b>	<b>Refund Amount</b>
YUAN ZHENJIN	\$ 61.32
MCDONALD ROBERT W	42.00
NIXON GEORGE H JR	33.60
BEN & JERRYS ICE CREAM	368.63
MERCHANTS PATROL SERVICE INC	240.94
GIBSON GEORGE R JR	146.58
BOJANGLES %K-BO INC	268.61
BOJANGLES %K-BO INC	345.02
WILEY IDELL R	126.21
PASQUARELLI LOUIS N	58.80
PASQUARELLI LOUIS N	58.80
PASQUARELLI LOUIS N	58.80
HEALTHWORKS CHIROPRACTIC	175.07
HEALTHWORKS CHIROPRACTIC	201.33
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TOTAL	<u>\$ 2,185.71</u>

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

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

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

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 9th day of January, 2006 that those taxpayers listed on the schedule of "Business Privilege License Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

**CERTIFICATION**

I, 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 9th day of January, 2006, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page(s) 928-929.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 2006.

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

**BUSINESS PRIVILEGE LICENSE  
REFUNDS REQUESTED**

<u>Name</u>	<u>Refund Amount</u>
ACCENTS UNLIMITED	\$ 62.50
ACKERMANN NORTH AMERICA LLC	126.66
BENS V-TWINS INC	471.71
CICS LANGUAGE SOLUTIONS INC	71.12
CPC CHEMICAL HOLDINGS LLC	4,347.50
CRYSTAL ON THE PLAZA	142.40
CUSTOM NEON & GRAPHICS	108.57
DA SIDING - APT 2118	50.00
FERGUSON ENTERPRISES INC	474.96
FOX AND HOUND RESTAURANT STE 310	164.00
GB SOFT TOUCH	101.00
GREGORY INC	424.25
GUEST HOUSE SUITES	423.11
LAWN STYLIST	11.16
MILE MARKER LOGISTICS	83.97
MOREHEAD INN - UNIQUE	38.55
NATIONAL MULTI TECH LTD	25.88
NOBLES OF CHARLOTTE	1,179.00
ODALIS BAKERY PAN MEXICANO	47.30
SHAYLA LANE ENTERTAINMENT	16.00
SOFTCHOICE	709.97
SPECTACULAR SPACES/INTERIORS	100.00
STEARLEY FAMILY CHIROPRACTIC	68.62
THE POTTERY PAD	57.50
TOM JAMES COMPANY	264.95
TRI-TEC INDUSTRIES INC	92.95
UNISHIPPERS OF CHARLOTTE	347.57
VANLANDINGHAM ESTATE - UNIQUE	35.32
WING STOP - WING TIME	185.09
WORLD FAMOUS OPEN KITCHEN	1,349.43
Total	<u><u>\$ 11,581.04</u></u>

**CHARLOTTE CITY COUNCIL**

**Resolution Authorizing Sale of Personal Property by Electronic Auction**

Whereas, G.S. 160A-270(b) allows the City Council to sell personal property at electronic auction upon adoption of a resolution authorizing the appropriate official to dispose of the property at electronic auction; and

Whereas, the City Manager has recommended that the property listed on the attached Exhibit A be sold at electronic auction as surplus property; now therefore,

Be it resolved, by the Charlotte City Council that the City Manager or her designee is authorized to sell by electronic auction beginning February 1, 2006 at 10:00 a.m. and ending February 22, 2006 at 4:00 p.m. the surplus property described on Exhibit A at the City-County Surplus Property facility, 3301 Rotary Drive, Charlotte, North Carolina, as per the terms and conditions specified in the GovDeals contract approved by this City Council and in accordance with G.S. 160A-270(b). This will consist of three separate consecutive seven day auctions. The terms of the sale shall be net cash. The City Manager or her designee is directed to publish at least once and not less than ten days before the date of the auction, a copy of this resolution or a notice summarizing its content as required by North Carolina General Statute 160A-270(b).

**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 9th day of January, 2006, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page(s) 930-931.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 2006.

  
Brenda R. Freeze, CMC, City Clerk

**City of Charlotte Exhibit A Electronic Auction date: February 1-22, 2006**

**List of items:**

<b>F71833</b>	<b>1999 Spartan Ladder</b>	<b>4S7AW4393XC025731</b>
<b>F71834</b>	<b>1999 Spartan Ladder</b>	<b>4S7AW4399XC030996</b>
<b>F60260</b>	<b>1989 Pierce engine company</b>	<b>1P9CT02D7KA040552</b>
<b>F59593</b>	<b>1988 Pierce engine company</b>	<b>1P9CT02D2JA040554</b>

**Fire trucks will be offered two at a time.**

**Eye Pass security system this item will not be sold (questions regarding security software)**

**Coliseum items:**

**Various rolling carts**  
**Food servers**  
**Glassware**  
**Chairs**  
**Other small miscellaneous items**

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 **PENNSYLVANIA AVENUE 200 (a/k/a 8" SANITARY SEWER-SERVE 200 PENNSYLVANIA AVENUE 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 **PENNSYLVANIA AVENUE 200 (a/k/a 8" SANITARY SEWER-SERVE 200 PENNSYLVANIA AVENUE PROJECT)**, and estimated to be approximately **13,673 square feet (.314 ac.) of sanitary sewer easement, storm 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. 069-071-24, said property currently owned by **BC BONDING COMPANY; MECKLENBURG COUNTY TAX COLLECTOR, 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 9th day of January, 2006, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page 932.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 2006.

  
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 **SOUTH CORRIDOR INFRASTRUCTURE PROJECT: ARCHDALE PACKAGE**; 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 **SOUTH CORRIDOR INFRASTRUCTURE PROJECT: ARCHDALE PACKAGE** and estimated to be approximately **57,466 square feet (1.319 ac.) of sidewalk and utility easement, permanent bus shelter 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. 173-012-01, said property currently owned by **EASTBOURNE INVESTMENTS, LTD., SOUTHLAND ASSOCIATES, INC., Trustee; CENTRAL CAROLINA BANK, Beneficiary; KEYBANK NATIONAL ASSOCIATION; CONCORD BUYING GROUP, INC., Lessee, 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 9th day of January, 2006, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page 933.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 2006.

  
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 **WEST MOREHEAD STREETSCAPE 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 **WEST MOREHEAD STREETSCAPE PROJECT** and estimated to be approximately **487 square feet (.011 ac.) of sidewalk and utility 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. 073-254-04, said property currently owned by **JOEY PALMER and spouse, if any; ANN PIERPONT and spouse, if any; CSX TRANSPORTATION, INC. (Successor in Interest to Piedmont and Northern Railway Company); MECKLENBURG COUNTY TAX COLLECTOR, 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 9th day of January, 2006, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page 934.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 2006.

  
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 **SOUTH CORRIDOR LIGHT RAIL 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 **SOUTH CORRIDOR LIGHT RAIL PROJECT** and estimated to be approximately **5,854 square feet (.134 ac.) of fee-simple interest and existing right-of-way** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 123-015-01, said property currently owned by **VERNON W. SIMPSON and wife, MAGGIE M. SIMPSON, 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 9th day of January, 2006, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page 935.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 2006.

  
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 **SOUTH CORRIDOR LIGHT RAIL 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 **SOUTH CORRIDOR LIGHT RAIL PROJECT** and estimated to be approximately **4,587 square feet (.105 ac.) of slope 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. 125-014-07, said property currently owned by **THE NORTH CAROLINA RAILROAD COMPANY; CHARLOTTE SOUTHERN CORPORATION, Lessee; NORFOLK SOUTHERN RAILWAY (f/k/a Southern Railway Company), Lessee; CHARLOTTE OFFICE TOWER ASSOCIATES, Sub-Lessee; DUKE POWER COMPANY, Lessee, 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 9th day of January, 2006, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page 936.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 2006.

  
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 **SOUTH CORRIDOR LIGHT RAIL 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 **SOUTH CORRIDOR LIGHT RAIL PROJECT** and estimated to be approximately **3,542 square feet (.081 ac.) of slope 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. 125-061-05, said property currently owned by **THE NORTH CAROLINA RAILROAD COMPANY; HILTON CHARLOTTE, INC., Lessee; CHARLOTTE-SOUTHERN CORPORATION, Lessee; TRSTE, INC., Trustee; FIRST UNION NATIONAL BANK OF GEORGIA, Beneficiary; NORFOLK SOUTHERN RAILWAY (f/ka Southern Railway Company), Lessee; DUKE POWER COMPANY, Lessee, and Any Other Parties in Interest, or the owners' successor-in-interest.**

ESTIMATED JUST COMPENSATION:

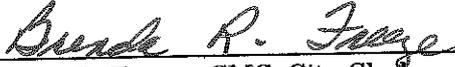
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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 9th day of January, 2006, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page 937.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 2006.

  
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 **SOUTH CORRIDOR LIGHT RAIL 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 **SOUTH CORRIDOR LIGHT RAIL PROJECT** and estimated to be approximately **890 square feet (.020 ac.) of slope easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 125-061-07, said property currently owned by **THE NORTH CAROLINA RAILROAD COMPANY; CK-SOUTHERN ASSOCIATES, Lessee; CHARLOTTE-SOUTHERN CORPORATION, Lessee; NORFOLK-SOUTHERN RAILWAY COMPANY (f/k/a Southern Railway Company), Lessee; FIRST UNION NATIONAL BANK, (n/k/a Wachovia Bank), Lessee; B. FORD ROBERTSON, Trustee; NEW YORK LIFE INSURANCE COMPANY, Beneficiary/Secured Party; THE NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY, Beneficiary/Secured Party; NEW YORK LIFE INSURANCE COMPANY, Assignee; THE NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY, Assignee; TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF AMERICA, Secured Party, 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 9th day of January, 2006, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page 938.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 2006.

  
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 **SOUTH CORRIDOR LIGHT RAIL 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 **SOUTH CORRIDOR LIGHT RAIL PROJECT** and estimated to be approximately **331 square feet (.008 ac.) of slope 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. 125-061-11, said property currently owned by **THE NORTH CAROLINA RAILROAD COMPANY; HILTON CHARLOTTE, INC., Lessee; CK-SOUTHERN ASSOCIATES, Lessee; CHARLOTTE SOUTHERN CORPORATION, Lessee; NORFOLK SOUTHERN RAILWAY COMPANY (f/k/a Southern Railway Company), Lessee; DUKE POWER COMPANY; Lessee; FIRST UNION NATIONAL BANK (n/k/a Wachovia Bank), Lessee; TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF AMERICA, Secured Party; B. FORD ROBERTSON, Trustee; NEW YORK LIFE INSURANCE COMPANY, Beneficiary/Secured Party; THE NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY, Beneficiary/Secured Party, and Any Other Parties in Interest, or the owners' successor-in-interest.**

ESTIMATED JUST COMPENSATION:

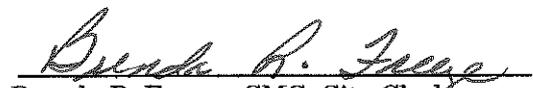
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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 9th day of January, 2006, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page 939.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 2006.

  
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 **SOUTH CORRIDOR LIGHT RAIL 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 **SOUTH CORRIDOR LIGHT RAIL PROJECT** and estimated to be approximately **4,780 square feet (.110 ac.) of slope 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. 125-061-12, said property currently owned by **THE NORTH CAROLINA RAILROAD COMPANY; HILTON CHARLOTTE, INC., Lessee; CK-SOUTHERN ASSOCIATES, Lessee; CHARLOTTE SOUTHERN CORPORATION, Lessee; NORFOLK SOUTHERN RAILWAY COMPANY (f/k/a Southern Railway Company), Lessee; DUKE POWER COMPANY; Lessee; TRSTE, INC., Trustee; FIRST UNION NATIONAL BANK OF GEORGIA, Beneficiary/Secured Party, 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.

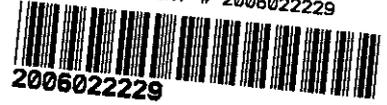
CERTIFICATION

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 9th day of January, 2006, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page 940.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 2006.

  
Brenda R. Freeze, CMC, City Clerk

FOR REGISTRATION JUDITH A. GIBSON  
REGISTER OF DEEDS  
MECKLENBURG COUNTY, NC  
2006 FEB 03 09:59 AM  
BK: 19979 PG: 553-558 FEE: \$24.00  
INSTRUMENT # 2006022229



S 2005-009  
C DOT

RESOLUTION CLOSING AN ALLEYWAY LOCATED OFF OF N. TORRENCE 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 an alleyway located off of N. Torrence Street which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close an alleyway located off of N. Torrence Street to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 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 BellSouth Telecommunications, Inc., Duke Power Company, 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 9<sup>th</sup> day of January, 2006 and City Council determined that the closing of an alleyway located off of N. Torrence 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 9, 2006, that the Council hereby orders the closing of an alleyway located off of N. Torrence Street in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A", and is more particularly described by metes and bounds in 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 9th day of January, 2006; the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page(s) 941- 945.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 2006.

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

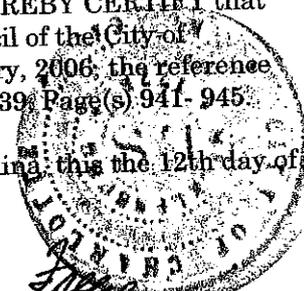
  
*Brenda R. Freeze*  
Brenda R. Freeze, CMC, City Clerk



EXHIBIT B  
EXHIBIT: ALLEY ABANDONMENT  
METES AND BOUNDS LEGAL DESCRIPTION

BEING ALL OF THAT OLD ALLEYWAY, FRONTING ON NORTH TORRENCE STREET IN THE BLOCK BOUND BY EAST FOURTH STREET, ELIZABETH AVENUE, INDEPENDENCE BOULEVARD AND NORTH TORRENCE STREET, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT NCGS STATION "JERRYS" HAVING NORTH CAROLINA STATE PLANE GRID COORDINATES IN US SURVEY FEET OF N: 538,213.6873, E: 1,453,334.921, WITH A COMBINED GRID FACTOR OF 0.9998452;

THENCE, S 74° 41' 29" E, 428.09 FEET (HORIZONTAL GROUND DISTANCE) TO A FOUND #5 REBAR, SAID REBAR BEING IN A SOUTHEASTERLY LINE OF THE PROPERTY OF THE TRUSTEES OF CENTRAL PIEDMONT COMMUNITY COLLEGE AS DESCRIBED IN BOOK 11473, PAGE 551, MECKLENBURG COUNTY REGISTRY (HENCE MCR), THE POINT OF BEGINNING;

THENCE, WITH THE SOUTHEASTERLY LINE OF SAID TRUSTEES OF CENTRAL PIEDMONT PROPERTY, N 45° 24' 33" E, 10.00 FEET TO A SET #5 REBAR WITH PLASTIC CAP INSCRIBED "THE SURVEY COMPANY, INC.", SAID REBAR BEING A COMMON CORNER WITH THE PROPERTY DESCRIBED HEREIN AND THE PROPERTY OF 1427 EAST FOURTH STREET, LLC AS DESCRIBED IN BOOK 43, PAGE 801, MCR;

THENCE, WITH A SOUTHWESTERLY LINE OF SAID 1427 EAST FOURTH STREET PROPERTY, S 44° 43' 19" E, 121.97 FEET TO A SET ALUMINUM DISK ON EXISTING #4 REBAR IN ASPHALT PAVEMENT, SAID REBAR BEING THE MOST WESTERLY CORNER OF THE PROPERTY OF LARRY E. PRICE AND WIFE LYNDA A. PRICE AS DESCRIBED IN BOOK 6154, PAGE 932, ET AL, MCR;

THENCE, ALONG THE SOUTHWESTERLY LINE OF SAID LARRY E. PRICE TRACT, S 44° 26' 36" E, 75.91 FEET TO A FOUND 1" PIPE IN THE NORTHERLY RIGHT-OF-WAY LINE OF NORTH TORRENCE STREET, A 40 FOOT WIDE PUBLIC RIGHT OF WAY;

THENCE, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF NORTH TORRENCE STREET, S 45° 16' 21" W, 10.10 FEET TO A FOUND #5 REBAR, SAID REBAR BEING THE MOST EASTERLY CORNER OF THE PROPERTY OF THE TRUSTEES OF CENTRAL PIEDMONT COMMUNITY COLLEGE AS DESCRIBED IN BOOK 43, PAGE 801, MCR;

THENCE, ALONG THE NORTHEASTERLY LINE OF SAID TRUSTEES OF CENTRAL PIEDMONT PROPERTY, N 44° 35' 05" W, 121.90 FEET TO A CALCULATED POINT;

THENCE, CONTINUING ALONG THE NORTHEASTERLY LINE OF SAID TRUSTEES OF CENTRAL PIEDMONT PROPERTY, N 52° 07' 47" W, 61.72 FEET TO A CALCULATED POINT;

THENCE, WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 269.50 FEET, FOR AN ARC LENGTH OF 14.90 FEET, THROUGH A CENTRAL ANGLE OF 03° 10' 04", WITH A CHORD OF 14.90 FEET BEARING N 50° 32' 45" W TO A CALCULATED POINT, A COMMON CORNER IN THE LINE OF THE PROPERTY OF THE TRUSTEES OF CENTRAL PIEDMONT COMMUNITY COLLEGE;

THENCE, N 45° 24' 33" E, 9.65 FEET TO THE POINT OF BEGINNING, CONTAINING 2,392 SQAURE FEET OR 0.054 ACRES, AS SHOWN ON "EXHIBIT MAP OF OLD ALLEYWAY TO BE ABANDONED ON NORTH TORRENCE STREET BETWEEN E. 4<sup>TH</sup> ST. AND ELIZABETH AVE." PREPARED BY THE SURVEY COMPANY, INC. AND SIGNED AND SEALED BY MICHAEL C. SAWHILL, DATED MARCH 30TH, 2005 TO WHICH REFERENCE IS HEREBY MADE.

DOCUMENTS ON SERVER/LEGAL DESCRIPTIONS/CPCC ALLEY.DOC

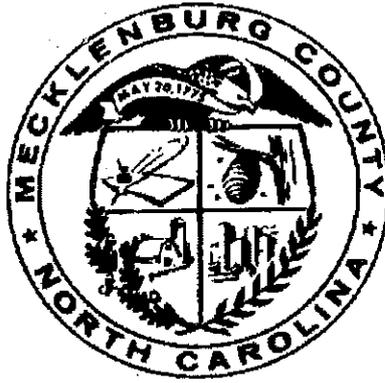
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EXHIBIT C

Once the Old Alleyway is abandoned, the Petitioners shall own title to the property within the Old Alleyway as follows:

1. CPCC shall own all of Tract 5 (consisting of approximately 387.13 sf) and all of Tract 6 (consisting of approximately 132.13 sf) as shown on that certain Recombination Plat recorded in Map Book 43, Page 801 of the Mecklenburg County Public Registry.
2. 1427 East Fourth Street shall own all of Tract 3 (consisting of approximately 1,105.35 sf) and all of Tract 4 (consisting of approximately 380.47 sf) as shown on that certain Recombination Plat recorded in Map Book 43, Page 801 of the Mecklenburg County Public Registry.
3. Price shall own all of Tract 11 (consisting of approximately 387.05 sf) as shown on that certain Recombination Plat recorded in Map Book 43, Page 801 of the Mecklenburg County Public Registry.

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



JUDITH A. GIBSON  
REGISTER OF DEEDS, MECKLENBURG  
COUNTY & COURTS OFFICE BUILDING  
720 EAST FOURTH STREET  
CHARLOTTE, NC 28202

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Book: RE 19979 Page: 553-558  
Document No.: 2006022229  
RESOL 6 PGS \$24.00  
Recorder: LYVANH PHETSARATH



2006022229

FOR REGISTRATION JUDITH A. GIBSON  
REGISTER OF DEEDS  
MECKLENBURG COUNTY, NC  
2006 FEB 03 09:59 AM  
BK: 19979 PG: 549-552 FEE: \$18.00  
INSTRUMENT # 2006022228



S 2005-012  
CDOT.

**RESOLUTION CLOSING A PORTION OF A PORTION OF CAMERON AVENUE RUNNING OFF OF  
KENMORE AVENUE 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 Cameron Avenue running off of Kenmore Avenue 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 Cameron Avenue running off of Kenmore Avenue 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 City of Charlotte, BellSouth Telecommunications, Inc., 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 9<sup>th</sup> day of January, 2006 and City Council determined that the closing of a portion of Cameron Avenue running off of Kenmore Avenue 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 9, 2006, that the Council hereby orders the closing of a portion of Cameron Avenue running off of Kenmore Avenue 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.

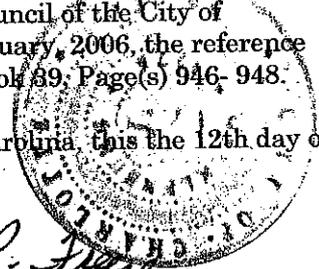
BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

**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 9th day of January, 2006, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page(s) 946-948.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 2006.

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

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



**EXHIBIT "B"**  
**LEGAL DESCRIPTION**

Tract I (To be abandoned to Gerald E. Tylman, Jr. and, his wife, Elaine K. Scott)

Being a portion of the property described as Cameron Avenue being an unopened street between Blocks 12 and 16 of ROSEMONT, as shown on a map thereof recorded in Map Book 3 at Page 13 in the Office of the Register of Deeds for Mecklenburg County, North Carolina and the entire property being more specifically described as follows: BEGINNING at a point in concrete walk being the common corner along the southerly margin of Kenmore Avenue between Lot 1, Block 16 and that property described as Cameron Avenue being an unopened street and running thence along with the southerly margin of the unopened street of Cameron Avenue S 36-29-30 W 321.98 feet to an existing iron pin; thence N 52-18-00 W 24.88 feet to an iron pin set; thence N 36-29-30 E 321.45 feet to a nail set; thence S 53-30-00 E 24.87 feet to the point in concrete walk being the point and place of Beginning, and being 8001 square feet, all as shown on that certain survey prepared by Ronald D. Hyatt, NCRLS dated May 3, 2005.

Tract II (To be abandoned to Steven M. Purnell)

Being a portion of the property described as Cameron Avenue being an unopened street between Blocks 12 and 16 of ROSEMONT, as shown on a map thereof recorded in Map Book 3 at Page 13 in the Office of the Register of Deeds for Mecklenburg County, North Carolina and the entire property being more specifically described as follows: BEGINNING at an old iron pipe being the common corner along the southerly margin of Kenmore Avenue between Lot 1, Block 12 and that property described as Cameron Avenue being an unopened street and running thence along with the southerly margin of the Kenmore Avenue S 53-35-30 E 24.88 feet to a nail set; thence S 36-29-30 W 321.45 feet to an iron pin set; thence N 52-18-00 W 24.89 feet to a point; thence N 36-29-30 E 320.93 feet to the old iron pipe being the point and place of Beginning, and being 7,991 square feet, all as shown on that certain survey prepared by Ronald D. Hyatt, NCRLS dated May 3, 2005.

The source of the boundary information provided herein is the plat map recorded in Book 3, Page 13 of the Mecklenburg County Public Registry and an actual current survey refining said plat map as attached, prepared by Ronald D. Hyatt, NCRLS dated May 3, 2005

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



JUDITH A. GIBSON  
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2006022228

RESOLUTION AUTHORIZING THE CONVEYANCE OF .416 ACRES  
OF LAND TO CMP CAROLINA THEATRE, LLC

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WHEREAS, the City of Charlotte owns a .416-acre property more particularly identified as being all of Tax Parcel No. 080-011-10 and located at the intersection of North Tryon Street and East Sixth Street, in Charlotte, Mecklenburg County, North Carolina (the "Property"); and

WHEREAS, CMP Carolina Theatre, LLC now desires to purchase the Property for One Million Dollars (\$1,000,000.00) for purposes of developing a residential condominium project and to restore the Carolina Theater; and

WHEREAS, the City Council of the City of Charlotte has determined that the sale of the Property to CMP Carolina Theatre, LLC will advance its Economic Development Strategic Plan and Center City 2010 Plan; and

WHEREAS, notice of the proposed transaction was advertised at least ten days prior to the adoption of this Resolution.

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Charlotte, pursuant to Section 8.22(d) of the City of Charlotte Charter, that it hereby authorizes the private sale of the above referenced Property as follows:

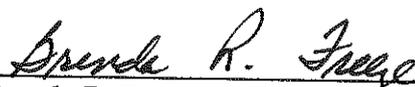
The City will convey fee simple title to the Property to CMP Carolina Theatre, LLC for One Million Dollars (\$1,000,000.00). The City Manager or her Designee is authorized to execute the Purchase and Sales Agreement and such other documents necessary to complete the sale in accordance with the terms and conditions as advertised, and which such sale shall be contingent upon approval by the City Council and CMP Carolina Theatre, LLC of a development and operating agreement.

THIS THE 9<sup>th</sup> DAY OF JANUARY, 2006.

**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 9th day of January, 2006, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page 949.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 2006.

  
Brenda R. Freeze, CMC, City Clerk