

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 10th day of May, 2004 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 10th day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 793-794.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of May, 2004.


Brenda R. Freeze, CMC, City Clerk

TAXPAYERS AND REFUNDS REQUESTED
 GREATER THAN \$100
 (Clerical Error)

<u>Name</u>	<u>Refund Amount</u>
PACE RANDY	\$ 100.80
CENDANT MORTGAGE	101.64
STEVEN SMITY ATTY AT LAW	105.00
BULLARD RUTH ANNETTE	105.00
ROGERS GEORGE A	105.00
STIKELEATHER RICHARD W	105.00
CHASE	105.00
MORRIS CARA	108.78
BOST LEW F	109.62
BRYAN MARGARET EMILY	128.52
MOORE LOUTEE	131.25
PARKS EDWARD	139.86
LEWIS JOHN	144.48
GARMON WILMA H	145.74
STEVEN DECONTI	151.51
WAHLER ROBIN C	159.62
ABBOTT LOFT LLC	159.62
ROBERTSON AIRTECH INC	160.39
JONES HENRY GLENN	165.06
RICE HENRY VAN	171.36
WASHINGTON MUTUAL	180.60
STANCIL DALE B	247.98
CHARLOTTE METRO CREDIT UNION	270.90
ROBINSON M GAIL	276.36
ZACHMAN CHARLES	309.12
SOUTHTRUST	330.54
STANCIL DALE B	330.91
SPRINGS INVESTMENT LTD PARTNER	332.22
PAAR H JOSEF	370.02
PIRAINO STEFANO	420.84
CLINE GLENN	535.50
DOVENMUEHLE MORTGAGE	665.28
SMITH KENNETH C	695.52
ROBERT LONG	782.88
HEAVEN & EARTH LANDSCAPING	907.92
MIDLAND LOAN SERVICES	1,108.80
BERRYHILL INVESTMENT COMPANY L	1,203.72
HILTON AT UNIVERSITY PLACE	1,578.82
HILTON AT UNIVERSITY PLACE	1,708.83
HILTON AT UNIVERSITY PLACE	1,937.30
HILTON AT UNIVERSITY PLACE	3,413.90
FSP PARK SENICA LIMITED	3,533.04
THREE MORROCROFT CENTRE LLC	3,547.74
EXXON MOBIL CORPORATION	5,659.05
MECA REAL ESTATE	14,069.49
ISOM JEAN C	14,154.42
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Total	\$ 61,174.95

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE a portion of Hamorton Place in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **Robert T. Drakeford** has filed a petition to close **a portion of Hamorton Place** in the City of Charlotte; and

Whereas, the portion of Hamorton Place to be closed lies within the Plaza-Midwood Neighborhood Association beginning from Landis Avenue continuing approximately 200 feet eastwardly to its terminus at Firth Court as shown in the 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 City Council first adopt a resolution declaring it's intent to close the street and calling a public hearing on the question; said statute further requires that the resolution shall be published once a week for two successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street 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 street or alley and

Now, therefore, be it resolved, by the City Council of the City of Charlotte, at it's regularly scheduled session of May 10, 2004 that it intends to close a portion of Hamorton Place and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 14th day of June, 2004 in CMGC meeting chamber, 600 East 4th Street Charlotte North Carolina.

The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing as required by N.C.G.S. 160A-299.

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 10th day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 795.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of May, 2004.



Brenda R. Freeze, CMC, City Clerk

RESOLUTION

RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE U.S. DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR TRANSIT ASSISTANCE GRANTS UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED.

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

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation projects;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs;

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provision of Title VI of Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Applicant that minority business enterprise be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies equipment contracts, or consultant and other services.

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

1. That the City Manager is authorized to execute and file applications on behalf of the City of Charlotte with the U.S. Department of Transportation to aid in the financing of transit assistance; and that the Chief Executive Officer of the Charlotte Area Transit System is authorized to execute and file applications with the North Carolina Department of Transportation, to aid in the financing of transit assistance.
2. That the City Manager is authorized to execute and file with such applications an assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964; and that the Chief Executive Officer of the Charlotte Area Transit System is authorized to execute and file with such applications an assurance or any other document required by the

North Carolina Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.

3. That the Chief Executive Officer of the Charlotte Area Transit System is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application for the project
4. That the City Manager or his designee is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.
5. That the City Manager is authorized to execute grant agreements and any amendments thereto on behalf of the City of Charlotte with the U.S. Department of Transportation for aid in the financing of the transit assistance projects; and that the Chief Executive Officer is authorized to execute grant agreements and any amendments thereto on behalf of the Charlotte Area Transit System with the North Carolina Department of Transportation for aid in the financing of the transit assistance projects.

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 10th day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 796-797.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of May, 2004.



Brenda R. Freeze, CMC, City Clerk

Charlotte City Council

Resolution Authorizing Sale of Surplus Personal Property To Another Governmental Agency

Whereas, North Carolina General Statutes 160A-274 authorizes the City to sell personal property belonging to the City of Charlotte to another governmental agency by private sale upon adoption of a resolution by the City of Charlotte Council members to dispose of the property; and,

Whereas, City of Charlotte owns this 1988 Pierce ladder truck, unit # F59597, proposed for sale,

Whereas, the vehicle is no longer in the City of Charlotte fleet service, and

Whereas the City of Conway, South Carolina has offered to purchase this vehicle at a price of \$14,500.00; and

Whereas, the Charlotte City Manager has recommended that this ladder truck be sold to the Conway Fire Department, Conway, South Carolina at the fair market value of \$14,500.00 Now therefore,

Be it resolved by the Charlotte City Council that the City Manager or her designee is authorized to sell at private sale to the City of Conway, South Carolina, the unit described on the attached Exhibit A which is hereby declared to be surplus,

Said surplus property is to be sold in accordance with N.C.G.S. 160A-274 in compliance with the City of Charlotte policies. 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 (10) days before the date of sale, a copy of this resolution or a notice summarizing its content as required by North Carolina General Statute 160A-274.

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 10th day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 798.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of May, 2004.



Brenda R. Freeze, CMC, City Clerk

**A RESOLUTION OF THE CHARLOTTE CITY COUNCIL APPROVING
AMENDMENTS TO THE CITY'S RECORD RETENTION AND DISPOSITION
SCHEDULE.**

WHEREAS, the North Carolina Department of Cultural Resources, Division of Archives and History (the Division) has approved three statewide amendments in **STANDARD-3. BUDGET AND FISCAL RECORDS**, and the replacement of the entire **STANDARD-13. PERSONNEL RECORDS**; and

WHEREAS, the exact changes and new pages are incorporated herein by reference and are on file with the City Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte hereby approves the amendments to the Municipal Records Retention and Disposition Schedule dated August 15, 1997, and adopted by the Charlotte City Council on April 27, 1998.

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 10th day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 799.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of May, 2004.



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 the **CLEAR CREEK BASIN SANITARY SEWER-GRAVITY 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 **CLEAR CREEK BASIN SANITARY SEWER-GRAVITY PROJECT** and estimated to be approximately **38,265 square feet (.878 acre) for sanitary sewer easement and temporary construction easement**, and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 137-311-08, said property currently owned by **HENRY D. PURSER and wife, RUTH Y. PURSER, 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 10th day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 800.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of May, 2004.


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 the **FIRE STATION 36 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 **FIRE STATION 36 PROJECT** and estimated to be approximately **11,994 square feet (.275 acre) of fee-simple, permanent 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. 047-162-02, said property currently owned by **W9/LWS REAL ESTATE LIMITED PARTNERSHIP, BRYAN D. ROSENBERG, Trustee; GMAC COMMERCIAL MORTGAGE CORPORATION, Beneficiary; SGL INFORMATION-SERVICES, LLC, Lessee; E COMMERCE GROUP PRODUCTS, INC., Lessee; COLLINS & AIKMAN PRODUCTS CO., Lessee; SYSTEMS ASSOCIATES, 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 10th day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 801.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of May, 2004.


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 the **BILLY GRAHAM/WILKINSON REALIGNMENT/WILKINSON TUNNELING PROJECT**;

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 **BILLY GRAHAM/WILKINSON REALIGNMENT/WILKINSON TUNNELING PROJECT**, and estimated to be approximately **18,052 square feet (.414 acre) for fee-simple, existing right-of-way, permanent drainage easement, permanent 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. 061-201-01, said property currently owned by **J. VAUGHN KLUTTS, JR. and spouse, if any; CHARLES J. DUNN and spouse, if any; BANK OF AMERICA, Possible Judgment Creditor; TITAN BUILDING PRODUCTS, INC., Possible Judgment Creditor; CHEMICAL BANK OF NEW YORK, Possible Judgment Creditor, 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 10th day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 802.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of May, 2004.


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 the **BILLY GRAHAM/WILKINSON REALIGNMENT/WILKINSON TUNNELING PROJECT**;

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 **BILLY GRAHAM/WILKINSON REALIGNMENT/WILKINSON TUNNELING PROJECT**, and estimated to be approximately **16,256 square feet (.373 acre) for fee-simple, permanent storm drainage easement, permanent utility easement, stake 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. 061-081-40, said property currently owned by **NW PROPERTIES, INC. (f/k/a Mattox Development Corporation and Southwest Land Company, Inc.) CITY OF CHARLOTTE/COUNTY OF MECKLENBURG 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 10th day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 803.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of May, 2004.


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 the **SOUTH CORRIDOR LIGHT RAIL TRANSIT 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 TRANSIT PROJECT** and estimated to be approximately **32,328 square feet (.742 acre) of fee simple**, and any additional property or interest as the City may determine to complete the Project, as it relates to a portion of Tax Parcel No. 169-071-05, said property currently owned by **EDWARD F. McNAMARA TRUST; JOHN BEDDOW, Trustee; SOUTHERN REAL ESTATE COMPANY OF CHARLOTTE, INC.; TANNER'S SNACK BAR, Purported Lessee; SUMMER'S AUTO, Purported Lessee; BYRUM'S LAWNMOWER REPAIR SERVICE, Purported 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 10th day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 804.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of May, 2004.


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 the **SOUTH CORRIDOR LIGHT RAIL TRANSIT 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 TRANSIT PROJECT** and estimated to be approximately **227,545 square feet (5.224 acre) of fee-simple**, and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 173-021-04, 07, 08, 10 & 11, said property currently owned by **FLOWE DEVELOPMENT COMPANY; 6214 SOUTH BOULEVARD HOLDINGS, LLC; Assignee of Ground Lease; BRYAN F. KENNEDY, III, Trustee; PARK MERIDIAN BANK, Beneficiary; GEORGE W. DOWDY, JR. and wife, IRENE T. DOWDY, Lessee; JEROME C. HERRING, Trustee; BRANCH BANKING AND TRUST COMPANY, Beneficiary; KEVCO, INC., Lessor; JMB BEAMAN'S, INC., Purported Lessee; JOHN BROWN and wife, MARY JO BROWN, Sub-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 10th day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 805.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of May, 2004.



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 the **SOUTH CORRIDOR LIGHT RAIL TRANSIT 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 TRANSIT PROJECT** and estimated to be approximately **28,804 square feet (.661 acre) for permanent easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 205-111-08 & 205-111-12, said property currently owned by **RONALD G. THOMAS and wife, PATRICIA D. THOMAS; 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 10th day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 806.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of May, 2004.



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 the **SOUTH CORRIDOR LIGHT RAIL TRANSIT 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 TRANSIT PROJECT** and estimated to be approximately **10,267 square feet (.236 acre) of fee simple**, and any additional property or interest as the City may determine to complete the Project, as it relates to a portion of Tax Parcel No. 169-012-14, said property currently owned by **EDWARD F. McNAMARA TRUST; JOHN BEDDOW, Trustee; SOUTHERN REAL ESTATE COMPANY OF CHARLOTTE, INC.; 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 10th day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 807.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of May, 2004.


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 the **ANDOVER STORM DRAINAGE 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 **ANDOVER STORM DRAINAGE IMPROVEMENTS PROJECT** and estimated to be approximately **22,578 square feet (.518 acre) for a permanent storm drainage easement**, and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 181-021-84, said property currently owned by **STEPHEN L. NELSON and KATHERINE A. MEADS, 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 10th day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 808.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of May, 2004.


Brenda R. Freeze, CMC, City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE
ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council for the City of Charlotte finds as a fact that it is necessary to acquire certain real property as indicated below, for Airport purposes pursuant to the Charlotte/Douglas International Airport Master Plan; and

WHEREAS, the City in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owner regarding just compensation, and, therefore, has been unable to negotiate a purchase price; and

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, utilizing the procedures of Article 9 of Chapter 136 of the North Carolina General Statutes as authorized by 7.81 of the Charter of the City of Charlotte, and otherwise under the authority and procedures of the laws of the State of North Carolina.

<u>Parties in Interest</u>	<u>Nature of Interest</u>	<u>Address</u>
Nye Properties, LP	Fee	5436 Sandtrap Lane Charlotte, NC 28226

Property description

BEGINNING at an existing R.K. Nail over a concrete culvert located in the center line of Wilkinson Boulevard (U.S. Highway #74) as it intersects with the center of Little Paw Creek; and running thence from said point of intersection along the center line of Wilkinson Boulevard (U.S. Highway #74) North 78-06-46 West 71.19 feet; the POINT AND PLACE OF BEGINNING; thence from said Beginning Point along the center line of Wilkinson Boulevard (U.S. Highway #74) North 78-06-46 West 660 feet to a point; thence South 00-38-44 West 105.98 feet to an existing iron pin located along the Easterly boundary line of the property of Edna P. Wilson, Executrix of the Estate of Maude E. Pitts (now or formerly) as recorded in Deed Book 3644, at Page 861 of the Mecklenburg County Public Registry; and continuing along the Easterly boundary line of the property of Edna P. Wilson, Executrix of the Estate of Maude E. Pitts South 07-09-35 East 496.60 feet to a point located in the center of Little Paw Creek; thence North 78-42-25 East 34.47 feet to a point; thence North 81-42-25 East 223 feet to a point located in the approximate center of Little Paw Creek; thence North 29-27-25 East 139 feet to a point; thence North 35-57-25 East 234.16 feet to a point; thence North 47-46-50 East 168.56 feet to a point in the center of Wilkinson Boulevard (U.S. Highway #74) the POINT AND PLACE OF BEGINNING, and containing 5.29 acres all as shown on the survey prepared by S. Neal Broome, N.C.R.L.S. of Broome Associates Engineers and Surveyors, P.A., dated March 21, 1988.

Appraised Value

\$ 300,000 or such other amount as may be subsequently determined pursuant to applicable City, FAA or other Federal Regulations.

IT IS FURTHER RESOLVED that the appraised value of 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 10th day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 809-810.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of May, 2004.



Brenda R. Freeze, CMC, City Clerk

A RESOLUTION EXTENDING THE MUNICIPAL SERVICE DISTRICT
FOR THE UNIVERSITY CITY AREA

WHEREAS, effective July 1, 2003, the City Council of the City of Charlotte defined and established a municipal service district for the University City area after finding that the defined area is in need of promotional services to a greater extent than the remainder of the city pursuant to G.S. 160A-536; and

WHEREAS, G.S. 160A-538 authorizes cities within North Carolina to extend a service district pursuant to the procedure therein prescribed; and

WHEREAS, the City Council of the City of Charlotte deems it desirable to extend the University City area service district for the purpose of promotion, development, and advocacy of its University City urban area and providing services to the district to a greater extent than provided for the remainder of the city; and

WHEREAS, the City Council of the City of Charlotte finds that the area to be annexed to the service district is contiguous to the district, with at least one eighth of the area's aggregate external boundary coincident with the existing boundary of the district, and that the area to be annexed requires the services of the district; and

WHEREAS, the City Council of the City of Charlotte has caused to be prepared a report containing a map of the service district and the adjacent territory, showing the present and proposed boundaries, a statement that the area to be annexed meets the standards set forth in G.S. 160A-538, and a plan for extending services to the area to be annexed, and made the report available for public inspection as provided by G.S. 160A-538(c); and

WHEREAS, the City Council of the City of Charlotte has held a public hearing with public notice and property owner notification given as provided by G.S. 160A-538(d).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that the parcels listed on Exhibit B attached hereto are annexed to the municipal service district for the University City area; and

BE IT FURTHER RESOLVED that this resolution shall be effective on July 1, 2004, which is the beginning of the City of Charlotte's 2004-2005 fiscal year.

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 10th day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 811-812.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of May, 2004.



Brenda R. Freeze, CMC, City Clerk

RESOLUTION CLOSING A PORTION OF ESTELLE STREET AND ONYX 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 a portion of Estelle Street and Onyx Street which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close a portion of Estelle Street and Onyx 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 public hearing was held on the 10th day of May, 2004 and City Council determined that the closing of a portion of Estelle Street and Onyx 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 May 10, 2004, that the Council hereby orders the closing of a portion of Estelle Street and Onyx 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.

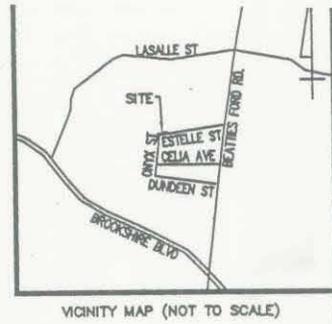
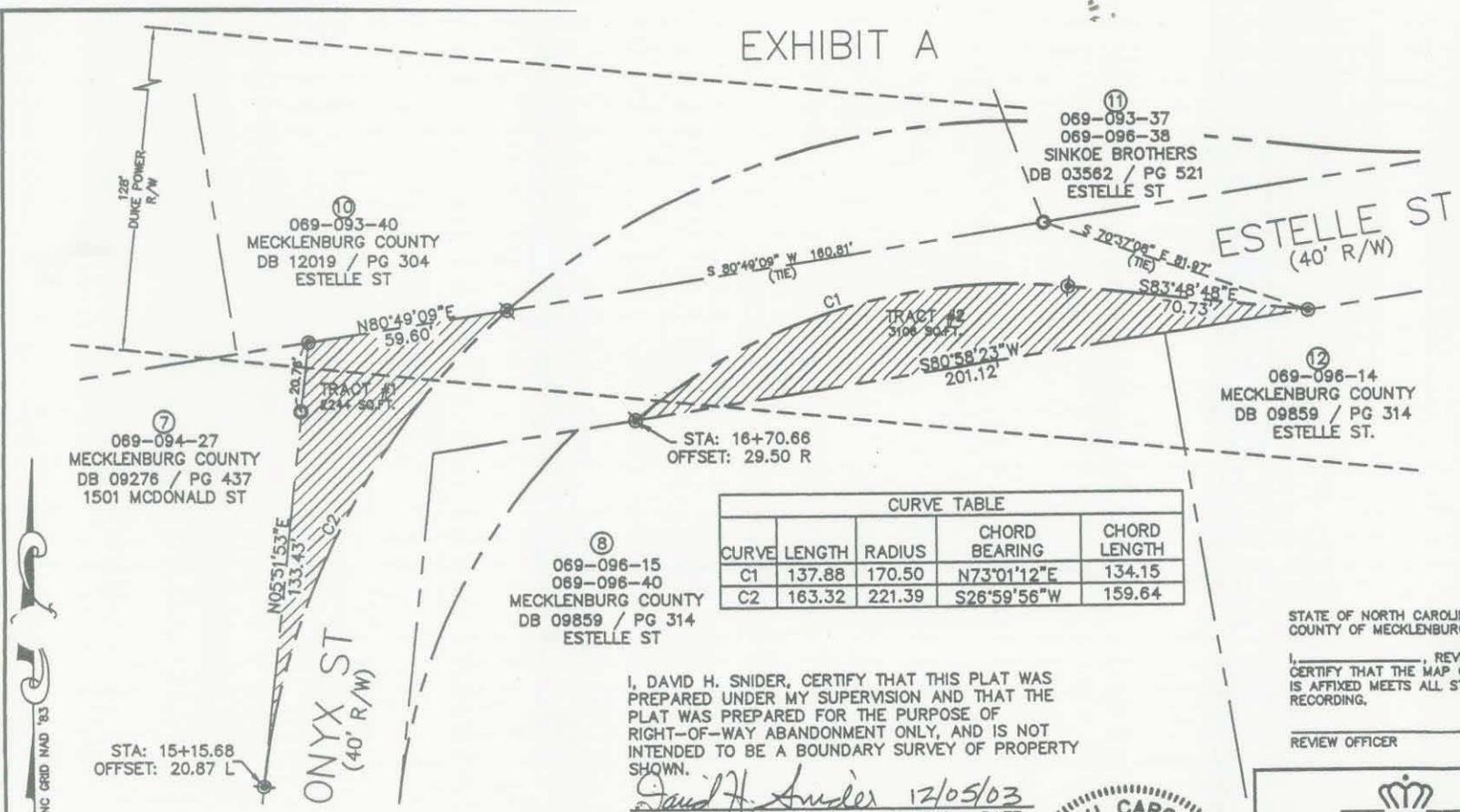
CERTIFICATION

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 10th day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 813-815.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of May, 2004.


Brenda R. Freeze, CMC, City Clerk

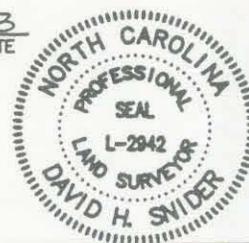
EXHIBIT A



CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	137.88	170.50	N73°01'12"E	134.15
C2	163.32	221.39	S26°59'56"W	159.64

I, DAVID H. SNIDER, CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION AND THAT THE PLAT WAS PREPARED FOR THE PURPOSE OF RIGHT-OF-WAY ABANDONMENT ONLY, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF PROPERTY SHOWN.

David H. Snider 12/05/03
 DAVID H. SNIDER, NC P.L.S. L-2942 DATE



STATE OF NORTH CAROLINA
 COUNTY OF MECKLENBURG

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

REVIEW OFFICER _____ DATE _____

LEGEND

○ IRON PIN FOUND

⊙ #6 REBAR SET

▨ AREA ABANDONED

PREPARED BY:
 CITY OF CHARLOTTE
 ENGINEERING & PROPERTY
 MANAGEMENT
 600 EAST FOURTH STREET
 CHARLOTTE, NC 28202
 704-338-2291

NOTE:

1) BEARINGS AND DISTANCES SHOWN IN PARENTHESES ARE BASED ON RECORDED MAP INFORMATION.

2) TOTAL AREA ABANDONED 5350 SQ.FT.

CHARLOTTE
 ENGINEERING & PROPERTY MANAGEMENT

WASHINGTON HEIGHTS
 SMALL AREA PLAN

ABANDONMENT PLAT
 ONYX ST AND ESTELLE ST
 OWNER: CITY OF CHARLOTTE
 CHARLOTTE, MECKLENBURG CO., NC

REVISIONS

SCALE 1" = 40'

DRAWN BY SAA DATE 11/25/03

CHECKED BY SURVEY SUPERVISOR *DAH*

JOB NO. 512-03-039
 FILE NO.
 SHEET 1 OF 1

EXHIBIT B

Legal Description
Right of Way Abandonment
Onyx Street and Estelle Street

TRACT 1

Being part of the right-of-way of Onyx Street (formerly Oak Street) and Estelle Street as shown on "Map of Biddle Park" recorded in Map Book 5 Page 9 in the Mecklenburg County Register of Deeds Office, more particularly described as follows;

Beginning at a #6 rebar with cap on the northerly Right-of-Way line of Estelle Street, said rebar being located South $80^{\circ}49'09''$ West 160.81 feet from a #4 rebar at the southwest corner of the Sinkoe Brothers parcel as recorded in Deed Book 3562, Page 521; thence, along the proposed westerly Right-of-Way line of Onyx Street, a curve to the left, having a radius of 221.39 feet and a length of 163.32 feet and being subtended by a chord bearing South $26^{\circ}59'56''$ West 159.64 feet to a #6 rebar with cap on the existing westerly Right-of-Way line of Onyx Street; thence along the existing westerly Right-of-Way of Onyx Street North $05^{\circ}51'53''$ East 133.43 feet to a #6 rebar with cap at the intersection with the existing northerly Right-of-Way line of Estelle Street; thence, along said northerly Right-of-Way line, North $80^{\circ}49'09''$ East 59.60 feet to the Point of Beginning, containing 2244 square feet, more or less, as shown on Exhibit A, the attached map prepared by the City of Charlotte, Engineering and Property Management entitled "Abandonment Plat Onyx St and Estelle St", dated December 5, 2003.

TRACT 2

Being part of the right-of-way of Estelle Street as shown on "Map of Biddle Park" recorded in Map Book 5 Page 9 in the Mecklenburg County Register of Deeds Office, more particularly described as follows;

Beginning at a #6 rebar with cap on the southerly Right-of-Way line of Estelle Street, said rebar being located South $70^{\circ}37'08''$ East 81.97 feet from a #4 rebar at the southwest corner of the Sinkoe Brothers parcel as recorded in Deed Book 3562, Page 521; thence along the existing southerly Right-of-Way line of Estelle Street South $80^{\circ}58'23''$ West 201.12 feet to a #6 rebar with cap; thence along the proposed southerly Right-of-Way of Estelle Street, a curve to the right having a radius of 170.50 feet and a length of 137.88 feet and being subtended by a chord bearing North $73^{\circ}01'12''$ East 134.15 feet to a #6 rebar with cap; thence continuing along said proposed Right-of-Way South $83^{\circ}48'48''$ East 70.73 feet to the existing southerly Right-of-Way line of Estelle Street, being the Point of Beginning; containing 3106 square feet, more or less, as shown Exhibit A, the attached map prepared by the City of Charlotte, Engineering and Property Management entitled "Abandonment Plat Onyx St and Estelle St", dated December 5, 2003.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
AMENDING THE FIVE-YEAR CAPITAL INVESTMENT PLAN FOR FISCAL YEARS
2004 to 2008.**

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

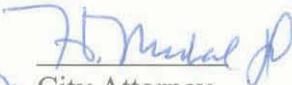
WHEREAS, the City of Charlotte continuously develops and reviews the policy, financial and planning assumptions and impacts of capital investment projects for the City; and

WHEREAS, the City of Charlotte has a five-year Capital Investment Plan based on policy assumptions, so stated in the FY2004-2008 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 2004 to 2008 to provide funding in FY2004 as opposed to FY2005 for the McDowell Creek Wastewater Treatment Plant Expansion in the amount of \$53,000,000.

This 10th day of May 2004
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 10th day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 816.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of May, 2004.


Brenda R. Freeze, CMC, City Clerk