

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE a portion of Badger Court and a 25-foot alleyway off of Badger Court in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **Peter J. Jugis, Bishop of the Roman Catholic Diocese of Charlotte** has filed a petition to close **a portion of Badger Court and a 25-foot alleyway off of Badger Court** in the City of Charlotte; and

Whereas, the portion of Badger Court and the 25-foot alleyway off of Badger court lie within the Double Oaks Community. Badger Court beginning approximately 310 feet from Statesville Avenue and continuing southwestwardly approximately 376 feet to its terminus. The 25-foot alleyway begins from Badger Court continuing south approximately 285 feet to its terminus. Both are shown in the map marked "Exhibit A1 and A-2" and is more particularly described by metes and bounds in a document marked "Exhibit B-1 and B-2" 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 its 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 its regularly scheduled session of November 8, 2004 that it intends to close a portion of Badger Court and a 25-foot alleyway off of Badger Court 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 13th day of December, 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 8th day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 296.

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


Brenda R. Freeze, CMC, City Clerk

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 8th day of November, 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 8th day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Pages 297-298.

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



Brenda R. Freeze, CMC, City Clerk

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

<u>Name</u>	<u>Refund Amount</u>
ANDERSON RESTAURANT	\$ 101.17
PARRISH TIRE CO	107.47
ANDERSON RESTAURANT	118.71
SELLERS DEAN	127.16
CLYBURN GEORGE W	128.94
GCC PARTNERS	131.88
BETHLEHEM COMMUNITY CENTER INC	133.98
ANDERSON RESTAURANT	152.49
ANDERSON RESTAURANT	152.49
ANDERSON RESTAURANT	152.51
MICHAEL KORDECKI	165.38
GCC PARTNERS	173.88
STEWART SMITH	180.08
DAVIS HATTIE BELL	187.53
EMILY R BOURGEOIS	208.32
BETHLEHEM COMMUNITY CENTER INC	215.10
LARRY BURNETTE	236.46
BETHLEHEM COMMUNITY CENTER INC	247.02
WALTER WAITT SAVILLE	329.28
CYNTHIA SUTHERLAND	380.94
BARBARA E KAPLAN	425.88
BOVIS CONSTRUCTION CORP	437.61
WILLIAM C WEBB	445.62
BOVIS CONSTRUCTION CORP	633.54
BOVIS CONSTRUCTION CORP	766.87
PARK SELWYN LLC	1,164.66
CROW FAMILY HOLDINGS	1,619.10
USF HOLLAND INC	1,924.86
HOST RESTAURANTS	2,118.90
J M TULL METAL CO	2,671.42
CROWN FAMILY HOLDINGS	8,226.96
LANCE MFG LLC	15,919.51
CONTINENTAL GENERAL TIRE	22,687.80
Total	<u>\$ 62,673.52</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 8th day of November, 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 8th day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Pages 299-300.

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



Brenda R. Freeze, CMC, City Clerk

**BUSINESS PRIVILEGE LICENSE
REFUNDS REQUESTED**

<u>Name</u>	<u>Refund Amount</u>
BCL MAP	\$ 25.00
Bojangles K-BO, Inc	618.16
Burdette Beckmann Inc.	934.71
Burlington Coat Factory	5,148.52
CA Nail Supply	39.02
Central Records	175.24
Cerulean Investments, LLC	50.00
Cigarettes and More	50.00
Corporate Investigations, LLC	25.00
Drury Inns, Inc.	1,080.80
Gifted Hands Cleaning Serv	88.00
Huntington Learning Center	1,726.14
Jersey Girl Bakery	180.00
Jersey Mikes-WNS Stonecrest	811.26
Kraft Foods	1,546.52
Leggett & Platt, Inc	2,000.00
Lux One, LLC - Michael Kliber	25.00
Midtown Sundries	426.00
Modern Salon & Spa	199.57
Oriental Rug Center, Inc.	240.14
Pearl Dry Cleaners	50.00
Stonestackers - Lee Brinson	25.00
Sunbelt Rentals, Inc	893.20
Tsing Tao Restaurant	135.97
Voltec Electrical Services, LLC	15.00
Total	<u>\$ 16,508.25</u>

Extract of Minutes of a regular meeting of the City Council of the City of Charlotte, North Carolina held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on November 8, 2004.

* * *

A regular meeting of the City Council of the City of Charlotte, North Carolina (the "City Council") was held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on November 8, 2004, after proper notice, and was called to order by the Mayor Pro Tem Cannon, and upon the roll being called, the following members of the City Council answered present: Councilmembers Burgess, Carter, Graham, Kinsey, Lassiter, Lochman, Mitchell, Mumford, Tabor and Turner.

Also present: City Manager Syfert, City Attorney McCarley and City Clerk Freeze.

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

**RESOLUTION ADOPTING BOND ORDER
AUTHORIZING THE ISSUANCE OF NOT TO EXCEED
\$11,500,000 TAXABLE VARIABLE RATE SPECIAL OBLIGATION BONDS
(UPTOWN REVITALIZATION PROJECT), SERIES 2004
OF THE CITY OF CHARLOTTE, NORTH CAROLINA**

WHEREAS, the City of Charlotte, North Carolina (the "City") is authorized by the Solid Waste Management Loan Program and Local Government Special Obligation Bond Act, Chapter 159I of the General Statutes of North Carolina, as amended, and The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 *et seq.*, as amended (collectively, the "Act"), to issue, subject to the approval of the Local Government Commission of North Carolina, at one time or from time to time revenue bonds and revenue refunding bonds of the City for the purposes as specified in the Act; and

WHEREAS, the City has determined to issue its Taxable Variable Rate Special Obligation Bonds (Uptown Revitalization Project), Series 2004 (the "2004 Bonds") in an aggregate principal amount not to exceed \$11,500,000 to provide funds to (1) finance the costs of acquiring certain property in the uptown area of the City for purposes of revitalizing the uptown area to further the public safety, welfare and convenience (the "Project") and (2) pay the costs of issuing the 2004 Bonds;

WHEREAS, the City will issue the 2004 Bonds under the General Trust Indenture dated as of November 1, 2004 (the "General Indenture") between the City and Wachovia Bank, National Association, as trustee (the "Trustee"), and Series Indenture, Number 1 dated as of November 1, 2004 (the "Series Indenture" and together with the General Indenture, the "Indentures") between the City and the Trustee;

WHEREAS, the City and the Local Government Commission of North Carolina (the "Commission") have arranged for the sale of the 2004 Bonds to Banc of America Securities LLC (the "Underwriter"), under the terms of a Purchase Contract to be dated on or about November 17, 2004 (the "Purchase Contract"); and

WHEREAS, an application has been filed with the Secretary of the Commission requesting Commission approval of the 2004 Bonds as required by the Act, and the Secretary has notified the City Council that the application has been approved by the Commission;

NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA:

Section 1. To raise the money required to finance the costs of the Project, in addition to any funds which may be made available for such purpose from any other source, the 2004 Bonds are hereby authorized and shall be issued pursuant to the Act.

Section 2. The aggregate principal amount of the 2004 Bonds authorized by this order shall not exceed \$11,500,000. The 2004 Bonds hereby authorized shall be special obligations of the City, secured by and paid solely from the proceeds thereof or from Pledged Revenues (as defined in the General Indenture).

Section 3. The issuance of the 2004 Bonds by the City, in substantially the form to be set forth in the Series Indenture, be and the same hereby is in all respects approved and confirmed. The form and content of the 2004 Bonds and the provisions of the Series Indenture with respect to the 2004 Bonds (including without limitation the maturity dates and rates of interest) shall be approved and confirmed in a subsequent resolution of the City Council.

The principal and purchase price of, premium, if any, and interest on the 2004 Bonds shall not be payable from the general funds of the City, nor shall they constitute a legal or equitable pledge, charge, lien or encumbrance upon any of its property or upon any of its income, receipts or revenues except the funds which are pledged under the Indenture. Neither the credit nor the taxing power of the State of North Carolina or the City are pledged for the payment of the principal and purchase price of, premium, if any, or interest on the 2004 Bonds, and no holder of the 2004 Bonds has the right to compel the exercise of the taxing power by the State of North Carolina or the City or the forfeiture of any of its property in connection with any default thereon.

Section 4. The 2004 Bonds shall be sold to the Underwriter under the terms of the Purchase Contract as the same shall be approved in a subsequent resolution of the City Council.

Section 5. The proceeds from the sale of the 2004 Bonds shall be deposited in accordance with the Series Indenture.

Section 6. If any one or more of the agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof or of the 2004 Bonds authorized hereunder.

Section 7. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 8. This Bond Order shall take effect immediately on its adoption and pursuant to Section 159-88 of the General Statutes of North Carolina, as amended, need not be published or subjected to any

procedural requirements governing the adoption of ordinances or resolutions by the City Council other than the procedures set out in the Act.

Upon motion of Councilmember Burgess, seconded by Councilmember Graham, the foregoing order titled "**RESOLUTION ADOPTING BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$11,500,000 TAXABLE VARIABLE RATE SPECIAL OBLIGATION BONDS (UPTOWN REVITALIZATION PROJECT), SERIES 2004 OF THE CITY OF CHARLOTTE, NORTH CAROLINA**" was adopted by the following vote: Unanimous

PASSED, ADOPTED AND APPROVED this 8th day of November, 2004.

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 bond order titled "**RESOLUTION ADOPTING BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$11,500,000 TAXABLE VARIABLE RATE SPECIAL OBLIGATION BONDS (UPTOWN REVITALIZATION PROJECT), SERIES 2004 OF THE CITY OF CHARLOTTE, NORTH CAROLINA**" adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Pages 301-303.

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



Brenda R. Freeze, CMC, City Clerk

Extract of Minutes of a regular meeting of the City Council of the City of Charlotte, North Carolina held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on November 8, 2004.

* * *

A regular meeting of the City Council of the City of Charlotte, North Carolina (the "City Council") was held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on November 8, 2004, after proper notice, and was called to order by the Mayor Pro Tem Cannon, and upon the roll being called, the following members of the City Council answered present: Councilmembers Burgess, Carter, Graham, Kinsey, Lassiter, Lochman, Mitchell, Mumford, Tabor and Turner.

Also present: City Manager Syfert, City Attorney McCarley and City Clerk Freeze.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AUTHORIZING THE APPROVAL, EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF CITY OF CHARLOTTE, NORTH CAROLINA TAXABLE VARIABLE RATE SPECIAL OBLIGATION BONDS (UPTOWN REVITALIZATION PROJECT), SERIES 2004; PROVIDING FOR THE SALE OF THE BONDS; SETTING FORTH THE TERMS AND CONDITIONS UPON WHICH THE BONDS ARE TO BE ISSUED; AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE BONDS.

WHEREAS, the City of Charlotte, North Carolina (the "City") is authorized by the Solid Waste Management Loan Program and Local Government Special Obligation Bond Act, Chapter 159I of the General Statutes of North Carolina, as amended, and The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 *et seq.*, as amended (collectively, the "Act"), to issue, subject to the approval of the Local Government Commission of North Carolina, at one time or from time to time revenue bonds and revenue refunding bonds of the City for the purposes as specified in the Act; and

WHEREAS, the City has determined to issue its Taxable Variable Rate Special Obligation Bonds (Uptown Revitalization Project), Series 2004 (the "2004 Bonds") in an aggregate principal amount not to exceed \$11,500,000 to provide funds to (1) finance the costs of acquiring certain property in the uptown area of the City for purposes of revitalizing the uptown area to further the public safety, welfare and convenience and (2) pay the costs of issuing the 2004 Bonds, as described in the Bond Order of the City adopted on November 8, 2004.

WHEREAS, the City will issue the 2004 Bonds under the General Trust Indenture dated as of November 1, 2004 (the "General Indenture") between the City and Wachovia Bank, National Association, as trustee (the "Trustee"), and Series Indenture, Number 1 dated as of November 1, 2004 (the "Series Indenture" and together with the General Indenture, the "Indentures") between the City and the Trustee;

WHEREAS, the City desires to execute and deliver a Bond Purchase Agreement to be dated on or about November 17, 2004 (the "*Purchase Contract*") among the City, the Local Government Commission of North Carolina (the "*Commission*") and Banc of America Securities LLC (the "*Underwriter*"), pursuant to which the City and the Commission will sell the 2004 Bonds to the Underwriter in accordance with the terms and conditions set forth therein; and

WHEREAS, copies of the forms of the following documents relating to the transactions described above have been filed with the City:

1. the General Indenture;
2. the Series Indenture;
3. the Purchase Contract;
4. the Standby Bond Purchase Agreement dated as of November 1, 2004 (the "*Standby Agreement*") among the City, Wachovia Bank, National Association, as liquidity provider, and the Trustee;
5. the Remarketing and Interest Services Agreement dated as of November 1, 2004 (the "*Remarketing Agreement*") between the City and Banc of America Securities LLC, as remarketing agent for the 2004 Bonds; and
- 6.. the Official Statement to be dated on or about November 9, 2004 (the "*Preliminary Official Statement*") with respect to the 2004 Bonds.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA DOES RESOLVE AS FOLLOWS:

Section 1. That the issuance of the 2004 Bonds by the City in the principal amount not to exceed \$11,500,000, in substantially the form and content set forth in the Series Indenture, subject to appropriate insertions and revisions to comply with the provisions of the General Indenture and the Series Indenture, is hereby in all respects approved and confirmed, and the form and content of the 2004 Bonds set forth in the Series Indenture be and the same hereby are in all respects approved and confirmed, and the provisions of the General Indenture and the Series Indenture with respect to the 2004 Bonds (including without limitation the maturity dates and rates of interest) be and the same hereby are approved and confirmed and are incorporated herein by reference.

The 2004 Bonds shall be special obligations of the City. The principal of, premium, if any, and interest on or the purchase price of the 2004 Bonds shall not be payable from the general funds of the City, nor shall they constitute a legal or equitable pledge, charge, lien or encumbrance upon any of its property or upon any of its income, receipts or revenues except the funds which are pledged under the General Indenture and the Series Indenture. Neither the credit nor the taxing power of the State of North Carolina or the City are pledged for the payment of the principal or purchase price of, premium, if any, or interest on the 2004 Bonds, and no holder of 2004 Bonds has the right to compel the exercise of the taxing power by the State of North Carolina or the City or the forfeiture of any of its property in connection with any default thereon.

Section 2. That the form and content of the Indentures and the exhibits thereto be and the same hereby are in all respects approved and confirmed, and the Mayor, the City Manager and City Clerk

of the City be and they hereby are authorized, empowered and directed to execute and deliver the Indentures for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions therein, and that from and after the execution and delivery of the Indentures, the Mayor, the City Manager, the Director of Finance and City Clerk of the City, or their respective designees, are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Indentures as executed. The Trustee is hereby appointed as Registrar and Paying Agent thereunder.

Section 3. That the City Council requests that the Commission sell the 2004 Bonds through negotiation to the Underwriter pursuant to the terms of the Purchase Agreement but at an initial interest rate not exceeding 5.00%. The form and content of the Purchase Contract are in all respects approved and confirmed, and the Mayor, the City Manager or the Director of Finance of the City is hereby authorized, empowered and directed to execute and deliver the Purchase Contract for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City, but with such changes, modifications, additions or deletions therein as shall to him or her seem necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of his or her approval of any and all such changes, modifications, additions or deletions therein, and that from and after the execution and delivery of the Purchase Contract, the Mayor, the City Manager and the Director of Finance of the City, or their respective designees, are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Purchase Contract as executed.

Section 4. That the form and content of the Standby Agreement and the Remarketing Agreement and the exhibits thereto be and the same hereby are in all respects approved and confirmed, and the Mayor, the City Manager and City Clerk of the City be and they hereby are authorized, empowered and directed to execute and deliver the Standby Agreement and the Remarketing Agreement for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions therein, and that from and after the execution and delivery of the Standby Agreement and the Remarketing Agreement, the Mayor, the City Manager, the Director of Finance and City Clerk of the City, or their respective designees, are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Standby Agreement and the Remarketing Agreement as executed.

Section 5. The form and content of the Official Statement are in all respects authorized, approved and confirmed, and the use of the Official Statement by the Underwriters in connection with the sale of the 2004 Bonds is hereby in all respects authorized, approved and confirmed. The Mayor, the City Manager or Director of Finance of the City is authorized to execute the Official Statement on behalf of the City.

Section 6. The City Manager or Director of Finance of the City is hereby authorized to execute a no-arbitrage certificate to comply with Section 148 of the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder.

Section 7. No stipulation, obligation or agreement herein contained or contained in the 2004 Bonds, the General Indenture, the Series Indenture, the Purchase Contract or any other instrument related

to the issuance of the 2004 Bonds shall be deemed to be a stipulation, obligation or agreement of any officer, agent or employee of the City in his or her individual capacity, and no such officer, agent or employee shall be personally liable on the 2004 Bonds or be subject to personal liability or accountability by reason of the issuance thereof.

Section 8. The Mayor, the City Manager, the Director of Finance and the City Clerk of the City, or their respective designees, are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by (a) this Resolution and the Bond Order, (b) the General Indenture, (c) the Series Indenture and (d) the Purchase Contract; except that none of the above shall be authorized or empowered to do anything or execute any document which is in contravention, in any way, of (1) the specific provisions of this Resolution or the Bond Order, (2) the specific provisions of the General Indenture or the Series Indenture, (3) any agreement to which the City is bound, (4) any rule or regulation of the City or (5) any applicable law, statute, ordinance, rule or regulation of the United States of America or the State of North Carolina.

Section 9. The Mayor, the City Manager, the Director of Finance and the City Clerk of the City, or their respective designees, are hereby authorized and directed to prepare and furnish, when the 2004 Bonds are issued, certified copies of all the proceedings and records of the City Council relating to the 2004 Bonds, and such other affidavits, certificates and documents as may be required to show the facts relating to the legality and marketability of the 2004 Bonds as such facts appear on the books and records in such party's custody and control or as otherwise known to them; and all such certified copies, certificates, affidavits and documents, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained therein.

Section 10. All acts and doings of the Mayor, the City Manager, the Director of Finance and the City Clerk of the City, or their respective designees, that are in conformity with the purposes and intents of this Resolution and in the furtherance of the issuance of the 2004 Bonds and the execution, delivery and performance of the General Indenture, the Series Indenture, the Purchase Contract, the Standby Agreement and the Remarketing Agreement shall be, and the same hereby are, in all respects approved and confirmed.

Section 11. If any one or more of the agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof or of the 2004 Bonds authorized hereunder.

Section 12. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 13. This Resolution shall take effect upon its adoption.

Upon motion of Councilmember Burgess, seconded by Councilmember Graham, the foregoing order titled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AUTHORIZING THE APPROVAL, EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF CITY OF CHARLOTTE, NORTH CAROLINA TAXABLE VARIABLE RATE SPECIAL OBLIGATION BONDS (UPTOWN REVITALIZATION PROJECT), SERIES 2004; PROVIDING FOR THE SALE OF THE BONDS; SETTING FORTH THE TERMS AND CONDITIONS UPON WHICH THE BONDS ARE TO BE ISSUED; AND PROVIDING FOR CERTAIN OTHER MATTERS IN**

November 8, 2004
Resolution Book 39, Page 308

CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE BONDS” was adopted by the following vote: Unanimous

PASSED, ADOPTED AND APPROVED this 8th day of November, 2004.

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 titled “**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AUTHORIZING THE APPROVAL, EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF CITY OF CHARLOTTE, NORTH CAROLINA TAXABLE VARIABLE RATE SPECIAL OBLIGATION BONDS (UPTOWN REVITALIZATION PROJECT), SERIES 2004; PROVIDING FOR THE SALE OF THE BONDS; SETTING FORTH THE TERMS AND CONDITIONS UPON WHICH THE BONDS ARE TO BE ISSUED; AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE BONDS**” adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Pages 304-308.

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



Brenda R. Freeze, CMC, City Clerk

Extract of Minutes of a regular meeting of the City Council of the City of Charlotte, North Carolina held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on November 8, 2004.

* * *

A regular meeting of the City Council of the City of Charlotte, North Carolina (the "City Council") was held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on November 8, 2004 (the "Meeting"), after proper notice, and was called to order by the Mayor Pro Tem Cannon and on the roll being called, the following members of the City Council answered present: Councilmembers Burgess, Carter, Graham, Kinsey, Lassiter, Lochman, Mitchell, Mumford, Tabor and Turner.

Also present: City Manager Syfert, City Attorney McCarley and City Clerk Freeze.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE

WHEREAS, the City Council is considering the issuance of bonds of the City of Charlotte, North Carolina (the "City") which shall be for the following purposes and in the following maximum amount:

Not to exceed \$48,000,000 of General Obligation Refunding Bonds to pay the costs of refunding in advance of their maturities \$46,765,000 aggregate principal amount of the City of Charlotte, North Carolina General Obligation Refunding Bonds, Series 1995 maturing on and after June 1, 2006.

WHEREAS, certain findings of fact by the City Council must be presented to enable the Local Government Commission of the State of North Carolina to make certain determinations as set forth in Article 4 of Chapter 159 of the General Statutes, Section 52.

NOW, THEREFORE, BE IT RESOLVED that the City Council meeting in open session on the 8th day of November, 2004, has made the following factual findings in regard to this matter:

A. ***Facts Regarding Necessity of Proposed Financing.*** The proposed bonds are necessary and expedient to lower debt service costs to the City.

B. ***Facts Supporting the Amount of Bonds Proposed.*** The sums estimated for these bonds are adequate and not excessive for the proposed purpose.

C. ***Past Debt Management Policies.*** The City's debt management policies have been carried out in compliance with law. The City employs a Finance Director to oversee compliance with applicable laws relating to debt management. The City Council requires annual audits of City finances. In connection with these audits, compliance with laws is reviewed. The City is not in default in any of its debt service obligations. The City Attorney reviews all debt-related documents for compliance with laws.

D. **Past Budgetary and Fiscal Management Policies.** The City's budgetary and fiscal management policies have been carried out in compliance with laws. Annual budgets are closely reviewed by the City Council before final approval of budget ordinances. Budget amendments changing a function total or between functions are presented to the City Council at regular City Council meetings. The Finance Director presents financial information to City Council which shows budget to actual comparisons annually and otherwise as the City Manager deems necessary or as a member of the City Council may request.

E. **Retirement of Debt.** The schedule for issuing the bonds does not require a property tax increase. The schedule for issuance calls for issuing all of the bonds in Fiscal Year 2005, but issuance may be delayed until such time as the City receives sufficient net present value savings therefrom.

Upon motion of Councilmember Burgess, seconded by Councilmember Lassiter, the foregoing order titled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE" was adopted by the following vote: Unanimous

PASSED, ADOPTED AND APPROVED this 8th day of November, 2004.

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 the resolution titled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE" adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 8th day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Pages 309-310.

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



Brenda R. Freeze, CMC, City Clerk
City of Charlotte, North Carolina

Councilmember Burgess introduced the following bond order by reading the title thereof:

**BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$48,000,000
GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF CHARLOTTE, NORTH CAROLINA**

WHEREAS, the City of Charlotte, North Carolina has issued \$70,840,000 aggregate principal amount of its General Obligation Refunding Bonds, Series 1995 (the "1995 Bonds");

WHEREAS, the City Council of the City of Charlotte, North Carolina deems it advisable to refund \$46,765,000 in aggregate principal amount of the 1995 Bonds maturing on and after June 1, 2006;

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the bonds hereinafter described as required by the Local Government Bond Act, and the Secretary of the Local Government Commission has notified the City Council that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Charlotte, North Carolina, as follows:

Section 1. The City Council of the City of Charlotte, North Carolina deems it advisable to refund \$46,765,000 in aggregate principal amount of the 1995 Bonds maturing on and after June 1, 2006.

Section 2. To raise the money required to pay the costs of refunding the 1995 Bonds as set forth above, General Obligation Refunding Bonds of the City of Charlotte, North Carolina are hereby authorized and shall be issued pursuant to the Local Government Bond Act of North Carolina. The maximum aggregate principal amount of such General Obligation Refunding Bonds authorized by this bond order shall be and not exceed \$48,000,000.

Section 3. A tax sufficient to pay the principal of and interest on said General Obligation Refunding Bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 5. This bond order shall take effect on its adoption.

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 8th day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 311.

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



Brenda R. Freeze, CMC, City Clerk

After the introduction of the bond order, Councilmember Burgess introduced the following resolution, a summary of which had been provided to each Councilmember, a copy of which was available with the City Clerk and which was read by title:

A RESOLUTION OF THE CITY OF CHARLOTTE, NORTH CAROLINA CALLING A PUBLIC HEARING ON THE BOND ORDER, DIRECTING PUBLICATION OF NOTICE OF SAID PUBLIC HEARING AND FILING OF A DEBT STATEMENT.

WHEREAS, a bond order titled:

“BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$48,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF CHARLOTTE, NORTH CAROLINA.”

has been introduced at a meeting of the City Council of the City of Charlotte, North Carolina this 8th day of November, 2004, and the City Council desires to provide for the holding of a public hearing thereon on Monday, November 22, 2004, and the submission of a statement of debt in connection therewith as required by the Local Government Bond Act;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA DOES RESOLVE AS FOLLOWS:

1. The public hearing on said bond order shall be held on the 22nd day of November, 2004 in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m..
2. The City Clerk is hereby directed to cause a copy of the bond order to be published with a notice of such hearing in the form prescribed by law in a qualified newspaper no fewer than six days before such public hearing.
3. The City's Finance Director is hereby directed to file with the City Clerk before publication of the bond order with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the appraised value of property subject to taxation by the City and the net debt of the City.

Upon motion of Councilmember Burgess, seconded by Councilmember Lassiter, the foregoing order titled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA CALLING A PUBLIC HEARING ON THE BOND ORDER, DIRECTING PUBLICATION OF NOTICE OF SAID PUBLIC HEARING AND FILING OF A DEBT STATEMENT”** was adopted by the following vote: Unanimous

PASSED, ADOPTED AND APPROVED this 8th day of November, 2004.

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 the resolution titled **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA CALLING A PUBLIC HEARING ON THE BOND ORDER, DIRECTING PUBLICATION OF NOTICE OF SAID PUBLIC HEARING AND FILING OF A DEBT STATEMENT”** adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 8th day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Pages 312-313.

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



Brenda R. Freeze, CMC, City Clerk
City of Charlotte, North Carolina

RESOLUTION PROVIDING CONSENT TO MULTIFAMILY HOUSING
PROJECT TO BE KNOWN AS UNIVERSITY SQUARE SENIOR
APARTMENTS IN THE CITY OF CHARLOTTE, NORTH CAROLINA AND
THE FINANCING THEREOF WITH MULTIFAMILY HOUSING REVENUE
BONDS IN THE PRINCIPAL AMOUNT OF UP TO \$4,700,000

WHEREAS, the City Council of the City of Charlotte (the "City") met in Charlotte, North Carolina at 7:00 p.m. on the 8th day of November, 2004; and

WHEREAS, pursuant to N.C.G.S. § 153A-376, the Board of Commissioners of the County of Mecklenburg (the "County"), has the power to exercise directly those powers granted by law to county housing authorities created under the North Carolina Housing Authorities Law, Article 1 of Chapter 157 of the General Statutes of North Carolina, as amended (the "Act"); and

WHEREAS, the County has agreed to assist Centrum-University Square Limited Partnership, a North Carolina limited partnership (the "Borrower") in the financing of the construction and equipping of a multifamily residential rental project to be known as University Square Senior Apartments, consisting of approximately 90 units (the "Development"), to located on an approximately 6.89-acre site at the intersection of Hedgelawn Drive and University City Boulevard (NC Highway 49) in the northeastern portion of the City, Mecklenburg County, North Carolina; and

WHEREAS, the County's agreement to issue its multifamily housing revenue bonds in an amount not to exceed \$4,700,000 (the "Bonds") is evidenced by the adoption of resolutions with respect to the financing of the Development by the Board of Commissioners of the County of Mecklenburg on April 6, 2004 and October 19, 2004; and

WHEREAS, the proposed bonds have been allocated volume cap by the North Carolina Federal Tax Reform Allocation Committee after review by the North Carolina Housing Finance Agency; and

WHEREAS, under Section 157-39.1 of the Act, before a county housing authority can exercise any one of its powers within the jurisdiction of a city, the city must request the county housing authority to do so; and

WHEREAS, the City has determined that it has no objection to the issuance by the County of its revenue bonds to finance the Development; and

WHEREAS, the City acknowledges that there is a need for affordable housing within the City of Charlotte;

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

1. The City Council hereby requests the County of Mecklenburg to issue its multifamily housing revenue bonds in an amount not to exceed \$4,700,000 in order to finance the construction and equipping by Centrum-University Square Limited Partnership, of an affordable multifamily residential rental project to be known as University Square Senior Apartments to be located at the intersection of Hedgelawn Drive and University City Boulevard (NC Highway 49) in the City of Charlotte, North Carolina.

2. This resolution shall take effect immediately upon its passage.

Council Member Burgess moved the passage of the foregoing resolution and Council Member Lassiter seconded the motion, and the resolution was passed by the following vote: Unanimous

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 8th day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Pages 314-315.

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


Brenda R. Freeze, CMC, City Clerk

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
AMENDING THE FIVE-YEAR CAPITAL INVESTMENT PLAN FOR FISCAL YEARS
2005 to 2009.**

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

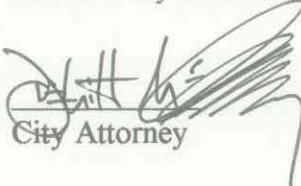
WHEREAS, the City of Charlotte has a five-year Capital Investment Plan based on policy assumptions, so stated in the FY2005-2009 Capital Investment Plan that balance the potential physical development planning with long-range financial capacity; and

WHEREAS, the Capital Investment Plan is amended from time to time to reflect changing circumstances and that the Plan now needs to be amended to

NOW THEREFORE BE 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 2005 to 2009 through the following actions:

1. Appropriating a \$5,991,180 from the United States Department of Justice for implementation of a regional integrated communications network.
2. Accelerating from FY2006 to FY2005 and appropriating funds of \$1,997,060 from the Public Safety Radio Upgrade capital project. These funds are certificates of participation and serve as the local match for the regional integrated communications network.

This 8th day of November 2004


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 8th day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 316.

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


Brenda R. Freeze, CMC, City Clerk

ACTION A

RESOLUTION

EXTRACT FROM THE MINUTES OF A regular
MEETING OF THE Charlotte City Council
HELD ON November 8, 2004
The following resolution was introduced by Councilmember Burgess
seconded by Councilmember Lassiter, read in full, considered
and adopted.

RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND
RATIFYING THE EXECUTION OF THE GRANT AGREEMENTS FOR PROJECT
NUMBERS 36244.17.4.1 BETWEEN THE NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION AND THE CITY OF CHARLOTTE, NORTH CAROLINA

BE IT RESOLVED, by the CITY COUNCIL of
THE CITY OF CHARLOTTE, NORTH CAROLINA
SECTION 1. That said City Council hereby
authorizes, adopts, approves, accepts and ratifies the execution of
a Grant Agreement with the North Carolina Department of
Transportation and the City of Charlotte, North Carolina

SECTION 2. That the Execution of said Grant Agreement in
quadruplicate on behalf of said City Council
by T. J. Orr, Aviation Director
and the impression of the official seal of the City of Charlotte
and the attestation by Brenda Freeze; City Clerk is
hereby authorized, adopted, approved, accepted and ratified.

SECTION 3. That the Aviation Director is hereby
authorized to execute payment requests under these Grant Agreements
on behalf of said City of Charlotte.

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 8th day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Pages 317-318.

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



Brenda R. Freeze, CMC, City Clerk

ACTION A

RESOLUTION

EXTRACT FROM THE MINUTES OF A regular
MEETING OF THE Charlotte City Council
HELD ON November 8, 2004
The following resolution was introduced by Councilmember Burgess
seconded by Councilmember Lassiter, read in full, considered
and adopted.

RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND
RATIFYING THE EXECUTION OF THE GRANT AGREEMENTS FOR PROJECT
NUMBERS 36244.17.5.1 BETWEEN THE NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION AND THE CITY OF CHARLOTTE, NORTH CAROLINA

BE IT RESOLVED, by the CITY COUNCIL of
THE CITY OF CHARLOTTE, NORTH CAROLINA
SECTION 1. That said City Council hereby
authorizes, adopts, approves, accepts and ratifies the execution of
a Grant Agreement with the North Carolina Department of
Transportation and the City of Charlotte, North Carolina

SECTION 2. That the Execution of said Grant Agreement in
quadruplicate on behalf of said City Council
by T. J. Orr, Aviation Director
and the impression of the official seal of the City of Charlotte
and the attestation by Brenda Freeze; City Clerk is
hereby authorized, adopted, approved, accepted and ratified.

SECTION 3. That the Aviation Director is hereby
authorized to execute payment requests under these Grant Agreements
on behalf of said City of Charlotte.

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 8th day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Pages 319-320.

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



Brenda R. Freeze, CMC, City Clerk

RESOLUTION REGARDING PROPOSED DECLARATION OF WITHDRAWAL

WHEREAS, Richard A. Cohen and Aldra L. Greene has submitted to the City of Charlotte a proposed Declaration of Withdrawal of Dedication regarding a 10-foot alleyway off of East Ninth Street between Clarice Avenue and Ridgeway Avenue as depicted on a survey attached hereto as Exhibit A; and described in deed book 1580, page 481 recorded in the Mecklenburg County Public Registry.

WHEREAS, pursuant to G.S. 136-95, the Property Owners have requested that the City adopt a resolution indicating that the dedicated described in the proposed declaration of withdrawal is not part of a street plan adopted under G.S. 136-66.2.

NOW THEREFORE BE IT RESOLVED by the Charlotte City Council that the street depicted on Exhibit A attached hereto is not part of a street plan adopted under G.S. 136-66.2.

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 8th day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Pages 321-323.

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



Brenda R. Freeze, CMC, City Clerk

THIS IS TO CERTIFY THAT ON THE 15th DAY OF Sept. 2004, I, SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS IF ANY ARE SHOWN HEREON.

BOBBY J. RAYE
N.C.R.L.S.
927 LASTWAY DRIVE
CHARLOTTE, NC 28205

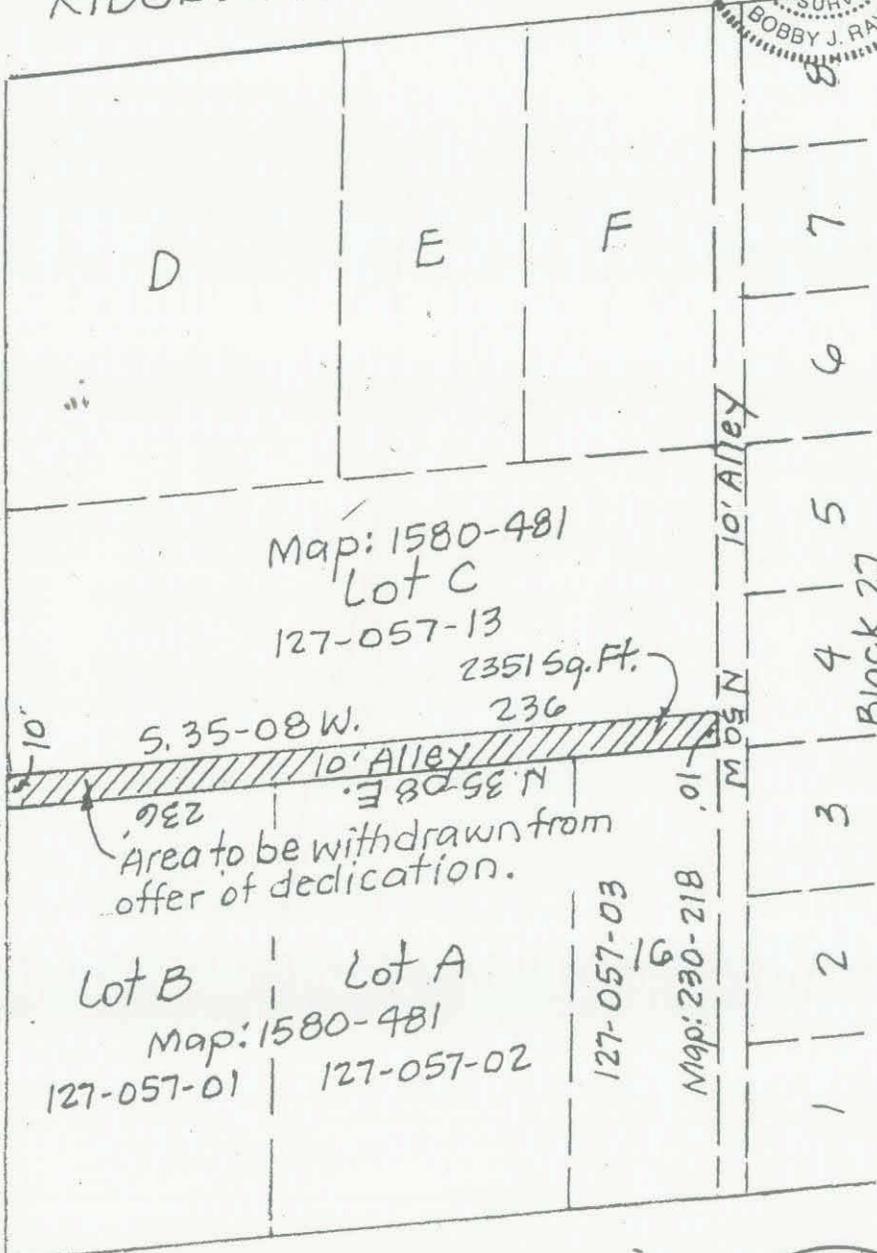
SIGNED *Bobby J. Raye*
REGISTERED SURVEYOR



Ref. Map: 1580-481

RIDGEWAY AVENUE

Not open
50' EAST NINETH STREET
S. 50 E.



Map: 1580-481
Lot C
127-057-13
2351 Sq. Ft.

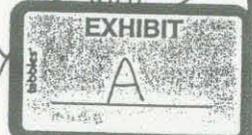
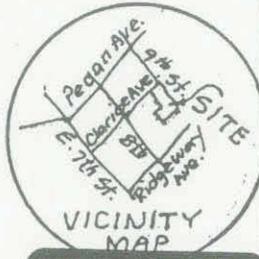
Lot B
Map: 1580-481
127-057-01

Lot A
127-057-02

CLARICE AVENUE 50'

Alley withdrawal of
AS Shown

SCALE 1" = 50'
Charlotte, Mecklenburg County
Survey For: Paul Zarbatany
MAP RECORDED IN BOOK 1580 AT PAGE 481 DEED RECORDED IN BOOK



ICAN-PARNELL, INC. CHARLOTTE, NC 704-372-7766 N133293

Exhibit B

BEGINNING at a point located at the intersection of the northernmost corner of Lot C as shown on Map Book 1580, Page 481, Mecklenburg County Registry, and the southerly margin of East Ninth Street; thence from said point and with the southerly margin of East Ninth Street N. 50 W. 10.00 feet to a point located in the northeast corner of Lot B as shown on Map Book 1580, Page 481, Mecklenburg County Registry; thence with the easterly boundary of said Lot B and also Lot A of said Map Book 1580, Page 481, and Lot 16 as shown on Map Book 230, Page 218, Mecklenburg County Registry, S. 35-08 W. 236.00 feet to a point located in the southernmost corner of said Lot 16 and a ten-foot (10') alleyway; thence with the northerly boundary of said ten-foot alleyway S. 50 E. 10.00 feet to a point located in the northwest corner of said Lot C; thence with the northerly boundary of Lot C N. 35-08 E. 236.00 feet to the POINT AND PLACE OF BEGINNING, containing 2,351 square feet, all as shown on a survey prepared by Bobby J. Raye, dated September 15, 2004, reference to which this survey is hereby made.