

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE a residual portion of Barclay Downs Drive in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **John G. Pribas** has filed a petition to close **a residual portion of Barclay Downs Drive** in the City of Charlotte; and

Whereas, the residual portion of Barclay Downs Drive to be closed lies within the Barclay Downs Community beginning from the southeast corner of the petitioners property continuing approximately 90 feet east to the existing right-of-way of Barclay Downs Drive and extending north approximately 120 feet north to its terminus 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 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 October 11, 2004 that it intends to close a residual portion of Barclay Downs Drive 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 22nd day of November, 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 11th day of October, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 264 a .

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of October, 2004.


Brenda R. Freeze, CMC, City Clerk

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE Pinestream Drive in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **Mintworth Commons, LLC** has filed a petition to close **Pinestream Drive** in the City of Charlotte; and

Whereas, Pinestream Drive to be closed lies within the Idlewild Community beginning from Idlewild Road continuing approximately 350 feet southwestwardly to its terminus 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 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

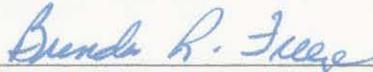
Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of October 11, 2004 that it intends to close Pinestream Drive and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 22nd day of November, 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 11th day of October, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 265.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of October, 2004.



Brenda R. Freeze, CMC, City Clerk

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

Whereas, **Time Warner Cable Incorporated** has filed a petition to close a **portion of Crescent Executive Drive** in the City of Charlotte; and

Whereas, the portion of Crescent Executive Drive to be closed lies within the Yorkmont Community incorporating the entire existing cul-de-sac 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 October 11, 2004 that it intends to close a portion of Crescent Executive Drive 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 22nd day of November, 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 11th day of October, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 266.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of October, 2004.



Brenda R. Freeze, CMC, City Clerk

RESOLUTION
AUTHORIZING EXECUTION OF AN AMENDMENT TO THE
PLANNING COMMISSION INTERLOCAL AGREEMENT BETWEEN
THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY

WHEREAS, under Article 20 of Chapter 160A of the North Carolina General Statutes, as amended, cities and counties are authorized to enter into interlocal cooperation undertakings with other local governments for the joint exercise of any power, function, public enterprise, right, privilege, or immunity of local governments in North Carolina; and

WHEREAS, the Charlotte City Council and Mecklenburg Board of Commissions have previously approved an interlocal agreement with respect to the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the Charlotte City Council and Mecklenburg Board of Commissioners now desire to conform the attendance requirements for members of the Planning Commission to their respective board and commission appointee attendance policies; and

WHEREAS, G.S. § 160A-461 requires that such agreement "...shall be ratified by resolution of the governing board of each unit spread upon its minutes".

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

1. Section 3.33.2 of the aforementioned interlocal agreement, which currently reads:

"Members have an obligation to attend at least seventy-five (75) percent of the total number of regular meetings of the Planning Commission and of the Planning Committee and/or Zoning Committee to which the member is from time to time assigned during any twelve (12) month period, and must attend at least fifty (50) percent of any regular meeting to qualify for attendance for that meeting.

The Planning Commission Chairperson shall immediately report to the appropriate Governing Body the failure of any member appointed by said Governing Body to meet said attendance standard, the receipt of which report shall automatically remove said member from the Planning Commission."

is rewritten to read:

"Beginning with calendar year 2003, each member shall be subject to the attendance policy established by the governing body that appointed that member."

2. The City Manager is hereby authorized to execute an Agreement that incorporates the amendment set forth in Section 1.
3. This resolution shall be spread upon the minutes.

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 11th day of October, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 267-268.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of October, 2004.



Brenda R. Freeze, CMC, City Clerk

BOND ORDER
AUTHORIZING THE ISSUANCE OF NOT TO EXCEED
\$60,000,000 STORM WATER FEE REVENUE BONDS
OF THE CITY OF CHARLOTTE, NORTH CAROLINA

WHEREAS, the City of Charlotte, North Carolina (the “City”) is authorized by the State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 et seq. (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 and revenue refunding bonds of the City for the purposes as specified in the Act;

WHEREAS, the City has determined to issue not to exceed \$60,000,000 Storm Water Fee Revenue Bonds, Series 2004 of the City (the “2004 Bonds”) to (1) finance the costs of additions and capital improvements to, or the acquisition, renewal or replacement of capital assets of, or purchasing and installing new equipment relating to the operation and maintenance of the storm water facilities located within the jurisdiction of the City (the “Project”), (2) to purchase a surety bond in lieu of funding a debt service reserve if necessary and (3) pay the costs of issuing the 2004 Bonds;

WHEREAS, the City has determined to issue the 2004 Bonds with a fixed rate of interest;

WHEREAS, the City will issue the 2004 Bonds under the General Trust Indenture dated as of May 15, 2000 between the City and Wachovia Bank, National Association, formerly known as First Union National Bank, as trustee (the “Trustee”); and Series Indenture, Number 3 dated as of October 1, 2004 (the “Series Indenture” and together with the General Indenture, the “Indenture”) 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, on its own behalf and on behalf of Wachovia Bank, National Association and Scott & Stringfellow, Inc., trading as BB&T Capital Markets (collectively, the “Underwriters”), under the terms of a Purchase Contract to be dated on or about October 15, 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 \$60,000,000. The 2004 Bonds hereby authorized shall be special obligations of the City, secured by and paid solely from the proceeds thereof or from Net 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 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 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 Underwriters 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 Tabor, seconded by Councilmember Carter, the foregoing order titled "**BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$60,000,000 STORM WATER FEE REVENUE BONDS OF THE CITY OF CHARLOTTE, NORTH CAROLINA**" was adopted by the following vote: Unanimous

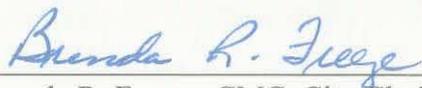
PASSED, ADOPTED AND APPROVED this 11th day of October, 2004.

STATE OF NORTH CAROLINA)
)
CITY OF CHARLOTTE) ss:

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 “**BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$60,000,000 STORM WATER FEE REVENUE BONDS 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 11th day of October, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 269-271.

WITNESS my hand and the seal of the City of Charlotte, North Carolina, this the 13th day of October, 2004.

[SEAL]



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 October 11, 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 October 11, 2004, after proper notice, and was called to order by the Mayor, and upon the roll being called, the following members of the City Council answered present: Mayor McCrory, Councilmembers Burgess, Cannon, Carter, Kinsey, Lassiter, Mitchell, Mumford, Tabor, and Turner

The following members of the City Council were absent: Councilmembers Graham and Lochman

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

Councilmember Tabor 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 STORM WATER FEE REVENUE BONDS, 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 State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 *et seq.* (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 Storm Water Fee Revenue Bonds, Series 2004 (the "*2004 Bonds*") in an aggregate principal amount not to exceed \$60,000,000 to provide funds to (1) finance the costs of additions and capital improvements to, or the acquisition, renewal or replacement of capital assets of, or purchasing and installing new equipment relating to the operation and maintenance of the storm water facilities located within the jurisdiction of the City (the "*Project*"), (2) to purchase a surety bond in lieu of funding a debt service reserve if necessary and (3) pay the costs of issuing the 2004 Bonds, as described in the Bond Order of the City adopted on October 11, 2004.

WHEREAS, the City will issue the 2004 Bonds under the General Trust Indenture dated as of May 15, 2000 between the City and Wachovia Bank, National Association, formerly known as First Union National Bank, as trustee (the "*Trustee*"), and Series Indenture, Number 3 dated as of October 1, 2004 (the "*Series Indenture*" and together with the General Indenture, the "*Indenture*") between the City and the Trustee;

WHEREAS, the City desires to execute and deliver a Bond Purchase Agreement to be dated on or about October 15, 2004 (the "*Purchase Contract*") among the City, the Local Government Commission of North Carolina (the "*Commission*") and Banc of America Securities LLC, on its own behalf and on behalf of Wachovia Bank, National Association and Scott & Stringfellow, Inc., trading as BB&T Capital Markets (collectively, the "*Underwriters*"), pursuant to which the City and the Commission will sell the 2004 Bonds to the Underwriters 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 Series Indenture;
2. the Purchase Contract; and
3. the Preliminary Official Statement to be dated on or about October 6, 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 \$60,000,000, 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 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 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 Series Indenture 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 Series Indenture 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 Series Indenture, 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 Series Indenture as executed. The Trustee is hereby appointed as Registrar and Paying Agent thereunder.

Section 3. That the 2004 Bonds shall be sold to the Underwriters pursuant to the terms of the Purchase Contract. 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. The form and content of the Preliminary Official Statement are in all respects authorized, approved and confirmed, and the use of the Preliminary Official Statement and the Official Statement to be dated on or about October 15, 2004 (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 5. 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 6. 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 7. 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 8. 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 Board 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 9. 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 Series Indenture and the Purchase Contract shall be, and the same hereby are, in all respects approved and confirmed.

Section 10. 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 11. 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 12. This Resolution shall take effect upon its adoption.

Upon motion of Councilmember Tabor, seconded by Councilmember Carter, 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 STORM WATER FEE REVENUE BONDS, 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"** was adopted by the following vote: Unanimous

PASSED, ADOPTED AND APPROVED this 11th day of October, 2004.

STATE OF NORTH CAROLINA)
)
CITY OF CHARLOTTE) ss:

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 STORM WATER FEE REVENUE BONDS, 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 11th day of October, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 272-276.

WITNESS my hand and the seal of the City of Charlotte, North Carolina, this the 13th day of October, 2004.

[SEAL]



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 **HISTORIC NORTH CHARLOTTE NEIGHBORHOOD IMPROVEMENT 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 **HISTORIC NORTH CHARLOTTE NEIGHBORHOOD IMPROVEMENT PROJECT** and estimated to be approximately **3,711 square feet (.085 acre) of 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. 083-073-03, said property currently owned by **EDWARD G. LAYCOX and spouse, if any; TRUSTEE SERVICES OF CAROLINAS, LLC, Trustee; AMERICA'S WHOLESALE LENDER, Beneficiary, 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 11th day of October, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 277.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of October, 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 **HISTORIC NORTH CHARLOTTE NEIGHBORHOOD IMPROVEMENT 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 **HISTORIC NORTH CHARLOTTE NEIGHBORHOOD IMPROVEMENT PROJECT** and estimated to be approximately **4,276 square feet (.098 acre) of storm drainage easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel Nos. 083-073-05 and 083-073-06, said property currently owned by **MILDRED K. ROBERTS and spouse, if any; MOSES LUSKI, Trustee; SHUMAKER, LOOP AND KENDRICK, LLP, Beneficiary; MECKLENBURG COUNTY TAX COLLECTOR, and Any Other Parties in Interest, or the owners' successor-in-interest.**

ESTIMATED JUST COMPENSATION:

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

IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 11th day of October, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 278.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of October, 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 **REA ROAD SIDEWALK 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 **REA ROAD SIDEWALK PROJECT** and estimated to be approximately **2,705 square feet (.062 acre) of 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. 211-243-56, said property currently owned by **COLONY ROAD PARTNERS, LLC; CB SERVICES CORPORATION, Trustee; RBC CENTURA BANK, Beneficiary, 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 11th day of October, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 279.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of October, 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 **RUTLEDGE/KINGSCROSS STORM WATER CIP 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 **RUTLEDGE/KINGSCROSS STORM WATER CIP PROJECT** and estimated to be approximately **3,610 square feet (.083 acre) for a permanent access easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 185-082-27, said property currently owned by **J. CARLTON SHOWALTER, JR. and wife, JANE VICTOR SHOWALTER; WILLIAM WALT PETTIT, Trustee; HOMECOMINGS FINANCIAL NETWORK, INC., Beneficiary; CB SERVICES CORP., Trustee; RBC CENTURA BANK, Beneficiary, 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 11th day of October, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 280.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of October, 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 **RUTLEDGE/KINGSCROSS STORM WATER CIP 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 **RUTLEDGE/KINGSCROSS STORM WATER CIP PROJECT** and estimated to be approximately **4,739 square feet (.109 acre) for 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. 185-021-06, said property currently owned by **A. D. CONSTRUCTION, INC.; JOHN J. KEANE, Trustee; FIRST TRUST BANK, Beneficiary; 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 11th day of October, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 281.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of October, 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 **RUTLEDGE/KINGSCROSS STORM WATER CIP 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 **RUTLEDGE/KINGSCROSS STORM WATER CIP PROJECT** and estimated to be approximately **3,998 square feet (.092 acre) for permanent access easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 185-082-26, said property currently owned by **T. R. LAWING, SR. and wife, CATHERINE H. LAWING, 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 11th day of October, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 282.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of October, 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 **8,232 square feet (.189 acre) of Temporary Construction Easement and Permanent Utility Easement**, and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 205-164-04, said property currently owned by **BMJ OF CHARLOTTE, LLC; UCC Fixture Filing-Instrument No. 93-9594 from CONSOLIDATED TEXTILES, INC. to THE CIT GROUP/COMMERCIAL SERVICES, INC.; CONSOLIDATED TEXTILES, INC., Purported Lessee; DARBY ACRES, Possible Judgment Credit; CHARLOTTE HONDA, Possible Judgment Creditor; CARMAX AUTO SUPERSTORE d/b/a CARMAX, 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 11th day of October, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 283.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of October, 2004.



Brenda R. Freeze, CMC, City Clerk

RESOLUTION APPROVING INTERLOCAL AGREEMENT BETWEEN CITY OF CHARLOTTE, COUNTY OF MECKLENBURG, NORTH CAROLINA AND THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO SHARE THE COST OF CERTAIN ROAD IMPROVEMENTS AT COLONY ROAD BARRICADE AND AT DAVIDSON STREET ADJACENT TO THE METRO SCHOOL

WHEREAS, pursuant to the provisions of Section 160A-461 of the General Statutes of North Carolina, the City of Charlotte ("City") is authorized to enter into contracts or agreements with other units of local government, including Boards of Education to execute any undertaking; and

WHEREAS, the Charlotte-Mecklenburg Board of Education ("CMBE") is constructing a new school, Metro School, between Second Street and Stonewall Street and adjacent to/east of the proposed Davidson Street extension; and

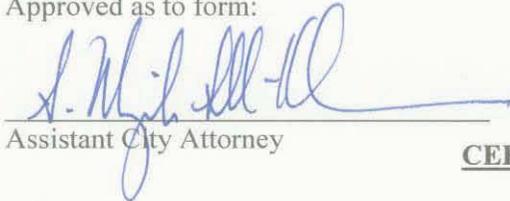
WHEREAS, the City and CMBE have an interest in extending Davidson Street from Second Street to Stonewall Street, as well as an interest in modifications to the intersection of Colony Road at the entrance to Myers Park High School; and

WHEREAS, the City and CMBE agree it is appropriate to share the costs of improvements to both the Davidson Street extension and the modifications to the intersection of Colony Road and the entrance of Myers Park High School; and

WHEREAS, the City and CMBE have prepared an Interlocal Agreement under which the costs of the improvements and modifications will be shared and the City and CMBE wish to enter into this Interlocal Agreement; and

THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of October 11, 2004, that the Council hereby approves the Interlocal Agreement Between City of Charlotte, County of Mecklenburg, North Carolina and the Charlotte-Mecklenburg Board of Education to Share the Cost of Certain Road Improvements at Colony Road Barricade and at Davidson Street Adjacent to the Metro School, which is attached as "Exhibit A" to this resolution and made a part hereof.

Approved as to form:


Assistant 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 11th day of October, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 284.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of October, 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 October 11, 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 October 11, 2004 (the "*Meeting*"), after proper notice, and was called to order by the Mayor, and upon the roll being called, the following members of the City Council answered present: Mayor McCrory, Councilmembers Burgess, Cannon, Carter, Kinsey, Lassiter, Mitchell, Mumford, Tabor, and Turner

The following members of the City Council were absent: Councilmembers Graham and Lochman

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

Councilmember Burgess introduced the following resolution (the "*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, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF TAXABLE VARIABLE RATE SPECIAL OBLIGATION BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE CITY'S VARIABLE RATE SPECIAL OBLIGATION BONDS (UPTOWN REVITALIZATION PROJECT), SERIES 2004 AND CERTAIN RELATED MATTERS.

WHEREAS, the City Council (the "*City Council*") of the City of Charlotte, North Carolina (the "*City*") hereby determines that it is necessary to 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*") at an estimated cost not to exceed \$11,500,000;

WHEREAS, the City Council is considering the issuance of not to exceed \$11,500,000 Taxable Variable Rate Special Obligation Bonds (Uptown Revitalization Project), Series 2004 of the City (the "*2004 Bonds*") to finance the Project;

WHEREAS, the City Council wants to (A) retain Parker Poe Adams & Bernstein L.L.P. of Charlotte, North Carolina, as bond counsel; (B) retain Banc of America Securities LLC of Charlotte, North Carolina to serve as underwriter (the "*Underwriter*"); (C) approve the selection by the Underwriter of Helms Mulliss & Wicker, PLLC of Charlotte, North Carolina, as underwriter's counsel; (D) retain Sterne, Agee & Leach, Inc. of Charlotte, North Carolina and Waters and Company, LLC of Birmingham, Alabama, as financial advisors; (E) retain Wachovia Bank, National Association of Charlotte, North Carolina, as trustee for the 2004 Bonds, and (F) Wachovia Bank, National Association, of Charlotte, North Carolina, as liquidity provider for the 2004 Bonds; and

WHEREAS, the City Council wants the Director of Finance of the City to file with the Local Government Commission of North Carolina (the "*Commission*") an application for its approval of the 2004 Bonds, on a form prescribed by the Commission, and (1) request in such application that the Commission approve (A) the negotiation of the sale of the 2004 Bonds to the Underwriter, (B) the City's use of Parker Poe Adams & Bernstein L.L.P., as bond counsel for the City, (C) the Underwriter's use of Helms Mulliss & Wicker, PLLC, as underwriters' counsel, (D) the City's use of Sterne, Agee & Leach, Inc. and Waters and Company, LLC, as financial advisors, (E) the City's use of Wachovia Bank, National Association, as trustee for the 2004 Bonds and (F) the City's use of Wachovia Bank, National Association, as liquidity provider for the 2004 Bonds and (2) state in such application such facts and to attach thereto such exhibits in regard to the 2004 Bonds and to the City and its financial condition, as may be required by the Commission, and to take all other action necessary to the issuance of the 2004 Bonds.

WHEREAS, the City Council has considered and recognized that variable interest rate debt instruments may subject the City to the risk of higher interest rates in the future and that in addition to the variable interest cost, the County must pay the fees of the provider of a liquidity facility and the remarketing agent for the 2004 Bonds, which fees will increase the variable interest cost to the City;

WHEREAS, the City Council believes that a variable rate financing is superior to a fixed rate financing because it will lower the City's overall cost of capital;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AS FOLLOWS:

Section 1. That the 2004 Bonds are to be issued by the City for the purpose of providing funds (1) to finance the costs of the Project and (2) to pay the costs of issuing the 2004 Bonds all as set out fully in the Preliminary Official Statement and other documents attached to the City's application to the Commission. The use of the proceeds of the 2004 Bonds, as described, is necessary in order to revitalize the uptown area to further the public safety, welfare and convenience.

Section 2. That (1) Parker Poe Adams & Bernstein L.L.P. shall hereby be retained to serve as bond counsel, (2) Banc of America Securities LLC shall hereby be retained to serve as underwriter, (3) the Underwriter's use of Helms Mulliss & Wicker, PLLC as underwriter's counsel shall hereby be approved, (4) Wachovia Bank, National Association shall hereby be approved as trustee for the 2004 Bonds, (5) Sterne, Agee & Leach, Inc. and Waters and Company, LLC shall hereby be retained as financial advisors in connection with the issuance by the City of the 2004 Bonds and (6) Wachovia Bank, National Association shall be retained as liquidity provider for the 2004 Bonds.

Section 3. That the Director of Finance of the City with advice from the City Manager and bond counsel, is hereby authorized, directed and designated to file an application with the North Carolina Local Government Commission for its approval of the issuance of the 2004 Bonds.

Section 4. That the City Council finds and determines and asks the Commission to find and determine from the City's application and supporting documentation:

- (a) that the issuance of the 2004 Bonds is necessary or expedient;
- (b) that the not to exceed stated principal amount of the 2004 Bonds will be sufficient but is not excessive for the proposed Project;

A Resolution of the City Council of the City of Charlotte calling for a Joint Public Hearing to be held by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission on the Question of designating the property known as the "William L. and Laura A. McConnell Farm" (listed under Tax Parcel Number 03923120 as of September 1, 2004, and including the interior and the exterior of the house, the outbuildings, and the parcel of land listed under Tax Parcel Number 03923120 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of September 1, 2004) as a Historic Landmark. The property is owned by John C. Walker and Marianne K. Walker and is located at 4009 Beatties Ford Road in Mecklenburg County, North Carolina.

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has made an investigation and report on the historic, architectural, educational, and cultural significance of the property as described below; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has recommended that the City Council adopt an ordinance designating the property described below as a Historic Landmark pursuant to Chapter 160A, Article 19, as amended of the General Statutes of North Carolina; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has determined that the property described below meets the criteria for designation because of special significance in terms of its history, architectural, and/or cultural importance, and because it possesses integrity of design, setting, workmanship, materials, feeling and/or association as required by N.C.G.S. 160A-400.5.

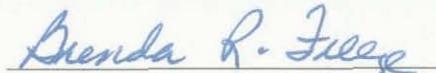
NOW, THEREFORE, BE IT RESOLVED by the City Council of Charlotte, Mecklenburg County, North Carolina, that the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission will hold a joint public hearing at which interested parties will have an opportunity to be heard on the question of the designation of the property known as the "William L. and Laura A. McConnell Farm" (listed under Tax Parcel Number 03923120 as of September 1, 2004, and including the interior and the exterior of the house, the outbuildings, and the parcel of land listed under Tax Parcel Number 03923120 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of September 1, 2004) as a Historic Landmark.

BE IT FURTHER RESOLVED that reasonable notice of the time and place of the public hearing shall be given.

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 18th day of October, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 288-289.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of October, 2004.



Brenda R. Freeze, CMC, City Clerk

A Resolution of the City Council of the City of Charlotte calling for a Joint Public Hearing to be held by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission on the Question of designating the property known as the "Builders Building" (listed under Tax Parcel Number 07801613 as of September 1, 2004, and including only the exterior of the building listed under Tax Parcel Number 07801613 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of September 1, 2004) as a Historic Landmark. The building is owned by The Peace Building Inc. and is located at 312 West Trade Street in Charlotte, North Carolina.

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has made an investigation and report on the historic, architectural, educational, and cultural significance of the property as described below; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has recommended that the City Council adopt an ordinance designating the property described below as a Historic Landmark pursuant to Chapter 160A, Article 19, as amended of the General Statutes of North Carolina; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has determined that the property described below meets the criteria for designation because of special significance in terms of its history, architectural, and/or cultural importance, and because it possesses integrity of design, setting, workmanship, materials, feeling and/or association as required by N.C.G.S. 160A-400.5.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Charlotte, Mecklenburg County, North Carolina, that the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission will hold a joint public hearing at which interested parties will have an opportunity to be heard on the question of the designation of the property known as the "Builders Building" (listed under Tax Parcel Number 07801613 as of September 1, 2004, and including only the exterior of the building listed under Tax Parcel Number 07801613 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of September 1, 2004) as a Historic Landmark.

BE IT FURTHER RESOLVED that reasonable notice of the time and place of the public hearing shall be given.

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 18th day of October, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 290-291.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of October, 2004.


Brenda R. Freeze, CMC, City Clerk

A Resolution of the City Council of the City of Charlotte calling for a Joint Public Hearing to be held by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission on the Question of designating the property known as the "Hennigan Place Property" (listed under Tax Parcel Numbers 23111403 and 23111402 as of September 1, 2004, and including the parcels of land listed under Tax Parcel Numbers 23111403 and 23111402 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of September 1, 2004) as a Historic Landmark. The property is owned by Peter D. Snow and Betty B. Snow and is located at 3503 Tilley Morris Road in Mecklenburg County, North Carolina.

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has made an investigation and report on the historic, architectural, educational, and cultural significance of the property as described below; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has recommended that the City Council adopt an ordinance designating the property described below as a Historic Landmark pursuant to Chapter 160A, Article 19, as amended of the General Statutes of North Carolina; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has determined that the property described below meets the criteria for designation because of special significance in terms of its history, architectural, and/or cultural importance, and because it possesses integrity of design, setting, workmanship, materials, feeling and/or association as required by N.C.G.S. 160A-400.5.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Charlotte, Mecklenburg County, North Carolina, that the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission will hold a joint public hearing at which interested parties will have an opportunity to be heard on the question of the designation of the property known as the "Hennigan Place Property" (listed under Tax Parcel Numbers 23111403 and 23111402 as of September 1, 2004, and including the parcels of land listed under Tax Parcel Numbers 23111403 and 23111402 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of September 1, 2004) as a Historic Landmark.

BE IT FURTHER RESOLVED that reasonable notice of the time and place of the public hearing shall be given.

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 18th day of October, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 292-293.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of October, 2004.



Brenda R. Freeze, CMC, City Clerk

A Resolution of the City Council of the City of Charlotte calling for a Joint Public Hearing to be held by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission on the Question of designating the property known as the “Joseph Sykes Brothers Building” (listed under Tax Parcel Number 07310103 as of September 1, 2004, and including the interior and exterior of the building, and the parcel of land listed under Tax Parcel Number 07310103 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of September 1, 2004) as a Historic Landmark. The building is owned by Petra Properties, LLC and is located at 1445 South Mint Street in Charlotte, North Carolina.

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has made an investigation and report on the historic, architectural, educational, and cultural significance of the property as described below; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has recommended that the City Council adopt an ordinance designating the property described below as a Historic Landmark pursuant to Chapter 160A, Article 19, as amended of the General Statutes of North Carolina; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has determined that the property described below meets the criteria for designation because of special significance in terms of its history, architectural, and/or cultural importance, and because it possesses integrity of design, setting, workmanship, materials, feeling and/or association as required by N.C.G.S. 160A-400.5.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Charlotte, Mecklenburg County, North Carolina, that the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission will hold a joint public hearing at which interested parties will have an opportunity to be heard on the question of the designation of the property known as the “Joseph Sykes Brothers Building” (listed under Tax Parcel Number 07310103 as of September 1, 2004, and including the interior and exterior of the building, and the parcel of land listed under Tax Parcel Number 07310103 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of September 1, 2004) as a Historic Landmark.

BE IT FURTHER RESOLVED that reasonable notice of the time and place of the public hearing shall be given.

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 18th day of October, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 294-295.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of October, 2004.



Brenda R. Freeze, CMC, City Clerk