

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE a 10-foot alleyway located between Elm Street and N. College Street in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **David Gardner** has filed a petition to close a **10-foot alleyway located between Elm Street and N. College Street** in the City of Charlotte; and

Whereas, the 10-foot alleyway to be closed lies within the Tryon Hills Community beginning from Elm Street continuing south approximately 195 feet to its terminus at N. College Street 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

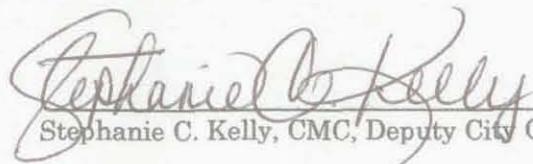
Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of October 23, 2006 that it intends to close a 10-foot alleyway located between Elm Street and N. College Street and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 27th day of November, 2006 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, Stephanie C. Kelly, Deputy 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 23rd day of October, 2006, the reference having been made in Minute Book 124, and recorded in full in Resolution Book 40, Page 361.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of October, 2006.


Stephanie C. Kelly, CMC, Deputy City Clerk

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE four alleyways bounded by Hawthorne Lane, Central Avenue and Seaboard Railroad in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **Plaza Industries, Inc.** has filed a petition to close **four alleyways bounded by Hawthorne Lane, Central Avenue and Seaboard Railroad** in the City of Charlotte; and

Whereas, the four alleyways to be closed lie within the Plaza Mid-Wood Community. **Alleyway #1:** beginning from Hawthorne Lane continuing east approximately 193 feet continuing south approximately 280 feet to its terminus at alleyway #2. **Alleyway #2:** beginning from Hawthorne Lane continuing east approximately 238 feet continuing south approximately 185 feet to its terminus at Central Avenue. **Alleyway #3:** beginning from Central Avenue continuing north approximately 318 feet to its terminus at the Seaboard Railroad. **Alleyway #4:** beginning from Central Avenue continuing north approximately 137 feet to its terminus at the Seaboard Railroad. All shown in the maps marked "Exhibit A-1, A-2, A-3 and A-4" and is more particularly described by metes and bounds in a document marked "Exhibit B-1, B-2, B-3 and B-4" 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

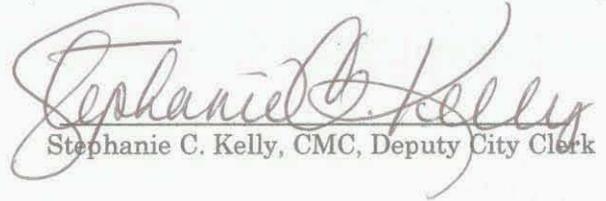
Now, therefore, be it resolved, by the City Council of the City of Charlotte, at it's regularly scheduled session of October 23, 2006 that it intends to close four alleyways bounded by Hawthorne Lane, Central Avenue and Seaboard Railroad and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 27th day of November, 2006 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, Stephanie C. Kelly, Deputy 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 23rd day of October, 2006, the reference having been made in Minute Book 124, and recorded in full in Resolution Book 40, Page(s) 362-363.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of October, 2006.


Stephanie C. Kelly, CMC, Deputy 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:

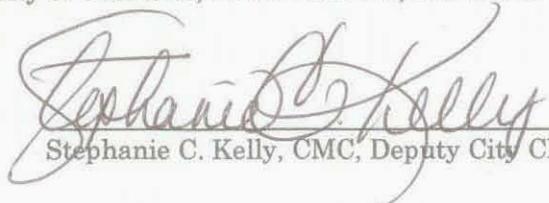
1. The City-County Tax Collector has collected property taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time 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 13th day of November 2006 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

CERTIFICATION

I, Stephanie C. Kelly, Deputy 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 23rd day of October, 2006, the reference having been made in Minute Book 124, and recorded in full in Resolution Book 40, Page(s) 364-365.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of October, 2006.


Stephanie C. Kelly, CMC, Deputy City Clerk

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

<u>Name</u>	<u>Refund Amount</u>
NORMAN GERALDINE A	\$ 50.04
STUDIO SHOP INC THE	1.58
PRAYER & DELIVERANCE MINISTERIE	333.60
US EQUIPMENT LEASING	219.50
TALBERT RICKY B	68.04
SEA GATE TRAVEL GROUP LLC	197.37
SEA GATE TRAVEL GROUP LLC	296.05
CARPE DIEM RESTAURANT	22.33
BEASLEY STAFFORD	39.90
BEASLEY STAFFORD	39.90
BEASLEY STAFFORD	39.90
	<hr/>
Total	<u>\$ 1,308.21</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 Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on October 23, 2006.

* * *

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 Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on October 23, 2006 (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: Councilmember: Burgess, Carter,

Dulin, Foxx, Kinsey, Lassiter, Lochman, Mumford and Turner

The following members of the City Council were absent: Councilmember: Barnes and Mitchell

Also present: City Manager Pam Syfert, City Attorney DeWitt McCarley

Council member Burgess introduced the following resolution (the "*Resolution*"), a summary of which had been provided to each Council member:

RESOLUTION OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN AMENDMENT TO AN INSTALLMENT PURCHASE CONTRACT, DIRECTING A PUBLIC HEARING BE HELD AND THE PUBLICATION OF NOTICE WITH RESPECT THERETO AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO

WHEREAS, the City of Charlotte, North Carolina (the "*City*") is a duly and regularly created, organized and validly existing municipal corporation of the State of North Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "*State*");

WHEREAS, the City has the power, pursuant to the North Carolina General Statutes, to (1) purchase real and personal property, (2) enter into installment purchase contracts to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the City Council of the City of Charlotte, North Carolina (the "*City Council*"), hereby determines that it is in the best interests of the City to enter into (a) an Installment Purchase Contract dated as of December 1, 2006 (the "*Contract*") with New Charlotte Corporation (the "*Corporation*") to finance (1) the acquisition, construction and equipping of the Bechtler Museum, the Mint Museum Annex, the Afro-American Cultural Center and a Performing Arts Center and the renovation and expansion of Discovery Place (collectively, the "*Cultural Arts Facilities*"), (2) a portion of the installment payments designated and paid as interest under the Contract and (3) costs related to the execution and delivery of the Contract; and (b) a Deed of Trust and Security Agreement dated as of December 1, 2006 (the "*Deed of Trust*") from the City to the deed of trust trustee named therein to

provide a security interest in the Cultural Arts Facilities and the City's interest in the real property on which the Cultural Arts Facilities are or will be located (the "Sites");

WHEREAS, the City hereby determines that the acquisition of the Cultural Arts Facilities is essential to the City's proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the Cultural Arts Facilities will provide an essential use and will permit the City to carry out public functions that it is authorized by law to perform; and that entering into the Contract is necessary and expedient for the City by virtue of the findings presented herein;

WHEREAS, the City hereby determines that the Contract allows the City to purchase the Cultural Arts Facilities and take title thereto at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the City;

WHEREAS, the City hereby determines that the cost of the acquisition, construction and equipping of the Cultural Arts Facilities exceeds the total amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the City in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

WHEREAS, although the cost of financing the Cultural Arts Facilities pursuant to the Contract is expected to exceed the cost of financing the Cultural Arts Facilities pursuant to a bond financing for the same undertaking, the City hereby determines that the cost of the Cultural Arts Facilities pursuant to the Contract and the obligations of the City thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of acquiring, constructing and equipping the Cultural Arts Facilities; and (3) insufficient revenues are produced by the Cultural Arts Facilities so as to permit a revenue bond financing;

WHEREAS, the City hereby determines that the estimated cost of financing the acquisition, construction and equipping of the Cultural Arts Facilities pursuant to the Contract reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles;

WHEREAS, the City does not anticipate future property tax increases to pay installment payments falling due under the Contract in any fiscal year during the term of the Contract and such payments are adequate and not excessive for their purpose;

WHEREAS, Parker Poe Adams & Bernstein LLP, as special counsel ("*Special Counsel*"), will render an opinion to the effect that entering into the Contract and the transactions contemplated thereby are authorized by law;

WHEREAS, no deficiency judgment may be rendered against the City in any action for its breach of the Contract and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract;

WHEREAS, the City is not in default under any of its debt service obligations;

WHEREAS, the City's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the City has

conformed with generally accepted accounting principles as applied to governmental units in preparing its Annual Budget Ordinance;

WHEREAS, past audit reports of the City indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the City has not been censured by the Local Government Commission of North Carolina (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies;

WHEREAS, a public hearing on the Contract with respect to the financing of the Cultural Arts Facilities after publication of a notice with respect to such public hearing must be held and approval of the LGC with respect to entering the Contract must be received;

WHEREAS, the City hereby determines that all findings, conclusions and determinations of the City in this Resolution are subject to modification or affirmation after all interested parties have been afforded the opportunity to present their comments at a public hearing regarding the execution and delivery of the Contract, the Deed of Trust and the acquisition, construction and equipping of the Cultural Arts Facilities to be financed thereby.

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

Section 1. Authorization to Negotiate Contract and Deed of Trust. That the City Manager and the Director of Finance, with advice from the City Attorney and Special Counsel, are hereby authorized and directed to proceed and negotiate on behalf of the City for the financing of the Project for a principal amount not to exceed \$160,000,000 under the Contract to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina and to provide in connection with the Contract, as security for the City's obligations thereunder, the Deed of Trust conveying a lien and security interest in the Cultural Arts Facilities and the Sites as may be required by the entity, or its assigns, providing the funds to the City under the Contract.

Section 2. Application to LGC. That the Director of Finance or his designee is hereby directed to file with the LGC an application for its approval of the Contract and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the City and its financial condition as may be required by the LGC.

Section 3. Direction to Retain Special Counsel and Financial Advisor. That the City Manager and the Director of Finance, with advice from the City Attorney, are hereby authorized and directed to retain the assistance of Parker Poe Adams & Bernstein LLP, Charlotte, North Carolina, as Special Counsel, and the City Manager and the Director of Finance are authorized to retain DEC Associates, Inc., Charlotte, North Carolina to serve as financial advisor.

Section 4. Public Hearing. That a public hearing (the "Public Hearing") shall be conducted by the City Council on November 27, 2006 at 7:00 p.m., or as soon thereafter as practicable, in the Meeting Chamber, Charlotte-Mecklenburg County Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, concerning the Contract, the Deed of Trust, the proposed financing of the Project and any other transactions contemplated therein and associated therewith.

Section 5. Notice of Public Hearing. That the City Clerk is hereby directed to cause a notice of the Public Hearing, in the form attached hereto as Exhibit A, to be published once in a qualified newspaper of general circulation within the City no fewer than 14 days prior to the Public Hearing.

Section 6. Repealer. That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 7. Effective Date. That this Resolution is effective on the date of its adoption.

On motion of Councilmember Burgess, seconded by Councilmember Carter, the foregoing resolution titled **“RESOLUTION OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN AMENDMENT TO AN INSTALLMENT PURCHASE CONTRACT, DIRECTING A PUBLIC HEARING BE HELD AND THE PUBLICATION OF NOTICE WITH RESPECT THERETO AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO”** was duly adopted by the following vote: Unanimous

AYES:

NAYS:

PASSED, ADOPTED AND APPROVED this 23rd day of October, 2006.

CERTIFICATION

I, Stephanie C. Kelly, Deputy 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 23rd day of October, 2006, the reference having been made in Minute Book 124, and recorded in full in Resolution Book 40, Page(s) 366-372.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of October, 2006.

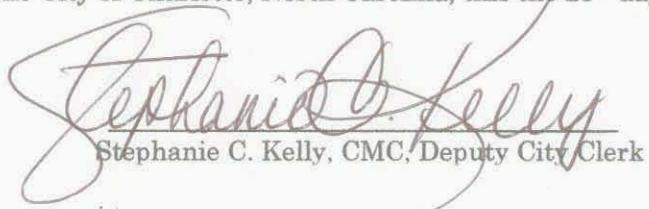

Stephanie C. Kelly, CMC, Deputy City Clerk

EXHIBIT A

NOTICE OF PUBLIC HEARING

CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA

At its October 23, 2006 meeting, the City Council of the City of Charlotte, North Carolina (the "City"), adopted a resolution which:

1. Authorized the City to proceed with the financing of (1) the acquisition, construction and equipping of the Bechtler Museum, the Mint Museum Annex, the Afro-American Cultural Center and a Performing Arts Center and the expansion of Discovery Place (collectively, the "*Cultural Arts Facilities*"), (2) a portion of the installment payments designated and paid as interest under an Installment Purchase Contract dated as of December 1, 2006 (the "*Contract*") and (3) costs related to the execution and delivery of the Contract; and

2. Authorized the City to proceed to provide, in connection with the Contract, as grantor, a Deed of Trust and Security Agreement dated as of December 1, 2006 (the "*Deed of Trust*") to create a lien and security interest on the Cultural Arts Facilities and the City's interest in the real property on which the Cultural Arts Facilities are or will be located (the "*Sites*") as may be required for the benefit of the entity, or its assigns, providing the funds to the City under the Contract.

The maximum aggregate principal amount of the installment payments to be paid pursuant to the Contract and attributable to the Cultural Arts Facilities will be \$154,000,000.

The Bechtler Museum will be an approximately 35,000 square foot, four-level building, which will house and display works of a modern art collection and related facilities; will be located on the southeastern corner of the 400 block of South Tryon Street; and will be owned by the City and leased to the Andreas H. Bechtler Arts Foundation. The maximum amount of principal components of installment payments under the Contract attributable to the Bechtler Museum will be \$17,000,000.

The Mint Museum Annex will be an approximately 145,000 square foot, five-level building which will house and display classical art, decorative art and crafts and provide space for traveling art exhibitions and related facilities; will be located on the First Street side or the 500 block of South Tryon Street; and will be owned by the City and leased to the Mint Museum of Art. The maximum amount of principal components of installment payments under the Contract attributable to the Mint Museum Annex will be \$54,000,000.

The Afro-American Cultural Center will be an approximately 47,000 square foot, four-level building which will serve as a museum, multi-purpose event space, space for exhibitions of fine arts, crafts, history and culture, classroom space for educational activities and administrative space; will be located on the southern portion of the 501 block of South Tryon Street; and will be owned by the City and leased to the Charlotte-Mecklenburg Afro-American Cultural and Service Center Inc. The maximum amount of principal components of installment payments under the Contract attributable to the Afro-American Cultural Center will be \$18,000,000.

The Performing Arts Center will consist of an approximately 1,200 seat theater for the performing arts and related facilities; will serve as the primary venue for the North Carolina Dance Theater; and will be located on the southwestern corner of the 400 block of South Tryon Street; and will be owned by the City and leased to the North Carolina Blumenthal Performing Arts Center. The maximum amount of principal components of installment payments under the Contract attributable to the

Performing Arts Center will be \$33,000,000.

Discovery Place is three-level museum science center; is located at 301 North Church Street; is owned by the City and is leased to Discovery Place Inc. The maximum amount of principal components of installment payments under the Contract attributable to the Discovery Place will be \$32,000,000. Proceeds of the financing will be used to renovate Discovery Place.

The Cultural Arts Facilities and the Sites will be mortgaged under the Deed of Trust. On payment by the City of all installment payments due under the Contract, the Deed of Trust and any lien created thereunder will terminate and the City's title to the Project will be unencumbered.

NOTICE IS HEREBY GIVEN to all interested parties that on the 27th day of November, 2006 at 7:00 p.m., or as soon thereafter as practicable, in the Meeting Chamber, Charlotte-Mecklenburg County Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, a public hearing will be conducted concerning the approval of the execution and delivery of the Contract and the Deed of Trust, and the nature and location of the Cultural Arts Facilities to be financed thereby. All interested parties are invited to express their views, both orally and in writing, at the public hearing regarding the execution and delivery of the Contract and the Deed of Trust and the location and nature of the Cultural Arts Facilities to be financed thereby. Any person wishing to express their views in writing regarding the execution and delivery of the Contract and the Deed of Trust and the location and nature of the Cultural Arts Facilities to be financed thereby should do so within 14 days after the date of publication of this Notice to the City of Charlotte, North Carolina, Charlotte-Mecklenburg County Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, Attention: Brenda R. Freeze, City Clerk.

/s/ Brenda R. Freeze
Brenda R. Freeze
City Clerk
City of Charlotte, North Carolina

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31
NORTH LAKE MALL, PHASE III**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, N.C. at 7:00 p.m. on November 27, 2006.

Section 2. The area proposed for annexation is described as follows:

LEGAL DESCRIPTION

All that certain tract of land lying and being in Long Creek Township, Mecklenburg County, North Carolina, and being more particularly described as follows:

Commencing at a point located at the intersection of the northerly right-of-way margin of Reames Road (Future Harris Blvd. - N.C. 24) (currently a variable width public right-of-way) and the easterly right-of-way margin of Point O' Woods Drive (formerly a 60-foot public right-of-way) as shown on a plat recorded in Map Book 41 at Page 766 in the Mecklenburg County, North Carolina, Public Registry, said point also being on the city limits line of the City of Charlotte; thence running with the northerly right-of-way margin of Reames Road and the city limits line of the City of Charlotte, the following twelve (12) courses and distances: (1) N 63-25-05 E 49.80 feet to a point, (2) N 67-10-09 E 63.40 feet to a point, (3) N 67-10-09 E 147.23 feet to a point, (4) with the arc of a circular curve to the right having a radius of 1,991.30 feet, an arc distance of 19.12 feet (Chord Bearing = N 63-41-36 E 19.12 feet) to a point, (5) with the arc of a circular curve to the right having a radius of 1,991.30 feet, an arc distance of 270.92 feet (Chord Bearing = N 67-51-58 E 270.71 feet) to a point, (6) N 72-01-46 E 13.60 feet to a point, (7) N 72-01-46 E 219.71 feet to a point, (8) N 72-01-46 E 10.76 feet to a point, (9) with the arc of a circular curve to the right having a radius of 2,005.05 feet, an arc distance of 210.71 feet (Chord Bearing = N 81-45-58 E 210.61 feet) to a point, (10) with the arc of a circular curve to the right having a radius of 1,935.00 feet, an arc distance of 183.40 feet (Chord Bearing = S 88-22-23 E 183.33 feet) to a point, (11) with the arc of a circular curve to the right having a radius of 2,046.20 feet, an arc distance of 42.20 feet (Chord Bearing = S 87-58-46 E 42.19 feet) to a point and (12) N 86-09-06 E 5.55 feet to a point, the TRUE POINT AND PLACE OF BEGINNING; thence from said TRUE POINT AND PLACE OF BEGINNING, leaving the northerly right-of-way margin of Reames, Road

and continuing to run with the city limits line of the City of Charlotte, with the arc of a circular curve to the left having a radius of 7.00 feet, an arc distance of 4.63 feet (Chord Bearing = N 21-26-11 E 4.55 feet) to a point; thence N 02-28-34 E 25.43 feet to a point; thence N 00-00-05 W 35.88 feet to a point; thence with the arc of a circular curve to the right having a radius of 194.00 feet, an arc distance of 204.31 feet (Chord Bearing = N 30-10-12 E 195.00 feet) to a point; thence with the arc of a circular curve to the left having a radius of 2.00 feet, an arc distance of 5.52 feet (Chord Bearing = N 18-46-00 W 3.93 feet) to a point; thence S 82-07-37 W 37.07 feet to a point; thence with the arc of a circular curve to the right having a radius of 901.00 feet, an arc distance of 273.83 feet (Chord Bearing = N 89-10-00 W 272.77 feet) to a point; thence with the arc of a circular curve to the right having a radius of 501.00 feet, an arc distance of 122.84 feet (Chord Bearing = N 73-26-08 W 122.54 feet) to a point; thence N 66-24-40 W 92.04 feet to a point; thence N 23-35-20 E 46.00 feet to a point; thence N 26-18-18 E 27.18 feet to a point; thence N 63-41-42 W 19.00 feet to a point; thence N 26-18-18 E 17.36 feet to a point; thence with the arc of a circular curve to the left having a radius of 4.00 feet, an arc distance of 5.11 feet (Chord Bearing = N 10-18-26 W 4.77 feet) to a point; thence with the arc of a circular curve to the right having a radius of 75.00 feet, an arc distance of 54.87 feet (Chord Bearing = N 25-57-35 W 53.66 feet) to a point; thence N 05-00-00 W 250.59 feet to a point; thence with the arc of a circular curve to the right having a radius of 78.00 feet, an arc distance of 82.69 feet (Chord Bearing = N 25-22-09 E 78.87 feet) to a point; thence N 55-44-17 E 191.27 feet to a point; thence with the arc of a circular curve to the left having a radius of 29.00 feet, an arc distance of 55.71 feet (Chord Bearing = N 00-42-27 E 47.53 feet) to a point; thence with the arc of a circular curve to the right having a radius of 531.00 feet, an arc distance of 146.13 feet (Chord Bearing = N 46-26-22 W 145.67 feet) to a point; thence with the arc of a circular curve to the left having a radius of 269.00 feet, an arc distance of 94.32 feet (Chord Bearing = N 48-36-03 W 93.84 feet) to a point; thence N 58-38-32 W 16.48 feet to a point; thence with the arc of a circular curve to the left having a radius of 29.00 feet, an arc distance of 38.02 feet (Chord Bearing = S 83-47-43 W 35.36 feet) to a point; thence S 46-13-59 W 261.25 feet to a point; thence with the arc of a circular curve to the right having a radius of 49.00 feet, an arc distance of 10.38 feet (Chord Bearing = S 40-09-53 W 10.36 feet) to a point; thence S 72-49-35 W 150.38 feet to a point; thence with the arc of a circular curve to the right having a radius of 78.02 feet, an arc distance of 44.67 feet (Chord Bearing = S 89-13-53 W 44.06 feet) to a point; thence N 74-22-14 W 437.43 feet to a point; thence with the arc of a circular curve to the left having a radius of 49.00 feet, an arc distance of 90.35 feet (Chord Bearing = S 52-48-24 W 78.08 feet) to a point; thence S 89-59-01 W 46.00 feet to a point; thence with the arc of a circular curve to the right having a radius of 345.00 feet, an arc distance of 54.64 feet (Chord Bearing = N 04-31-15 E 54.58 feet) to a point; thence N 09-03-29 E 122.88 feet to a concrete monument having N.C. Grid Co-ordinates as follows: N = 588,212.11 feet and E = 1,446,829.91 feet; thence N 73-49-23 W 158.63 feet to a point; thence with the arc of a circular curve to the left having a radius of 730.00 feet, an arc distance 396.79 feet (Chord Bearing = N 02-12-54 E 391.92 feet) to a point; thence N 13-21-23 W 93.45 feet to a point; thence N 13-21-23 W 113.77 feet to a point; thence with the arc of a circular curve to the right having a radius of 630.00 feet, an arc distance of 21.90 feet (Chord Bearing = N 12-21-37 W 21.90 feet) to a point; thence with the arc of circular curve to

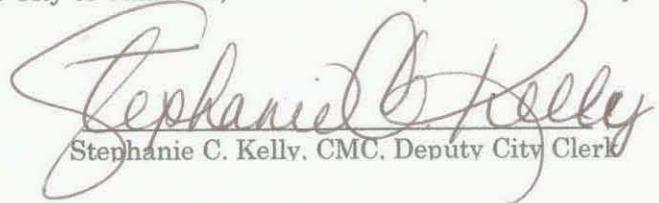
the right having a radius of 630.00 feet, an arc distance of 51.33 feet (Chord Bearing = N 09-01-49 W 51.31 feet) to a point; thence leaving the city limits line of the City of Charlotte N 49-20-00 E 433.92 feet to a point; thence N 65-03-04 E 46.20 feet to a point; thence N 74-07-44 E 70.10 feet to a point; thence N 50-20-06 E 57.10 feet to a point; thence N 69-18-55 E 122.37 feet to a point; thence N 58-10-44 E 93.02 feet to a point; thence N 41-21-53 E 52.64 feet to a point; thence N 67-06-36 E 45.79 feet to a point; thence S 87-39-46 E 69.46 feet to a point; thence N 38-38-04 E 52.59 feet to a point; thence N 38-37-55 E 18.66 feet to a point; thence S 83-47-20 E 42.45 feet to a point; thence N 60-24-45 E 71.08 feet to a point; thence N 45-29-52 E 41.43 feet to a point; thence N 81-00-33 E 70.41 feet to a point; thence N 55-39-27 E 47.28 feet to a point; thence N 79-43-06 E 104.63 feet to a point; thence N 36-31-01 E 34.85 feet to a point; thence N 70-55-54 E 57.98 feet to a point; thence S 83-40-08 E 55.26 feet to a point; thence N 80-02-10 E 91.28 feet to a point; thence N 70-14-19 E 52.00 feet to a point; thence N 49-08-13 E 24.01 feet to a point; thence S 73-00-15 E 30.75 feet to a point; thence N 61-23-50 E 34.83 feet to a point; thence N 88-19-50 E 32.23 feet to a point; thence S 71-34-38 E 116.19 feet to a point; thence N 70-05-47 E 42.27 feet to a point; thence S 50-31-49 E 88.24 feet to a point; thence N 71-56-36 E 39.02 feet to a point; thence S 38-32-56 E 31.95 feet to a point; thence S 73-35-54 E 73.36 feet to a point; thence S 45-45-28 E 16.87 feet to a point; thence N 86-09-25 E 43.41 feet to a point; thence S 66-27-22 E 50.18 feet to a point; thence S 85-03-23 E 83.29 feet to a point; thence S 60-45-55 E 38.24 feet to a point; thence S 53-14-31 E 19.48 feet to a point; thence N 75-18-45 E 31.74 feet to a point; thence S 70-24-38 E 54.62 feet to a point; thence N 76-33-39 E 41.94 feet to a point; thence S 00-27-39 W 50.78 feet to a point; thence S 51-39-49 E 413.04 feet to a point; thence S 35-41-40 E 410.49 feet to a point located in the westerly right-of-way margin of Interstate 77; thence running with the westerly right-of-way margin of Interstate 77, the following six (6) courses and distances: (1) S 19-57-23 W 325.00 feet to a point, (2) S 17-45-05 W 385.89 feet to a point, (3) S 17-44-28 W 287.03 feet to a point, (4) S 34-14-40 W 389.36 feet to a point, (5) S 39-04-34 W 245.08 feet to a point and (6) S 31-16-04 W 39.02 feet to a point; thence leaving the westerly right-of-way margin of Interstate 77, and running with the city limits line of the City of Charlotte N 58-43-56 W 71.70 feet to a point; thence with the arc of a circular curve to the left having a radius of 511.00 feet, an arc distance of 178.53 feet (Chord Bearing = S 72-07-05 W 177.62 feet) to a point; thence S 82-07-37 W 188.80 feet to a point; thence with the arc of a circular curve to the right having a radius of 174.00 feet, an arc distance of 223.43 feet (Chord Bearing = S 45-20-28 W 208.39 feet) to a point; thence with the arc of a circular curve to the right having a radius of 99.00 feet, an arc distance of 63.67 feet (Chord Bearing = S 09-52-05 E 62.58 feet) to a point; thence with the arc of a circular curve to the right having a radius of 49.00 feet, an arc distance of 44.25 feet (Chord Bearing = S 54-09-43 E 42.76 feet) to a point located in the northerly right-of-way margin of Reames Road; thence running with the northerly right-of-way margin of Reames Road and continuing with the city limits line of the City of Charlotte, S 86-09-06 W 70.24 feet to a point, the TRUE POINT AND PLACE OF BEGINNING.

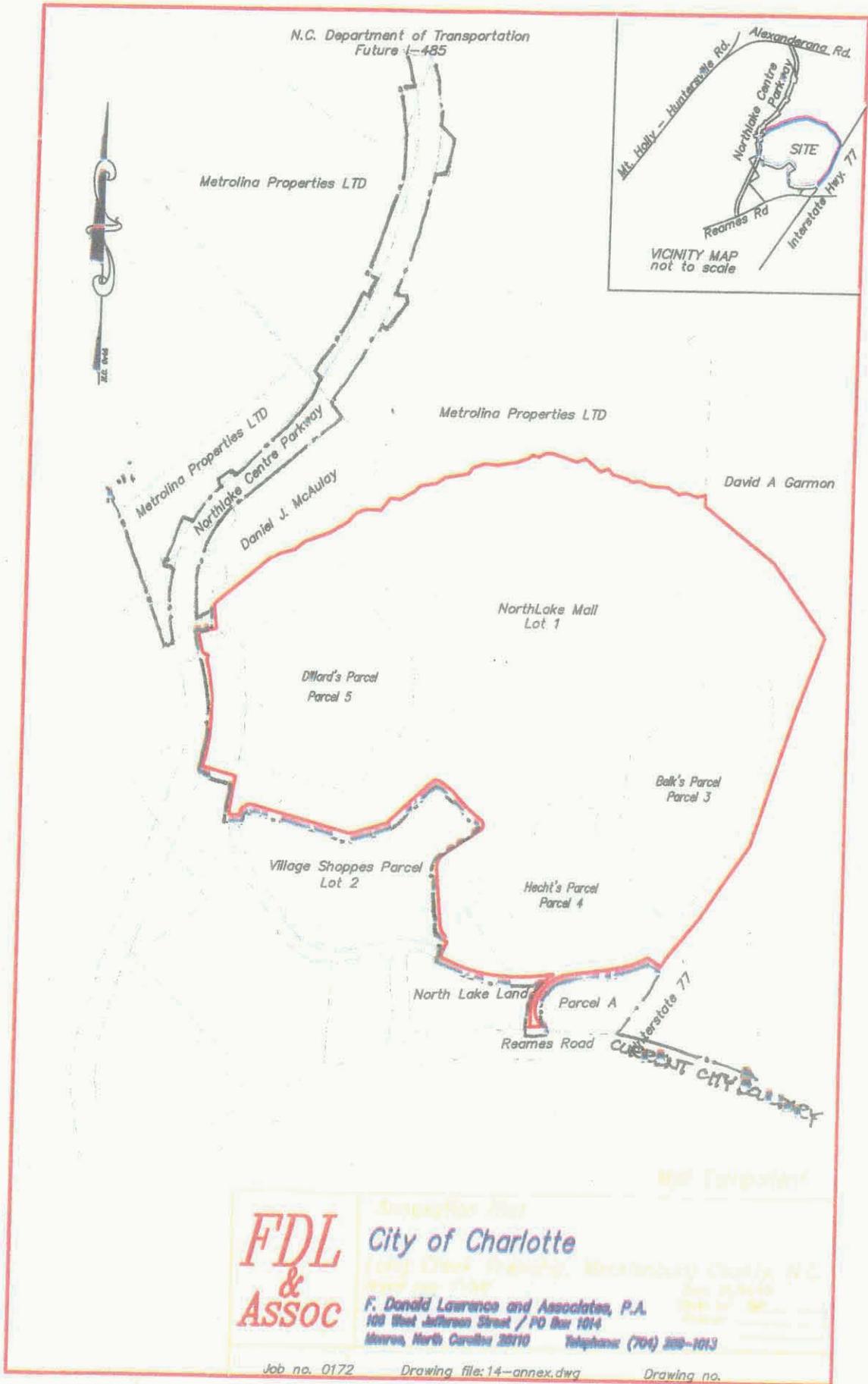
Section 3. Notice of the public hearing shall be published in the *Mecklenburg Times*, a newspaper having general circulation in the City of Charlotte, at least ten (10) days prior to the date of the public hearing.

CERTIFICATION

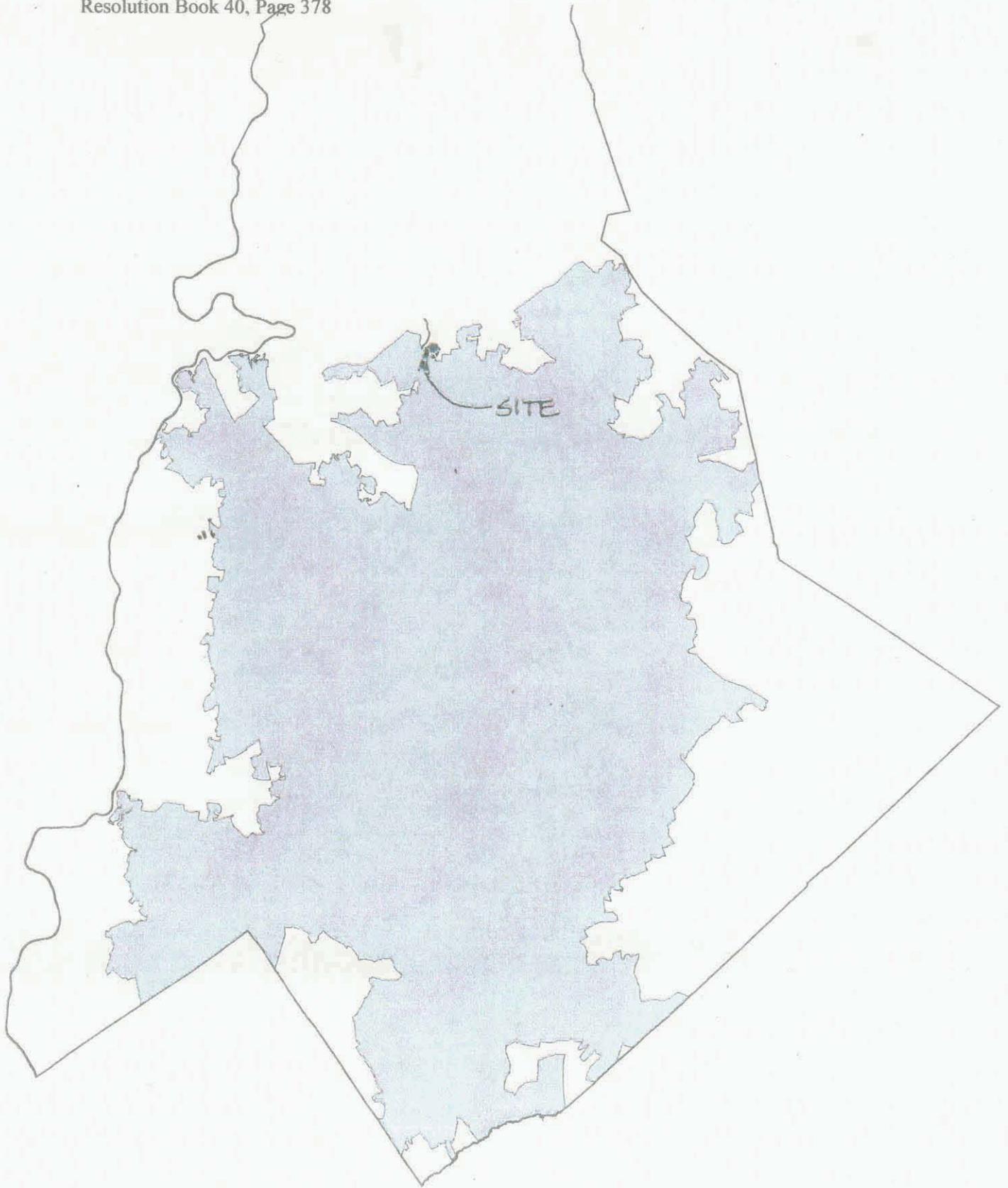
I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of October, 2006, the reference having been made in Minute Book 124, and recorded in full in Resolution Book 40, Page(s) 373-378

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of October, 2006.


Stephanie C. Kelly, CMC, Deputy City Clerk



NORTHLAKE MALL - PHASE 3



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 **2005 ANNEXATION-BROOKSHIRE WEST SANITARY SEWER 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 **2005 ANNEXATION-BROOKSHIRE WEST SANITARY SEWER PROJECT** and estimated to be approximately **18,200 square feet (.418 acre) of utility easement and temporary construction easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 031-182-63, said property currently owned by **ROBERT J. LOWERY, JR. and spouse, if any; NEW SALEM, INC., Trustee; WACHOVIA BANK OF NORTH CAROLINA, N. A., Beneficiary; TIM, INC., Trustee; NATIONSBANK OF NORTH CAROLINA, N. A. (n/k/a "Bank of America"), Beneficiary; NATIONSBANC MORTGAGE CORPORATION, Beneficiary; FIRST AMERICAN TITLE INSURANCE COMPANY, Trustee; INDYMAC BANK, F.S.B., Beneficiary; CITY OF CHARLOTTE, and Any Other Parties in Interest**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

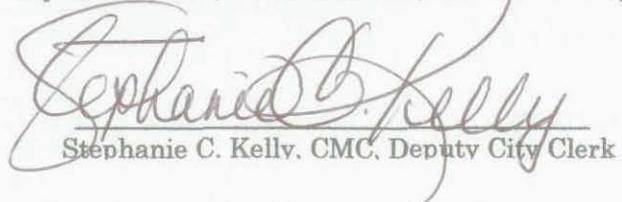
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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, Stephanie C. Kelly, Deputy 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 23rd day of October, 2006, the reference having been made in Minute Book 124, and recorded in full in Resolution Book 40, Page 379

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of October, 2006.


Stephanie C. Kelly, CMC, Deputy 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 **BRIAR CREEK RELIEF SEWER-PH. I 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 **BRIAR CREEK RELIEF SEWER-PH. I PROJECT** and estimated to be approximately **2,733 square feet (.063 acre) of sanitary sewer easement, existing easement to be abandoned, 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. 153-105-28, said property currently owned by **MINI-SKOOLS LIMITED; FIRST AMERICAN TITLE INSURANCE COMPANY, Trustee; CITICORP NORTH AMERICA, INC., Administrative Agent, and Any Other Parties in Interest**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

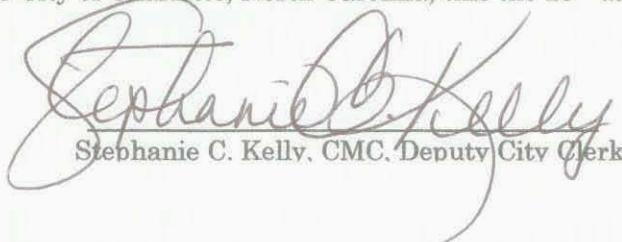
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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, Stephanie C. Kelly, Deputy 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 23rd day of October, 2006, the reference having been made in Minute Book 124, and recorded in full in Resolution Book 40, Page 380

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of October, 2006.


Stephanie C. Kelly, CMC, Deputy 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 **BRIAR CREEK RELIEF SEWER-PH. I 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 **BRIAR CREEK RELIEF SEWER-PH. I PROJECT** and estimated to be approximately **124,722 square feet (2.863 acre) of sanitary sewer easement, permanent access 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. 155-141-11, said property currently owned by **CATAWBA LANDS CONSERVANCY; E. C. GRIFFITH COMPANY, and Any Other Parties in Interest**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

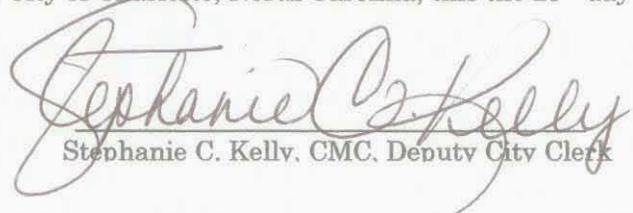
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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, Stephanie C. Kelly, Deputy 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 23rd day of October, 2006, the reference having been made in Minute Book 124, and recorded in full in Resolution Book 40, Page 381.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of October, 2006.


Stephanie C. Kelly, CMC, Deputy 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 **SANDY PORTER 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 **SANDY PORTER SIDEWALK PROJECT** and estimated to be approximately **4,369 square feet (.100 acre) of sidewalk and utility easement and temporary construction easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 201-124-17, said property currently owned by **RODRICK J. McALLISTER and wife, HELEN M. McALLISTER; G. ROBERT TURNER, III, et al., Trustees; HOME FEDERAL SAVINGS AND LOAN ASSOCIATION, Beneficiary, and Any Other Parties in Interest, or the owners' successor-in-interest.**

ESTIMATED JUST COMPENSATION:

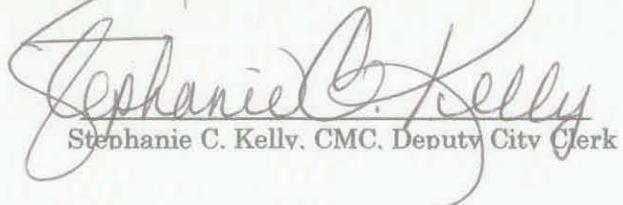
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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, Stephanie C. Kelly, Deputy 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 23rd day of October, 2006, the reference having been made in Minute Book 124, and recorded in full in Resolution Book 40, Page 382.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of October, 2006.


Stephanie C. Kelly, CMC, Deputy City Clerk

RESOLUTION

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

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

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

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

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

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

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

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

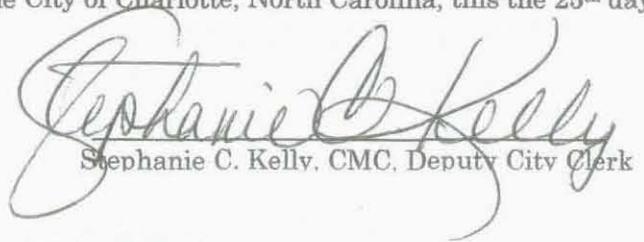
document required by the North Carolina Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.

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

CERTIFICATION

I, Stephanie C. Kelly, Deputy 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 23rd day of October, 2006, the reference having been made in Minute Book 124, and recorded in full in Resolution Book 40, Page(s) 383-384

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of October, 2006.


Stephanie C. Kelly, CMC, Deputy City Clerk