

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

Whereas, **Crosland Land Company** has filed a petition to close a portion of **Wallace Avenue** in the city of Charlotte; and

Whereas, Wallace Avenue to be closed lies beginning approximately 1,200 feet from the intersection of Wallace Avenue/WT Harris Boulevard and continuing westwardly approximately 1,225 feet 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 September 10, 2001, that it intends to close a portion Wallace Avenue and that the said street (or portion thereof) being more particularly described on a map and by a metes and bounds description available for inspection in the City Clerk's office, and hereby calls a public hearing on the question to be held at 7:00 pm on Monday, the 22nd day of October, 2001 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, Nancy S. Gilbert, 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 10th day September, 2001, the reference having been made in Minute Book 116 and recorded in full in Resolution Book 37, Page 316.

**WITNESS** my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of September, 2001.

  
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Nancy S. Gilbert, CMC, Deputy City Clerk

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

Whereas, **Pinecrest Manor Limited Partnership** has filed a petition to close a portion of **Billingsley Road** in the city of Charlotte; and

Whereas, Billingsley Road to be closed lies from Marvin Road continuing northeasterly approximately 403 feet 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

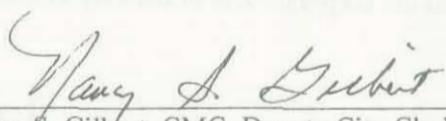
Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of September 10, 2001, that it intends to close a portion Billingsley Road and that the said street (or portion thereof) being more particularly described on a map and by a metes and bounds description available for inspection in the City Clerk's office, and hereby calls a public hearing on the question to be held at 7:00pm on Monday, the 22th day of October, 2001 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, Nancy S. Gilbert, 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 10th day September, 2001, the reference having been made in Minute Book 116 and recorded in full in Resolution Book 37, Page 317.

**WITNESS** my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of September, 2001.

  
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Nancy S. Gilbert, CMC, Deputy City Clerk

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE **Purnell Court** in  
the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **English Garden Homes Joint Venture** has filed a petition to close **Purnell Court** in the city of Charlotte; and

Whereas, Purnell Court to be closed lies from Vernon Drive continuing southwesterly approximately 240 feet 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 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

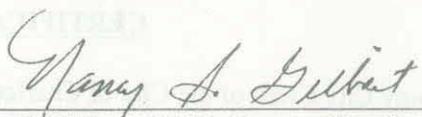
Now, therefore, be it resolved, by the City Council of the City of Charlotte, at it's regularly scheduled session of September 10, 2001, that it intends to close Purnell Court and that the said street (or portion thereof) being more particularly described on a map and by a metes and bounds description available for inspection in the City Clerk's office, and hereby calls a public hearing on the question to be held at 7:00pm on Monday, the 22th day of October, 2001 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, Nancy S. Gilbert, 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 10th day September, 2001, the reference having been made in Minute Book 116 and recorded in full in Resolution Book 37, Page 318.

**WITNESS** my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of September, 2001.

  
Nancy S. Gilbert, CMC, Deputy City Clerk

**RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE Sunnyside Drive, Presser Street, Insurance Lane, a 10-foot alleyway, and Pease Lane in the City of Charlotte, Mecklenburg County, North Carolina**

Whereas, **Central Piedmont Community College** has filed a petition to close **Sunnyside Drive, Presser Street, Insurance Lane, a 10-foot alleyway and Pease Lane**, in the city of Charlotte; and

Whereas, Sunnyside Drive to be closed lies beginning from East Seventh Street continuing eastwardly approximately 360 feet to its terminus, Presser Street beginning from Sunnyside Drive continuing northward approximately 150 feet to its terminus, Insurance Lane beginning from East Seventh Street continuing northward approximately 300 feet to its terminus, a 10-foot alleyway beginning from Insurance Lane continuing northwesterly 150 feet to its terminus at its intersection with Sunnyside Drive, and Pease Lane beginning from Elizabeth Avenue continuing southwesterly 115 feet to its terminus as shown in the maps marked "Exhibit A-1 through A-5" and is more particularly described by metes and bounds in a document marked "Exhibit B-1 through B-5" 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 September 10, 2001, that it intends to close Sunnyside Drive, Presser Street, Insurance Lane, a 10-foot alleyway, and Pease Lane and that the said streets (or portion thereof) being more particularly described on a map and by a metes and bounds description available for inspection in the City Clerk's office, and hereby calls a public hearing on the question to be held at 7:00pm on Monday, the 22th day of October, 2001 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, Nancy S. Gilbert, 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 10th day September, 2001, the reference having been made in Minute Book 116 and recorded in full in Resolution Book 37, Page 319.

**WITNESS** my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of September, 2001.

  
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Nancy S. Gilbert, 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 10th day of September, 2001 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, Nancy S. Gilbert, 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 10th day September, 2001, the reference having been made in Minute Book 116 and recorded in full in Resolution Book 37, Page(s) 320-321.

**WITNESS** my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of September, 2001.

  
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Nancy S. Gilbert, CMC, Deputy City Clerk

PROPERTY TAX  
TAXPAYERS AND REFUNDS REQUESTED  
MORE THAN \$100

<u>Name</u>	<u>Clerical Error</u>	<u>Amount of Refund</u>
McDonalds Cafeteria		\$ 510.62
McDonalds Cafeteria		649.33
Williams Lawn & Handyman		169.13
Williams Lawn & Handyman		150.79
Williams Lawn & Handyman		109.58
Southern Power Train, Inc		162.18
Net Realty Holding Trust		1,141.06
Net Realty Holding Trust		1,141.06
Heritage Property LP		1,169.85
Richard D Poling		962.61
Richard D Poling		1,180.78
Richard D Poling		1,180.78
Richard D Poling		1,053.55
Calmco Servicing LP		1,042.39
Net Realty Holding Trust		3,045.77
Total		\$13,669.48

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA

A motion was made by Councilmember Burgess seconded by

Councilmember White for the adoption of the

following Resolution, and upon being put to a vote was duly adopted.

WHEREAS, the City Council has the authority to grant air right easements over public rights-of-way and it is the City's Policy to charge for such rights; and,

WHEREAS, FF Realty, LLC has requested the granting of air rights over South College Street to construct a pedestrian bridge connecting two mixed use residential buildings and,

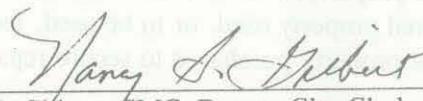
WHEREAS, the proposed pedestrian bridge is in conformance with the City's Overstreet Connections Policy and has been reviewed by Charlotte Department of Transportation, Engineering and Property Management Department, and Planning Commission staff; and,

NOW, THEREFORE, BE IT RESOLVED that the Charlotte City Council approves the granting of air rights to FF Realty, LLC for the construction of a pedestrian bridge across South College Street and authorizes the City Manager to execute a Crosswalk Agreement and Term Air Rights Easement granting such rights.

**CERTIFICATION**

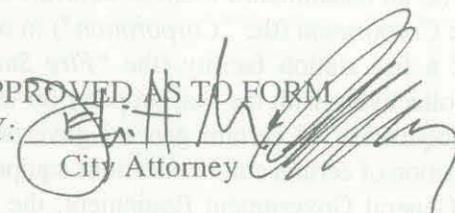
I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 10th day September, 2001, the reference having been made in Minute Book 116 and recorded in full in Resolution Book 37, Page 322.

**WITNESS** my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of September, 2001.

  
Nancy S. Gilbert, CMC, Deputy City Clerk

APPROVED AS TO FORM

BY:

  
City Attorney

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 September 10, 2001.

\* \* \*

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 September 10, 2001 (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: Councilmembers Autrey, Burgess, Carter, Castano,

Lochman, Mitchell, Spencer, White; Mayor McCrory

The following members of the City Council were absent: Councilmembers Cannon, Graham, Wheeler

Also present: Pamela A. Syfert, City Manager; Robert Hagemann, Assistant City Attorney; and Brenda R. Freeze, City Clerk

Council member Carter 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 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 North Carolina General Statutes, to (1) purchase real and personal property, (2) enter into installment purchase contracts in order 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 October 15, 2001 (the "Contract") with the New Charlotte Corporation (the "Corporation") in order to finance the (1) acquisition, construction and equipping of a fire station facility (the "Fire Station Facility") (2) acquisition of land for City use (the "Land" and collectively with the real property on which the Fire Station Facility is to be located, the "Sites"), (3) acquisition of certain general government equipment (the "General Government Equipment") and (4) acquisition of certain communications equipment (the "Communications Equipment" and collectively with the General Government Equipment, the Fire Station Facility and the Land, the "Project"); and (b) a Deed of Trust and Security Agreement dated as of

October 15, 2001 (the "*Deed of Trust*") from the City to the deed of trust trustee named therein to provide a security interest in the Fire Station Facility and the Sites;

**WHEREAS**, the City hereby determines that the acquisition of the Project is essential to the City's proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the Project 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 Project and take title thereto at a favorable interest rate currently available in the financial marketplace and upon terms advantageous to the City;

**WHEREAS**, the City hereby determines that the cost of the acquisition of the Project 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 Project pursuant to the Contract is expected to exceed the cost of financing the Project pursuant to a bond financing for the same undertaking, the City hereby determines that the cost of the Project 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, improving and equipping the Project; and (3) no revenues are produced by the Project so as to permit a revenue bond financing;

**WHEREAS**, the City hereby determines that the estimated cost of financing the acquisition of the Project 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 solely 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 L.L.P., 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 Project 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 and the Deed of Trust and the acquisition of the Project 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 \$54,500,000 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 Fire Station Facility 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 L.L.P., Charlotte, North Carolina, as Special Counsel, and the City Manager and the Director of Finance are authorized to retain Morgan Keegan & Company, 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 September 26, 2001 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 10 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 shall become effective on the date of its adoption.

On motion of Council member Carter, seconded by Council member Mitchell, the foregoing resolution entitled "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA AUTHORIZING THE NEGOTIATION OF 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:

AYES: unanimous

NAYS: none

#### CERTIFICATION

I, Nancy S. Gilbert, 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 10th day September, 2001, the reference having been made in Minute Book 116 and recorded in full in Resolution Book 37, Page 323-326.

**WITNESS** my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of September, 2001.

  
Nancy S. Gilbert, CMC, Deputy City Clerk