

110310

RESOLUTION APPROVING AGREEMENT BETWEEN THE
STATE HIGHWAY COMMISSION AND THE CITY OF
CHARLOTTE RELATING TO NORTHWEST AND NORTH-
SOUTH-EXPRESSWAY PROJECTS.

WHEREAS, the State Highway Commission has proposed to make certain street and highway improvements within the Municipality of Charlotte consisting of the construction of a Northwest Expressway with full control of access from near the intersection of Independence Boulevard and McDowell Street and the intersection of Independence Boulevard and Louise Avenue, thence in a north-westerly direction to the interchange with the North-South Expressway, thence to the interchange with Interstate Route 85; and consisting of the construction of a North-South Expressway with full control of access from the south city limits, thence in a northerly direction to the interchange with the Northwest Expressway, thence to the southern limits of the interchange with Interstate Route 85 and Interstate Route 77; that said improvements are considered to be a most necessary improvement in the street and highway system within the corporate limits of this Municipality for the promotion of public safety and convenience; and

WHEREAS, the Commission and the Municipality have reached an agreement as to their respective responsibilities, and it is agreed that the Municipality cooperate with the said Commission to the extent of:

- (1) Participating in the cost and expense of acquiring the rights of way necessary for the location and construction of the said Northwest and North-South Expressways as hereinafter set out in this paragraph, and the removal therefrom of all obstructions thereof, to the extent of twenty-five per cent (25%) of the total cost thereof to be paid in annual installments of One Hundred Thousand Dollars (\$100,000) each, with the first installment being due January 1964, and a like sum of One Hundred Thousand Dollars (\$100,000) in January each succeeding year thereafter until the total obligation is satisfied; that the last installment being tentative and subject to final adjustment when actual cost figures are known; provided that whenever at any time, or from time to time, the cumulative total of said installments paid equals or exceeds twenty-five per cent (25%) of the cumulative amounts paid by the Commission for said rights of way, no installment otherwise due and payable under this agreement shall be paid until the unpaid obligation becomes equal to at least the above specified annual installment; provided further, that the Commission shall credit to this obligation of this Municipality the fair market value of all property or interests in property acquired or owned by this Municipality and conveyed to the Commission for right of way for said expressway projects, and that no credit shall be allowed to this Municipality for the value of any property that is within the limits of any existing street right of way or dedication for future street construction; said participation in the cost and expense of acquiring the rights of way for the Northwest and North-South Expressways is as follows:
 - (a) All rights of way necessary to complete the construction of the Northwest Expressway from the eastern limits of the interchange of the Northwest Expressway with the North-South Expressway to the intersection with Interstate Route 85.
 - (b) All rights of way necessary to complete the construction of the interchange of the Northwest Expressway with the North-South Expressway.
 - (c) All rights of way necessary to complete the construction of the North-South Expressway from the south city limits north to the southern limits of the interchange with Interstate Route 85 and Interstate Route 77.

continued from Page 286

- (2) Acquiring all of the rights of way necessary for the location and construction of the Northwest Expressway from the eastern limits of the interchange of the Northwest Expressway with the North-South Expressway to the termini of the Northwest Expressway near the intersection of Independence Boulevard and Louise Avenue, and the removal therefrom of all obstructions and encroachments of any kind or character except municipally owned utility lines where encroachment agreements are arrived at between the Municipality and the Commission; to furnish the necessary rights of way free of all other encroachments and obstruction to the State Highway Commission without any cost or liability whatsoever to the State Highway Commission and to save the Commission harmless from any and all claims for damages that might arise on account of the acquisition of right of way and drainage, in construction of the said project.
- (3) This Municipality shall bear the full cost of the final design and preparation of construction plans and specifications for the Northwest Expressway project under a contract with a consulting engineer for such services as approved by the Commission.
- (4) This Municipality will exercise any rights which it may have under any franchise to effect any necessary changing, adjusting or relocation of telephone, telegraph or electric power lines or underground cables without expense to the Commission. The changing, adjusting or relocation of municipally owned utility lines and the costs thereof shall be provided for by agreement or agreements supplementary to this agreement. Any such required work shall either be completed or arranged for in a manner satisfactory to the Commission prior to the Commencement of the construction of the projects referred to herein.
- (5) Entering specific agreement at a later date as to traffic operating controls for the regulation and movement of traffic for the Northwest and North-South Expressways.

NOW, THEREFORE, BE IT RESOLVED that the said Northwest and North-South Expressways projects, Mecklenburg County, be and they are hereby formally approved by the City Council of Municipality of Charlotte and that the Mayor and Clerk of said Municipality be and they are hereby empowered to sign and execute the required Agreement between this Municipality and the State Highway Commission, and

BE IT FURTHER RESOLVED that this resolution shall supersede the prior approval of these projects expressed by action of the City Council taken on the 10th day of December, 1962.

Approved as to form:

John T. Morrisey, Sr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in meeting on the 16th day of April, 1963, the reference having been made in Minute Book 43, at Page 56, and recorded in full in Resolutions Book 4, beginning at Page 286.

Lillian R. Hoffman
City Clerk