

A RESOLUTION PROVIDING FOR PUBLIC HEARINGS
ON PETITIONS FOR ZONING CHANGES.

WHEREAS, the City Council has received petitions for zoning changes, which petitions, numbered 68-90 through 68-98 are on record in the Office of the City Clerk, and

WHEREAS, the City Council deems it in the public interest that hearings be held on said petitions,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that public hearings will be held in the Council Chamber on the Second Floor of the Charlotte City Hall beginning at 2:00 o'clock P. M., on Monday, the 16th day of December, 1968 on petitions for zoning changes numbered 68-90 through 68-98.

BE IT FURTHER RESOLVED that notice of said hearings be published as required by law.

APPROVED AS TO FORM:

Acting City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 18th day of November, 1968, the reference having been made in Minute Book 51, at page , and recorded in full in Resolutions Book 6, at page 210.

Ruth Armstrong
City Clerk

A RESOLUTION AUTHORIZING THE REFUND OF CERTAIN 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 collected taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers made demand in writing for refund of the amounts set out on the schedule within eight years from the date the amounts were due to be paid.
3. The amounts listed on the schedule were collected through clerical error or by a tax illegally levied and assessed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 18th day of November, 1968, that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested", be refunded the amounts therein set out and that the schedule and this resolution be spread upon the minutes of this meeting.

Approved as to form:

Acting City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 18th day of November, 1968, the reference having been made in Minute Book 51, at page , and recorded in full in Resolutions Book 6, at page 211.

Ruth Armstrong
City Clerk

RESOLUTION FIXING DATE OF PUBLIC HEARING
ON THE PETITION REQUESTING THE ANNEXATION
OF PROPERTY TO THE CITY OF CHARLOTTE
PURSUANT TO G. S. 160-452, AS AMENDED.

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

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

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

Section 1. That a public hearing on the question of annexation of the area described herein will be held in the Auditorium at Harding Senior High School, Charlotte, N. C., at 7:30 o'clock P. M., on the 2nd day of December, 1968.

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

BEGINNING at an iron on the northerly margin of West Boulevard, which iron is located at the point of intersection of the northerly margin of West Boulevard with the westerly margin of the right of way of Southern Railway Company, runs thence with the northerly margin of West Boulevard, S. 70-18-45 W. 201.84 feet to an iron stake in the easterly margin of Holabird Lane where it intersects the northerly margin of West Boulevard; thence continuing along the northerly margin of West Boulevard crossing Holabird Lane 60.98 feet to an iron stake on the west margin of Holabird Lane; thence continuing with the northerly margin of West Boulevard S. 70-18-45 W. 512.91 feet to an iron stake; thence N. 19-41-15 W. 175 feet to an iron stake; thence S. 70-18-45 W. 225 feet to an iron stake; thence S. 19-41-15 E. 175 feet to an iron stake on the northerly margin of West Boulevard; thence with said margin of West Boulevard S. 70-18-45 W. 37.50 feet to an iron stake; thence N. 19-41-15 W. 175 feet to an iron stake; thence S. 70-18-45 W. 112.50 feet to an iron stake; thence S. 19-41-15 E. 175 feet to an iron stake on the northerly margin of West Boulevard; thence with the northerly margin of West Boulevard S. 70-18-45 W. 1553.60 feet to an iron stake; thence N. 16-36-05 W. 785.67 feet to an old iron; thence N. 27-35-05 W. 546.51 feet to an iron by a stone; thence N. 5-03-10 E. 180.62 feet to an iron by a stone; thence N. 51-02 E. 198.50 feet to an iron by a stone; thence N. 8-02-10 E. 539 feet to an old iron by a stone; thence N. 39-46-30 E. 231.08 feet to an old iron by a stone; thence S. 58-57-20 E. 1073.24 feet to an iron in a stump hole; thence along the channel of a branch as follows: N. 11-03-20 E. 33.53 feet; S. 85-14 E. 77.60 feet; N. 36-19 E. 63.30 feet; N. 75-08 E. 82 feet; S. 77-33 E. 48 feet; N. 44-29 E. 59 feet; N. 21-07 E. 39 feet; N. 28-12 W. 71 feet; N. 13-15 E. 32 feet; N. 33-49 E. 73 feet; S. 87-30 E. 56 feet; N. 54-52 E. 51 feet; N. 85-03 E. 102 feet; S. 16-52 E. 25 feet; S. 48-48 E. 49 feet; N. 70-24 E. 67 feet; N. 81-49 E. 43 feet; S. 5-17 E. 31 feet; N. 72-45 E. 20 feet; N. 34-15 E. 59 feet; N. 42-55 E. 80.88 feet; thence S. 10-26 E. 1069.13 feet to an iron stake; thence N. 55-47 E. 493.14 feet to an iron stake on the westerly margin of Holabird Lane; thence crossing Holabird Lane N. 55-47 E. 66.10 feet to an iron stake on the easterly margin of Holabird Lane; thence N. 55-47 E. 232.60 feet to an iron stake on the westerly margin of the right of way of Southern Railroad Company; thence with the westerly margin of said right of way along the arc of a curve to the left with a radius of 3919.83 feet a distance of 328.81 feet; thence continuing with the westerly margin of said railroad right of way S. 9-32 E. 201.14 feet to the west end of the right of way of the Southern Railway Company.

TAXPAYERS AND REFUNDS REQUESTED

NAME OF TAXPAYER	AMOUNT OF REFUND REQUESTED	REASON
Starmount Esso Service 6635 South Boulevard	10.00	Illegally levied
Madison Park Texaco Service 5238 South Boulevard	10.00	Illegally levied
	<hr/>	
	\$ 20.00	



Resolution Book 6 - Page 213
November 18, 1968

Section 3. Legal notice of said public hearing shall be published in The Charlotte News, a newspaper having general circulation in the City of Charlotte, at least ten (10) days prior to the date of said public hearing.

Approved as to form:

Acting City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 18th day of November, 1968, the reference having been made in Minute Book 51, at page , and recorded in full in Resolutions Book 6, at pages 212-213.

Ruth Armstrong
City Clerk

RESOLUTION FIXING DATE OF PUBLIC HEARING ON PETITION TO CLOSE A PORTION
OF LAND ON THE WESTERLY SIDE OF BARCLAY DOWNS DRIVE IN THE CITY OF
CHARLOTTE.

WHEREAS, a petition has been filed by the United States Steel and Carnegie Pension Fund, a Pennsylvania nonstock corporation for the closing and abandonment by the public of a certain parcel of land on the westerly side of Barclay Downs Drive, shown as Parcel #1 on the map entitled "Barclay Downs Drive, Revised August 19, 1968", attached hereto and made a part hereof, and is more particularly described as follows:

BEGINNING at a corner formed by the intersection of the northerly boundary of Fairview Road and the existing westerly boundary of Barclay Downs Drive, thence northerly along Barclay Downs Drive, N. 21 deg. 18' E., a distance of 612.92 feet; thence on a curve to the left with a radius of 904.93 feet, a distance of 313.64 feet to a point, thence southerly on a curve to the right, tangent to the first curve at this point, with a radius of 1059.70 feet, a distance of 316.87 feet, thence S. 18 deg. 34' 27" W., a distance of 612.76 feet to the northerly boundary of Fairview Road, thence westerly along Fairview Road on a curve to the left with a radius of 1186.89 feet, a distance of 37.17 feet to the point of BEGINNING.

WHEREAS, the procedure for closing or changing streets as outlined in North Carolina General Statutes, Section 160-200 (11) and Section 153-9 (17), requires a public hearing after notice to the abutting land owners not joining in the petition and after publication in a newspaper once a week for four consecutive weeks.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that a public hearing on the question of closing and abandoning that portion of land on the westerly side of Barclay Downs Drive formerly dedicated for street purposes, and being more particularly described above, will be held at 2:00 o'clock p.m., on Monday, the 16th day of December, 1968, in the Council Chamber of the City Hall. The City Clerk is hereby directed to publish such a notice in the "Charlotte News" once a week for four successive weeks next preceding the date fixed here for such hearing, as required by G. S. 153-9 (17).

Approved as to form:

Acting City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 18th day of November, 1968, the reference having been made in Minute Book 51, at page , and recorded in full in Resolutions Book 6, at page 214.

Ruth Armstrong
City Clerk

Copy of a Resolution Passed by the
 City Council of the City of
 Charlotte, North Carolina

The following resolution was offered by Councilman _____
 and a motion was made by Councilman _____ that it be
 adopted; this motion was seconded by Councilman _____
 and upon being put to a vote, was _____ carried;

WHEREAS, the Municipality has prepared and the Commission has approved plans to make certain street and highway improvements within the City of Charlotte, consisting of the construction and improvement of Barclay Downs Drive as shown on the plans of Project W. O. 9.8100335, Mecklenburg County; said project having right of way widths as shown on the plans of Project W. O. 9.8100335, Mecklenburg County, as filed with the State Highway Commission in Raleigh, North Carolina; that said project is 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 will bear the total construction cost of the project, except as hereinafter set out;

WHEREAS, in the plans and proposals of said improvement, it is provided that this Municipality cooperate with the State Highway Commission to the extent of:

- (1) Effecting the necessary changing, adjusting, or relocating of telephone, telegraph, electric power lines, underground cables and gas lines, or any privately or publicly owned utilities without expense to the State Highway Commission and without cost to said Commission, provide for the laying, changing, relaying, or repairing of any necessary municipally owned electric lines, water, sewer, gas or other pipes lines or conduits, together with all necessary house or lot connections or services extending to the outer edges of said project whether made necessary by the widening of existing or the construction of new or relocated streets or sidewalks.
- (2) Acquiring all the rights of way necessary for the location and construction of said project, and the removal therefrom of all obstructions and encroachments of any kind of character; furnishing the necessary rights of way free of all encroachments and obstructions to the State Highway Commission without any cost or liability whatsoever to said Commission and to save said Commission harmless from

any and all claims for damages that might arise on account of the acquisition of right of way and drainage and slope easements in construction of said project in accordance with the plans on file with the State Highway Commission in Raleigh, North Carolina.

- (3) Bearing all costs for new sidewalk construction without any cost whatsoever to the Commission.
- (4) Constructing the project in accordance with the plans and specifications of said project as filed and approved by the Commission, and the following procedures shall be followed:
 - (a) The Municipality will enter into such contract or contracts as may be necessary to construct the project.
 - (b) Proposals for any work covered by this Agreement to be performed by contract shall be submitted to the Commission for approval prior to advertising and the Commission shall approve the award of all contracts; further, upon award of the project to contract, the Municipality will furnish to the Commission a copy of the approved proposal and contract.
- (5) Furnishing all the construction engineering and all supervision.
- (6) Agreeing that the Commission shall have the right to inspect the project at all times.
- (7) Providing the Commission with one complete set of As-Built plans upon completion of the project.
- (8) Agreeing that upon completion of Project W. O. 9.8100335 that the portion of Barclay Downs Drive that was constructed and improved under said project, will remain a part of the North Carolina State Highway System.
- (9) Entering into an agreement with the State Highway Commission as to establishing and maintaining traffic operating controls for the regulation of movement of traffic on said project.

NOW, THEREFORE, BE IT RESOLVED that Project W. O. 9.8100335, Hecklenburg County, be and it is hereby formally approved by the City Council of this City of Charlotte, and that the Mayor and City Clerk (or Manager) of this Municipality be and they are hereby empowered to sign and execute the required Agreement between this Municipality and the State Highway Commission.

This Resolution was passed and adopted the ✓ 18th day of November, 1968.

Approved as to form:

City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 18th day of November, 1968, the reference having been made in Minute Book 51, at page , and recorded in full in Resolutions Book 6, at pages 215-216.

Ruth Armstrong

"RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING REQUEST OF THE E. C. GRIFFITH COMPANY TO CHANGE DEVELOPMENT PROPOSALS IN REDEVELOPMENT PROJECT NO. N. C. R-37"

WHEREAS, the Redevelopment Commission of the City of Charlotte, at a special meeting held on September 27, 1967, accepted a proposal by E. C. Griffith Company to purchase and develop 101,600 square feet of land in Disposition Parcel No. 5, Redevelopment Section No. 3, Project No. N. C. R-37, Brooklyn Urban Renewal Area, with a multi-story office building in accordance with the Redevelopment Plan, dated March, 1964, Amended January, 1966, and September, 1966; and

WHEREAS, the Redevelopment Commission of the City of Charlotte, in accordance with Section 160-464(b) of the North Carolina Urban Redevelopment Law, as amended, recommended to the City Council of the City of Charlotte that it approve the said proposal of the E. C. Griffith Company; and

WHEREAS, the City Council of the City of Charlotte, at a meeting held on October 2, 1967, did approve said proposal of the E. C. Griffith Company to purchase and develop said land by construction of a multi-story office building; and

WHEREAS, since the approvals of the Redevelopment Commission of the City of Charlotte and the City Council of the City of Charlotte, the E. C. Griffith Company has requested, by letter dated November 7, 1968, that the Redevelopment Commission approve the abandonment of the multi-story office building proposal and approve the construction of a multi-story motor inn on said land; and

WHEREAS, the Redevelopment Commission of the City of Charlotte, at a regular meeting held on November 13, 1968, approved the request of the E. C. Griffith Company to abandon the multi-story office building proposal and approved the request of said Company to construct a multi-story motor inn on said land, and recommended that this request be submitted to the City Council of the City of Charlotte for consideration and approval.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte does hereby approve the request of E. C. Griffith Company to abandon the multi-story office building proposal and does approve the request of said Company to construct a multi-story motor inn on the 101,600 square feet of land in Disposition Parcel No. 5, Redevelopment Section No. 3, Project No. N. C. R-37, Brooklyn Urban Renewal Area, in accordance with the Redevelopment Plan, dated March, 1964, Amended January, 1966, and September, 1966.

Approved as to form:

City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 18th day of November, 1968, the reference having been made in Minute Book 51, at page , and recorded in full in Resolutions Book 6, at page 217.

Ruth Armstrong
City Clerk

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF THE SISTERS OF OUR LADY OF MERCY OF NORTH CAROLINA AND OTHER HEIRS OF THE ESTATE OF ADOLF PETER WOHLPART.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to the Sisters of Our Lady of Mercy of North Carolina and other heirs of the estate of the late Adolf Peter Wohlpart located at the Northwest corner of Alleghany Street and Havelock Avenue for right of way purposes for the Alleghany Street Widening Project; and

WHEREAS, the City has in good faith undertaken to negotiate for the purchase of this property, but unsettled questions of disposition of the property under terms of the will of Adolf Peter Wohlpart make it advisable to institute condemnation proceedings to assure clear title;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that pursuant to Section 7.81 of the Charter of the City of Charlotte, as amended by Chapter 216, 1967 Session Laws of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of the Sisters of Our Lady of Mercy of North Carolina and other heirs of the Estate of Adolf Peter Wohlpart, located at the Northwest corner of Alleghany Street and Havelock Avenue in the City of Charlotte, County of Mecklenburg, under the procedures set forth in Article 9, Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that \$1.00, the fair market value of said property, is hereby authorized to be deposited in the office of the Clerk of Superior Court of Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

Approved as to form:

Henry W. Underhill Jr.
Acting City Attorney

CERTIFICATION

I, Ruth Armstrong, 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 November, 1968, the reference having been made in Minute Book 51, Page 138, and recorded in full in Resolution Book 6, at Page 218.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of November, 1968.

Ruth Armstrong
City Clerk