

RESOLUTION OF CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA  
APPROVING AMENDMENT NO. 3, REDEVELOPMENT PLAN FOR PROJECT NO.  
N. C. R-24.

WHEREAS, under the provisions of Title I of the Housing Act of 1949, as amended, the Secretary of the Department of Housing and Urban Development is authorized to provide financial assistance to Local Public Agencies for undertaking and carrying out urban renewal projects; and

WHEREAS, it is provided in such act that contracts for financial aid thereunder shall require that the Urban Renewal Plan for the respective project area be approved by the governing body of the locality in which the project is situated and that such approval include findings by the governing body that: (1) the financial aid to be provided in the contract is necessary to enable the project to be undertaken in accordance with the Urban Renewal Plan; (2) the Urban Renewal Plan will afford maximum opportunity, consistent with the sound needs of the locality as a whole, for the rehabilitation or redevelopment of the urban renewal area for private enterprise; (3) the urban renewal plan conforms to a general plan for the development of the locality as a whole; and (4) the Urban Renewal Plan gives due consideration to the provision of adequate park and recreational areas and facilities, as may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the Plan; and

WHEREAS, the Redevelopment Commission of the City of Charlotte (herein called the "Local Public Agency") has entered into a Loan and Capital Grant Contract for financial assistance under such Act with the United States of America, acting by and through the Secretary of Housing and Urban Development, pursuant to which Federal funds were provided for the urban renewal project (herein called the "Project") identified as "Redevelopment Section No. 2, Brooklyn Urban Renewal Area, Project No. N. C. R-24" and encompassing the area bounded on the north by East Second Street, East Third Street and East Fourth Street, on the east by South McDowell Street, on the south by Independence Boulevard, and on the west by South Davidson, South Alexander Street and South Myers Street, in the City of Charlotte, State of North Carolina (herein called the "Locality"); and

WHEREAS, the Local Public Agency has applied for additional financial assistance under such Act and proposes to enter into an additional contract or contracts with the Department of Housing and Urban Development for the undertaking of, and for making available additional financial assistance for the Project; and

WHEREAS, there has been prepared and approved by the City Council of the City of Charlotte (herein called the "Governing Body") an Urban Renewal Plan (hereinafter called "Redevelopment Plan") for the Project area, dated November, 1963, and consisting of 21 pages and 4 exhibits; and

WHEREAS, there have been prepared and approved by the Governing Body of the City of Charlotte Amendments Nos 1 and 2, Redevelopment Plan for the Project area dated March, 1967, and May, 1968, respectively, each consisting of 25 pages and 4 exhibits; and

WHEREAS, there has been prepared and referred to the Governing Body of the City of Charlotte for review and approval an Amended Redevelopment Plan for the Project area dated April, 1970, and consisting of 25 pages and 4 exhibits; and

WHEREAS, the Amended Redevelopment Plan has been approved by the Governing Body of the Local Public Agency, as evidence by the copy of said Body's duly certified resolution approving the Amended Redevelopment Plan, which is attached thereto; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the Locality as a whole; and

WHEREAS, the Charlotte-Mecklenburg Planning Commission, which is the duly designated and acting official planning body for the Locality, has submitted to the Governing Body its report and recommendations respecting the Amended Redevelopment Plan for the Project area and has certified that the amended Redevelopment Plan conforms to the general plan for the Locality as a whole, and the Governing Body has duly considered the report, recommendations, and certification of the planning body; and

WHEREAS, the Amended Redevelopment Plan for the Project area prescribes certain land uses for the Project area and will require, among other things, changes in zoning, the vacating and removal of streets, alleys, and other public ways, the establishment of new street patterns, the location and relocation of sewer and water mains and other public facilities, and other public action; and

WHEREAS, the Governing Body is cognizant of the rules and regulations prescribed by the Federal Government pursuant to Title I requiring that the conditions under which the Local Public Agency will make Relocations payments in connection with the Urban Renewal Project contemplated by the Amended Redevelopment Plan be officially approved by the Governing Body of the Local Public Agency; and

WHEREAS, the Governing Body is cognizant of the conditions that are imposed in the undertaking and carrying out of urban renewal projects with Federal financial assistance under Title I, including those prohibiting discrimination because of race, color, creed, or national origin:

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

1. That it is hereby found and determined that the Project is a blighted area and qualifies as an eligible Project area under Section 110.c.1. of the Housing Act of 1949, as amended, and under North Carolina Urban Redevelopment Law of 1951, as amended, N.C. G.S. 160-454 through 160-474.1.
2. That the Amended Redevelopment Plan for the Project, having been duly reviewed and considered, is hereby approved and the City Clerk be and is hereby directed to file such copy of the Amended Redevelopment Plan with the minutes of this meeting.
3. That it is hereby found and determined that the objectives of the Amended Redevelopment Plan cannot be achieved through rehabilitation of the Project area.
4. That it is hereby found and determined that the Amended Redevelopment Plan for the Project area conforms to the general plan of the Locality.
5. That it is hereby found and determined that the financial aid provided and to be provided pursuant to the contract for Federal financial assistance pertaining to the Project is necessary to enable the Project to be undertaken in accordance with the Amended Redevelopment Plan for the Project area.
6. That it is hereby found and determined that the Amended Redevelopment Plan for the Urban Renewal Area will afford maximum opportunity, consistent with the sound needs of the Locality as a whole, for the redevelopment of the Area by private enterprise.
7. That it is hereby found and determined that the Amended Redevelopment Plan for the Urban Renewal Area gives due consideration to the provision of adequate park and recreational areas and facilities, as may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the Plan.
8. That the United States of America and Department of Housing and Urban Development be, and they hereby are, assured of full compliance with the rules and regulations prescribed by the Federal Government pursuant to Title I including the conditions under which the Local Public Agency will make relocation payments in connection with the Urban Renewal Project contemplated by the Amended Redevelopment Plan insofar as is applicable.
9. That, in order to implement and facilitate the effectuation of the Amended Redevelopment Plan hereby approved, it is found and determined that certain official action must be taken by this Body with reference, among other things, to changes in zoning, the vacating and removal of streets, alleys, and other public ways, the establishment of new street patterns, the location and relocation of sewer and water mains, and other public facilities, and other public action, and accordingly, this Body hereby (a) pledges its cooperation in helping to carry out the Amended Redevelopment Plan; (b) requests the various officials, departments, boards, and agencies of the Locality having administrative responsibilities in the premises likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Amended Redevelopment Plan; and (c) stands ready to consider and take appropriate action upon proposals and measurers designed to effectuate the Amended Redevelopment Plan.
10. That additional financial assistance under the provisions of Title I of the Housing Act of 1949, as amended, is necessary to enable the land in the Project area to be renewed in accordance with the Amended Redevelopment Plan for the Project area, and accordingly, the filing by the Local Public Agency of an amendatory application or applications for such financial assistance under Title I is hereby approved.

READ, APPROVED and adopted by the City Council in meeting on the 13th day of July, 1970, the reference having been made in Minute Book 54, and (Ruth Armstrong City Clerk recorded in full in Resolutions Book 7, at Page 107 and Page 108.

RESOLUTION APPROVING A SUPPLEMENTAL MUNICIPAL AGREEMENT WITH THE STATE HIGHWAY COMMISSION CHANGING, ADJUSTING OR RELOCATING MUNICIPALLY-OWNED UTILITIES AND THE REGULATION OF THE MOVEMENT OF TRAFFIC FOR THE NORTH-SOUTH EXPRESSWAY.

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

WHEREAS, the State Highway Commission and this Municipality, on the 24th day of April, 1963, entered into a certain municipal agreement as to the construction of a Northwest Expressway and a North-South Expressway, said expressway projects being a part of the master thoroughfare plans heretofore agreed upon between the Commission and the Municipality; and,

WHEREAS, the State Highway Commission has prepared and adopted plans to make certain street and highway improvements within the City of Charlotte consisting of the construction of a portion of the North-South Expressway (I-77) from Oaklawn Avenue to the northern corporate limits line as shown on the plans of Project 8.1657301, Mecklenburg County; said project having a right of way width as shown on the plans of Project 8.1657301, 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, by terms of an agreement dated the 24th day of April, 1963, the participation on the aforesaid project has been determined by the Commission and the Municipality, said agreement being incorporated herein by reference as fully as if set out; and,

WHEREAS, except as herein provided, the City Council ratifies and affirms the municipal agreement entered into on the 24th day of April, 1963, between this Municipality and the State Highway Commission; and,

WHEREAS, pursuant to paragraphs numbered 1 and 5 of said Agreement, the parties hereto have agreed that supplementary agreements will be entered into under each project as to changing, adjusting, or relocation of municipal owned utilities and the costs thereof, and as to traffic operating controls; and,

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WHEREAS, the State Highway Commission and this Municipality have agreed that the corporate limits of this Municipality, as of the date of the awarding of the contract for construction of the above mentioned project are to be used in determining the duties, responsibilities, rights and legal obligations of each party; and,

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) Exercising any rights which it may have under any franchise to effect the changing, adjusting or relocating of telephone, telegraph, electric power lines, underground cables and gas lines or any private or public owned utilities without expense to the Commission and without cost or obligation to the Commission, shall lay, change, relay, repair and otherwise adjust any municipal owned electric lines, water, sewer, gas or other pipelines or conduits, and shall make all necessary adjustments to house or lot connection or services lying within the right of way of Project 8.1657301 which are owned by the Municipality or by others; ~~indemnifying and saving harmless the State Highway Commission from any and all claims of the State Highway Commission contractor that might arise out of the failure of the Municipality to promptly relocate the municipal owned utilities and to make all necessary adjustments to house or lot connections or services lying within the right of way of the project.~~ Except the Commission will, in accordance with Section 307-3.3 of the Standard Specifications for Roads and Structures, have vertical adjustments of two feet or less in the existing manholes, valve boxes and meter boxes encountered within the limits of the project, made at its own expense, and the Commission will reimburse the Municipality in accordance with the Municipal Owned Utility Policy of the Commission contained in the official minutes of the July 2, 1964, meeting of the Commission, which policy is incorporated herein by reference.
- (2) 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 the Supplemental Municipal Agreement for Project 8.1657301, Mecklenburg County, be and it is hereby formally approved by the City Council of the 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 13th day of

July, 1970.

Adopted by City Council in Meeting on Monday, July 13, 1970; the reference having been made in Minute Book 54, and recorded in full in Resolutions Book 7, beginning at Page 109.

Ruth Armstrong  
City Clerk

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 13th day of July, 1970, 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:

Henry W. Underhill, Jr.  
City Attorney

Adopted by City Council of the City of Charlotte, North Carolina, in regular session convened on the 13th day of July, 1970, the reference having been made in Minute Book 54, and recorded in full in Resolutions Book 7, at Page 111.

Ruth Armstrong  
City Clerk

TAXPAYERS AND REFUNDS REQUESTED

| NAME           | AMOUNT OF REFUND REQUESTED | REASON       |
|----------------|----------------------------|--------------|
| Kelly Services | 143.87                     | Illegal levy |