

August 27, 1973  
Resolutions Book 9 - Page 282

RESOLUTION CLOSING CERTAIN PORTIONS OF POLK STREET,  
OLIVER STREET, AND SPRATT STREET IN THE CITY OF  
CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, a Petition has been filed and received in accordance with the provisions of Chapter 153, Section 9, Sub-section 17 and Chapter 160A, Section 299, Sub-section (a) of the General Statutes of North Carolina, requesting the closing of certain portions of:

Polk Street, Oliver Street, and Spratt Street,  
in the City of Charlotte, Mecklenburg County, North Carolina; and

WHEREAS, the City Council has caused to be published a notice of public hearing, all in accordance with said Statutes; and,

WHEREAS, said public hearing was held on the 27th day of August, 1973; and,

WHEREAS, the City of Charlotte owns all of the land adjoining the affected portions of the above mentioned streets; and,

WHEREAS, no persons, firms or corporations or parties in interest have appeared in opposition to the closing of said portions of said streets;

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

That the Council hereby orders the closing of those certain portions of Polk Street, Oliver Street and Spratt Street, in the City of Charlotte, Mecklenburg County, North Carolina, as same is shown on Map of Redevelopment Commission of the City of Charlotte, Greenville Urban Renewal Area, Project No. N. C. R-78, entitled "Abandonment of Existing City Streets Right of Way" prepared by Wilbur Smith and Associates, Inc. - Design dated May 19, 1972, a copy of which is available for inspection in the Office of the City Clerk in the City Hall at Charlotte, North Carolina, said portions of said streets being more particularly described in Exhibit "A" hereto attached and made a part hereof, it appearing to the satisfaction of the City Council that the closing of those portions of said streets is not contrary to the public interest and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

C E R T I F I C A T I O N

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 27th day of August, 1973, the reference having been made in Minute Book 59, beginning at Page \_\_\_\_\_, ending at Page \_\_\_\_\_, and is recorded in full in Resolution Book 9.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of August, 1973.

\_\_\_\_\_  
City Clerk of the City of Charlotte

DESCRIPTION:

1. POLK STREET -- From Oliver Street to Pharr Street

Beginning at the point of intersection of the east right-of-way line of Oliver Street and the north right-of-way line of Polk Street; thence along the north right-of-way line of Polk Street S. 65-17-05 E. 435.00 feet to a point on the north right-of-way line of Polk Street; thence along the north right-of-way line of Polk Street, S. 59-02-54 E. 151.34 feet to the point of intersection of said north right-of-way line of Polk Street with the west right-of-way line of Pharr Street; thence across Polk Street, S. 40-23-29 W. 30.14 feet to the point of intersection of the west right-of-way line of Pharr Street with the south right-of-way line of Polk Street; thence along the south right-of-way line of Polk Street, N. 59-02-54 W. 144.79 feet to a point on the south right-of-way line of Polk Street; thence along the south right-of-way line of Polk Street, N. 65-17-05 W. 443.15 feet to the point of intersection of said south right-of-way line of Polk Street with the east right-of-way line of Oliver Street; thence across Polk Street, N. 42-49-54 E. 31.56 feet to the point of beginning and containing 17,595 square feet.

2. OLIVER STREET -- From a point 148 feet north of Polk Street to the south end of Oliver Street

Beginning at the point of intersection of the north right-of-way line of Oliver Street and the east right-of-way line of Oliver Street; thence along the east right-of-way line of Oliver Street, S. 42-49-54 W. 251.08 feet to the point of intersection of said east right-of-way line of Oliver Street with the north right-of-way line of Hamilton Street; thence across Hamilton Street, N. 24-18-09 W. 31.07 feet to the point of intersection of said north right-of-way line of Hamilton Street with the west right-of-way line of Oliver Street; thence along the west right-of-way line of Oliver Street, N. 42-49-54 E. 229.64 feet to the point of intersection of said west right of way line of Oliver Street with the north right-of-way line of Oliver Street; thence along the north right-of-way line of Oliver Street, S. 65-17-05 E. 30.12 feet to the point of beginning and containing 6,880 square feet.

3. SPRATT STREET -- From Oaklawn Avenue to the south end of Spratt Street

Beginning at the point of intersection of the west right-of-way line of Spratt Street and the south right-of-way line of Oaklawn Avenue; thence along the south right-of-way line of Oaklawn Avenue, S. 68-21-56 E. 25.00 feet to the point of intersection of said south right-of-way line of Oaklawn Avenue with the east right-of-way line of Spratt Street; thence along the east right-of-way line of Spratt Street, S. 24-27-05 W. 857.77 feet to the point of intersection of said east right-of-way line of Spratt Street with the south right-of-way line of Spratt Street; thence along the south right-of-way line of Spratt Street, N. 65-33-48 W. 25.00 feet to the point of intersection of said south right-of-way line of Spratt Street with the west right-of-way line of Spratt Street; thence along the west right-of-way line of Spratt Street, N. 24-27-05 E. 856.55 feet to the point of beginning and containing 21,416 square feet.

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RESOLUTION CLOSING A CERTAIN PORTION OF KENDRICK STREET  
IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH  
CAROLINA

WHEREAS, a Petition has been filed and received in accordance with the provisions of Chapter 153, Section 9, Sub-section 17 and Chapter 160A, Section 299, Sub-section (a) of the General Statutes of North Carolina, requesting the closing of a certain portion of Kendrick Street in the City of Charlotte, Mecklenburg County, North Carolina; and

WHEREAS, the City Council has caused to be published a notice of public hearing, all in accordance with said Statutes; and,

WHEREAS, said public hearing was held on the 27th day of August, 1973; and,

WHEREAS, the City of Charlotte owns all of the land adjoining the affected portion of the said Kendrick Street; and,

WHEREAS, no persons, firms or corporations or parties in interest have appeared in opposition to the closing of said portion of said street;

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

That the Council hereby orders the closing of that certain portion of Kendrick Street lying between Polk Street and Snowball Street in the City of Charlotte, Mecklenburg County, North Carolina, as same is shown on Map of Redevelopment Commission of the City of Charlotte, Greenville Urban Renewal Area, Project No. N. C. R-78, entitled "Abandonment of Existing City Streets Right of Way" prepared by Wilbur Smith and Associates, Inc. - Design dated February 17, 1972, a copy of which is available for inspection in the office of the City Clerk in the City Hall at Charlotte, North Carolina, said portion of said street being more particularly described in Exhibit "A" attached hereto and made a part hereof, it appearing to the satisfaction of the City Council that the closing of that portion of said Kendrick Street is not contrary to the public interest and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress to his or its property.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

C E R T I F I C A T I O N

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 27th day of August, 1973, the reference having been made in Minute Book 59, beginning at Page \_\_\_\_\_, ending at Page \_\_\_\_\_, and is recorded in full in Resolution Book 9.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of August, 1973.

\_\_\_\_\_  
City Clerk of the City of Charlotte, N. C.

## EXHIBIT "A"

A parcel of land in Charlotte Township, Mecklenburg County, State of North Carolina, located in Greenville Urban Renewal Area, Project No. N. C. R-78, shown as Abandonment of Existing City Streets Right-of-Way on a plat prepared by Wilbur Smith and Associates, Inc.-DESIGN, dated February 17, 1972, and being more particularly described as follows:

KENDRICK STREET--Between Snowball Street and Polk Street

Beginning at the point of intersection of the east right-of-way line of Kendrick Street and the north right-of-way line of Snowball Street; thence across Kendrick Street, N 55°-23'-53" W, 30.02 feet to a point on the west right-of-way line of Kendrick Street; thence along the west right-of-way line of Kendrick Street, N 36°-56'-04" E, 274.67 feet crossing Polk Street, to a point on the north right-of-way line of Polk Street; thence along the north right-of-way line of Polk Street, S 55°-09'-59" E, 30.02 feet to a point on said north right-of-way line of Polk Street; thence crossing Polk Street and along the east right-of-way line of Kendrick Street, S 36°-56'-04" W, 274.54 feet to the point of beginning and containing 8,238 square feet.

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"RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF CHARLOTTE FOR CONDEMNATION ACTION IN THE  
GREENVILLE URBAN RENEWAL PROJECT NO. N. C. R-78"

WHEREAS the City of Charlotte has undertaken the execution of Project No. N. C. R-78, the same being an Urban Redevelopment Project, to be executed in accordance with the provisions of Article 37 of Chapter 160 of the General Statutes of North Carolina; and

WHEREAS the Urban Renewal Law as set out in said Article and Chapter provides for the acquisition, preparation, sale, sound replanning, and redevelopment of property within a redevelopment area, as defined by said law; and

WHEREAS such area has been established in accordance with the requirements of such law and the said Project No. N. C. R-78 approved by the Governing Body of the City of Charlotte; and

WHEREAS such law specifically provides for the exercise of power of Eminent Domain in order that the purposes of the law as set out in said Article 37 of Chapter 160 to be achieved and accomplished, such purposes being in the public interest and designed to promote the health, safety and welfare of the inhabitants of this community and locality; and

WHEREAS the City of Charlotte has, under the applicable laws and regulations relating to such procedure, endeavored to establish a fair market value on properties within the area, and has in good faith through its proper agents endeavored to negotiate for the acquisition of properties within the fair market value thereof, the City of Charlotte recognizing in such negotiations that it needed to acquire said property in accordance with the said redevelopment plan previously approved; and

WHEREAS the City of Charlotte, after such fair negotiations, has of this date been unable to acquire such properties as hereinafter set out and this acquisition of such properties being essential to the achievement of the plans and accomplishment of the purpose of the redevelopment law as the same relates thereto; and

WHEREAS it therefore appears that it will be necessary for the City of Charlotte to institute condemnation proceedings under the provisions of the North Carolina Law of Eminent Domain and the exercise of powers thereunder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that the Council approves and hereby orders the institution of condemnation proceedings in its proper corporate name with respect to the following properties:

<u>Parcel No.</u>	<u>Owner</u>	<u>Fair Market Value</u>
* 26-4	Brandon United Presbyterian Church, U.S.A.	\$55,000
** 1	Seaboard Coast Line Railroad Co. (Railroad right-of-way)	34,500

\* As designated on a map entitled "Property Map, Greenville Urban Renewal Area, Project No. N. C. R-78, The Redevelopment Commission of the City of Charlotte, Charlotte,

N. C.," completed October 23, 1968, revised January 22, 1969, February 28, 1969, and May, 1972, prepared by Eric Hill Associates, Inc., Planning Consultants, Atlanta, Georgia, and Winston-Salem, North Carolina, on file at the office of the Urban Redevelopment Department of the City of Charlotte, North Carolina.

\*\* As designated on a map entitled "Redevelopment Commission of the City of Charlotte, N. C., Greenville Urban Renewal Area, Project N. C. R-78, Seaboard Coast Line Railway Co., Parcels No. 1 and 2," completed August 16, 1972, prepared by Merlin E. Giddings, Engineer and Land Surveyor, Charlotte, N. C., on file at the office of the Urban Redevelopment Department of the City of Charlotte, N. C.

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

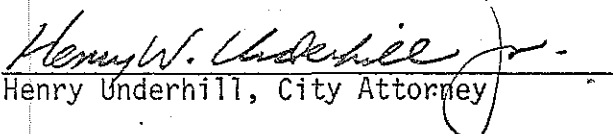
WHEREAS, the City Council has received petitions for zoning changes, which petitions, numbered 73-38 through 73-39 are on record in the Office of the City Clerk, and

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 17th day of September, 1973 on petitions for zoning changes numbered 73-38 through 73-39.

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

APPROVED AS TO FORM:

  
Henry Underhill, City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 27th day of August, 1973, the reference having been made in Minute Book 59, and recorded in full in Resolutions Book 9, on Page 288.

Ruth Armstrong, City Clerk

RESOLUTION OF APPLICANT AUTHORIZING AMENDMENT OF CONTRACT NC-1008-OS  
FOR GRANT TO ACQUIRE OPEN SPACE LAND

WHEREAS Title VII of the Housing Act of 1961, as amended, provides for the making of grants by the U.S. Department of Housing and Urban Development Secretary to states and local public bodies to assist them in the acquisition and development of permanent interests in land for open space uses where such assistance is needed for carrying out a unified or officially coordinated program for the provision and development of open space land as part of the comprehensively planned development of the urban area; and

WHEREAS the City Council of the City of Charlotte, North Carolina hereafter referred to as the Applicant, desires to acquire and develop fee simple interest to certain land known as the proposed Beal Street Park, which land is to be held and used for permanent open space land for recreation and other community activities; and

WHEREAS Title VI of the Civil Rights Act of 1964, and the regulations of the U.S. Department of Housing and Urban Development effectuating that Title, provide that no person shall be discriminated against because of race, color, or national origin in the use of land acquired and/or developed; and

WHEREAS it is recognized that the contract for a federal grant will impose certain obligations and responsibilities upon the Applicant and will require among other things, (1) assurances that families and individuals displaced as a result of the open space land project will be relocated into decent, safe, and sanitary housing, (2) compliance with federal labor standards, and (3) compliance with federal requirements relating to equal employment opportunity; and

WHEREAS it is estimated that the cost of acquiring said interest will be \$547,530;

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

1. That the existing contract for NC-1008-OS be amended to acquire properties in the vicinity of Beal Street as described in the attached description.

2. That the Mayor of the City of Charlotte, North Carolina is hereby authorized and directed to execute and to file this contract amendment with the U.S. Department of Housing and Urban Development, to provide additional information and to furnish such documents as may be required by said Department, to execute such contracts as are required by said Department, and to act as the authorized correspondent of the Applicant.



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3. That the proposed acquisition is in accordance with plans for the allocation of land for open space uses, and that, should said grant be made, the Applicant will acquire, develop, and retain said land for the uses designated in said application and approved by the U.S. Department of Housing and Urban Development.

4. That the United States of America and the U.S. Department of Housing and Urban Development Secretary be, and they hereby are, assured of full compliance by the Applicant with regulations of the U.S. Department of Housing and Urban Development effectuating Title VI of the Civil Rights Act of 1964.

5. That the Mayor of the City of Charlotte, North Carolina be authorized to submit a formal amendment to the existing federal grant for the revised area; and, further, that the Mayor be authorized to execute such contracts and supply supplementary material as may be necessary with the U.S. Department of Housing and Urban Development to establish an appropriate contractual relationship between that agency and the City of Charlotte.

Approved as to form:

Henry W. Underhill, Jr.  
Henry W. Underhill, Jr.  
City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk, 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 27th day of August, 1973, the reference having been made in Minute Book 59, Page \_\_\_\_\_, and recorded in full in Resolutions Book 9, Page 289-290.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28th day of August, 1973.

\_\_\_\_\_  
City Clerk

August 27, 1973  
Resolution Book 9 - Page 291

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE  
MAKING AVAILABLE CERTAIN TRACTS OF CITY PROPERTY FOR USE  
BY THE PUBLIC FOR GARDENING.

WHEREAS, the cost of food has risen sharply during the past several months; and

WHEREAS, there has been a renewed interest on the part of citizens in establishing gardens to grow produce for personal use; and

WHEREAS, the City currently owns certain tracts of vacant, unused land that could be used for gardening purposes; and

WHEREAS, the City Council is desirous of making these tracts of land available to citizens of Charlotte on a "first-come, first-served" basis, for personal gardening purposes.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlotte in regular session duly assembled, that the Department of Public Works is hereby authorized to make available vacant unused tracts of land owned by the City for gardening purposes to citizens of Charlotte under the following terms and conditions:

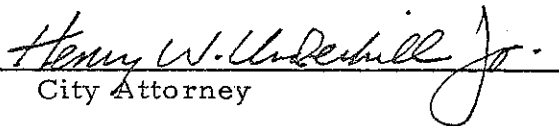
1. Those citizens interested in establishing a garden on City property designated and set aside for that purpose, shall apply to the appropriate official in the Department of Public Works to obtain a permit for gardening.
2. The assigned City property shall be used for a family garden only and the persons permitted to use the same shall not sell or offer for sale any produce grown thereon.
3. The permit so assigned to a citizen is revocable at the will of the City at any time the land is needed for some other City purpose.

-3-

4. The tracts of land so designated and assigned are to be assumed by the citizens in an "as is" condition. The City makes no representations that the tracts of land to be assigned are suitable for gardening.
5. The citizens so assigned a tract for gardening purposes shall agree to hold the City harmless from any claim or damage arising out of or resulting from his gardening activity on the property.
6. All equipment, fertilizer, seeds or any other materials necessary for gardening shall be provided by the citizen to whom the permit is granted.
7. During his gardening activities, the citizen to whom a permit is assigned agrees to prevent the accumulation of noxious weeds, trash or refuse on the tract.
8. The citizen to whom a tract is assigned shall agree to leave the tract in the same condition that it was when the permit was issued, upon the completion of his gardening activities.

RESOLVED this 27th day of August, 1973.

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 27th day of August, 1973, the reference having been made in Minute Book 59, and recorded in full in Resolutions Book 9, beginning on Page 291.

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 27th day of August, 19 73, 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. McNeill Jr.  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 27th day of August, 1973, the reference having been made in Minute Book 59, and recorded in full in Resolutions Book 9, on Page 293.

Ruth Armstrong, City Clerk