

January 15, 1973
Resolutions Book 8 - Page 496
Resolution Passed by the
City Council of the City of
Charlotte, North Carolina

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

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 improvement of Hawthorne Lane at its intersection with Independence Boulevard (US 74), as shown on the plans of Project 8.6100305, Mecklenburg County; said project having a right of way width as shown on the plans of Project 8.6100305, 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, 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 privately 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 8.6100305 which are owned by the Municipality or by others; agreeing to make every effort to promptly relocate municipal owned utilities and to make all necessary adjustments to house and lot connections or services lying within the right of way of the project so as not to delay the Highway Commission contractor in the performance of his contract. Except the Commission, where necessitated by construction, will make vertical adjustments of two (2) feet or less to the existing catch basins, manholes, drop inlets, meter boxes, and valve boxes at no expense to the Municipality, 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) Participating in the cost and expense of acquiring all of the rights of way necessary for the location and construction of said project, including the cost of relocation assistance and payments, and the removal therefrom of all obstructions of any kind or character necessary for the construction thereof to the extent of twenty-five (25) percent of the total cost thereof to be paid in one (1) lump sum amount due and payable on October 1, 1973. The proportionate part that the Municipality shall pay will be based on cost estimates to be adjusted when the actual cost figures are determined.
- (3) Authorizing the State Highway Commission to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1, in the event the Municipality fails for any reason to pay said Commission for said right of way costs, in accordance with the provisions for payment hereinabove provided, until such time as said Commission


- (4) Installing without expense to the Commission the traffic signal equipment for the project, said equipment to be furnished by the Commission.
- (5) Entering into an agreement with the State Highway Commission as to establishing, maintaining, and enforcing traffic operating controls for the regulation of movement of traffic on said project.

NOW, THEREFORE, BE IT RESOLVED that Project 8.6100305, 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 15th day of January, 1973

I, Ruth Armstrong, Clerk (~~or Manager~~) of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and correct copy of excerpts from the minutes of the City Council of this Municipality;

WITNESS, my hand and the official seal of the City of Charlotte on this 16th day of January, 1973.


CLERK (~~OR MANAGER~~)
CITY OF CHARLOTTE
NORTH CAROLINA

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 15th day of January, 1973, the reference having been made in Minute Book 58, and recorded in full in Resolutions Book 8, at Pages 496-497.

Ruth Armstrong
City Clerk

January 15, 1973

Resolutions Book 8 - Page 498

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

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

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 and improvement of North Tryon Street (US 29) at its intersections with East 16th Street-Duls Lane, Dalton-Plymount Avenues, and Sylvania Avenue, West 24th Street, and Craighead Road; the improvement of Eastway Drive (Secondary Road 2940) at North Tryon Street, and the improvement of North Tryon Street from the vicinity of Eastway Drive to Old Concord Road at the northern corporate limits; as shown on the plans of Project 8.6100311, Mecklenburg County; said project having a right of way width as shown on the plans of Project 8.6100311, 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 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 privately 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 8.6100311 which are owned by the Municipality or by others; agreeing to make every effort to promptly relocate municipal owned utilities and to make all necessary adjustments to house and lot connections or services lying within the right of-way of the project so as not to delay the Highway Commission contractor in the performance of his contract. Except the Commission, where necessitated by construction, will make vertical adjustments of two (2) feet or less to the existing catch basins, manholes, drop inlets, meter boxes, and valve boxes at no expense to the Municipality, 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) Participating in the cost and expense of acquiting all of the rights of way necessary for the location and construction of said project, including the cost of relocation assistance and payments, and the removal therefrom of all obstructions of any kind or character necessary for the construction thereof to the extent of twenty-five (25) percent of the total cost thereof to be paid in one (1) lump sum amount due and payable on October 1, 1973. The proportionate part that the Municipality shall pay will be based on cost estimates to be adjusted when the actual cost figures are determined.
- (3) Authorizing the State Highway Commission to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1, in the event the Municipality fails for any reason to pay said Commission for said right of way costs, in accordance with the provisions for payment hereinabove provided, until such time as said Commission has received payment in full for said right of way costs.
- (4) Installing without expense to the Commission the traffic signal equipment for the project, said equipment to be furnished by the Commission.
- (5) Entering into an agreement with the State Highway Commission as to establishing, maintaining, and enforcing traffic operating controls for the regulation of movement of traffic on said project.

NOW, THEREFORE, BE IT RESOLVED that Project 8.6100311, 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 15th day of January, 1973.

I, Ruth Armstrong, Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and correct copy of excerpts from the minutes of the City Council of this Municipality;

WITNESS, my hand and the official seal of the City of Charlotte on this 16th day of January, 1973.

Clerk
City of Charlotte
North Carolina

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 15th day of January, 1973, the reference having been made in Minute Book 58, and recorded in full in Resolutions Book 8, at Pages 498-499.

Ruth Armstrong
City Clerk

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

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 improvement of the intersection of Wilkinson Boulevard (US 29-74) and Remount Road, as shown on the plans of Project 8.6100308, Mecklenburg County; said project having a right of way width as shown on the plans of Project 8.6100308, 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, 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 privately 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 8.6100308 which are owned by the Municipality or by others; agreeing to make every effort to promptly relocate municipal owned utilities and to make all necessary adjustments to house and lot connections or services lying within the right of way of the project so as not to delay the Highway Commission contractor in the performance of his contract. Except the Commission, where necessitated by construction, will make vertical adjustments of two (2) feet or less to the existing catch basins, manholes, drop inlets, meter boxes, and valve boxes at no expense to the Municipality, 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) Participating in the cost and expense of acquiring all of the rights of way necessary for the location and construction of said project, including the cost of relocation assistance and payments, and the removal therefrom of all obstructions of any kind or character necessary for the construction thereof to the extent of eighteen (18) percent of the total cost thereof to be paid in one (1) lump sum amount due and payable on October 1, 1973. The proportionate part that the Municipality shall pay will be based on cost estimates to be adjusted when the actual cost figures are determined.
- (3) Authorizing the State Highway Commission to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1, in the event the Municipality fails for any reason to pay said Commission for said right of way costs, in accordance with the provisions for payment hereinabove provided, until such time as said Commission has received payment in full for said right of way costs.

January 15, 1973
Resolutions Book 9 - Page 2

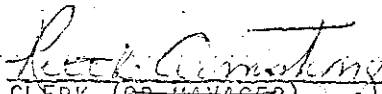
(4) Entering into an agreement with the State Highway Commission as to establishing, maintaining, and enforcing traffic operating controls for the regulation of movement of traffic on said project.

NOW, THEREFORE, BE IT RESOLVED that Project 8.6100308, 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 15th day of January, 1973.

I, Ruth Armstrong, Clerk (or Manager) of the City of Charlotte North Carolina, do hereby certify that the foregoing is a true and correct copy of excerpts from the minutes of the City Council of this Municipality;

WITNESS, my hand and the official seal of the City of Charlotte on this 16th day of January, 1973.


CLERK (~~OR MANAGER~~)
CITY OF CHARLOTTE
NORTH CAROLINA

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 15th day of January, 1973, the reference having been made in Minute Book 58, and recorded in full in Resolutions Book 9, at Pages 1-2.

Ruth Armstrong
City Clerk

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

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 improvement of the Remount Road - West Boulevard (NC 160) Intersection, as shown on the plans of Project 8.6100310, Mecklenburg County; said project having a right of way width as shown on the plans of Project 8.6100310, 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, 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 privately 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 8.6100310 which are owned by the Municipality or by others; agreeing to make every effort to promptly relocate municipal owned utilities and to make all necessary adjustments to house and lot connections or services lying within the right of way of the project so as not to delay the Highway Commission contractor in the performance of his contract. Except the Commission, where necessitated by construction, will make vertical adjustments of two (2) feet or less to the existing catch basins, manholes, drop inlets, meter boxes, and valve boxes at no expense to the Municipality, 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) Participating in the cost and expense of acquiring all of the rights of way necessary for the location and construction of said project, including the cost of relocation assistance and payments, and the removal therefrom of all obstructions of any kind or character necessary for the construction thereof to the extent of thirteen (13) percent of the total cost thereof to be paid in one (1) lump sum amount due and payable on October 1, 1973. The proportionate part that the Municipality shall pay will be based on cost estimates to be adjusted when the actual cost figures are determined.
- (3) Authorizing the State Highway Commission to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1, in the event the Municipality fails for any reason to pay said Commission for said right of way costs, in accordance with the provisions for payment hereinabove provided, until such time as said Commission has received payment in full for said right of way costs.

January 15, 1973

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- (4) Installing the traffic signal equipment, furnished by the State Highway Commission for the project, in accordance with the procedures set forth in the municipal agreement, and being reimbursed by the Highway Commission to the extent of one hundred (100) percent of the actual cost of the installation.
- (5) Following the Reimbursement and Accounting Procedures as set forth in Attachment A of the municipal agreement.
- (6) Complying with the equal opportunity provisions as set out in Attachment B of the municipal agreement.
- (7) Entering into an agreement with the State Highway Commission as to establishing, maintaining, and enforcing traffic operating controls for the regulation of movement of traffic on said project.

NOW, THEREFORE, BE IT RESOLVED that Project 8.6100310, 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 15th day of January, 1973.

I, Ruth Armstrong, Clerk (or Manager) of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and correct copy of excerpts from the minutes of the City Council of this Municipality;

WITNESS, my hand and the official seal of the City of Charlotte on this 16th day of January, 1973.

Ruth Armstrong

 CLERK (OR ~~MANAGER~~)
 CITY OF CHARLOTTE
 NORTH CAROLINA

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 15th day of January, 1973, the reference having been made in Minute Book 58, and recorded in full in Resolutions Book 9, at Pages 3-4.

Ruth Armstrong
 City Clerk

RESOLUTION AUTHORIZING AMENDMENT OF GRANT
FOR NEIGHBORHOOD FACILITIES PROJECT

WHEREAS the U.S. Department of Housing and Urban Development approved, on November 18, 1969, a federal grant in the amount of \$400,000.00 for the construction of a Neighborhood Facilities Center in the First Ward section of Charlotte's Model Neighborhood, and

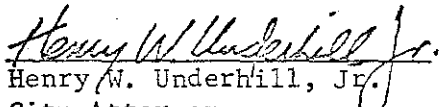
WHEREAS the construction of the facility could not be planned for the First Ward Renewal Area because the U.S. Department of Housing and Urban Development did not and had not made it possible for the Charlotte Redevelopment Commission to proceed with execution activities for this First Ward area, and

WHEREAS the efforts which the City made to create a regional neighborhood facilities center utilizing the existing Alexander Street school building could not be realized because of the U.S. Department of Housing and Urban Development guidelines which prevented the construction of an ancillary building to the school building and the carrying out of necessary rehabilitation activities on said building, and

WHEREAS the special efforts of the Model Cities staff and its consultants resulted in a decision to recommend the construction of a regional multi-purpose center in the Belmont neighborhood instead of either the Alexander Street location or the original First Ward location,

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City of Charlotte, North Carolina be authorized to submit a formal amendment to the existing federal grant for the location of a neighborhood facilities center in the First Ward area to a location in the Belmont neighborhood on Parkwood Avenue immediately east of Sugar Creek; and, further, that the Mayor be authorized to execute such contracts 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.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 15th day of January, 1973, the reference having been made in Minute Book 58, and recorded in full in Resolutions Book 9, at Page 5.

Ruth Armstrong
City Clerk

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF CHARLOTTE TO EXECUTE AN EASEMENT AGREEMENT FOR DRIVEWAY PURPOSES ON BEHALF OF THE CITY OF CHARLOTTE, GRANTOR, TO EDITH C. WERTS (WIDOW), GRANTEE.

WHEREAS, the City of Charlotte is presently engaged in that certain improvement project known as Sharon Road Culvert; and

WHEREAS, Edith C. Werts (Widow) is the owner of a certain parcel of land that is located within the said project's right-of-way boundaries; and

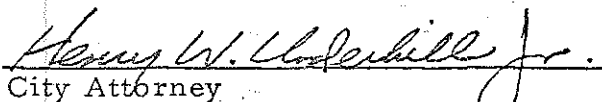
WHEREAS, the City of Charlotte, as a part of the Sharon Road Culvert Project, has acquired the adjacent parcel of land to said Edith C. Werts' (Widow) parcel of land, being conveyed to the City of Charlotte by Odell S. Vestal, Sr. and wife, Edith, and recorded in Deed Book 3514 at page 11 in the Mecklenburg Public Registry; and

WHEREAS, said Edith C. Werts (Widow) has agreed to convey to the City of Charlotte that portion of her parcel of land that is located within the said project's right-of-way boundaries for a certain sum plus the additional consideration that the City of Charlotte grant to her a 10+ foot easement for driveway purposes along the southerly boundary of its property, said southerly boundary of its property being the common property line with Edith C. Werts' (Widow) parcel of land, being the same as conveyed to her in Deed Book 1195 at page 192 located in the Mecklenburg Public Registry; and

WHEREAS, the City's Public Works Department advises that this said 10+ foot easement area will not be needed for construction of the said project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, at its regularly scheduled meeting of January 15, 1973, that the Mayor of the City of Charlotte is hereby authorized to execute an easement agreement between the City of Charlotte and Edith C. Werts (Widow) granting to the said Edith C. Werts a 10+ foot easement for driveway purposes along the southerly boundary of its property on Sharon Road, being that parcel of land conveyed to the City of Charlotte in Deed Book 3514 at page 11 in the Mecklenburg Public Registry, and said southerly boundary being the common property line of the City's said parcel of land and the parcel of land conveyed to the said Edith C. Werts (Widow) in Deed Book 1195 at page 192 in the Mecklenburg Public Registry.

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 15th day of January, 1973, the reference having been made in Minute Book 58, and recorded in full in Resolutions Book 9, at Page 6.

Ruth Armstrong
City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO CABELL HOWARD SMITH AND WIFE, MABLE H. SMITH, LOCATED AT 2323 SHARON ROAD IN THE CITY OF CHARLOTTE IN CONNECTION WITH THE SHARON ROAD CULVERT PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Cabell Howard Smith and wife, Mable H. Smith, located at 2323 Sharon Road in the City of Charlotte for right of way purposes in connection with the Sharon Road Culvert Project; and

WHEREAS, the City has in good faith undertaken to negotiate for the purchase of this property, but has been unable to reach an agreement with the owners for the purchase price.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that pursuant to Section 7.81, Chapter 713 of the 1965 Session Laws of North Carolina, being the Charter of the City of Charlotte as amended by Chapter 216, 1967 Session Laws of North Carolina, and further amended by Chapter 384, 1969 Session Laws of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of Cabell Howard Smith and wife, Mable H. Smith, located at 2323 Sharon Road in the City of Charlotte, Mecklenburg County, 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 \$2,050.00, the amount of the appraised 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:


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 15th day of January, 1973, and the reference having been made in Minute Book 58, page _____, and recorded in full in Resolution Book 9, page 7.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 18th day of January, 1973.


City Clerk