

RESOLUTION DECLARING AN INTENT TO CLOSE PORTION OF
12TH STREET BETWEEN MAXWELL COURT AND JOHNSON STREET
IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH
CAROLINA, AND CALLING A PUBLIC HEARING ON THE QUESTION

WHEREAS, the City of Charlotte entered into an agreement with the Redevelopment Commission of the City of Charlotte dated the 31st day of August, 1970, revised June 15, 1971, with respect to the Redevelopment Area Plan for Redevelopment Project No. N.C. R-78, Greenville; and

WHEREAS, Section III of that agreement provides that the City will, at no cost or expense to the Redevelopment Commission of the City of Charlotte, and upon the request of the Redevelopment Commission of the City of Charlotte, vacate the streets, roads, alleys and other public ways to be eliminated in preparing the Project Area for its new uses, as shown in the Redevelopment Area Plan; and

WHEREAS, by Resolution effective May 1, 1973, the City of Charlotte abolished the Redevelopment Commission of the City of Charlotte and created in place thereof the Urban Redevelopment Department of the City of Charlotte, said Resolution reciting that the Urban Redevelopment Department was established for the purpose of exercising the powers, duties, and responsibilities heretofore exercised by the Redevelopment Commission of the City of Charlotte; and

WHEREAS, by Resolution of the City Council of the City of Charlotte passed on the 12th day of May, 1975, effective May 12, 1975, the Urban Redevelopment Department of the City of Charlotte was abolished and there was established in place thereof the Community Development Department of the City of Charlotte which succeeded to all of the powers and duties formerly exercised by the Urban Redevelopment Department of the City of Charlotte; and

WHEREAS, the Community Development Department of the City of Charlotte, by and through its Director, has requested the City to vacate and close that certain portion of 12th Street between Maxwell Court and Johnson 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 "Street Abandonment Map" prepared by Giddings & Associates dated April 10, 1974, 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; and

WHEREAS, the procedure for closing streets and public alleys as outlined in Chapter 160A, Section 299 of the General Statutes of North Carolina requires that Council first adopt a resolution declaring its intent to close the street or public alley and calling a public hearing on the question; said Statute further requires that the resolution shall be published once a week for four successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street or public alley as shown on the County tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said streets or public alley; and

WHEREAS, the City of Charlotte is desirous of complying with the Petitioner's request.

NOW, THEREFORE, BE IT RESOLVED AND DECLARED by the City Council of the City of Charlotte, at its regularly scheduled session of September 29, 1975, that it intends to close that certain portion of 12th Street between Maxwell Court and Johnson 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

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Urban Renewal Area, Project No. N. C. R-78 entitled "Street Abandonment Map" prepared by Giddings & Associates dated April 10, 1974, 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" hereto attached and made a part hereof, and hereby calls a public hearing on the question to be held at 3 P. M., on Monday the 27th day of October 1975, in the Council Chamber of the City Hall. The City Clerk is hereby directed to publish a copy of this resolution in The Charlotte News once a week for four successive weeks next preceding the date fixed here for such hearing as required by the provisions of Chapter 160A, Section 299 of the General Statutes of North Carolina; and further, the Petitioner is directed to send by registered or certified mail a copy of this resolution to all owners of property adjoining the said portion of the streets or public alley as shown on the county tax records as required by said Statute. The Petitioner is hereby directed to prominently post a notice of the closing and public hearing in at least two places along the said portion of the streets or public alley, as required by said Statute.

BY ORDER OF THE CITY COUNCIL

Ruth Armstrong
City Clerk

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 29th day of September, 1975, the reference having been made in Minute Book 62, and recorded in full in Resolutions Book 11, at Page 92.

Ruth Armstrong
City Clerk

A

ABANDONMENT OF 12TH STREET BETWEEN MAXWELL
COURT AND JOHNSON STREET
(Outlined in Red on Map)

Beginning at a point; said point being the Southeast corner of Duke Power Co. Buckeye Substation and on the proposed West right-of-way line for Johnson Street, thence following the said right-of-way line S27-57-16W 12.0 feet to the Northeast corner of another Duke Power Co Parcel, thence with the range of the North property line of said parcel N63-06-44W 151.49 feet to a corner; thence N0^o-01-20E 25.03 feet to a corner, thence N66^o-13-44W 165.0 feet to a point in the right-of-way of Maxwell Court; thence N19^o-16-23E 30.09 feet to another point in said right-of-way; thence S66^o-13-44E 185.0 feet to a point in the west line of Duke Power Co. Buckeye Substation; thence with two lines of said parcel S37^o-20-08W 30.60 feet and S58^o-55-52E.153.0 feet to the beginning, and containing 8,196 square feet.

"RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF CHARLOTTE FOR CONDEMNATION ACTION IN THE
FIRST WARD URBAN RENEWAL PROJECT NO. N. C. R-79"

WHEREAS the City of Charlotte has undertaken the execution of Project No. N. C. R-79, 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-79 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 herein-after 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.

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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>Block No.</u>	<u>Parcel No.</u>	<u>Owner</u>	<u>Fair Market Value</u>
25	7	Elizabeth E. Crockett	\$16,700
32	5	Sallie J. McAden Estate	1,840
*42		Unnamed Alleyway	\$1.00 Nuisance Value
*47		Unnamed Alleyway	\$1.00 Nuisance Value

*See Exhibit A for description

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 29th day of September, 1975, the reference having been made in Minute Book 62, and recorded in full in Resolutions Book 11, at Page 95.

Ruth Armstrong
City Clerk

EXHIBIT A

UNNAMED ALLEYWAY IN BLOCK 42, FIRST WARD URBAN RENEWAL AREA, N.C. R-79

Lying in Block 42 as shown on Redevelopment Commission Map prepared by Eric Hill Associates, Inc. dated September, 1970, revised May, 1972, First Ward Urban Renewal Area, N.C. R-79, said block being bounded by North McDowell Street, East Fifth Street, North Myers Street and East Trade Street and being more particularly described as follows:

BEGINNING at a point located in the westerly or northwesterly margin of North McDowell Street, said beginning point being measured 150 feet in a northeasterly direction from the point of intersection formed by the westerly or northwesterly right of way margin of North McDowell Street and the northerly or northeasterly right of way margin of East Trade Street and running thence from said beginning point along the northerly or northeasterly line of that certain tract of land described in Deed dated June 13, 1972 recorded in Book 3437 at Page 111 of the Mecklenburg County, North Carolina Public Registry N 39-05 W 108.65± feet to a point, said point being the northerly corner of the aforesaid tract of land described in Book 3437 at Page 111 of said Registry; thence N 48-30 E approximately 250 feet to a point in the southerly margin of East Fifth Street; thence with the said margin S 43-30 E approximately 10 feet to a point; thence S 48-30 W approximately 240 feet along the westerly or northwesterly property lines of those certain tracts of land described in Book 2093 at Page 535, Book 681 at Page 190 and Book 2370 at Page 55 of said Registry to a point, said point being the southwesterly corner of that certain tract of land described in Book 3729 at Page 146 of said Registry; and running thence with the southerly or southwesterly line of the aforementioned tract S 39-42 E 99.24± feet to a point in the westerly or northwesterly margin of North McDowell Street; thence with said margin of North McDowell Street in a southwesterly direction approximately 10 feet to the point or place of Beginning and containing approximately 3,190 square feet.

EXHIBIT A

UNNAMED ALLEYWAY IN BLOCK 47, FIRST WARD URBAN RENEWAL AREA, N.C. R-79

Lying in Block 47 as shown on Redevelopment Commission Map prepared by Eric Hill Associates, Inc. dated September, 1970; revised May, 1972, First Ward Urban Renewal Area, N.C. R-79, said block being bounded by North McDowell Street, East Sixth Street (extended) and East Fifth Street Extension and East Fifth Street, Charlotte, North Carolina and being more particularly described as Beginning at an iron stake in the westerly or northwesterly margin of said alleyway, said beginning point being the easterly corner of that certain tract of land described in Deed recorded in Book 1485 at Page 223 of the Mecklenburg County, North Carolina Public Registry, said beginning point being also the southerly corner of that property described in Book 1485 at Page 227 and running thence from said beginning point in a northeasterly direction (approximately N 45 E) along the rear property lines of Lots 5, 4, 3 and 2 in Block 47 as shown on the above mentioned map approximately parallel with North McDowell Street 182.1± feet to a point, said point being the easterly corner of that certain tract of land described in deed recorded in Book 2170 at Page 586; thence continuing in a northeasterly direction (approximately N 45 E) approximately parallel with North McDowell Street 55± feet to a point in the southerly or southeasterly margin of East Sixth Street (extended); thence in a southeasterly direction with the margin of East Sixth Street (extended) approximately 20 feet to a point, said point being in the easterly or southeasterly margin of said alleyway and running thence in a southwesterly direction (approximately S 45 W) approximately parallel with North McDowell Street 55± feet to a point, said point being the northerly corner of that certain tract of land described in deed recorded in Book 3714 at Page 879 of the Mecklenburg Registry; and continuing in a southwesterly direction (approximately S 45 W) approximately parallel with the margin of North McDowell Street 197.30± feet to a point in the northerly margin of East Fifth Street Extension; thence in a northwesterly direction approximately 20 feet to a point formed by the intersection of the northerly or northwesterly margin of the subject alleyway and the northerly margin of East Fifth Street; thence in a northeasterly direction approximately parallel with North McDowell Street 30± feet to the point or place of beginning and containing approximately 4200 square feet.