

April 12, 1976
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RESOLUTION AUTHORIZING THE ADVERTISING OF A
PUBLIC HEARING FOR THE PROPOSED FOURTH WARD DEVELOPMENT
PLANS AND CONTROLS

WHEREAS, the City of Charlotte is committed to the development of the Fourth Ward; and

WHEREAS, the methods to accomplish this development include the use of redevelopment, zoning and subdivision ordinances and statements of policy which independently require or should have public hearing; and

WHEREAS, the methods to accomplish this development are inter-related and must be viewed as a unified set of methods, rather than as separate and independent.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of April 12, 1976, that all of proposed Fourth Ward development plans and controls be scheduled for a single public hearing on May 3, 1976 in the Council Chamber on the second floor of City Hall, specifically including the following proposals:

1. A Historic District Commission to be created by resolution;
2. A zoning ordinance text amendment establishing overlay Historic Districts (Petition No. 76-43);
3. A zoning ordinance text amendment establishing Urban Residential Districts (Petition No. 76-44);
4. A zoning map amendment establishing district boundaries for the overlay Fourth Ward Historic District and for the Urban Residential Districts (Petition Nos. 76-45 and 76-46);
5. A subdivision ordinance text amendment to maintain consistency with proposed zoning ordinance text amendments;
6. Fourth Ward Development Standards to be adopted as policy by resolution; and
7. A Redevelopment Plan for the Fourth Ward Urban Renewal Area.

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 12th day of April, 19 76.

Ruth Armstrong, City Clerk

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A RESOLUTION OF APPLICANT AUTHORIZING SECOND AMENDMENT OF
CONTRACT NC-1008-OS FOR GRANT TO ACQUIRE AND DEVELOP 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 of Charlotte and the U. S. Department of Housing and Urban Development first entered into that certain Open Space Grant (NC-1008-OS) on June 27, 1972 and subsequently amended by the first amendatory contract to the said grant dated October 24, 1973 to acquire three park sites entitled "Beatties Ford Road-Community Park Site", "Tuckaseegee Road-District Park Site" and "Beal Street" and further to develop the Beatties Ford Road and Tuckaseegee Road park sites; and

WHEREAS, in an effort to hasten completion of the said grant, HUD and the City are desirous to amend the said grant agreement as amended by deleting the designated improvements concerning the development of the Beatties Ford Road site and provide for the resulting excess funds for development of the Tuckaseegee Road site; and

WHEREAS, HUD and the City are also desirous to extend the time of performance of the contract grant as amended from October 12, 1974 to June 30, 1975.

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

1. That the existing contract as amended for NC-1008-OS be further amended to delete the improvements concerning the development of the Beatties Ford Road site and to provide the resulting excess funds for the development of the Tuckaseegee Road site.

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 development is in accordance with plans for the allocation of land for Open Space uses, and that, should said grant be made, the City will 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 development 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.
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 12th day of April, 1976, and the reference having been made in Minute Book 63, page 392-393, and recorded in full in Resolutions Book 11, page 392-393.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 14th day of April, 1976.

Ruth Armstrong
Ruth Armstrong, City Clerk

April 12, 1976

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A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO GARY H. WATTS AND WIFE, TROY ANN WATTS AND DAVID KINNEY AND WIFE, EFFIE C. KINNEY, LOCATED AT 913-915 WEST FOURTH STREET IN THE CITY OF CHARLOTTE FOR THE TRADE-FOURTH CONNECTOR PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Gary H. Watts and wife, Troy Ann Watts and David Kinney and wife, Effie C. Kinney, located at 913-915 West Fourth Street in the City of Charlotte for right of way purposes and a temporary construction easement in connection with the Trade-Fourth Connector 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, and the authority granted by N.C.G.S. 160A-241, condemnation proceedings are hereby authorized to be instituted against the property of Gary H. Watts and wife, Troy Ann Watts and David Kinney and wife, Effie C. Kinney, located at 913-915 West Fourth Street in the City of Charlotte. It has been determined by the City Council that it is not feasible to cut off a portion of the structure on this property without destroying the whole; therefore, this acquisition shall include all right, title and interest in the entire structure on the property affected together with the right to enter upon the surrounding land for the purpose of removing said structure pursuant to the authority vested in the plaintiff under the provisions of N.C.G.S. 160A-242, and 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 \$11,220.00, 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:

Henry W. Underhill Jr.
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 12th day of April, 1976 the reference having been made in Minute Book 63, page _____, and recorded in full in Resolutions Book 11, page 394.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of April, 1976.

Ruth Armstrong
Ruth Armstrong, City Clerk

"RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF CHARLOTTE FOR CONDEMNATION ACTION IN THE
GRIER HEIGHTS COMMUNITY DEVELOPMENT TARGET AREA"

WHEREAS the City of Charlotte has undertaken the execution of the Grier Heights Community Development Target Area, the same being an Urban Redevelopment Project, to be executed in accordance with the provisions of Article 22 of Chapter 160A 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 Grier Heights Community Development Target Area 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 purpose of the law as set out in said Article 22 of Chapter 160A 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>Block No.</u>	<u>Parcel No.</u>	<u>Owner</u>	<u>Fair Market Value</u>
17	10	Antioch United Church of God	\$17,600
20	13	Freddie Lee Sanders	17,000

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of April, 1976, the reference having been made in Minute Book 63, and recorded in full in Resolutions Book 11, at Page 395.

Ruth Armstrong
City Clerk

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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 12th day of April, 1976, 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

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of April, 1976, the reference having been made in Minute Book 63, and recorded in full in Resolutions Book 11, at Page 396.

Ruth Armstrong
City Clerk

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TAXPAYERS AND REFUNDS REQUESTED

<u>NAME</u>	<u>AMOUNT OF REFUND REQUESTED</u>	<u>REASON</u>
Stephen Aldrich Blackmon	\$ 27.19	Illegal Levy
David Temple Bryan	33.33	Illegal Levy
Clarence Cooper & wife, Lula R.	44.00	Clerical Error
Miriam Jeanne Downs	4.42	Clerical Error
Eleanor B. Martin	20.25	Illegal Levy
Dewitte G. McIntyre & wife, Jane L.	14.52	Clerical Error
Jack Bernard Pace & wife, Martha A.	14.08	Clerical Error
Roy Ray Parrish & wife, Hilda D.	16.06	Clerical Error
H. J. Shaheen & wife, Faye M.	6.91	Clerical Error
Charlotte Import Cars, Inc.	110.88	Clerical Error
Gelco Corporation	18.04	Clerical Error
Leasing Service Corp.	53.99	Clerical Error
Mecklenburg Roofing, Inc.	470.04	Illegal Levy
Larry Smith Chevrolet, Inc.	144.35	Clerical Error
Typo Graphics, Co.	317.29	Clerical Error
Mary Anthony Evans	12.83	Clerical Error
National Equipment Rental	202.71	Clerical Error
Paul K. Anderson	12.44	Clerical Error
Typo Graphics Co.	314.17	Clerical Error
Larry Smith Chevrolet, Inc.	189.62	Clerical Error
Leasing Service Corp.	81.91	Clerical Error
Leasing Service Corp. for 1973	101.53	Clerical Error
Paul K. Anderson	12.37	Clerical Error
Gilbert Walton Picklesimer & wife, Sue C.	62.32	Illegal Levy
Typo Graphics Co.	<u>339.47</u>	Clerical Error
	\$2,624.72	=====

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A RESOLUTION TO RESCIND AUTHORIZATION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST PROPERTY BELONGING TO CLARA J. WILSON AND HUSBAND, RICHARD E. WILSON, JR. FOR THE TRADE-FOURTH CONNECTOR PROJECT.

WHEREAS, on March 22, 1976, the City Council of the City of Charlotte did authorize the institution of condemnation proceedings for the acquisition of property belonging to Clara J. Wilson and husband, Richard E. Wilson, Jr. for the Trade-Fourth Connector Project; and

WHEREAS, since this action had been taken, the above named parties have, by written agreement, granted the City the necessary easement required to complete the work of this project, making it no longer necessary to institute condemnation proceedings against these owners.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that authorization previously granted to institute condemnation proceedings against the parties named above, is hereby rescinded.

Approved as to form:

Henry W. Underhill, Jr.
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 12th day of April, 1976, and the reference having been made in Minute Book 63, page , and recorded in full in Resolutions Book 11, page 398.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of April, 1976.

Ruth Armstrong
Ruth Armstrong, City Clerk