

January 26, 1976  
Resolutions Book 11 - Page 260

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA RELATING TO THE ALLOWANCE OF CREDIT OF PURCHASE FOR MILITARY SERVICE, AND REPAYMENT OF RETIREMENT CONTRIBUTIONS PREVIOUSLY WITHDRAWN FOR CITY EMPLOYEE MEMBERS OF THE LAW ENFORCEMENT OFFICERS' BENEFIT AND RETIREMENT FUND

---

WHEREAS, many City of Charlotte law enforcement officers have served in the military prior to establishing membership in the Law Enforcement Officers' Benefit and Retirement Fund; and

WHEREAS, many City of Charlotte law enforcement officers have lost credit for service by withdrawing accumulated retirement contributions.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina that the City Council hereby elects to allow:

- I. The purchase of credit for the initial military service and subsequent required periods of active duty up to the time the employee was first eligible for discharge provided that:
  - (1) The law enforcement officer who is now or becomes a member of the Law Enforcement Officers' Benefit and Retirement Fund and who accumulates ten or more years of membership service of the Law Enforcement Officers' Benefit and Retirement Fund shall be considered eligible.
  - (2) The Military member's service is not creditable in any other retirement system except the National Guard or any reserve component of the armed forces.
  - (3) The employee member purchase such service credit by paying in a lump sum based on his monthly salary at the time his membership service commenced plus interest of 6½% compounded annually.
  - (4) The City of Charlotte pays a lump sum to equal 135% of the employee member's payment.
- II. The purchase of credit for previously withdrawn retirement contributions provided that:
  - (1) The law enforcement officer who is now or becomes a member of the Law Enforcement Officers' Benefit and Retirement Fund and who accumulates ten or more years of membership service of the Law Enforcement Officers' Benefit and Retirement Fund shall be considered eligible.

- (2) The contributions were withdrawn from the Law Enforcement Officers' Benefit and Retirement Fund, the Teachers' and State Employees' Retirement System or the Local Governmental Employees' Retirement System.
- (3) The employee member purchase such credit by paying a lump sum equal to the amount of withdrawn contributions and interest plus interest of 6½% compounded annually.
- (4) The City of Charlotte pays a lump sum equal to 135% of the employee member's payment.

AND BE IT FURTHER RESOLVED that this resolution shall be effective as of the 5th day of January, 1976.

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 26th day of January, 1976, the reference having been made in Minute Book 63, and recorded in full in Resolutions Book 11, at Page 260-261.

Ruth Armstrong  
City Clerk

January 26, 1976  
Resolutions Book 11 - Page 262

A RESOLUTION DESIGNATING THE MAYOR, CITY MANAGER AND CITY ATTORNEY AS ADDITIONAL PERSONS TO WHOM CLAIMS AGAINST THE CITY MAY BE MADE.

WHEREAS, the 1975 General Assembly enacted legislation amending North Carolina General Statute 1-55 relative to claims against a city arising in contract or in tort; and

WHEREAS, this legislation states that notice of the claim shall be set forth in writing to the council or its designee within six months after the claim is due or the cause of action arises; and

WHEREAS, most of the persons making claim against the City are not aware of the State law and direct their claims generally to the Mayor, City Council, City Manager or City Attorney, thereby necessitating the return of their claim with instructions to re-direct it to the City Council, and this is a cause of irritation to the claimant; and

WHEREAS, the City Council is desirous of remedying this situation by designating the Mayor, City Manager and City Attorney as additional persons to whom notice of a claim against the City may be made.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in its regularly assembled meeting of January 26,  
1976, as authorized by N.C.G.S. 1-55.1, that the Council hereby designates the Mayor, City Manager and City Attorney as additional persons to whom notice of a claim against the City may be made.

RESOLVED this 26th day of January, 1976.

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of January, 1976, the reference having been made in Minute Book 63, and recorded in full in Resolutions Book 11, at Page 262.

Ruth Armstrong  
City Clerk

RESOLUTION DECLARING AN INTENT TO CLOSE PORTIONS OF  
REMBERT STREET, GOUGH STREET, BRANCH STREET, CATON STREET  
and LIDDELL 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 those certain portions of Rembert Street, Gough Street, Branch Street, Caton Street and Liddell Street in the City of Charlotte, Mecklenburg County, North Carolina, as same are 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 January 9, 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 streets being more particularly described in Exhibits "A-1 through A-6" 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 January 26, 1976, that it intends to close those certain portions of Rembert Street, Gough Street, Branch Street, Caton Street and Liddell Street in the City of Charlotte, Mecklenburg County, North Carolina, as same are shown on Map of Redevelopment Commission of the

January 26, 1976

Resolutions Book 11 - Page 264

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 January 9, 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 streets being more particularly described in Exhibits "A-1 through A-6" hereto attached and made a part hereof, and hereby calls a public hearing on the question to be held at 3:00 P. M., on Monday the 1st day of March, 1976, in the Council Chamber of 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.

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of January, 1976, the reference having been made in Minute Book 63, and recorded in full in Resolutions Book 11, at Page 263-270.

Ruth Armstrong  
City Clerk

A-1

January 26, 1976.

Resolutions Book 11 - Page 265

27. REMBERT STREET--Along the Northwest Expressway

Beginning at the point of intersection of the northeast corner of Parcel 5, Block 43 and the south right-of-way line of Rembert Street; thence along the south right-of-way line of Rembert Street, N  $66^{\circ}19'38''$  W, 20.00 feet to the point of intersection of said south right-of-way line of Rembert Street with the west right-of-way line of Rembert Street; thence along the west right-of-way line of Rembert Street, N  $35^{\circ}04'00''$  <sup>E</sup> W, 8.53 feet to the point of intersection of said west right-of-way line of Rembert Street with the west right-of-way line of the Northwest Expressway; thence along a curve to the right having a radius of 1213.24 feet, an arc length of 64.40 feet to the point of intersection of said west right-of-way line of the Northwest Expressway with the south right-of-way line of Rembert Street; thence along the south right-of-way line of Rembert Street, N  $54^{\circ}25'57''$  <sup>47</sup> W, 33.55 feet to a point on the south right-of-way line of Rembert Street; thence along the south right-of-way line of Rembert Street, N  $23^{\circ}47'18''$  W, 12.00 feet to the point of beginning and containing 241 sq. ft.

January 26, 1976  
Resolutions Book 11 - Page 266

A-2

6. GOUGH STREET--South of Expressway

Beginning at the point of intersection of the north property line of Parcel 5, Block 43 and the west right-of-way line of Gough Street; thence along the west right-of-way line of Gough Street, N  $35^{\circ}04'01''$  E, 64.54 feet to the point of intersection of said west right-of-way line of Gough Street with the west right-of-way line of the Northwest Expressway; thence along a curve to the right having a radius of 1213.24 feet, an arc length of 20.00 feet to the point of intersection of said west right-of-way line of the Northwest Expressway with the east right-of-way line of Gough Street; thence along the east right-of-way line of Gough Street, S  $35^{\circ}04'01''$  W, 61.00 feet to the point of intersection of said east right-of-way line of Gough Street with the north property line of Parcel 5, Block 43; thence along the north property line of Parcel 5, Block 43, N  $66^{\circ}19'38''$  W, 20.40 feet to the point of beginning and containing 1256 sq. ft.

A287

6. GOUGH STREET--North of Expressway

Beginning at the point of intersection of the east right-of-way line of the Northwest Expressway and the west right-of-way line of Gough Street; thence along the west right-of-way line of Gough Street, N  $41^{\circ}48'32''$  E, 568.75 feet to the point of intersection of said west right-of-way line of Gough Street with the south right-of-way line of White Street; thence along the south right-of-way line of White Street N  $87^{\circ}39'00''$  E, 27.88 feet to the point of intersection of said south right-of-way line of White Street with the east right-of-way line of Gough Street; thence along the east right-of-way line of Gough Street, S  $41^{\circ}48'32''$  W, 608.03 feet to the point of intersection of said east right-of-way line of Gough Street with the east right-of-way line of the Northwest Expressway; thence along the east right-of-way line of the Northwest Expressway, N  $3^{\circ}23'30''$  W, 28.18 feet to the point of beginning and containing 11,768 sq. ft.

January 26, 1976  
Resolutions Book 11 - Page 268

A-4

19. BRANCH STREET--From Hamilton Street West to End at  
Rear Block 21, Parcel 11

Beginning at the point of intersection of the east right-of-way line of Hamilton Street and the north right-of-way line of Branch Street; thence along the north right-of-way line of Branch Street, S  $64^{\circ}12'49''$  E, 68.11 feet to the point of intersection of said north right-of-way line of Branch Street with the west property line of Lot 11, Block 21; thence along the west property line of Lot 11, Block 21, S  $41^{\circ}48'32''$  W, 31.21 feet to the point of intersection of said west property line of Lot 11, Block 21 with the south right-of-way line of Branch Street; thence along the south right-of-way line of Branch Street, N  $64^{\circ}12'49''$  W, 48.25 feet to the point of intersection of said south right-of-way line of Branch Street with the east right-of-way line of Hamilton Street; thence along the east right-of-way line of Hamilton Street, N  $5^{\circ}14'10''$  E, 32.04 feet to the point of beginning and containing 1,745 sq. ft.

January 26, 1976  
Resolutions Book 11 - Page 269

10. CATON STREET--From Johnson Street West to End at Block 29

Parcel 12

Beginning at the point of intersection of the north right-of-way line of Caton Street and the west right-of-way line of Johnson Street; thence along the west right-of-way line of Johnson Street, N 76°42'50" W, 31.97 feet to the point of intersection of said west right-of-way line of Johnson Street with the south right-of-way line of Caton Street; thence along the south right-of-way line of Caton Street, N 39°15'44" W, 348.03 feet to a point on the south right-of-way line of Caton Street; thence along the east right-of-way line of the Northwest Expressway, S 48°48'53" W, 12.78 feet to the point of intersection of said east right-of-way line of the Northwest Expressway with the east property line of Block 29, Lot 12; thence along the east property line of Block 29, Lot 12, N 28°25'42" E, 34.83 feet to the point of intersection of said east property line of Block 29, Lot 12 with the north right-of-way line of Caton Street; thence along the north right-of-way line of Caton Street, S 39°15'44" E, 386.20 feet to the point of beginning and containing 7,215 sq. ft.

18. LIDDELL STREET--From McCall Street to N. Smith Street

Beginning at the point of intersection of the north right-of-way line of Liddell Street and the east right-of-way line of N. Smith Street; thence along the north right-of-way line of Liddell Street, S  $66^{\circ}58'16''$  E, 240.57 feet to the point of intersection of said north right-of-way line of Liddell Street with the west right-of-way line of McCall Street; thence along the west right-of-way line of McCall Street, S  $19^{\circ}17'02''$  W, 25.05 feet to the point of intersection of said west right-of-way line of McCall Street with the south right-of-way line of Liddell Street; thence along the south right-of-way line of Liddell Street, N  $66^{\circ}58'16''$  W, 246.10 feet to the point of intersection of said south right-of-way line of Liddell Street with the east right-of-way line of N. Smith Street; thence along the east right-of-way line of N. Smith Street, N  $31^{\circ}53'34''$  E, 25.30 feet to the point of beginning and containing 6083 sq. ft.

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 26th day of January, 19 6, 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 26th day of January, 1976, the reference having been made in Minute Book 63, and recorded in full in Resolutions Book 11, at Page 271.

Ruth Armstrong  
City Clerk

## TAXPAYERS AND REFUNDS REQUESTED

<u>NAME</u>	<u>AMOUNT OF REFUND REQUESTED</u>	<u>REASON</u>
Charlotte Cheerwine Bottling Co., Inc.	\$ 400.00	Illegal Levy
James R. Purser & wife, Lottie	10.34	Clerical Error
Phillip Campbell Chapman & wife, Lillian McGarity	34.68	Clerical Error
Ella Hooper Fisher	22.89	Illegal Levy
Robert F. Huey, Jr., & wife, Susan S.	16.32	Clerical Error
James R. Purser, & wife, Lottie	10.20	Clerical Error
ITT Industrial Credit Co.	48.51	Clerical Error
First Union National Bank Weston Leasing	107.39	Clerical Error
Elder Claude Wilkerson	7.13	Clerical Error
William J. Braswell & wife, Pamela F.	5.98	Clerical Error
Philip Edward Bunn & wife, Joan S.	108.11	Clerical Error
Marvin B. Clifford & wife, Cecile B.	20.15	Clerical Error
Octavia Warren McGraw	31.86	Clerical Error
Helen Sundheimer	8.80	Clerical Error
ITT Industrial Credit Co.	38.04	Clerical Error
Keldon Corporation	36.39	Clerical Error
Louis G. Good	186.56	Clerical Error
Robert Lewis Johnson	.83	Clerical Error
Lloyd Banks Stevens	1.32	Clerical Error
Lloyd Banks Stevens	<u>1.98</u>	Clerical Error
	\$1,097.48	
	=====	

January 8, 1976

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN ENCROACHMENT AGREEMENT WITH SEABOARD COAST LINE RAILROAD COMPANY - LONG CREEK OUTFALL  
516-75-033

BE IT RESOLVED by the City Council of the City of Charlotte, that the Mayor and City Clerk are hereby authorized to execute an Encroachment Agreement with the Seaboard Coast Line Railroad Company for the construction of a 21 inch gravity flow reinforced concrete sanitary sewer pipe line crossing beneath the railroad right of way and track bridges located at Mt. Holly, North Carolina. The City is to pay Thirty Dollars (\$30.00) to the railroad for administrative cost.

Approved as to form:

Henry W. Underhill Jr.  
City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk for 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 a regular session convened on the 26th day of January, the reference having been made in Minute Book 63, page \_\_\_\_\_, and recorded in full in Resolutions Book 11, page 273.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of January, 1976.

Ruth Armstrong  
City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO JOHN F. LADLEY AND WIFE, JANICE S. LADLEY, LOCATED AT 3786 WENDWOOD LANE (OFF RANDOLPH ROAD) IN THE CITY OF CHARLOTTE FOR THE RANDOLPH ROAD WIDENING PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to John F. Ladley and wife, Janice S. Ladley, located at 3786 Wendwood Lane (off Randolph Road) in the City of Charlotte, for right of way purposes and a temporary construction easement in connection with the Randolph Road Widening 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 in Chapter 160A-241 of the General Statutes of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of John F. Ladley and wife, Janice S. Ladley, located at 3786 Wendwood Lane (off Randolph Road) in the City of Charlotte, 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 \$1,000.00, 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 26th January, 1976, and the reference having been made in Minute Book 63, page \_\_\_\_\_, and recorded in full in Resolutions Book 11, page 274.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of January, 1976.

Ruth Armstrong  
Ruth Armstrong, City Clerk