

RESOLUTION CLOSING PORTIONS OF ESTELLE STREET, ELSIE STREET,
ROSETTA STREET AND ONYX STREET, ALL OF WHICH ARE LOCATED IN
NORTH-WEST PARK OFF BEATTIES ROAD IN THE CITY OF CHARLOTTE,
MECKLENBURG COUNTY, NORTH CAROLINA.

WHEREAS, the Charlotte Park & Recreation Commission is in the process of developing North-West Park off Beatties Road located on property belonging to the City of Charlotte; and

WHEREAS, lying within the boundaries of the Park are certain rights of way dedicated for use as public streets; namely, Estelle Street, Elsie Street, Rosetta Street and Onyx Street, all of which Council is desirous of closing portions of to control and eliminate traffic in the Park; and

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to Close portions of all of the above named streets which calls for a public hearing on the question; and

WHEREAS, the City Clerk of the City of Charlotte sent a copy of the Resolution of Intent to Close portions of said streets by registered or certified mail to all owners of property adjoining the said portions of the streets, and the City Engineer prominently posted a notice of the closing and public hearing in at least two places along portions of each street, all as required by G. S. 160A-299.

WHEREAS, said public hearing was held on the 10th day of
October, 1977; and

-2-

WHEREAS, City Council has determined that the closing of each portion of the abovenamed 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.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of _____
October 10, 1977, that the Council hereby orders the closing of a portion of Estelle Street, Elsie Street, Rosetta Street and Onyx Street, all of which lie within the boundaries of North-West Park in the City of Charlotte, Mecklenburg County, North Carolina, but reserves unto the City of Charlotte a 15-foot right of way for the maintenance of the existing 8-inch sewer main lying in Rosetta Street. The description of the portions of the streets to be closed are as follows:

ESTELLE STREET

BEGINNING AT THE MOST WESTERLY POINT IN THE SOUTHERLY RIGHT OF WAY MARGIN OF ESTELLE STREET AS SHOWN IN RECORDED MAP BOOK 5, PAGE 009 AND RUNNING THENCE WITH THE SOUTHERLY MARGIN OF ESTELLE STREET N. 80-20-00 E., 460.16 FEET TO A POINT; THENCE WITH A NEW LINE N. 2-04-35 W., 40.35 FEET TO A POINT WHICH IS THE INTERSECTION OF THE WESTERLY RIGHT OF WAY MARGIN OF MC DONALD STREET WITH THE NORTHERLY RIGHT OF WAY MARGIN OF ESTELLE STREET; THENCE WITH THE NORTHERLY RIGHT OF WAY MARGIN OF ESTELLE STREET S. 80-20-00 W., 232.88 FEET TO A POINT; THENCE S. 1-44-25 E., 20.19 FEET TO A POINT; THENCE WITH THE NORTHERLY RIGHT OF WAY MARGIN OF ESTELLE STREET S. 80-20-00 W., 233.74 FEET TO A POINT; THENCE WITH A BOUNDARY LINE S. 20-46-00 E.,

20.38 FEET TO THE POINT OR PLACE OF BEGINNING AND CONTAINING 0.320 ACRES.

The description above being for the purpose of abandonment of right of way of that portion of Estelle Street from McDonald Street to its end approximately 463 feet west of McDonald Street.

ELSIE STREET

BEGINNING AT THE POINT WHERE THE NORTHERLY RIGHT OF WAY MARGIN OF ELSIE STREET INTERSECTS WITH THE EASTERLY RIGHT OF WAY MARGIN OF ONYX STREET AS SHOWN IN RECORDED MAP BOOK 5, PAGE 009 AND RUNNING THENCE WITH THE NORTHERLY RIGHT OF WAY MARGIN OF ELSIE STREET, N. 86-19-00 E., 374.40 FEET TO A POINT. THENCE WITH A BOUNDARY LINE S. 6-19-00 W., 40.62 FEET TO A POINT IN THE SOUTHERLY RIGHT OF WAY MARGIN OF ELSIE STREET. THENCE WITH THE SOUTHERLY RIGHT OF WAY MARGIN OF ELSIE STREET S. 86-19-00 W., 373.62 FEET TO A POINT IN THE EASTERLY RIGHT OF WAY MARGIN OF ONYX STREET; THENCE WITH THE EASTERLY RIGHT OF WAY MARGIN OF ONYX STREET N. 5-13-30 E., 40.50 FEET TO THE POINT OR PLACE OF BEGINNING AND CONTAINING 0.344 ACRES.

The description above being for the purpose of abandonment of right of way of Elsie Street from its beginning at Onyx Street to its end approximately 374 feet east of its beginning.

ROSETTA STREET

BEGINNING AT A POINT IN THE WESTERLY RIGHT OF WAY MARGIN OF ROSETTA STREET AS SHOWN IN RECORDED MAP BOOK 5, PAGE 009, SAID POINT BEING LOCATED 163.55 FEET MEASURED ALONG THE WESTERLY RIGHT OF WAY MARGIN OF ROSETTA STREET FROM THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY MARGIN OF CELIA STREET WITH THE WESTERLY RIGHT OF WAY MARGIN OF ROSETTA STREET AND RUNNING THENCE WITH THE WESTERLY RIGHT OF WAY MARGIN OF ROSETTA STREET N. 5-13-30E., 268.0 FEET TO A POINT IN THE SOUTHERLY RIGHT OF WAY MARGIN OF ESTELLE STREET; THENCE WITH THE SOUTHERLY RIGHT OF WAY MARGIN OF ESTELLE STREET N. 80-20-00 E., 41.28 FEET TO A POINT IN THE EASTERLY RIGHT OF WAY MARGIN OF ROSETTA STREET; THENCE ALONG THE EASTERLY RIGHT OF WAY OF ROSETTA STREET, S. 5-13-30 W., 299.42 FEET TO A POINT; THENCE WITH A NEW LINE N. 55-41-04 W., 45.78 FEET TO THE POINT OR

PLACE OF BEGINNING AND CONTAINING 0.261 ACRES.

A 15-foot right of way is reserved unto the City of Charlotte for the maintenance of an existing 8-inch sanitary sewer.

The description above being for the purpose of abandonment of right of way of that portion of Rosetta Street from Estelle Street to approximately 157 feet north of Celia Street.

ONYX STREET

BEGINNING AT A POINT IN THE WESTERLY RIGHT OF WAY OF ONYX STREET AS SHOWN IN RECORDED MAP BOOK 5, PAGE 009, SAID POINT BEING LOCATED 250.0 FEET MEASURED ALONG THE WESTERLY RIGHT OF WAY MARGIN OF ONYX STREET FROM THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY MARGIN OF CELIA STREET WITH THE WESTERLY RIGHT OF WAY MARGIN OF ONYX STREET AND RUNNING THENCE WITH THE WESTERLY RIGHT OF WAY MARGIN OF ONYX STREET N. 5-13-30 E., 333.40 FEET TO A POINT IN THE SOUTHERLY RIGHT OF WAY MARGIN OF ESTELLE STREET; THENCE WITH THE SOUTHERLY RIGHT OF WAY MARGIN OF ESTELLE STREET N. 80-20-00 E., 41.28 FEET TO A POINT IN THE EASTERLY RIGHT OF WAY MARGIN OF ONYX STREET; THENCE WITH THE EASTERLY RIGHT OF WAY MARGIN OF ONYX STREET S. 5-13-30 W., 308.70 FEET TO A POINT IN THE SOUTHERLY RIGHT OF WAY MARGIN OF ELSIE STREET; THENCE WITH A NEW LINE S. 54-06-47 W., 53.64 FEET TO THE POINT OR PLACE OF BEGINNING AND CONTAINING 0.294 ACRES.

The description above being for the purpose of abandonment of right of way of that portion of Onyx Street from Estelle Street to approximately 271 feet north of Celia Street.

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:

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 10th day of October, 1977, the reference having been made in Minute Book 66, page , and recorded in full in Resolution Book 13, page 49-52.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of October, 1977.

Ruth Armstrong
Ruth Armstrong, City Clerk

A RESOLUTION AUTHORIZING MR. DAVID A. BURKHALTER, CITY MANAGER, TO FILE APPLICATIONS REQUESTING STATE GRANT ASSISTANCE FOR WATER WORKS IMPROVEMENTS.

WHEREAS, The North Carolina Clean Water Bond Act of 1971 has authorized the making of grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, and

WHEREAS, The City of Charlotte has need for and intends to construct water supply distribution system projects, and

WHEREAS, The City of Charlotte intends to request State Grant Assistance for the following project:

12" and 16" Water Distribution Mains along Wilkinson Boulevard and Sam Wilson Road.

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

That the City of Charlotte will arrange financing for all remaining costs of the projects, if approved for State grant awards.

That the City of Charlotte will provide for efficient operation and maintenance of the projects on completion of construction thereof.

That Mr. David A. Burkhalter is hereby authorized to execute and file an application on behalf of the City of Charlotte with the State of North Carolina for grants to aid in the construction of the projects described above.

That Mr. David A. Burkhalter is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such applications or the projects; to make the assurances as contained above; and to execute such other documents as may be required in connection with the applications, grant offers, or grant awards.

That the City of Charlotte has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the projects and to Federal and State grants and loans pertaining thereto; and hereby authorizes the above designated representative to execute an affidavit so stating.

That the City of Charlotte agrees to adopt and place into effect on or before completion of the project a schedule of fees and charges which will provide adequate funds for proper operation, maintenance, and administration of the projects.

APPROVED AS TO FORM:

Harold 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 10th day of October, 1977, the reference having been made in Minute Book 66, and is recorded in full in Resolutions Book 13, at Page 53.

Ruth Armstrong
City Clerk

"RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF CHARLOTTE FOR CONDEMNATION ACTION IN THE
WEST MOREHEAD COMMUNITY DEVELOPMENT TARGET AREA"

WHEREAS the City of Charlotte has undertaken the execution of the West Morehead 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 West Morehead 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>
38	24	M. S. Alverson	\$ 3,000

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 10th day of October, 1977, the reference having been made in Minute Book 66, and is recorded in full in Resolutions Book 13, at page 54.

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 10th day of October, 19 77, 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 10th day of October, 1977, the reference having been made in Minute Book 66, and is recorded in full in Resolutions Book 13, at page 55-56. Ruth Armstrong, City Clerk

TAXPAYERS AND REFUNDS REQUESTED

<u>NAME</u>	<u>AMOUNT OF REFUND REQUESTED</u>	<u>REASON</u>
Jane Maddox Christopher	\$ 32.30	Illegal Levy
Leaseway System Corp.	30.36	Clerical Error
Floyd Norman Boston	23.55	Illegal Levy
Floyd Norman Boston	4.94	Illegal Levy
Floyd Norman Boston	13.19	Illegal Levy
Floyd Norman Boston	4.94	Illegal Levy
Stephen Dale Bolen	12.10	Illegal Levy
Joseph M. Donato and wife, Linda L.	21.85	Clerical Error
Adam John Golinski	4.93	Clerical Error
John Lee McDaniel	<u>6.47</u>	Illegal Levy
	<u>\$154.63</u> =====	