

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF CHARLOTTE, NORTH CAROLINA,
RELATING TO RETENTION OF LAND IN THE
FIRST WARD URBAN RENEWAL AREA, PROJECT NO. N.C. R-79

WHEREAS, the City of Charlotte, Charlotte, North Carolina, (hereinafter called "City") in furtherance of the objectives of the North Carolina Urban Redevelopment Law, N.C. G.S. 160A-500 et. seq., has undertaken a program for the clearance and construction or rehabilitation of slum and blighted areas and in this connection is engaged in carrying out an Urban Renewal Project known as First Ward Urban Renewal Area, Project No. N.C. R-79, (hereinafter called "Project") in an area (hereinafter called "Project Area") located in the City of Charlotte, Charlotte, North Carolina; and

WHEREAS, as of the date of the adoption of this Resolution, there has been prepared and approved by the City, a Redevelopment Plan (which also comprises the Urban Renewal Plan for the Project) approved by the City on April 30, 1973, and as subsequently amended and approved by the City (which Plan, as so amended, and as it may hereafter be further amended from time to time pursuant to law, and as so constituted from time to time, is, unless otherwise indicated by the context, hereinafter called "Redevelopment Plan"); and a copy of the Redevelopment Plan, as constituted on the date of this Resolution in the form of Land Controls and Restrictions, has been recorded among the land records for the place in which the Project Area is situated, namely, in the office of the Register of Deeds for the County of Mecklenburg and State of North Carolina in Book 3792 at Page 0396, Mecklenburg County Records; and

WHEREAS, in order to enable the City to achieve the objectives of the Redevelopment Plan and particularly to make the land in the Project Area available for use as multi-family residential housing for and in accordance with the uses specified in the Redevelopment Plan as amended, both the Federal Government and the City have undertaken to provide and have provided substantial aid and assistance to the City through a Contract for Loan and Capital Grant dated September 17, 1973, and all amendments thereto, in the case of the Federal Government and a Cooperation Agreement dated April 30, 1973, and all amendments thereto, in the case of the City.

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

(1) Subject to all the terms, covenants and conditions of this Resolution and the said Contract for Loan and Capital Grant and the Cooperation Agreement, all as amended, the City will retain the following described Property in the Project Area:

A tract of land in Charlotte Township, Mecklenburg County, State of North Carolina, located in First Ward Urban Renewal Area, Project No. N.C. R-79, shown as Parcels 1 and 2 of Block D on Property Disposal Map, First Ward Urban Renewal Area, Project N.C. R-79 prepared by Eric Hill Associates, Inc. dated September, 1970, revised April, 1973 and being more particularly described as follows:

Beginning at a new iron monument at the new southwest right-of-way of 11th Street, 64.95 feet northwest of the centerline of Davidson Street; and running thence from said beginning point along said right-of-way of 11th Street N 42-34-22 W 305.38 feet to a new iron;

thence on a curve to the left 30.99 feet (radius = 20 feet) to a new iron on the new southeast right-of-way of Caldwell Street; thence four courses along the said right-of-way of Caldwell Street as follows: on a curve to the left 69.89 feet (radius = 2258.83 feet) to a new iron; thence on a curve to the right 137.37 feet (radius = 2324.83 feet) to a new iron; thence S 50-16-05 W 179.10 feet to a new iron on the centerline of the new 25-foot water line right-of-way; thence S 50-16-05 W 378.21 feet to a new iron; thence on a curve to the left 32.46 feet (radius = 20 feet) to a new iron on the new northeast right-of-way of 9th Street; thence along said right-of-way of 9th Street S 42-44-08 E 306.34 feet to a new iron; thence on a curve to the left 30.37 feet (radius = 20 feet) to a new iron on the new northwest right-of-way of Davidson Street; thence along said right-of-way three courses as follows: N 50-15-24 E 378.58 feet to a new iron on the centerline of the new 25-foot water line right-of-way; thence N 50-15-24 E 70.70 feet to a new iron; thence N 48-49-27 E 315.41 feet to a new iron; thence on a curve to the left 31.90 feet (radius = 20 feet) to the point of beginning and containing 6.3675 acres. This includes 0.1987 acres in 25-foot wide right-of-way for 24-inch water line as shown on plat.

which it will develop for use as multi-family residential housing in accordance with the Redevelopment Plan as amended and for which it shall pay to the First Ward Urban Renewal Project No. N.C. R-79 Temporary Loan Payment Fund Transfer, the amount of Fifty-Two Thousand Seven Hundred Dollars (\$52,700) which has been determined to be the fair market value of the property for said use, hereinafter called "Retention Price". The appropriate officials of the City are hereby authorized, answered and directed to pay the Retention Price herein specified to the said Project Temporary Loan Repayment Fund pursuant to the requirements of the Contract for Loan and Capital Grant, as amended. The City shall not commence to use the said Property for the intended purpose nor commence any construction thereon until the Retention Price has been deposited to the credit of the said Project Temporary Loan Repayment Fund.

(2) Construction Required. The City will redevelop the property by the construction and/or rehabilitation and/or renovation of multi-family residential housing (hereinafter called the "Improvements") and all plans and specifications and all work by the City or its successors and assigns with respect to such redevelopment of the Property and the construction and making of other improvements thereon, if any, shall be in conformity with the Redevelopment Plan, and all applicable State and Local Laws.

(3) Time for Construction. The City agrees for itself, its successors, and assigns, and every successor in interest to the Property, or any part thereof, that the City or its assigns shall begin the redevelopment of the Property within a reasonable period of time from the date this Resolution is adopted and diligently proceed to complete such redevelopment.

(4) Restrictions on Land Use. The City agrees for itself, its successors and assigns, and every successor in interest to the Property or any part thereof and the Deed, if any, shall contain covenants on the part of the City for itself, and successors and assigns, that the City, and such successors and assigns, shall:

(a) Devote the Property to and only to and in accordance with the uses specified in the Redevelopment Plan, as amended, and as the same may be hereafter amended, is amended from time to time;

(b) Comply with the Land Controls and Restrictions affecting the subject property, a copy of which is recorded in Book 3792 at Page 0396 of the Mecklenburg County, North Carolina Public Registry.

(c) Not discriminate upon the basis of sex, race, color, creed, or national origin in the sale, lease, or rental or in the use or occupancy of the Property or any improvements erected or to be erected thereon, or any part thereof.

(5) Effect of Covenants, Period of Duration. It is intended and resolved that the conditions and covenants provided in Section 4 thereof shall be covenants running with the land and that they shall, in any event, and without regard to technical classification or designation, legal or otherwise, and except only as otherwise specifically provided in this Resolution, be, to the fullest extent permitted by law and equity, binding for the benefit and in favor of, and enforceable by, the City, its successors and assigns, and the United States (in the case of the covenant provided in subdivision (b) of Section 4 of this Resolution), against the City, its successors and assigns, and every successor in interest to the Property or any part thereof or any interest therein, and any party in possession or occupancy of the Property or any part thereof. It is further intended and resolved that the conditions and covenants provided (a) in subdivision (a) of Section 4 of this Resolution shall remain in effect until May 1, 1993 (at which time such condition and covenant shall terminate), and (b) in subdivision (b) of such Section 4 shall remain in effect without limitation as to time.

(6) Enforceability by City and United States. In amplification, and not in restriction, of the provisions of Section 5 of this Resolution, it is intended and resolved that the City shall be deemed a beneficiary of the conditions and covenants provided in Section 4 herein, and the United States shall be deemed a beneficiary of the covenant provided in subdivision (b) of Section 4, both for and in their or its own right and also for the purposes of protecting the interest of the community and the other parties, public or private, in whose favor or for whose benefit such conditions and covenants have been provided. Such conditions and covenants shall run in favor of the City and the United States for the entire period during which such conditions and covenants shall be in force, without regard to whether the City or the United States is or has been an owner of any land or interest therein to, or in favor of, which such conditions and covenants relate. The City shall have the right, in the event of any breach of any such conditions or covenants, and the

United States shall have the right, in the event of any breach of the covenant provided in said subdivision (b) of Section 4, to exercise all the rights and remedies, and to maintain any actions or suits at law or in equity or other proper proceedings to enforce the curing of such breach of condition or covenant, to which it or any other beneficiaries of such condition or covenant may be entitled.

(7) Representation as to Redevelopment. The City represents and agrees that its retention of the Property shall be for the purpose of redevelopment of the Property in accordance with the Redevelopment Plan and the Resolution.

(8) Conflict of Interest. No member, official, or employee of the City shall have any personal interest, direct or indirect, in the Resolution, nor shall any such member, official, or employee participate in any decision relating to the Resolution which affects his personal interests or the interests of any corporation, partnership, or association in which he is, directly or indirectly, interested. No member, official, or employee of the City shall be personally liable in the event of any default or breach by the City on any obligations under the terms of the Resolution.

(9) Prohibition Against Transfer of Property and Assignment. The City will not, prior to the proper completion of the Improvements, make or create, or suffer to be made or created, (a) any total or partial sale, conveyance, or lease of the Property, or any part thereof or interest therein, or (b) any assignment of the Resolution, or any part thereof, or (c) any agreement to do any of the foregoing.

(10) Equal Employment Opportunity. The City, for itself, and its successors and assigns, agrees that it will include the following provisions of this Section 10 in every contract or purchase order which may hereafter be entered into between the City and any party (hereinafter in this Section called "Contractor") for or in connection with the construction of the Improvements, or any part thereof, provided for in this Resolution unless such contract or purchase order is exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967:

Equal Employment Opportunity. During the performance of this contract, the Contractor agrees with the City as follows:

- (a) The Contractor will not discriminate against any employee or applicant for employment because of race, religion, sex, color, or national origin. The Contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including

apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by the City setting forth the provisions of this nondiscrimination clause.

- (b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
- (c) The Contractor will send to each labor union or representative of workers with which the Contractor has a collective bargaining agreement or other contract or understanding, a notice, to be provided, advising the labor union or worker's representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (d) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- (e) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and by the rules, regulations, and orders of the Secretary of Labor or the Secretary of Housing and Urban Development pursuant thereto, and will permit access to the Contractor's books, records, and accounts by the City, the Secretary of Housing and Urban Development, and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (f) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the Contractor

may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

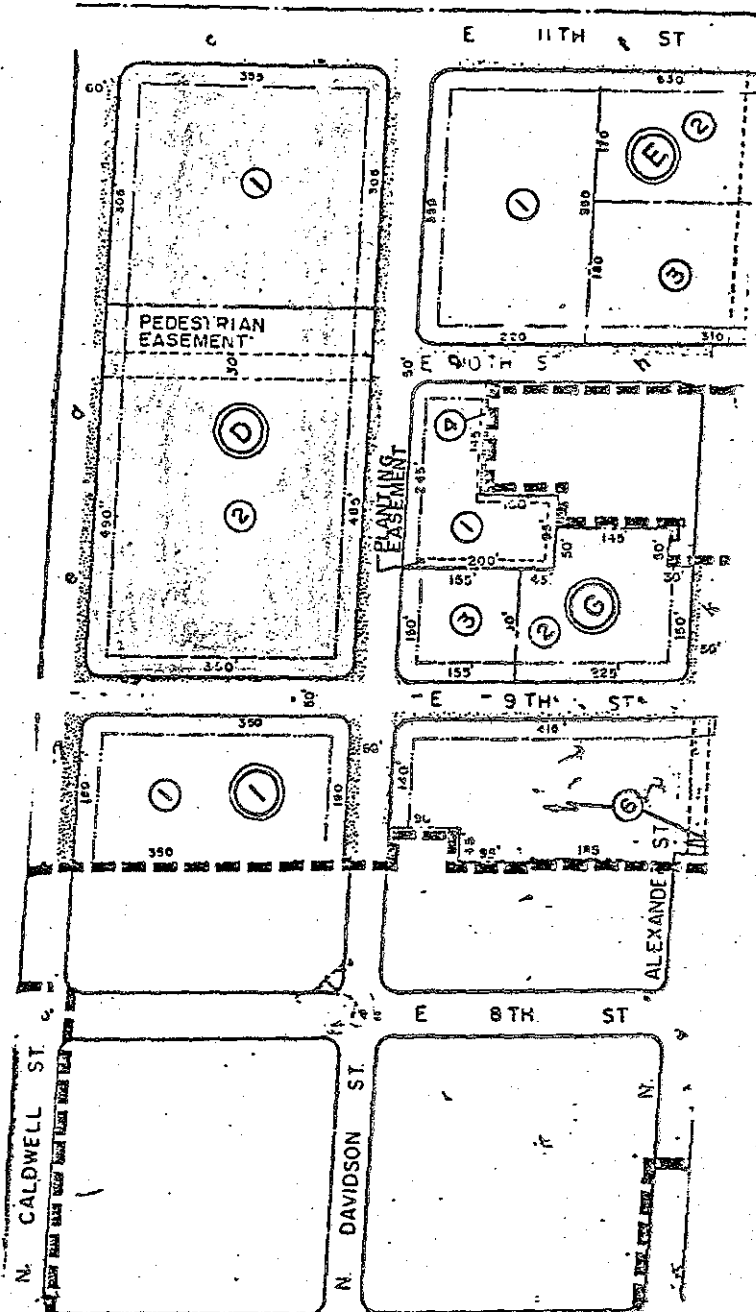
(g) The Contractor will include the provisions of Paragraphs (a) through (g) of this Section in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any construction contract, subcontract, or purchase order as the City or the Department of Housing and Urban Development may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the City or the Department of Housing and Urban Development, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

(11) The proper officers of the City are hereby authorized, empowered and directed to cause a properly certified copy of this Resolution to be recorded among the land records in the office of the Register of Deeds of Mecklenburg County, and to furnish the Department of Housing and Urban Development with appropriate notification of the adoption of this Resolution and the recording information.

(12) Delays Beyond Control of Parties. For the purposes of the Resolution, neither the City nor any successor shall be considered in breach of or in default under its obligations with respect to the preparation of the Property for redevelopment, or the beginning and completion of construction of the Improvements, or progress in respect thereto, in the event of enforced delay in the performance of such obligations due to unforeseeable causes beyond its control and without its fault or negligence, including, but not restricted to, acts of God, acts of the public enemy, acts of the Government, acts of the other party, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, or delays of subcontractors due to such causes; it being the purpose and intent of this provision that, in the event of the occurrence of any such enforced delay, the time or times for performance of the obligations of the City with respect to construction of the Improvements, as the case may be, shall be extended for the period of the enforced delay.

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 31st day of October, 1977, the reference having been made in Minute Book 66, and is recorded in full in Resolutions Book 13, at Page 71-77.

Ruth Armstrong ,City Clerk



PROPERTY DISPOSAL MAP

FIRST WARD
URBAN RENEWAL AREA
PROJECT NO. N.C. R-79

THE REDEVELOPMENT COMMISSION
OF THE CITY OF CHARLOTTE
CHARLOTTE, N.C.



REVISED:
MAY, 1972
APRIL, 1973

ERIC HILL ASSOCIATES, INC
ATLANTA

PLANNING CONSULTANTS
WINSTON - SALEM

DATE COMPLETED
SEPTEMBER, 1970

CODE
R-2L5

S.D. MAP NO 3

October 31, 1977
Resolutions Book 13 - Page 78

RESOLUTION ENDORSING NOVEMBER 8, 1977, STATE CLEAN WATER
BOND REFERENDUM

WHEREAS, on November 8, 1977, the citizens of Charlotte, as well as all North Carolinians, will have the opportunity to approve the issuance of \$230 million in State bonds to provide grants to assist local governments in constructing and improving water pollution control and water supply systems to provide adequate, clean water for the citizens of this State; and

WHEREAS, the City of Charlotte will be eligible for State grants up to 25% of the cost of water and sewer projects, in addition to Federal grants, if the voters approve these bonds; and

WHEREAS, these State grants from the bond funds will reduce by one half our local share of the cost of constructing and improving the City's water and sanitary sewer systems, without requiring an increase in State or local taxes; and

WHEREAS, this City and its citizens can make a tangible contribution to the cause of clean water and a better environment in North Carolina if they approve the Clean Water bonds on November 8;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, this the 24th day of October, 1977, that the City Council does hereby enthusiastically endorse and support the \$230 million Clean Water Bond Issue and urges all citizens to vote FOR the Clean Water Bonds on November 8, 1977.

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 31st day of October, 1977, the reference having been made in Minute Book 66, and is recorded in full in Resolutions Book 13, at Page 78.

Ruth Armstrong
City Clerk

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
AUTHORIZING THE CONVEYANCE OF 285 SURPLUS FIRE ALARM
BOXES TO THE CHARLOTTE MECKLENBURG FIRE MUSEUM, INC.

WHEREAS, the Charlotte Mecklenburg Fire Museum, Inc., a non-profit corporation, has been formed for the purpose of acquiring, preserving and restoring the old fire station at 1212 South Boulevard as a museum; and

WHEREAS, said corporation has requested that the City of Charlotte convey to it 285 fire alarm boxes which have been declared surplus equipment to assist the corporation in its efforts; and

WHEREAS, the City Council is desirous of assisting this worthwhile project and is willing to convey the said surplus fire alarm boxes to the corporation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session duly assembled, that the 285 surplus fire alarm boxes be conveyed to the Charlotte Mecklenburg Fire Museum, Inc. at no cost and that the City Manager is hereby directed to take the necessary steps to implement this resolution.

Approved as to form:

Henry W. Casdell 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 31st day of October, 1977, the reference having been made in Minute Book 66, page , and recorded in full in Resolutions Book 13, page 79.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 1st day of November, 1977.

Ruth Armstrong, City Clerk

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held at the City Hall, the regular place of meeting, at 3:00 P.M., on October 31, 1977.

Present: Mayor John M. Belk, presiding, and Councilmembers Chafin, Davis, Gantt, Locke, Whittington, Williams and

Withrow.

Absent: None.

* * * * *

Councilmember Gantt introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE OF \$4,400,000 SANITARY SEWER BOND ANTICIPATION NOTES

BE IT RESOLVED by the City Council of the City of Charlotte:

Section 1. (a) That an order authorizing \$4,400,000 Sanitary Sewer Bonds was adopted by the Board on September 12, 1977, which order has taken effect.

(b) That none of said bonds have been issued, that no notes have been issued in anticipation of the receipt of the proceeds of said bonds, and that it is necessary to issue \$4,400,000 notes at this time in anticipation of the receipt of the proceeds of sale of a like amount of said bonds.

Section 2. In anticipation of the receipt of the proceeds of sale of a like amount of said bonds, the issuance of \$4,400,000 negotiable notes of the City of Charlotte is hereby authorized, which notes shall be designated "Sanitary Sewer Bond Anticipation Notes", shall be dated November 15, 1977, shall mature on December 7, 1977, without option of prior payment, and shall bear interest at a rate to be determined by the Local Government Commission at the time the notes are sold, which interest shall be payable at the maturity of the notes to which no interest coupons shall be attached.

Said notes shall be payable as to both principal and interest at such bank or trust company, shall have such denomination or denominations and shall bear such number or numbers as may be fixed by the Mayor after the award of the notes by the Local Government Commission, and both the principal of and the interest on said notes shall be payable in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

Section 3. Said notes shall be signed by the Mayor and the City Clerk, and the corporate seal of the City shall be affixed to the notes. The form of said notes and the endorsements to be placed upon said notes shall be substantially as follows:

No. _____ \$ _____

United States of America
State of North Carolina
County of Mecklenburg

CITY OF CHARLOTTE

Sanitary Sewer Bond Anticipation Note

The City of Charlotte, a municipal corporation located in Mecklenburg County, North Carolina, is justly indebted and for value received hereby promises to pay to the bearer on the 7th day of December, 1977, the principal sum of

_____ THOUSAND DOLLARS

and to pay interest thereon from the date hereof at the rate of _____ per centum (_____ %) per annum, payable upon the presentation and surrender of this note at its maturity. Both the principal of and the interest on this note are payable at _____, in

_____, in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. For the prompt payment hereof, both principal and interest as the same become due, the full faith and credit of said City of Charlotte are hereby irrevocably pledged.

This note is given for money borrowed in the amount of the face of this note in anticipation of the receipt of the proceeds of a like amount of Sanitary Sewer Bonds duly authorized by an order adopted by the City Council of said City on September 12, 1977, which order has taken effect, and this note is issued pursuant to and in full compliance with The Local Government Bond Act, as amended, Article 9, as amended, of Chapter 159 of the General Statutes of North Carolina, and a resolution duly passed by the City Council of said City.

It is hereby certified and recited that all acts, conditions, and things required by the Constitution and laws of North Carolina to happen, exist, and be performed precedent to and in the issuance of this note have happened, exist, and have been performed in regular and due form and time as so required, and that the total indebtedness of said City, including this note and all other indebtedness heretofore contracted in the fiscal year in which this note is issued, does not exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, said City of Charlotte, by resolution of its City Council, has caused this note to be signed by its Mayor and its City Clerk and the corporate seal of the City to be affixed hereto, all as of the 15th day of November, 1977.

[Manual signature]

Mayor

[Manual signature]

City Clerk

[To be endorsed upon reverse of notes]

Local Government
Commission Serial No.

The issuance of this note has been approved under the provisions of The Local Government Bond Act of North Carolina.

JOHN D. FOUST
Secretary, Local Government Commission

By: [Manual signature]
Designated Assistant

Section 4. The action of the Director of Finance in applying to the Local Government Commission to approve, advertise and sell said notes and the action of the Local Government Commission in asking for bids for said notes by publishing a sale notice and printing and distributing circulars are hereby ratified and confirmed.

Section 5. This resolution shall take effect upon its passage.

Thereupon Councilmember Gantt moved the passage of the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$4,400,000 SANITARY SEWER BOND ANTICIPATION NOTES", and Councilmember Withrow seconded the motion and the resolution was passed by the following vote:

Ayes: Councilmembers Chafin, Davis, Gantt, Locke, Whittington, Williams and Withrow.

Noes: None.

* * * * *

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the actually recorded minutes of the meeting of the City Council of said City held on October 31, 1977, the record having been made in Minute Book No. _____, beginning at page _____ and ending at page _____, and is a true copy of so much of said minutes as relates in any way to the issuance of \$4,400,000 Sanitary Sewer Bond Anticipation Notes of said City.

WITNESS my hand and the corporate seal of said City this _____ day of November, 1977.

City Clerk

(SEAL)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
ESTABLISHING A PUBLIC HEARING ON THE QUESTION OF ADOPTING
NEW WATER AND SEWER RATES AND CHARGES.

BE IT RESOLVED by the City Council of the City of Charlotte that a joint public hearing be held before the City Council and the Community Facilities Committee on the 21st day of November, 1977, at 7:30 o'clock P.m., in the Education Center, Board Meeting Room, for the purpose of considering new water and sewer rates and charges.

This the 31st day of October, 1977.

Approved as to form:

Henry W. Clendenen, 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 31st day of October, 1977, the reference having been made in Minute Book 66, page , and recorded in full in Resolutions Book 13, page 85.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 1st day of November, 1977.

Ruth Armstrong, City Clerk

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE CALLING FOR A JOINT PUBLIC HEARING TO BE HELD BY THE COUNCIL AND THE CHARLOTTE-MECKLENBURG HISTORIC PROPERTIES COMMISSION ON THE QUESTION OF THE DESIGNATIONS OF THE EXTERIOR OF THE STRUCTURE KNOWN AS THE "SUGAW CREEK SCHOOL HOUSE" AND THE RESIDENTIAL STRUCTURE AND REAL PROPERTY KNOWN AS THE "VANLANDINGHAM ESTATE" AS HISTORIC PROPERTIES

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has made investigations and reports on the historic, architectural, education and cultural significance of the buildings and real property described below; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has recommended that the City Council adopt an ordinance designating the buildings and real property described below as historic properties pursuant to Part 3B, Article 19 of Chapter 160A of the General Statutes of North Carolina; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has determined that the buildings and real property described below meet the criteria for inclusion on the National Register of Historic Places established by the National Preservation Act of 1966, Public Law 89-655, 16 U.S.C.A., Section 470(a), as amended.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina that the City Council and the Charlotte-Mecklenburg Historic Properties Commission will hold joint public hearings in the Board Meeting Room on the Fourth Floor of the Education Center, 701 East Second Street at 7:30 p.m., on the 21st day of November, 1977, at which time interested parties will have an opportunity to be heard on the question of the designation of the following buildings and real property, as historic properties:

- 2 -

The exterior of the structure known as "The Sugaw Creek School House", located on the grounds of the Sugaw Creek Presbyterian Church at 101 Sugar Creek Road, West in Charlotte, North Carolina and being situated on a tract of property more particularly described in a document recorded in the Mecklenburg Public Registry in Book 1 (New) at Page 174.

The residential structure and real property (excluding the outbuilding) known as the "VanLandingham Estate", located at 2010 The Plaza in Charlotte, North Carolina and being more particularly described as follows:

FIRST TRACT: Beginning at an iron stake, at the intersection of the east side of The Plaza and south side of Belvedere Avenue, and runs with the south side of Belvedere Avenue in a southeasterly direction 316.8 feet to an iron stake, thence with Belvedere Avenue (curving to the right with a radius of 686.3 feet) 108.62 feet to a stake at west side of Nassau Boulevard, thence with Nassau Boulevard in a southwesterly direction 209.5 feet to a stake, the northeast corner of Lot 8, thence with line of Lot 8 in a northwesterly direction 425 feet to a stake on east side of The Plaza, thence with east side of The Plaza 218 feet to point of beginning; being Lot 9 in Block 6, as shown on complete map of Chatham Estates recorded in Map Book 230, pages 206 and 207, and as amended and revised in Map Book 332 at page 8 pursuant to an agreement recorded in Book 534 at page 144 all filed in the Mecklenburg Public Registry. Being the same property which was originally conveyed to Susie Harwood VanLandingham by deed dated March 13, 1913 and recorded in the office of the Register of Deeds for Mecklenburg County, North Carolina in Book 305 at page 486 by Chatham Estates, Inc.

SECOND TRACT: Beginning at a stake on the east side of The Plaza, the southwest corner of Lot 9, 218 feet south of the intersection of south side of Belvedere Avenue and The Plaza, and runs in a southeasterly direction with the line of Lot 9, 425 feet to a stake on the west side of Nassau Boulevard, thence with west side of Nassau Boulevard 143 feet to a stake, thence with the curve of Nassau Boulevard (curving to the right with a radius of 127.3 feet) 119 feet to a stake, the corner of Lot 6, thence in a northwesterly direction 331 feet to a stake on the east side of The Plaza, thence with east side of The Plaza 210 feet to point of beginning; being Lots 6, 7, and 8 in Block 6, as shown on complete map of Chatham Estates recorded in Map Book 230, page 206 and 207, and as amended and revised in Map Book 332 at Page 8 pursuant to an agreement recorded in Book 534 at page 144 all filed in the Mecklenburg Public Registry. Being the same property which was originally conveyed to Susie Harwood VanLandingham by deed dated March 13, 1913 and recorded in the office of the Register of Deeds for Mecklenburg County, North Carolina in Book 305 at page 485 by Chatham Estates, Inc.

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 31st day of October, 1977, the reference having been made in Minute Book 66, and is recorded in full in Resolutions Book 13, at page 86-87.

Ruth Armstrong, City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO RONALD D. SMITH AND WIFE, RACHEL S. SMITH; T. LaFONTINE ODOM, TRUSTEE; AND BRICE M. HORTON AND WIFE, EDITH C. HORTON, LOCATED AT 1025 LITTLE ROCK ROAD IN THE COUNTY OF MECKLENBURG FOR THE ANNEXATION FIRE STATION SITE - LITTLE ROCK ROAD PROJECT.

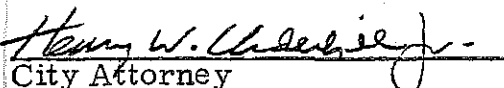
WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Ronald D. Smith and wife, Rachel S. Smith; T. LaFontine Odom, Trustee; and Brice M. Horton and wife, Edith C. Horton, located at 1025 Little Rock Road in the County of Mecklenburg, for the purpose of constructing a fire station in connection with the Annexation Fire Station Site - Little Rock Road 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 Ronald D. Smith and wife, Rachel S. Smith; T. LaFontine Odom, Trustee; and Brice M. Horton and wife, Edith C. Horton, located at 1025 Little Rock Road in the County of Mecklenburg, 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 \$9,580.00, 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 31st day of October, 1977, and the reference having been made in Minute Book 66, page _____, and recorded in full in Resolutions Book 13, page 88.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of October, 1977.

Ruth Armstrong, City Clerk

"RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE,
NORTH CAROLINA, ANNOUNCING ITS INTENT TO EXCHANGE LAND
IN THE WEST MOREHEAD COMMUNITY DEVELOPMENT TARGET AREA
WITH JAMES LEWIS GRIFFIN AND WIFE, MARY M. GRIFFIN"

WHEREAS, the City Council of the City of Charlotte has approved a project to widen Jefferson Street in the City of Charlotte; and

WHEREAS, land owned by James Lewis Griffin and wife, Mary M. Griffin, is required for street right-of-way for the widening of Jefferson Street; and

WHEREAS, the City of Charlotte owns land adjacent to said land owned by James Lewis Griffin and wife, Mary M. Griffin, which land is not required for right-of-way purposes; and

WHEREAS, negotiations with the owners have disclosed that the owners thereof are willing to exchange the portion of their property needed for street right-of-way purposes for adjacent land of the City; and

WHEREAS, N.C.G.S. 160A-271 requires the publication of a 10 days' public notice of the Council's intent to authorize the exchange of property.

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

1. That on Monday, November 14, 1977, the City Council shall give consideration to authorizing the exchange of property between the City of Charlotte and James Lewis Griffin and wife, Mary M. Griffin.

2. The land of the City of Charlotte proposed to be exchanged for the land of James Lewis Griffin and wife, Mary M. Griffin, is land in the City of Charlotte, County of Mecklenburg, State of North Carolina, described as follows:

BEGINNING at a stake on the northerly or easterly margin of Lincoln Street at a point 116.7 feet measured in a southeasterly direction along said margin of Lincoln Street from its intersection with the easterly or southerly margin of Jefferson Street, and running thence with Lincoln Street in a southeasterly direction 60 feet to a stake on the westerly line of a ten-foot alley; thence with the line of said alley in a northeasterly direction 40.5 feet to a stake, a corner of Lots 9 and 10 in Square 1 as shown on said map; thence in a northwesterly direction and with the line of said Lots 9 and 10, 53.60 feet to a stake; thence in a southwesterly direction 40 feet to the place or point of beginning.

This land has an appraised value of \$1,636.00.

3. The land of James Lewis Griffin and wife, Mary M. Griffin, proposed to be exchanged for the land of the City described above is land in the City of Charlotte, County of Mecklenburg, State of North Carolina, described as follows:

BEGINNING at the northernmost property corner of the James L. Griffin property as described in Deed Book 3403 - 205 and running thence S 43°-07'-04" E 10.00 feet to a point; thence S 46°-52'-56" W 40.00 feet to a point; thence in a southwesterly direction with the arc of a circular curve to the left having a radius of 1,659.09 feet an arc distance of 50.01 feet to a point; thence N 43°-07'-04" W 10.75 feet to a point; thence N 46°-52'-56" E 90.00 feet to the point or place of beginning and containing approximately 913 square feet.

This land has an appraised value of \$730.00. A further consideration to be furnished by James Lewis Griffin and wife, Mary M. Griffin, in the proposed exchange is the grant of a 450 square foot temporary construction easement on their property for the widening of Jefferson Street and an agreement to negotiate a settlement instead of going to condemnation which would increase the cost of acquisition and could result in a delay of the street improvement project.

4. Plats depicting the parcels described above are available for public inspection in the Community Development Department of the City of Charlotte, Suite 510, 301 South McDowell Street, Charlotte, North Carolina.

5. This Resolution shall be published at least 10 days before the regular meeting at which approval of this exchange shall be considered.

6. The foregoing Resolution was adopted by the City Council of the City of Charlotte, North Carolina, on October 31, 1977.

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 31st day of October, 1977, the reference having been made in Minute Book 66, and is recorded in full in Resolutions Book 13, at Page 89-90.

Ruth Armstrong, City Clerk

RESOLUTION DECLARING AN INTENT TO CLOSE PORTIONS OF
MAVIS STREET AND JOHNSON STREET
IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA,
AND CALLING A PUBLIC HEARING ON THE QUESTION

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 Mavis Street and Johnson Street, in the City of Charlotte, Mecklenburg County, North Carolina, as same are shown on map entitled "Abandonment of Existing City Street Right of Way, Redevelopment Commission of the City of Charlotte, Greenville Urban Renewal Area, N.C. R-78" prepared by Wilbur Smith and Associates, Inc. - Design dated August 5, 1975, a copy of which is available for inspection in the Office of the City Clerk in the City Hall at Charlotte, North Carolina; said portions of said streets 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 October 31, 1977, that it intends to close those certain portions of Mavis Street and Johnson Street in the City of Charlotte, Mecklenburg County, North Carolina, as same are shown on map entitled "Abandonment of Existing City Street Right of Way, Redevelopment Commission of the City of Charlotte, Greenville Urban Renewal Area, N.C. R-78" prepared by Wilbur Smith and Associates, Inc. - Design dated August 5, 1975, a copy of which is available for inspection in the Office of the City Clerk in the City Hall of Charlotte, North Carolina, said portions of said streets being more particularly described in Exhibit "A" hereto attached nad made a part hereof, and hereby calls a public hearing on the question to be held at 3:00 P.M. on Monday, the 28th day of November, 1977, 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 a srequired 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 street 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 portions 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 31st day of October, 1977, the reference having been made in Minute Book 66, and is recorded in full in Resolutions Book 13, at Page 91.

Ruth Armstrong
City Clerk

"A"

Rec'd. By:	<i>CFW</i>
AUG 18 1975	
Original To:	
Copies To:	

GREENVILLE URBAN RENEWAL AREA

PROJECT NO. N.C. R-78

ABANDONMENT OF A PORTION OF THE EXISTING STREET RIGHT-OF-WAY

A parcel of land in Charlotte Township, Mecklenburg County, State of North Carolina, located in Greenville Urban Renewal Area, Project No. N.C. R-78, shown as Abandonment of Existing City Streets Right-of-Way on a plat prepared by Wilbur Smith and Associates, Inc. - DESIGN, dated August 5, 1975, and being more particularly described as follows:

1. A PORTION OF MAVIS STREET--West of Johnson Street

Beginning at the point of intersection of the west right-of-way line of Johnson Street and the south right-of-way line of Mavis Street; thence along the south right-of-way line of Mavis Street, $N 55^{\circ}32'05'' W$, 298.83 feet to a point on the south right-of-way line of Mavis Street; thence across Mavis Street, $N 34^{\circ}51'04'' E$, 30.00 feet to a point on the north right-of-way line of Mavis Street; thence along the north right-of-way line of Mavis Street, $S 55^{\circ}32'05'' E$, 293.39 feet to the point of intersection of said north right-of-way line of Mavis Street with the west right-of-way line of Johnson Street; thence across Mavis Street, $S 24^{\circ}34'14'' W$, 30.45 feet to the point of beginning and containing 8,883 square feet.

2. A PORTION OF JOHNSON STREET--South of Mavis Street

Beginning at the point of intersection of the north right-of-way line of Mavis Street and the west right-of-way line of Johnson Street; thence across Johnson Street, $S 55^{\circ}32'05'' E$, 26.79 feet to a point on the east right-of-way line of Johnson Street; thence along the east right-of-way line of Johnson Street, $S 33^{\circ}33'09'' W$, 268.46 feet to a point on the east right-of-way line of Johnson Street; thence across Johnson Street $N 55^{\circ}58'46'' W$, 23.98 feet to a point on the west right-of-way line of Johnson Street; thence along the west right-of-way line of Johnson Street, $N 34^{\circ}01'14'' E$, 238.62 feet to the point of intersection of said west right-of-way line of Johnson Street with the south right-of-way line of Mavis Street; thence across Mavis Street, $N 24^{\circ}34'14'' E$, 30.45 feet to the point of beginning and containing 6,220 square feet.