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A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE FINDING THAT PUBLIC NECESSITY AND CONVENIENCE WOULD BE SERVED BY THE PROVISION OF OFFSTREET PARKING FACILITIES AND AUTHORIZING THE CITY MANAGER TO DEVELOP PLANS FOR PROVIDING SAID OFFSTREET PARKING FACILITIES.

WHEREAS, a public hearing was held on Monday, August 8, 1983, by the City Council of the City of Charlotte to determine whether public necessity and convenience would be served by providing offstreet parking facilities in the City of Charlotte; and

WHEREAS, said public hearing was duly advertised in the Charlotte News on the 28th day of July, 1983, and

WHEREAS, at the public hearing the City Council of the City of Charlotte considered studies by the City Department of Transportation dated November, 1982, and Lane Frenchman and Associates, Inc. dated May, 1983 indicating that there exists a deficiency of transient and carpool parking spaces in the Central Business District and recommended that offstreet parking facilities be constructed to overcome this parking space deficiency in certain areas; and

WHEREAS, one of the recommended sites in the aforementioned studies is in the most easterly half of the block bounded by College, Fifth, Sixth and Tryon Streets.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that as a result of the public hearing referred to above, the City Council finds that there exists a need for the construction of offstreet parking facilities in the Central Business District; that said offstreet parking facilities would serve the public necessity and convenience of the citizens of Charlotte; and that municipal funds may be used in cooperation

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with private interest to development said offstreet parking facilities to serve a public purpose.

BE IT FURTHER RESOLVED that the City Manager is hereby directed to proceed to negotiate with potential private developers and to develop plans for the financing and construction of an offstreet parking facility in the blocks bounded by Trade, Tryon, Brevard and Eighth Streets, and to report such plans to the City Council at the earliest possible date.

Adopted this 8th day of August, 1983

Approved as to form:

Henry W. Underhill Jr.
City Attorney

CERTIFICATION

I, PAT SHARKEY, 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 8th day of August, 1983, the reference having been made in Minute Book 80, and recorded in full in Resolution Book 19, at Page(s) 319-320.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 10th day of August, 1983.

PAT SHARKEY, CITY CLERK

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MINUTES OF
THE CITY OF CHARLOTTE CITY COUNCIL

August 8, 1983

The City Council of the City of Charlotte met in a regular meeting in the Council Chambers in the City Hall in Charlotte, North Carolina, at 3:00 p.m. on August 8, 1983.

Present: Mayor Knox presiding, and Council members Berryhill, Dannelly, Frech, Gantt, Leeper, McMillan, Patterson, Peacock, Selden & Trosch.

Absent: Councilmember Spaugh.

Also Present: _____.

Henry W. Underhill, City Attorney, announced that the City had been requested by 217 North Tryon Street Partners (the "Company") to agree to provide financing for the renovation, construction, equipping and installation of the Company's building (the "Project") located at 217 North Tryon Street in the City of Charlotte, for purposes of eliminating existing blight and preventing future blight in the Area 2 of the Charlotte Redevelopment Area. Mr. Underhill also announced that the Company had obtained a commitment from First Union National Bank ("FUNB") to make a loan under the Separate Loan Program adopted by the City by which FUNB will purchase a Note of the City in the amount of \$ 440,000.00, the proceeds of which will be loaned by the City to the Company for the purpose of constructing the Project.

Mr. Underhill advised that in connection with such loan application, it was necessary that a public hearing be held and that a proper Notice of Public Hearing describing the proposed loan and the Project had been published in The Charlotte Observer on July 23, 1983. A public hearing was then convened. The City Clerk announced that the following written comments had been received in response to the Notice of Public Hearing:

No written comments

_____ . The following persons appeared at the public hearing: No persons appeared

_____ . Whereupon, it was announced that such public hearing was closed.

In connection with this loan, Mr. Underhill then presented the following documents:

- (a) The Commitment dated as of August 8, 1983 between the City and the Company approving the proposed Project;

- (b) Note Purchase Agreement dated as of August 8, 1983 among the Company, the City and FUNB;
- (c) Loan Agreement dated as of August 8, 1983 between the City and the Company;
- (d) Deed of Trust and Security Agreement dated as of August 8, 1983 from the Company to a trustee for the City;
- (e) Assignment of Lease dated as of August 8, 1983 from the Company in favor of the City;
- (f) Assignment dated as of August 8, 1983 from the City to FUNB; and
- (g) Promissory Note dated as of August 8, 1983 of the City in the principal amount of \$ 440,000.00.

The foregoing documents were delivered to the Clerk of the City and directed to be marked Exhibits A, B, C, D, E, F and G, respectively, and made a part of the permanent records of the City.

Thereafter, Councilmember Dannelly introduced the following resolution, a copy of which had been distributed to each council member, the title to which was read aloud:

RESOLUTION APPROVING THE ISSUANCE BY THE CITY OF THE \$ 440,000.00 CITY NOTE (217 NORTH TRYON STREET PROJECT), AUTHORIZING THE LOAN OF THE PROCEEDS OF THE CITY NOTE TO 217 NORTH TRYON STREET PARTNERS, AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF THE NOTE PURCHASE AGREEMENT, THE LOAN AGREEMENT, THE ASSIGNMENT AND APPROVING THE FORM OF DEED OF TRUST AND SECURITY AGREEMENT, ASSIGNMENT OF LEASE AND ENDORSEMENT OF COMPANY NOTE AND AUTHORIZING EXECUTION AND DELIVERY OF CLOSING CERTIFICATES, ALL IN CONNECTION WITH FINANCING AN UPTOWN REDEVELOPMENT PROJECT.

BE IT RESOLVED by the City Council (the "Council") of the City of Charlotte (the "City"):

Section 1. The Commitment by the City relating to the financing of the rehabilitation of the building known as 217 and 219 North Tryon Street (the "Project") for 217 North Tryon Street Partners (the "Company") in the Uptown Redevelopment Project Area 2, City of Charlotte, Mecklenburg County, North Carolina, is hereby approved, in the form which has been presented to the Council at this meeting and is attached hereto as Exhibit A, and the Mayor or the Mayor pro tem of the Council and the Clerk or the

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Assistant Clerk of the City are hereby authorized to execute and deliver any number of signed counterparts of such Commitment for and on behalf of the City, and the City is hereby authorized to issue, subject to the terms and in accordance with North Carolina General Statutes 160A-500-526, a promissory note in the amount of \$ 440,000.00 (the "City Note") to pay all or a portion of the cost of the Project. Such City Note shall be designated the "City of Charlotte Promissory Note (217 North Tryon Street Project)" and the City Note shall be in the form and denomination and have the terms and provisions of that which has been presented to the City at this meeting, and the Mayor or Mayor pro tem are hereby authorized to execute and deliver the City Note for and on behalf of the City in substantially such form with such changes therein, additions thereto and omissions therefrom as those executing the City Note shall approve, their execution and delivery thereof constituting the conclusive approval of the City of any changes therein, additions thereto and omissions therefrom.

Section 2. The City Note shall be issued pursuant to the Note Purchase Agreement, dated as of August 8, 1983 (the "Note Purchase Agreement"), among the City, the Company and First Union National Bank ("FUNB"), in the form of that which has been presented to the Council at this meeting. The terms and conditions of which FUNB has agreed to purchase the City Note, as set forth therein, are hereby approved and accepted, and the City hereby confirms its agreement to sell the City Note to FUNB at the purchase price and otherwise upon the terms and conditions set forth in the Note Purchase Agreement; and the Mayor and Mayor pro tem are hereby authorized to execute and deliver the Note Purchase Agreement, in any number of signed counterparts, for and on behalf of the City in substantially such form with such changes therein, additions thereto and omissions therefrom as those executing the Note Purchase Agreement shall approve, their execution and delivery thereof constituting the conclusive approval of the City of any changes therein or additions thereto or omissions therefrom, and the same are hereby further authorized to deliver the City Note to FUNB upon evidence satisfactory to counsel for the City of payment therefor.

Section 3. For the purpose of providing funds for paying the cost of the renovation, construction, rehabilitation and equipping of the Project, the loan of the proceeds of the sale of the City Note to the Company, on the terms and conditions contained in the Loan Agreement described hereinafter, is hereby authorized and approved.

Section 4. The loan of the proceeds of the sale of the City Note shall be made pursuant to the Loan Agreement dated as of August 8, 1983 (the "Loan Agreement") among the City and the Company, in the form of that which has been presented to the Council at this meeting. The terms and conditions on which the

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Company has agreed to accept and repay the loan, as set forth therein, are hereby approved and accepted, and the City hereby confirms its agreement to make the loan; and the Mayor and Mayor pro tem are hereby authorized to execute and deliver the Loan Agreement, in any number of signed counterparts, for and on behalf of the City in substantially such form with such changes therein, additions thereto and omissions therefrom as those executing the Loan Agreement shall approve, their execution and delivery thereof constituting the conclusive approval of the City of any changes therein or additions thereto or omissions therefrom.

Section 5. The City hereby approves the form of the Company's promissory note (the "Company Note"), to be dated as of the date of the issuance of the City Note, presented to the Council at this meeting in the form attached as Exhibit A to the Loan Agreement. The City hereby authorizes the endorsement and pledge of the Company Note to FUNB without recourse, in substantially the form of the endorsement and pledge appearing on the form of the Company Note, as security for the City Note.

Section 6. The City hereby approves the form of the Deed of Trust and Security Agreement, dated as of August 8, 1983, from the Company to a trustee for the benefit of the City, in the form of that which has been presented to the City at this meeting.

Section 7. The City approves the Assignment, dated as of August 8, 1983, from the City to FUNB, in the form of that which has been presented to the City at this meeting, and the Mayor and Mayor pro tem are hereby authorized to execute and deliver the Assignment, in any number of counterparts, for and on behalf of the City in substantially such form with such changes therein, additions thereto and omissions therefrom as those executing the Assignment shall approve, their execution and delivery thereof constituting the conclusive approval of the City of any changes therein or additions thereto or omissions therefrom.

Section 8. The City hereby approves the form of Assignment of Lease, dated as of August 8, 1983, from the Company to the City, in the form of that which has been presented to the Council at this meeting.

Section 9. The Mayor and Mayor pro tem are authorized to execute and to file, on behalf of the City, Internal Revenue Service Form 8038.

Section 10. The Mayor and Mayor pro tem are hereby authorized to act as "City Representatives" of the City pursuant to the Loan Agreement.

Section 11. The Mayor and Mayor pro tem or their designee are hereby authorized and directed to execute and deliver such

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certificates and statements as may be required by the Note Purchase Agreement and the Loan Agreement or as otherwise required in connection with the issuance and sale of the City Note. Such officers are further authorized and directed to sign and to cause to be filed such financing statements and to cause to be recorded such instruments as counsel to the City shall deem necessary or advisable in connection with the issuance and sale of the City Note. Such officers shall be entitled to rely on the advice of counsel to the City in deciding to take or not to take any action in connection with the issuance of the City Note.

Section 12. This resolution shall take effect upon its passage.

Councilmember Dannelly moved the passage of the foregoing resolution entitled as indicated above, and Councilmember Berryhill seconded the motion, and resolution was passed by the following vote:

Ayes: Council members Berryhill, Dannelly, Frech, Gantt, Leeper, McMillan, Patterson, Peacock, Selden and Trosch.

Noes: Council members None.

* * * * *

I, Pat Sharkey, City Clerk of the City of Charlotte and keeper of the official minutes of the City Council of the City of Charlotte, DO HEREBY CERTIFY that the foregoing is a true copy of certain of the proceedings of the City Council of the City of Charlotte taken at a meeting held on August 8, 1983, and is a complete copy of so much of the recorded minutes of said meeting as relates in any way to the passage of the resolution hereinabove set forth.

I DO HEREBY FURTHER CERTIFY that regular meetings of said Council are held on the second Monday at designated districts, fourth Mondays of each month at 3:00 p.m. in the Council Chambers in City Hall, Charlotte, North Carolina, and on the third Monday of each month at 6:00 p.m. in the Board of Education Center, Charlotte, North Carolina.

WITNESS my hand and the official seal of The Charlotte City Council this 10th day of August, 1983.

Clerk

(SEAL)

RESOLUTION AMENDING THE PERSONNEL
RULES AND REGULATIONS

BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina that the Personnel Rules and Regulations heretofore adopted by the City Council to be effective October 6, 1960, as subsequently amended, be hereby further amended as follows:

A. Rule IV, Leave of Absence: Section 1, Paragraph 4 be amended to read in its entirety as follows:

- (1) Employees involuntarily separated or resigning from the City's service shall be compensated for vacation leave accumulated to the day of separation, provided that six or more months continuous service has been completed and provided that verbal or written notice has been provided to the immediate superior at least one week in advance of the effective date of resignation.
- (2) Employees who are participants in the City's Deferred Compensation Plan may elect to receive compensation in exchange for accrued vacation leave under the following conditions:
 - (a) Compensation may be deferred at the time of retirement in exchange for vacation leave accrued and otherwise payable at the time of retirement.
 - (b) Compensation may be deferred in each of the three(3) taxable years prior to the taxable year in which the employee plans to retire, and may be done so in exchange for the estimated accrued vacation leave otherwise payable at the time of retirement. Employees who elect this option must specify an anticipated retirement date. Under this option, employees

must specify no later than the end of November the compensation to be deferred in December. Compensation shall be deferred in accordance with the appropriate provisions of the Internal Revenue Service regulations.

(3) Employees who are retiring but are not participants in the City's Deferred Compensation Plan may elect to defer payment for vacation leave accrued at the time of retirement up to a maximum of three years following the date of retirement.

B. Rule IV, Leave of Absence: Section 2, Paragraph 3, Subparagraph 7 be amended to read in its entirety as follows:

(7) Payment for sick leave shall be made as follows:

(a) In the case of retirement or death, payment will be made to the employee or to his estate for one-fifth the unused portion of his accumulated sick leave. Such payment shall not exceed an amount equal to regular salary for two calendar months. In the case of voluntary or involuntary separation from the City service other than for retirement or death, no payment will be made for accumulated sick leave.

(b) Employees who are participants in the City's Deferred Compensation Plan may elect to receive compensation in exchange for accrued sick leave under the following conditions:

(1) Compensation may be deferred at the time of retirement in exchange for one-fifth of accrued sick leave, which would otherwise be payable at the time of retirement. The

compensation which is deferred may not exceed an amount equal to regular salary for two calendar months.


(2) Compensation may be deferred in each of the three taxable years prior to the taxable year in which the employee plans to retire, and may be done so in exchange for the estimated accrued sick leave otherwise payable at the time of retirement. The compensation which is deferred for the three taxable years combined may not exceed an amount equal to regular salary for two calendar months. Employees who elect this option must specify an anticipated retirement date. Under this option, employees must specify no later than the end of November the compensation to be deferred in December.

Compensation shall be deferred in accordance with the appropriate provisions of the Internal Revenue Service regulations.

(c) Employees who are retiring but are not participants in the City's Deferred Compensation Plan may elect to defer payment for one-fifth of the sick leave accrued at the time of retirement to a maximum of three years following the date of retirement. The total payment shall not exceed an amount equal to regular salary for two calendar months.

BE IT FURTHER RESOLVED that this resolution shall become effective on August 8, 1983.

APPROVED AS TO FORM


City Attorney

CERTIFICATION

I, PAT SHARKEY, 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 8th day of August, 1983, the reference having been made in Minute Book 80, and recorded in full in Resolution Book 19, at Page(s) 326-328.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 10th day of August, 1983.

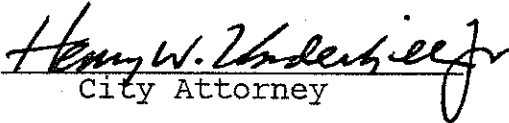
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RESOLUTION AMENDING THE PAY PLAN
OF THE
CITY OF CHARLOTTE

BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that the Pay Plan heretofore adopted by the City Council to be effective October 1, 1960, as subsequently amended, is hereby further amended by addition of class No. 1052 Electronics Installer, Pay Range 12, pay steps A-F inclusive.

BE IT FURTHER RESOLVED that this resolution should be effective on the date of its adoption.

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 8th day of August, 1983, the reference having been made in Minute Book 80, and is recorded in full in Resolution Book 19 at Page 329.

Pat Sharkey
City Clerk

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RESOLUTION AMENDING THE PAY PLAN
OF THE
CITY OF CHARLOTTE

BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that the Pay Plan heretofore adopted by the City Council to be effective October 1, 1960, as subsequently amended, is hereby further amended as follows:

1. Change the following class:

Class No. 2042, Safety Technician, from Pay Range 18 to Pay Range 19, Pay Steps A-F inclusive.

2. Delete the following class:

Class No. 2043, Safety Coordinator, Pay Range 23, Pay Steps A-F inclusive.

BE IT FURTHER RESOLVED that this resolution shall be effective on the date of its adoption.

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 8th day of August, 1983, the reference having been made in Minute Book 80, and is recorded in full in Resolution Book 19 at Page 330.

Pat Sharkey
City Clerk

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RESOLUTION AMENDING THE PAY PLAN
OF THE
CITY OF CHARLOTTE

BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that the Pay Plan heretofore adopted by the City Council to be effective October 1, 1960, as subsequently amended, is hereby further amended as follows:

Add the following class:

Class No. 2237, Investment Analyst, Pay Range 25,
Pay Steps A - F inclusive.

Change the following classes:

Class No. 2220, Chief Accountant, from Pay Range 27
to Pay Range 28, Pay Steps A - F inclusive.

Class No. 2245, City Treasurer, from Pay Range 27
to Pay Range 28, Pay Steps A - F inclusive.

BE IT FURTHER RESOLVED that this resolution should be effective on the date of its adoption.

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 8th day of August, 1983, the reference having been made in Minute Book 80, and is recorded in full in Resolution Book 19 at Page 331.

Pat Sharkey
City Clerk

RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE U.S. DEPARTMENT OF TRANSPORTATION AND NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A PLANNING GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED.

WHEREAS, the U.S. Secretary of Transportation and the North Carolina Department of Transportation are authorized to make grants for mass transportation projects;

WHEREAS, the Contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs;

WHEREAS, it is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964, the Urban Mass Transportation Act of 1964 as amended and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the applicant that Minority Business Enterprises be utilized to the maximum extent possible and the best efforts will be implemented to ensure that Minority Business Enterprise goals will be met.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session, duly assembled:

1. That the City Manager is authorized to execute and file an application on behalf of the City of Charlotte with the U.S. Department of Transportation and the North Carolina Department of Transportation to aid the financing of a technical studies grant to implement specific items of the FY-1984 Charlotte Urbanized Area Unified Planning Work Program;
2. That the City Manager is authorized to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964;
3. That the Director of the Charlotte Department of Transportation is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application or the project; and

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- 4. That the Mayor or Mayor Pro-Tem is authorized to sign and comply with the terms of grant contracts, or amendments thereto, relative to this project.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

August 10, 1983
Date

CERTIFICATE

I, 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 8th day of August, 1983.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of August, 1983.

Pat Sharkey, City Clerk

Date

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A RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF CHARLOTTE, NORTH CAROLINA

A Motion was made by Councilmember Dannelly and seconded by
Councilmember Leeper for the adoption of the following resolution, and
upon being put to a vote was duly adopted:

WHEREAS, the City of Charlotte and the North Carolina Department of Transportation propose to make certain traffic control improvements under Project 9.8109039, Mecklenburg County, said project to consist of the installation of traffic signals at the intersection of NC 49 (South Tryon Street) and Pressley Road; and,

WHEREAS, the City of Charlotte desires to enter into a municipal agreement with the Department of Transportation whereby the City of Charlotte shall purchase and install the required traffic signal equipment for the project, and whereby the Department of Transportation shall reimburse the City of Charlotte up to a maximum amount of \$13,000.00 for the cost of the signal equipment; and,

WHEREAS, under the terms of the agreement, if the signal equipment costs exceed the stated maximum amount, the City of Charlotte will bear the excess cost of said equipment.

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NOW, THEREFORE, BE IT RESOLVED that Project 9.8109039, Mecklenburg County, is hereby formally approved by the City Council of the Municipality of Charlotte and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the agreement with the Department of Transportation.

Approved as to Form:

Henry W. Thibault Jr.
City Attorney

I, Pat Sharkey, Clerk of the Municipality of Charlotte, do hereby certify that the foregoing is a true and correct copy of excerpts from the Minutes of the meeting of the City Council duly held on the 8th day of August, 1983.

WITNESS, my hand and official seal of said Municipality on this the 10th day of August, 1983.

(SEAL)

CLERK
MUNICIPALITY OF CHARLOTTE
NORTH CAROLINA

Extracts from minutes of the City Council of the City of Charlotte, North Carolina, held on 8th day of August, 1983.

RESOLUTION

Be it resolved by the City Council in regular meeting assembled that the Mayor of the said City be, and he hereby is, authorized to enter into an easement agreement with the ATLANTIC LAND AND IMPROVEMENT COMPANY and to sign same on behalf of said City whereby said Improvement Company grants to said City an easement and also a temporary construction easement for the purpose of constructing and maintaining one underground sanitary sewer main across its property at Charlotte, Mecklenburg County, North Carolina, as particularly set forth in said agreement, which agreement is dated June 15, 1983, a copy of which agreement is filed with the City Council.

I certify the above to be a true and correct copy.

City Clerk

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 8th day of August, 1983, the reference having been made in Minute Book 80, and is recorded in full in Resolution Book 19 at Page 336.

Pat Sharkey
City Clerk

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE
A PORTION OF NORTH SUMMIT AVENUE, VINE STREET,
THREE(3) ALLEYWAYS, CASSEY COURT AND A PORTION
OF MONGTOMERY STREET IN THE CITY OF CHARLOTTE,
MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, the Community Development Department has filed a Petition to close a portion of North Summit Avenue, Vine Street, three (3) alleyways, Cassey Court and a portion of Montgomery Street in the City of Charlotte, Mecklenburg County, North Carolina; and

WHEREAS, said streets and alleyways petitioned to be closed lie within the boundaries of the Five Points Neighborhood Strategy Area as shown on maps marked Exhibit "A" through Exhibit "G", and are more particularly described by metes and bounds in a document marked Exhibit "H", all of which are available for inspection in the Office of the City Clerk, City Hall, Charlotte, North Carolina.

WHEREAS, the procedure for closing streets and public alleyways as outlined in North Carolina General Statutes, Chapter 160A, Section 299 requires that Council adopt a Resolution declaring its intent to close the street or public alleyway and calling a public hearing on the question; said Statute further requires that the Resolution shall be published once a week for four (4) 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 alleyway as shown on the County tax records, and a notice of the closing and public hearing shall be prominently posted in at least two (2) places along said street or public alleyway; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, at its regularly scheduled session of August 8, 1983, that it intends to close, said streets and alleyways being more particularly described on maps and by a metes and bound description available for inspection in the City Clerk's Office, and hereby calls a public hearing on the question to be held at 3:00 p.m., on Monday, the 26th day of September, 19 83, at City Hall. The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for four successive weeks next preceding the date fixed here for such hearing, as required by N.C.G.S. 160A-299.

CERTIFICATION

I, PAT SHARKEY, 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 8th day of August, 1983, the reference having been made in Minute Book 80, and recorded in full in Resolution Book 19, at Page(s) 337.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 10th day of August, 1983.

PAT SHARKEY, 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 has collected certain taxes from the taxpayers set out on the list attached to the Docket.
2. The City Tax Collector has certified that those taxpayers have made proper 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 8th day of August, 19 83, that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set out and that the schedule and this resolution be spread upon the minutes of this meeting.

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 8th day of August, 1983, the reference having been made in Minute Book 80 and recorded in full in Resolution Book 19, page(s) 338-339.

Pat Sharkey
City Clerk

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TAXPAYERS AND REFUNDS REQUESTED

<u>NAME</u>	<u>AMOUNT OF REFUND REQUESTED</u>	<u>REASON</u>
Lance Inc.	\$5,931.63	Clerical Error
Evans, D. C. DDS	71.20	Clerical Error
Mitzel, Donna Meldrum	16.46	Clerical Error
Jenkins, Katherine I.	18.28	Clerical Error
Jenkins, Katherine I.	18.28	Clerical Error
Jenkins, Katherine I.	18.28	Clerical Error
Lance Inc.	50.39	Clerical Error
Stone, Roy Angier Jr.	27.87	Clerical Error
Cobblestone Apartments c/o Johnston Properties, Inc.	<u>28.58</u>	Clerical Error
TOTAL	\$6,180.97	

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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 or 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 4350 at Page 0296, 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 in accordance with the uses specified in the Redevelopment Plan as amended.

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

(1) Subject to all terms, covenants and conditions of this Resolution, the City will retain the following described Property in the Project Area:

Block A, Parcel 1 - N. Caldwell St. - N. Davidson St.
BEGINNING at an iron pin marking the intersection of the northeasterly right of way margin of E. 12th St. with the northwesterly right of way margin of N. Davidson St., and running thence with the northeasterly right of way margin of E. 12th St. in two (2) courses as follows: (1) N44-28-02W, 165.26 feet to an iron pin; (2) N42-18-59W, 174.82 feet to an iron pin; thence with an arc of a circular of a circular curve to the right, having a radius of 20.00 feet, an arc distance of 32.51 feet to an iron pin in the southeasterly right of way margin of N. Caldwell Street; thence with the southeasterly right of way margin of N. Caldwell Street in two (2) courses as follows: (1) N50-49-19E, 388.77 feet to an iron pin; (2) N52-02-48E, 172.77 feet to an iron pin in the southwesterly right of way margin of the Seaboard Coastline Railroad (100' right of way); thence with the southwesterly right of way margin of the Seaboard Coastline Railroad S42-24-20E, 351.18 feet to an iron pin in the northwesterly right of way margin of N. Davidson Street; thence with the northwesterly right of way margin

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of N. Davidson Street in three (3) courses as follows: (1) S49-38-26W, 525.21 feet to an iron pin. (2) S79-47-12W, 12.00 feet to an iron pin. (3) S49-38-26W, 40.83 feet to the point or place of BEGINNING. Containing 4.791 acre. Being all parcel no. 1 in Block A as shown on recorded Map Book 20, Page 331.

Block B, Parcel 1 - N. Davidson Street - N. Alexander Street
BEGINNING at an iron pin marking the intersection of the southeasterly right of way margin of N. Davidson Street (60' right of way) with the northeasterly right of way margin of E. 12th Street and running thence with the southeasterly right of way margin of N. Davidson Street N49-38-26E, 384.66 feet to an iron pin; thence with the southwesterly right of way margin of Linden Lane S43-48-11E, 385.39 feet to an iron pin; thence with the northwesterly right of way margin of N. Alexander Street S50-37-05W, 385.43 feet to an iron pin; thence with the northeasterly right of way margin of E. 12th Street N43-45-15W, 378.78 feet to the point or place of BEGINNING. Containing 3.369 acre, being all parcel no. 1 in Block B as shown on recorded Map Book 20, Page 331.

Block C, Parcel 1 - Linden Lane - N. Myers Street
BEGINNING at an iron pin in the northeasterly right of way margin of Linden Lane, said iron pin being located S43-48-31E, 228.10 feet measured along the said northeasterly right of way margin of Linden Lane from the southeasterly right of way margin of N. Davidson Street, and running thence N47-35-40E, 264.52 feet to an iron pin in the centerline of the Seaboard Coastline Railroad, (100' right of way); thence with the centerline of the Seaboard Coastline Railroad S42-24-20E, 421.77 feet to an iron pin; thence S50-30-13W, 100.13 feet to an iron pin in the southwesterly right of way margin of said Seaboard Coastline Railroad; thence with the southwesterly right of way margin of the Seaboard Coastline Railroad S42-24-20E, 175.15 feet to an iron pin in the northwesterly right of way margin of N. Myers Street; thence with the Northwesterly right of way margin of N. Myers Street S50-17-26W, 184.23 feet to an iron pin; thence N42-56-48W, 143.23 feet to an iron pin; thence N46-14-52E, 31.62 feet to an iron pin; thence N43-48-31W, 251.09 feet to an iron pin; thence with the northeasterly right of way margin of Linden Lane N43-48-31W, 188.25 feet to the point or place of BEGINNING. Containing 3.195 acre. Being all parcel no. 1 in Block C as shown on recorded Map Book 20, Page 331.

which it will develop for use as a Bus Maintenance Facility 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, the amount of \$427,387.63 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. 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 HUD pursuant to the requirements of the Project Completion Agreement between the City of Charlotte and the United States of America, executed May 16, 1980.

(2) Construction Required. The City will redevelop the property by the construction of a Bus Maintenance Facility (hereinafter called the "Improvements") and all plans and

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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 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 4350 at Page 0296 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 part 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 property 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, 1967, 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 rules, regulations, and orders of the Secretary of Labor or 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 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 of 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 that 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 Department of Housing and Urban Development, the Contractor may request the United States to enter into such litigations 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.

(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 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.

CERTIFICATION

I, PAT SHARKEY, 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 8th day of August, 19 83, the reference having been made in Minute Book 80, and recorded in full in Resolution Book 19, at Page(s) 340-346.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 10th day of August, 1983.

PAT SHARKEY, CITY CLERK

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BROOKSHIRE
FREEWAY

TWELFTH
STREET

EAST
STREET

NORTH
CALDWELL
CONN

NORTH
DAVIDSON
ST.

N. ALEX
ST.

NORTH
MYERS
ST.

BLOCK A
PARCEL 1
4.791 AC.

BLOCK B
PARCEL 1
3.369 AC.

PARCEL 2
1.359 AC.

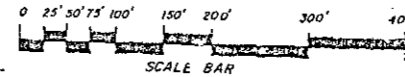
BLOCK C

PARCEL 1
3.195 AC.
930.

PARCEL 3
3.655 AC.

MAP SHOWING PROPERTY OF CITY OF CHARLOTTE

BLOCKS A, B & C
FIRST WARD URBAN RENEWAL AREA
CHARLOTTE NORTH CAROLINA
SCALE: 1"=100'
DATE: July 22, 1983



I, Stephen A. Gilbert Certify That This Map Was Drawn Under My Supervision And Prepared In Accordance With G.S. 47-30 As Amended, And Was Prepared From An Actual Survey Made Under My Supervision On The 15th Day Of JULY, 1983 With A Maximum Linear Error Of Closure 1:10,000 And A Maximum Field Error Of Closure 7.5 Sec. Per Ang.

N. C. R. L. S. Lic. No.

A Notary Public In And For The County Of Mecklenburg And State Of North Carolina, Do Hereby Certify That Stephen A. Gilbert, Surveyor, Personally Appeared Before Me This Day And Acknowledged The Due Execution Of The Foregoing Certificate And In Oath Swore To The Truth Of The Statement Set Forth Therein Witness My Hand And Notarial Seal This _____ Day Of _____ 1983

NOTARY PUBLIC
MY COMMISSION EXPIRES AUGUST 2, 1988