

November 14, 1983  
Resolution Book 19 - Page 437

A regular meeting of the City Council of the City of Charlotte, North Carolina was held at City Hall in the City of Charlotte, North Carolina, at 3:00 P.M. on November 14, 1983.

Present: Mayor Eddie Knox, presiding, and Councilmembers Dannelly, Frech, Gantt, Leeper, McMillan, Patterson, Selden, Spaug, and Trosch.

Absent: Councilmembers Berryhill and Peacock .

\* \* \* \* \*

The City Council received from the Mecklenburg County Board of Elections a certified copy of the proceedings of said Board of Elections taken on November 10, 1983, evidencing said Board's determination of the result of the canvass of the returns of the special bond referendum held in the City of Charlotte on November 8, 1983 upon the questions of approving \$13,450,000 Street Improvement Bonds, \$3,050,000 Water Bonds and \$30,460,000 Sanitary Sewer Bonds of said City.

After said proceedings had been considered and reviewed by the City Council, Councilmember Trosch introduced the following resolution which was read:

RESOLUTION DECLARING THE RESULT OF THE SPECIAL BOND REFERENDUM HELD IN THE CITY OF CHARLOTTE ON NOVEMBER 8, 1983 UPON THE QUESTIONS OF APPROVING \$13,450,000 STREET IMPROVEMENT BONDS, \$3,050,000 WATER BONDS AND \$30,460,000 SANITARY SEWER BONDS

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

Section 1. The City Council of the City of Charlotte, having received from the Mecklenburg County Board of Elections a certified copy of the proceedings of said Board

November 14, 1983  
Resolution Book 19 - Page 438

of Elections taken on November 10, 1983, evidencing said Board's determination of the result of the canvass of the returns of the special bond referendum held in the City of Charlotte on November 8, 1983 upon the questions of approving \$13,450,000 Street Improvement Bonds, \$3,050,000 Water Bonds and \$30,460,000 Sanitary Sewer Bonds of said City, does hereby declare and certify the result of said referendum to be the result which is set forth in the following statement of the result of said referendum, which statement has been prepared by said City Council:

STATEMENT OF THE RESULT  
of the  
SPECIAL BOND REFERENDUM  
held in the  
CITY OF CHARLOTTE, NORTH CAROLINA  
on November 8, 1983  
UPON THE QUESTIONS OF APPROVING  
\$13,450,000 STREET IMPROVEMENT BONDS, \$3,050,000 WATER  
BONDS AND \$30,460,000 SANITARY SEWER BONDS

At a special bond referendum held in the City of Charlotte on November 8, 1983, 164,892 voters were registered and qualified to vote.

At said referendum 42,162 votes were cast for the order adopted on September 12, 1983, authorizing not exceeding \$13,450,000 Street Improvement Bonds of the City of Charlotte, North Carolina, for the purpose of providing funds, with any other available funds, for paving, grading, resurfacing and widening streets and constructing sidewalks in said City, including the acquisition of any necessary land and rights of way, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, and 26,939 votes were cast against said order, and a majority of the qualified voters of said City who voted thereon at said referendum having voted in favor

November 14, 1983  
Resolution Book 19 - Page 439

of the approval of said order, said order was thereby approved and is in force and effect.

At said referendum 46,367 votes were cast for the order adopted on September 12, 1983, authorizing not exceeding \$3,050,000 Water Bonds of the City of Charlotte, North Carolina, for the purpose of providing funds, with any other available funds, for enlarging and extending the water system of said City, including the installation of water mains and lines, the improvement of filtration facilities, the acquisition of necessary rights of way and equipment and the payment of an outstanding revenue bond anticipation note, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, and 20,768 votes were cast against said order, and a majority of the qualified voters of said City who voted thereon at said referendum having voted in favor of the approval of said order, said order was thereby approved and is in force and effect.

At said referendum 47,562 votes were cast for the order adopted on September 12, 1983, authorizing not exceeding \$30,460,000 Sanitary Sewer Bonds of the City of Charlotte, North Carolina, for the purpose of providing funds, with any other available funds, for enlarging and extending the sanitary sewer system of said City, including the expansion of existing treatment facilities, the elimination of existing lift stations, the construction and improvement of sanitary sewer outfalls, mains and lines, the acquisition of necessary land, rights of way and equipment, and the payment of an outstanding revenue bond anticipation note, and authorizing the

November 14, 1983  
Resolution Book 19 - Page 440

levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, and 20,320 votes were cast against said order, and a majority of the qualified voters of said City who voted thereon at said referendum having voted in favor of the approval of said order, said order was thereby approved and is in force and effect.

City Council  
of the  
City of Charlotte, North Carolina

Section 2. The City Clerk of the City of Charlotte shall file a copy of the foregoing statement of the result of said referendum in her office and shall publish such statement once in The Charlotte Observer. A statement in substantially the following form shall be published with the foregoing statement:

Any action or proceeding challenging the regularity or validity of this bond referendum must be begun within 30 days after [date of publication].  
November 21, 1983

City Council  
of the  
City of Charlotte, North Carolina

Section 3. This resolution shall take effect upon its passage.

Upon motion of Councilmember Trosch,  
seconded by Councilmember Selden, the foregoing resolution entitled: "RESOLUTION DECLARING THE RESULT OF THE SPECIAL BOND REFERENDUM HELD IN THE CITY OF CHARLOTTE ON NOVEMBER 8, 1983 UPON THE QUESTIONS OF APPROVING \$13,450,000 STREET IMPROVEMENT BONDS, \$3,050,000 WATER BONDS AND \$30,460,000 SANITARY SEWER BONDS" was passed by the following vote:

Ayes: Councilmembers Dannelly, Frech, Gantt, Leeper, McMillan, Patterson, Selden, Spaugh, and Trosch.

November 14, 1983  
Resolution Book 19 - Page 441

Noes: None.

\* \* \* \* \*

I, Pat Sharkey, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the City Council of said City at a meeting held on November 14, 1983, said record having been made in Minute Book No. 81 of the minutes of said City Council, beginning at page 106 and ending at page 107, and is a true copy of so much of said proceedings of said City Council as relates in any way to the special bond referendum held on November 8, 1983 upon the questions of approving \$13,450,000 Street Improvement Bonds, \$3,050,000 Water Bonds and \$30,460,000 Sanitary Sewer Bonds of said City.

I HEREBY FURTHER CERTIFY that a copy of the statement of the result of the referendum adopted by the resolution set forth in the foregoing transcript has been filed in my office.

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said City Council, stating that regular meetings of said City Council are held on the second Monday of each month at 7:30 P.M. at various places in the City designated from time to time by the City Council, on the third Monday of each month at 6:00 P.M. at the Education Center, and on the fourth Monday of each month at 3:00 P.M. at the City Hall, has been on file in my office pursuant to G.S. §143-318.12 as of a date not less than seven days before said meeting.

WITNESS my hand and the corporate seal of said City, this 15th day of November, 1983.

\_\_\_\_\_  
City Clerk

[SEAL]

November 14, 1983  
Resolution Book 19 - Page 442

RESOLUTION CLOSING PITCHER STREET  
LOCATED BETWEEN DUNBAR STREET AND  
I-277 RIGHT-OF-WAY IN THE CITY OF CHARLOTTE,  
MECKLENBURG COUNTY, NORTH CAROLINA.

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

WHEREAS, the petitioners have caused a copy of the Resolution of Intent to Close Pitcher Street to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least two places along Pitcher Street, all as required by G.S. 160A-299; and

WHEREAS, the public hearing was held on the 14th day of November, 1983, and City Council determined that the closing of Pitcher Street is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, at its regularly assembled meeting of November 14, 1983, that the Council hereby orders the closing of Pitcher Street in the City of Charlotte, Mecklenburg County, North Carolina, as described below:

BEGINNING at a point in the northeasterly corner of Lot 16 in Block 11 of the Fabrik Development Company Property as shown on a map recorded in Map Book 230 at Page 293 in the Office of the Register of Deeds for Mecklenburg County, which point marks the intersection of the westerly edge of Pitcher Street and the southerly edge of Dunbar Street (formerly Morehead Street); thence running from the Beginning Point with the westerly line of Pitcher Street, S. 44-55-15 W. 321.08 feet to the northerly line of the right-of-way acquired by the State Department of Transportation in Book 4293 at Page 9 in the Office of the Register of Deeds for Mecklenburg County; thence with the northerly line of said right-of-way with the arc of a circular curve to the right having a radius of 3,039.79 feet, an arc distance of 54.63 feet to a point in the easterly line of Pitcher Street; thence with the easterly edge of Pitcher Street, N. 44-55-15 E. 283.87 feet to the southerly line of Dunbar Street; thence crossing Pitcher Street, N. 45-04-45 W. 40.00 feet to the point or place of BEGINNING; and containing 12,094 square feet as shown on a survey by R. B. Pharr & Associates dated August 26, 1983.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

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 14th day of November, 1983, the reference having been made in Minute Book 81, and recorded in full in Resolution Book 19, at Page(s) 442-443.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16th day of November, 1983.

PAT SHARKEY, CITY CLERK

November 14, 1983

Resolution Book 19 - Page 443

443

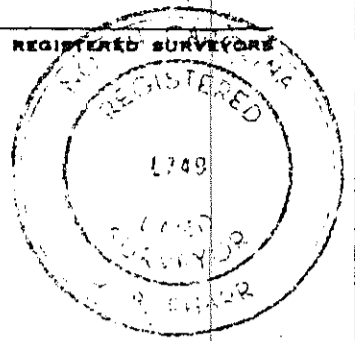
THIS IS TO CERTIFY THAT ON THE 26<sup>th</sup> DAY OF AUGUST 1983 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS IF ANY ARE AS SHOWN HEREON.

EXHIBIT A

to Petition to Close Pitcher Street

SIGNED R. B. PHARR

R. B. PHARR & ASSOCIATES, REGISTERED SURVEYORS



INDEPENDENCE BLVD.

PITCHER STREET

POST ST.

PROPERTY INVESTMENTS  
4552-705

W S CLANTON II

IDA J CLANTON et al

IDA J CLANTON et al

Project No. 81654826



R-31039.79  
E-463  
NIP

S 44-55-15.4 283.87

AREA =  
12,094 sq ft  
or 2,777 ac

N 44-55-15E

321.08

E 13 40.00  
S 45-04-45E

DUNBAR STREET

BOUNDARY SURVEY

OF

A PORTION OF PITCHER STREET

SCALE 1" = 60'

CHARLOTTE, N. C.

THE PROPERTY OF \_\_\_\_\_

MAP RECORDED IN BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_ DEED RECORDED IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

BRUNING 40-22 77708-7

444  
November 14, 1983  
Resolution Book 19 - Page 444

A RESOLUTION ENDORSING SPRINGFEST 1984 AND AUTHORIZING THE CITY OF CHARLOTTE TO ENTER INTO AN AGREEMENT WITH SPRINGFEST, INC., AND AUTHORIZING OTHER NECESSARY ACTION FOR SPRINGFEST 1984.

WHEREAS, SpringFest, Inc., ("SpringFest"), a private, nonprofit corporation who underscores to guests and visitors the attractiveness of Charlotte for the expansion of social, cultural, and economic relationships, shall be responsible for the carrying out of SPRINGFEST 1984, which is a major community celebration of the City of Charlotte's unique historical and cultural heritage and the City of Charlotte's revitalization of central Charlotte and shall be a three-day, outdoor, community celebration of the City during April 27, 28, and 29, 1984 with participation by artists, arts and crafts exhibitors, merchants, vendors, and others active in uptown promotion and with the City of Charlotte providing solely ancillary services as requested by SpringFest; and

WHEREAS, SpringFest and the City wish to enter into the attached Agreement (Exhibit I); and

WHEREAS, SpringFest requests the closing of certain streets on specified dates (Exhibit II), in order to establish the location and boundaries necessary for the event, the use of certain sidewalks within the boundaries of the closed streets for the location of exhibits, booths, displays, artists and vendors, and the use of Fourth Ward Park, Settler's Cemetery, and other open public property for children's and other recreational activities, crowd assembly and control, and other planned activities; and



November 14, 1983  
Resolution Book 19 - Page 445

WHEREAS, SpringFest requests that the City Council issues a permit for the consumption of beer and wine during this community celebration pursuant to and in accordance with City of Charlotte Code § 13-4.1; and

WHEREAS, SpringFest requests approval to levy such fees as may be necessary to cover those costs associated with planning, organizing and conducting SPRINGFEST 1984 and these fees (e.g. registration) shall be in addition to any other City fees or licenses normally required to cover business activities.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte, North Carolina, in regular session duly assembled that it wholeheartedly endorses the organization of SpringFest Inc.

BE IT FURTHER RESOLVED, that the City Council authorizes the following:

1. The proper execution by the City of Charlotte of the attached Agreement (Exhibit I) with SpringFest, Inc.
2. The temporary closing of the streets designated in Exhibit II.
3. The use of City sidewalks within the boundaries of the closed streets for the location of exhibits, booths, displays, and the like.
4. The use of Fourth Ward Park, Settler's Cemetery, and other designated open public space for various activities planned for the event.

November 14, 1983  
Resolution Book 19 - Page 446

5. The issuance of a permit for the consumption of beer and/or wine so long as all requirements of City of Charlotte Code § 13-4.1 are complied with.

6. SpringFest, Inc., is hereby authorized to charge reasonable fees to persons and groups who wish to exhibit or vend. The fees shall be in addition to any other City fees normally required to conduct business activities. SpringFest shall have the authority to assign exhibition and vending space.

7. That the City Manager or his designee is authorized to take whatever other action is necessary in order to carry out SPRINGFEST 1984.

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 14th day of November, 1983, the reference having been made in Minute Book 81, page         , and recorded in full in Resolutions Book 19, pages 444-459.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 9th day of December, 1983.

Pat Sharkey, City Clerk

November 14, 1983  
Resolution Book 19 - Page 447

STATE OF NORTH CAROLINA  
COUNTY MECKLENBURG  
CITY OF CHARLOTTE

AGREEMENT

THIS AGREEMENT, made and entered into this 14th day of November, 1983 by and between THE CITY OF CHARLOTTE, 600 East Trade Street, Charlotte, North Carolina, 28202 (hereinafter: "CITY") and SPRINGFEST, INC., a nonprofit corporation chartered under Chapter 55A of the North Carolina General Statutes, located at 110 East 7th Street, Suite 210, Charlotte, North Carolina, 28202, (hereinafter: "SPRINGFEST").

WITNESSETH:

WHEREAS, SPRINGFEST desires to plan, organize, and implement a 3-day program of festive activities in a designated area between Trade Street and 7th Street and between Pine Street and Brevard Street; and

WHEREAS, the parties to this agreement wish to make it clear that SPRINGFEST is solely and fully responsible for the planning, organizing, implementation, and monitoring of these festive activities that will occur during April 1984; and

WHEREAS, the CITY shall designate a SPRINGFEST coordinator to provide certain ancillary services designated herein and otherwise be available to receive requests for assistance from the CITY for SPRINGFEST; and

WHEREAS, the parties hereto desire to reduce the terms of this agreement to writing.

NOW, THEREFORE, for and in consideration of mutual promises to each other, and hereinafter set forth, the parties hereto do mutually agree as follows:

November 14, 1983  
Resolution Book 19 - Page 448

1. Term: The term of this agreement shall commence upon the execution of this agreement by both parties and as shown by the date stated above. The term of this agreement shall terminate by April 1, 1985.

2. Independent Contractor status of SPRINGFEST: It is agreed between the parties that SPRINGFEST is an independent contractor and is not an employee or an agent of the CITY. SPRINGFEST is solely responsible for the planning, organizing, implementation, and monitoring of the festive activities sponsored by SPRINGFEST and for SPRINGFEST 1984. SPRINGFEST is solely responsible in its capacity as an independent contractor to see that such festive activities are carried out in compliance with all federal, state, and local laws and regulations and is carried out in a manner protecting the property rights of citizens and ensuring safety and well-being of citizens attending the festive activities sponsored by SPRINGFEST.

3. Scope of activities to be performed by SPRINGFEST: SPRINGFEST shall have sole responsibility for all of the planning, organizing, implementing, and monitoring of the SPRINGFEST activities to the extent identified in Attachment I for SPRINGFEST 1984. Any responsibilities of the CITY are identified in Attachment I and are limited to those responsibilities identified in Attachment I. SPRINGFEST shall be responsible for any loss/damage to City/County properties within the geographical area described in Paragraph 5 below, occurring by reason of SPRINGFEST'S failure to perform duties hereunder.

November 14, 1983  
Resolution Book 19 - Page 449

4. Status of CITY: The CITY shall designate a CITY employee who shall be known as the "SPRINGFEST Coordinator". The SPRINGFEST Coordinator shall be designated by the City Manager; shall be the City's liaison person to SPRINGFEST; and shall be responsible for providing the ancillary CITY services identified in Attachment I. The sole function of the SPRINGFEST Coordinator is to provide those kinds of things identified in Attachment I that have been requested by SPRINGFEST. SPRINGFEST shall remain responsible for utilizing those kind of things in the planning, organizing, implementing, and monitoring of SPRINGFEST activities for April 1984. Any additional services to those already identified in Attachment I will be approved by the City Manager. The City Manager shall have the authority to add to the list of responsibilities of the SPRINGFEST Coordinator identified in Attachment I if, in the judgment of the City Manager such services would be appropriate for SPRINGFEST April 1984.

5. Geographic area for SPRINGFEST April 1984: The geographic area for SPRINGFEST April 1984 shall include the area from Pine Street to Brevard Street, from Trade Street to 7th Street, all of which is shown in yellow on the attached site plan map which is Attachment II, Part C. In addition, the streets marked in blue on the site plan map which include Poplar and Church Streets extending from 7th Street to 10th Street shall be available for the bike race scheduled for April 28, 1984.

6. Hold harmless/indemnity: SPRINGFEST shall indemnify, reimburse, keep and hold harmless, the CITY free and harmless from any liability on account of any kind of injury, damage, or

November 14, 1983  
Resolution Book 19 - Page 450

liability whatsoever to persons, firms, corporations, property, or for any claim or damage which may result directly from SPRINGFEST'S failure to carry out this agreement except that the CITY shall remain liable for any actions due to the negligence of the CITY or its employees or due to the intentional wrongdoing of the CITY or its employees. In the event that any suit or proceeding is brought against the CITY at law or in equity, either independently or jointly with SPRINGFEST, or either of them, on account of thereof, SPRINGFEST will defend the CITY in any suit or proceeding with a total cost accruing to SPRINGFEST, including all reasonable attorney fees for SPRINGFEST and the CITY. In the event of a final judgment or decree being obtained against the CITY, either independently or jointly with SPRINGFEST, or either of them, SPRINGFEST to the extent provided herein shall pay such judgment and all costs or comply with such decree and pay all costs and expense of whatsoever nature, including interest and fines, and hold the CITY completely harmless therefrom.

The indemnification and hold harmless obligation of SPRINGFEST will not be limited in anyway by the limits of insurance provided for in this agreement.

7. Insurance: SPRINGFEST shall secure the following policies effective April 1, 1984 and continuing through the term of this agreement. Limits of the policies shall be determined by the Executive Director of the Insurance and Risk Management ... Agency. Certificates of insurance shall be provided to him and certificates of insurance shall provide that the policy shall not be changed or cancelled until 30 days' written notice shall have

been given to the CITY. The kinds of insurance required shall include, but not be limited to, the following:

- (1) Comprehensive general liability, including:
  - (a) liquor law liability
  - (b) products/completed operations
  - (c) personal injury
  - (d) blanket contractual
  - (e) non-owned auto.

All of the above shall have a combined limit of not less than five million dollars (\$5,000,000).

The insurance coverage shall include any breach of this agreement in failing to meet the obligations stated above in the hold harmless/indemnification provision.

8. Performance bond: SPRINGFEST shall furnish the CITY a bond with a corporate surety in the amount of \$10,000. The bond with a corporate surety shall be approved by the Executive Director of Insurance Risk and Management Agency and an amount for such a bond with a corporate surety shall be determined by the Executive Director. The performance bond shall be conditioned upon the faithful performance of each and every term, condition and provision of this agreement and shall also be approved by the City Attorney. The bond shall contain a provision that it shall not terminate or otherwise expire prior to 30 days after written notice of that effect is given to the City Manager of the CITY. SPRINGFEST shall pay all premiums chargeable for the bond and will keep the same in full force and effect during the term of this agreement.

November 14, 1983  
Resolution Book 19 - Page 452

9. Compliance with laws: SPRINGFEST shall comply with all federal, state, county, and city laws, ordinances, and regulations. SPRINGFEST shall be responsible for obtaining any necessary permits, licenses, etc. in order to perform its responsibilities hereunder with respect to SPRINGFEST 1984. SPRINGFEST shall be liable for any fees, taxes, or any other charges necessary to perform its responsibilities hereunder with respect to SPRINGFEST 1984. SPRINGFEST shall be responsible for making whatever arrangements and requests are necessary with the Fire Department of the City of Charlotte and Police Department of the City of Charlotte in order to ensure the public safety of property and citizens in the carrying out of SPRINGFEST April 1984.

10. Non-assignability: SPRINGFEST shall not assign this agreement to anyone else.

11. Amendments to agreement: Any changes in this agreement must be mutually agreed upon by the parties and must be incorporated in written amendments to the agreement. The City Manager is authorized to enter into any amendments on behalf of the CITY.

12. Entirety of agreement: This agreement embodies the entire agreement between the parties hereto and may be waived, amended or supplemented only in writing executed jointly by both parties as stated before.

IN WITNESS WHEREOF, SPRINGFEST and the CITY have executed the agreement on the day and year first above written.



November 14, 1983  
Resolution Book 19 - Page 453

CITY OF CHARLOTTE

ATTEST:

By: *Edna Low*  
Mayor or City Manager

*Pat Sharkey* City Clerk

Approved as to form:

*Reura A. Kratt* City Attorney

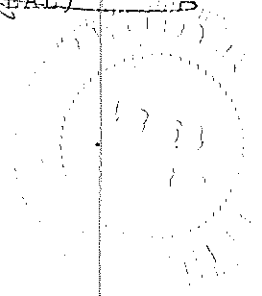
SPRINGFEST

ATTEST:

*Bynette W. Saine*  
Corporate Secretary

By: *Carolee Platt* (SEAL)  
Name

*President*  
Title



ATTACHMENT I

PART I. ASSISTANCE TO BE PROVIDED BY CITY OF CHARLOTTE

The following represents the City of Charlotte's responsibilities for SpringFest 1984:

- A. The City of Charlotte will provide the administrative assistance necessary to satisfy any and all City administrative or policy requirements and to secure required approval. Such assistance, to be the responsibility and coordination of the City's SpringFest Coordinator, shall include such items as approval of festival site; Requests for Council Action; reservation for use of public space; approval of street closings; and support for ABC permits. The City's administrative assistance and support will be limited to those items which, in the City's opinion, serve the best interest of the community as well as the City's own interest.
- B. The City of Charlotte will provide specific, pre-determined ancillary support services, at an adequate yet minimum level, which are necessary to preserve and ensure public safety and environmental health. These support services will include such items as street barricades; traffic detours; police patrol; vehicles for trash collection and disposal; street cleaning; and Fire Marshall inspections. The City's SpringFest Coordinator will coordinate and arrange for these services with City Departments.
- C. The City of Charlotte will either provide a temporary water supply (non-consumption) or will provide administrative assistance to SpringFest in their efforts to provide a temporary water supply.
- D. The City of Charlotte will provide a pre-determined number of portable two-way radios; and a P.A. system for the foot races and bike race.
- E. The City of Charlotte will co-sponsor and host either a 5-K or 10-K foot race and a fun run, and any other similar activities. The City Parks and Recreation Department will co-sponsor, host, and assist with responsibilities of this event.
- F. The City will be provided courtesy space, equivalent in size to two (2) artists rental spaces, at the intersection of Church and Sixth Streets. This courtesy space will be used by the City's Public Service and Information Department, in a display fashion to provide the public with a graphic or photographic exhibits of such things as City services and recreational programs. Other exhibit space will be provided at the Tryon and Sixth Streets intersection for Transit Mall promotion.

PART II. SPECIFIC ACTIVITIES AND RESPONSIBILITIES:

CITY

- o Approve locations of SpringFest and bike race.
- o Approve stage locations.
- o Approve street closings and traffic detours. Map detours. Advise public of street closings and detours.
- o Provide street barricades for street closings.
- o Clean and wash streets in SpringFest area immediately before and after SpringFest. Streets will also be cleaned and washed each night during the event.
- o Approve use of sidewalks, streets, and other open public space. Approve use of Fourth Ward Park and Settler's Cemetery. Reserve use of the Park for SpringFest. Review and approve SpringFest, Inc.'s proposed events, activities, etc. in regard to use of these aforementioned facilities.
- o Provide predetermined number of Police Officers for security and foot patrol.
- o Written notification to State ABC Board of Council's approval by permit for sale and consumption of beer and wine at SpringFest.
- o Assist SpringFest, Inc., with temporary water supply to "Taste of Charlotte".
- o Provide no less than two (2) vehicles for trash collection and disposal. Drivers for these vehicles will be provided by Operations Department/Sanitation Division.
- o Provide portable two-way radios and portable P.A. system.
- o Provide bench seating at "Taste of Charlotte".
- o Arrange for Fire Marshall to inspect SpringFest area and activities, in particular food vendor tents; gas grills; fire extinguishers; and temporary natural gas pipeline.
- o Co-sponsor and host foot race and fun run events: Assist with the plans and design of course; provide staff or volunteers for all parts of events, including start, finish, timers, course monitors, etc; provide Police Officers; provide trophies; handle registrations; coordinate media releases with Public Service and Information Department; and handle awards ceremony.

November 14, 1983  
Resolution Book 19 - Page 456

SPRINGFEST, INC.

- o Provide hold harmless agreement; certificate of insurance; and performance bond.
- o Provide SpringFest site and locator map.
- o Provide adequate number of toilet facilities.
- o Contract for or provide stages (portable stages only). Submit site plans for approval.
- o Provide or coordinate the following: flame retardant tents; chairs/seating; tables; booths; fire extinguishers; and sinks.
- o Arrange for and provide electrical service; natural gas; and gas grills.
- o Arrange and provide for telephone service.
- o If desired, obtain approval from Discovery Place for use of the Discovery Place parking lots.
- o Provide trash collection receptacles. Provide field marshalls, volunteers, or others to keep trash receptacles empty to keep the general area clean during the festival; and to clean up the area after the event.
- o Prevent artists, vendors, and others from blocking the streets in the festival area. SpringFest, Inc., must maintain order and keep streets open and accessible at all times. Fire lanes must be maintained.
- o Obtain appropriate ABC permits.
- o Comply with requirements and regulations as established and required by the County Environmental Health Department.
- o Erect barricades at street closings; provide and locate portable barricades at lane closings and detours. Provide uniformed, off-duty Police at street closings to assist with traffic control.
- o Provide emergency/first aid station.
- o Obtain all necessary licenses/permits and satisfy all regulations (ex. sales tax) as required by law which are applicable to this type of festival and event. Submit application to City Council for permit for selling, dispensing, and consumption of beer/wine.
- o Plan; coordinate; and responsibility for all exhibits; exhibitors; vendors; and performing artists/entertainment. City exhibits and sponsored events excluded.
- o Notify all property owners/businesses/tenants within or adjacent to the SpringFest site, or who are otherwise affected by the festival, notifying these persons of the dates, times, location, and street closings. SpringFest, Inc. will work cooperatively to provide signage identifying the event's hours, and that insofar as possible will work with the merchants for parking on Saturday, April 28, 1984.
- o Assist with plans and details for the foot races and bike race.

ATTACHMENT II

PART A

SPRINGFEST 1984  
PROPOSED STREET CLOSINGS, DATES, AND TIMES

- o Sixth Street, 9:00 a.m. Friday, April 27-8:00 p.m. Sunday, April 29, 1984, between Pine and Brevard Streets.
- o Fifth Street, 9:00 a.m. Friday, April 27-8:00 p.m. Sunday, April 29, 1984, between Pine and Brevard Streets.
- o North Poplar Street, 9:00 a.m. Friday, April 27-8:00 p.m. Sunday, April 29, 1984, between Trade and Seventh Streets.
- o North Church Street, 9:00 a.m. Friday, April 27-8:00 p.m. Sunday, April 29, 1984, between Trade and Seventh Streets.
- o North College Street, 9:00 a.m. Friday, April 27-8:00 p.m. Sunday, April 29, 1984, between Trade and Seventh Streets, and in accordance with the following requirement: Limited access will be provided for merchants and customers of merchants along this segment of North College Street up until 4:00 p.m. on Friday afternoon; and that SpringFest, Inc. will work cooperatively to provide signage identifying the hours and that insofar as possible they will work with the merchants for parking needs on Saturday, April 28, 1984.
- o North Tryon Street, 9:00 a.m. Friday, April 27-8:00 p.m. Sunday, April 29, 1984, between Trade and Seventh Streets. In regard to the closing of this segment of Tryon Street for SpringFest '84, the following must be taken into consideration: when construction begins in January, 1984, on the Transit Mall, that portion of Tryon Street between Stonewall and Eighth Streets will be turned over to the contractor for construction of the Mall. The segment of N. Tryon Street requested for closing by SpringFest, Inc., may or may not be closed, in part or in entirety at the time of the festival, depending upon decisions and actions by the contractor

November 14, 1983  
Resolution Book 19 - Page 458

ATTACHMENT II

PART B

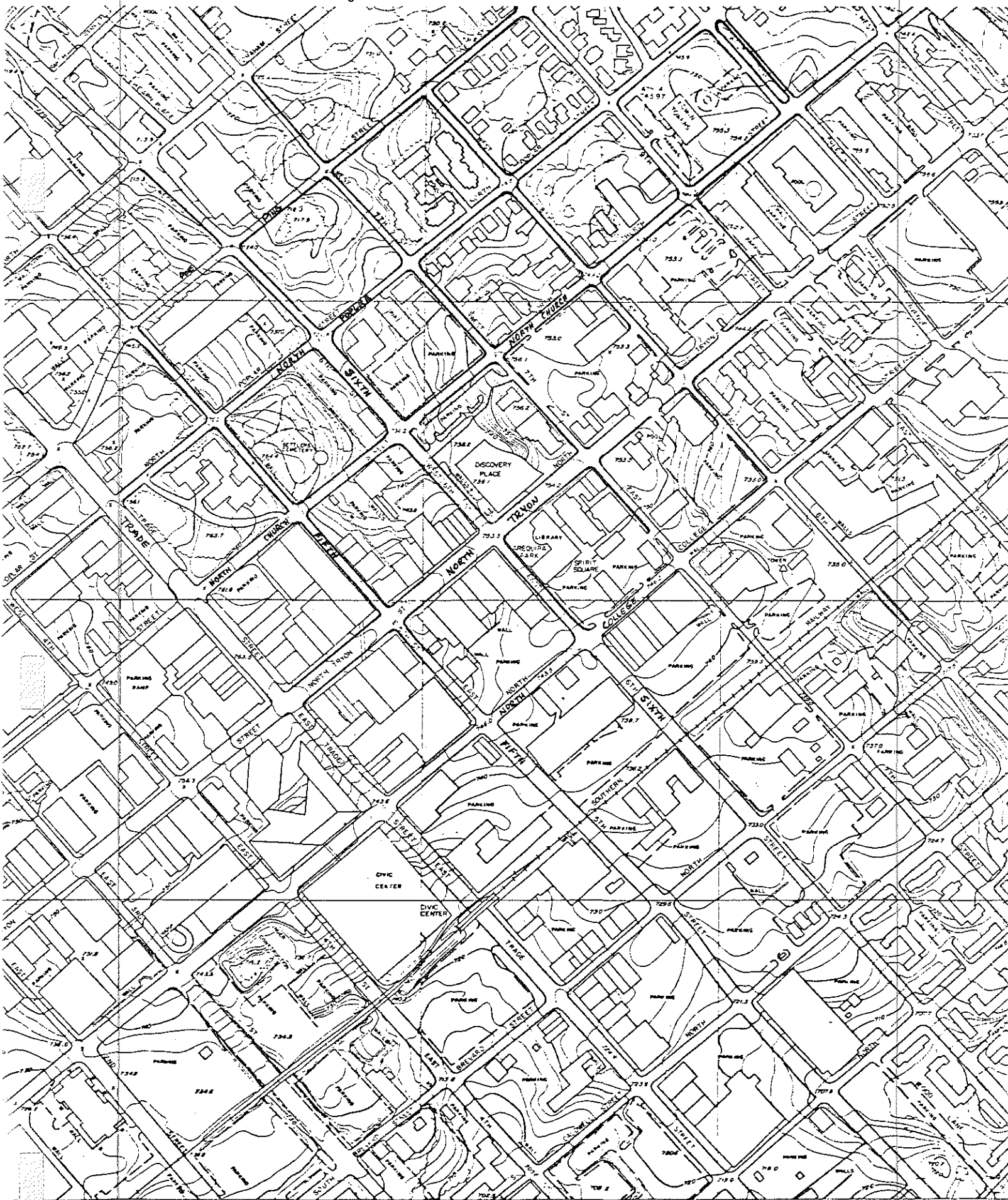
SPRINGFEST 1984  
SITE PLAN AND STREET CLOSINGS  
CONDITIONS OF APPROVAL

Attached Site Plan approved per following conditions:

- o SpringFest, Inc., shall contact all property owners/businesses/tenants/trustees that are either within or adjacent to the site plan area, or who will be directly affected by the street closings, by written notification, advising such persons of the proposed festival and its dates, times, and street closings, as well as required City Council action.
- o SpringFest, Inc., shall provide and incur the expense for 164 portable barricades and twelve (12) uniformed, off-duty Police Officers.
- o SpringFest, Inc., shall incur the expense of the City's cost to provide signage for traffic information, street closings, and detours, whereas this signage is determined to be necessary for this festival, and therefore would not be necessary or required except for this event.
- o SpringFest, Inc., shall provide a plan describing how on-street and off-street parking, parking lots, parking facilities, and accessibility to the same, will be coordinated and provided for the users, including residential, of such amenities and facilities.
- o SpringFest, Inc., shall provide the City with two (2) exhibit spaces and locations: one for Transit Mall promotion; and one for exhibit of City Services or other use as determined by the City.
- o SpringFest, Inc., shall provide site plans and details for approval for 1) the stage locations and 2) bicycle race and race course. Such plans and details shall include identification of necessary street closings; description and location of auxiliary equipment or services; and plans to provide public notice.
- o SpringFest, Inc., shall provide the Public with sufficient and proper advance notice of the festival's site plan; dates and times; street closings; foot and bicycle races, including courses, dates, and times; and available parking.

The requirements of hold harmless agreement, performance bond, and insurance are addressed in the contract to be executed between the City of Charlotte and SpringFest, Inc.

November 14, 1983  
Resolution Book 19 - Page 459



SPRINGFEST 1984 SITE PLAN

- FESTIVAL SITE PLAN
- BICYCLE RACE COURSE

ATTACHMENT II  
PART C

November 14, 1983  
Resolution Book 19 - Page 460

A RESOLUTION AUTHORIZING THE NEGOTIATIONS AND EXECUTION OF A GAS DEVELOPMENT LEASE BETWEEN THE CITY OF CHARLOTTE AND GETTY SYNTHETIC FUELS, INC. FOR YORK ROAD LANDFILL.

WHEREAS, the General Assembly of North Carolina in its 1983 Session ratified Chapter 795 (House Bill 322) which, among other things, authorizes "cities and counties to evaluate proposals and negotiate contracts on the basis of factors other than price alone"; and

WHEREAS, the same Chapter 795 amended N.C. Gen. Stat. § 143-129.2(e) to provide that, notwithstanding any other provision of law, "a contract may be negotiated and entered into between a unit of local government and any person selected as a responsible proposer" for "the sale, utilization or disposal of any form of energy, recovered material or residue resulting from the operation of any solid waste management facility"; and

WHEREAS, the City of Charlotte wishes to enter into a 20-year gas development lease for its York Road Landfill; and

WHEREAS, Chapter 795 amended N.C. Gen. Stat. § 143-129.2(e) to provide that the unit of local government may make a contract award to any responsible proposer "based upon a determination that the selected proposal is more responsive to the request for proposals"; and

WHEREAS, the City of Charlotte has advertised and distributed its "City of Charlotte Request For Proposal Refuse Gas Recovery System York Road Landfill"; and

WHEREAS, the City of Charlotte has complied with the requirements of Chapter 795 of the 1983 Session of the General Assembly of North Carolina; and



November 14, 1983  
Resolution Book 19 - Page 461

WHEREAS, Chapter 795 authorizes a city to "negotiate a contract with said proposer for the performance of services set forth in the request for proposals".

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte makes the determination that the "York Road Landfill Proposal" submitted by Getty Synthetic Fuels, Inc., is the most responsive proposal to the City of Charlotte's Request for Proposal and, therefore, the City of Charlotte awards the gas development lease to Getty Synthetic Fuels, Inc. subject to the following two conditions:

1. That the City Manager or his designee negotiate with Getty Synthetic Fuels, Inc., as a potential lessee, a royalty no less than equal to 12-1/2% of the gross proceeds received by the lessee from the sale of refuse gas and/or constituent products produced by the landfill, less tax obligations, or a negotiated royalty payment in excess of 12-1/2%.

2. That the City Attorney negotiate as necessary in order to approve the gas development lease as in compliance with the laws of the State of North Carolina and sufficient to protect the legal interests of the City of Charlotte.

BE IT FURTHER RESOLVED that the City Council of the City of Charlotte authorizes the Mayor and the City Clerk to properly execute a gas development lease with Getty Synthetic Fuels, Inc., that includes a royalty payment no less than 12-1/2% of the gross

November 14, 1983  
Resolution Book 19 - Page 462

proceeds received by the lessee from the sale of refuse gas and/or constituent products produced by the landfill, less tax obligations, and a gas development lease approved by the City Attorney.

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 at its regular session convened on 14th day of November, 1983. The reference having been made in Minute Book 81 page        and recorded in full in Resolutions Book 19 pages 460-462.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 16th day of November, 1983.

Pat Sharkey, City Clerk

"RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF CHARLOTTE FOR CONDEMNATION ACTION IN THE  
FIVE POINTS NEIGHBORHOOD STRATEGY AREA"

WHEREAS the City of Charlotte has undertaken the Redevelopment of the Five Points Neighborhood Strategy area, an Urban Redevelopment Project, in accordance with the provisions of Article 22 of Chapter 160A of the General Statutes of North Carolina; and

WHEREAS the Urban Redevelopment Law as set out in said Article and Chapter provides for the acquisition, preparation, sale, sound replanning, and redevelopment of property within a redevelopment area, as defined by said law; and

WHEREAS such area has been established in accordance with the requirements of such law and the said Five Points Neighborhood Strategy Area approved by the Governing Body of the City of Charlotte; and

WHEREAS such law specifically provides for the exercise of power of Eminent Domain in order to achieve and accomplish the purpose of the law as set out in said Article 22 of Chapter 160A, such purpose being in the public interest and designed to promote the health, safety and welfare of the inhabitants of this community and locality; and

WHEREAS the City of Charlotte, pursuant to the applicable laws and regulations, has endeavored to establish a fair market value on properties within the area, and has made a good faith effort through its proper agents to negotiate for the acquisition of properties within the fair market value thereof; and

WHEREAS the City of Charlotte, after such fair negotiations, has of this date been unable to acquire properties as hereinafter set out and recognizes that such acquisition is essential to the achievement of the plans and accomplishment of the purpose of the redevelopment law as the same relates thereto; and

WHEREAS it therefore appears that it will be necessary for the City of Charlotte to institute condemnation proceedings under the provisions of the North Carolina Law of Eminent Domain and the exercise of powers thereunder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that the Council approves and hereby orders the institution of condemnation proceedings in its proper corporate name with respect to the following properties:

Block 16, Parcel 2, Heirs of Ella Z. Davidson, 510 Mill Road, Charlotte, NC  
Fair Market Value \$900.00.

Approved as to form:

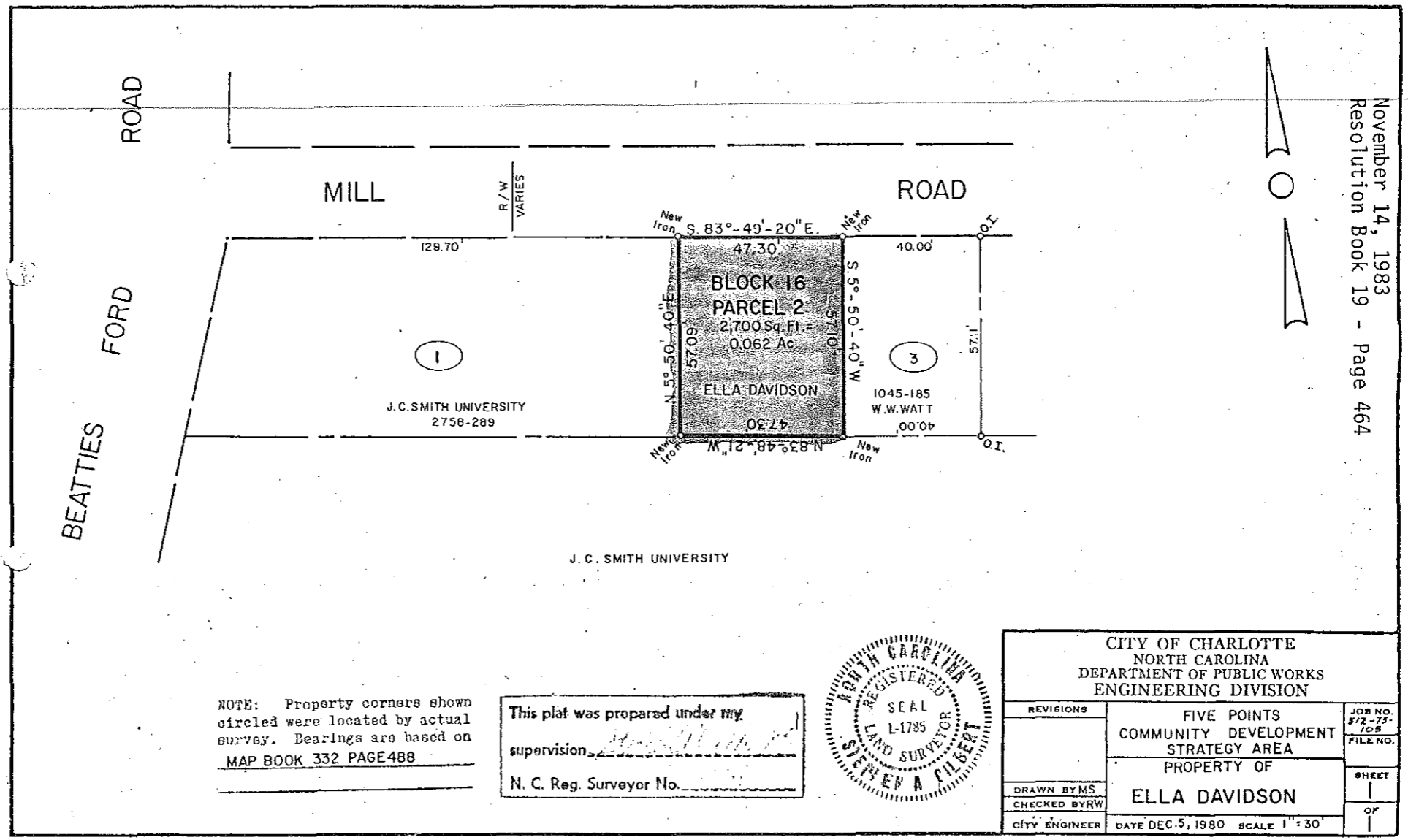
  
City Attorney

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 14th day of November, 1983, the reference having been made in Minute Book 81, and recorded in full in Resolution Book 19, at Page(s) 463-464.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16th day of November, 1983.

November 14, 1983  
Resolution Book 19 - Page 464



NOTE: Property corners shown circled were located by actual survey. Bearings are based on MAP BOOK 332 PAGE 488

This plat was prepared under my supervision *[Signature]*  
N. C. Reg. Surveyor No. \_\_\_\_\_



CITY OF CHARLOTTE NORTH CAROLINA DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION		
REVISIONS	FIVE POINTS COMMUNITY DEVELOPMENT STRATEGY AREA	JOB NO. 512-75- 105 FILE NO.
	PROPERTY OF <b>ELLA DAVIDSON</b>	SHEET   OF 
DRAWN BY MS CHECKED BY RW CITY ENGINEER	DATE DEC. 5, 1980 SCALE 1" = 30'	

November 14, 1983  
Resolution Book 19 - Page 465

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO JAMES H. CARSON, SR. AND WIFE, CHARLOTTE M. CARSON, OWNERS; IMPERIAL "400" NATIONAL, INC., LESSEE; HENDERSON BELK ENTERPRISES, INC., LESSEE; COMPUTERIZED APARTMENT LOCATORS, INC., LESSEE; THERMASOL, LTD., CREDITOR, AND ANY OTHER OWNERS OF RECORD AT THE TIME OF CONDEMNATION LOCATED AT 1025 SOUTH TRYON STREET, IN THE CITY OF CHARLOTTE FOR CONSTRUCTION OF THE TRYON-COLLEGE CONNECTOR

WHEREAS, the City Council finds as a fact that it is necessary to acquire a portion of the property belonging to JAMES H. CARSON, SR. and wife, CHARLOTTE M. CARSON, Owners; IMPERIAL "400" NATIONAL, INC., Lessee; HENDERSON BELK ENTERPRISES, INC., Lessee; COMPUTERIZED APARTMENT LOCATORS, INC., Lessee; and THERMASOL, LTD., Creditor, and any other owners of record at the time of condemnation, located at 1025 South Tryon Street, in the City of Charlotte, for construction of the Tryon-College Connector, a permanent drainage easement, and a temporary construction easement; 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 and tenants 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 437 of the 1983 Session Laws of North Carolina, being the Charter of The City of Charlotte, as amended, and the authority granted by North Carolina General Statutes 160A-241, condemnation proceedings are hereby authorized to be instituted against the property of JAMES H. CARSON, SR. and wife, CHARLOTTE, M. CARSON, Owners; IMPERIAL "400" NATIONAL, INC., Lessee; HENDERSON BELK ENTERPRISES, INC., Lessee; COMPUTERIZED APARTMENT LOCATORS, INC., Lessee; THERMASOL, LTD., Creditor, and any other owners of record at the time of condemnation, located at 1025 South Tryon Street in The City of Charlotte, Mecklenburg County, North Carolina, under the procedures set forth in Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that \$125,700.00, the amount of the appraised value of said property, is hereby authorized to be deposited in the Office of the Clerk of Superior Court of Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

Approved as to form:

*Henry W. Underhill, Jr.*  
City Attorney

CERTIFICATION

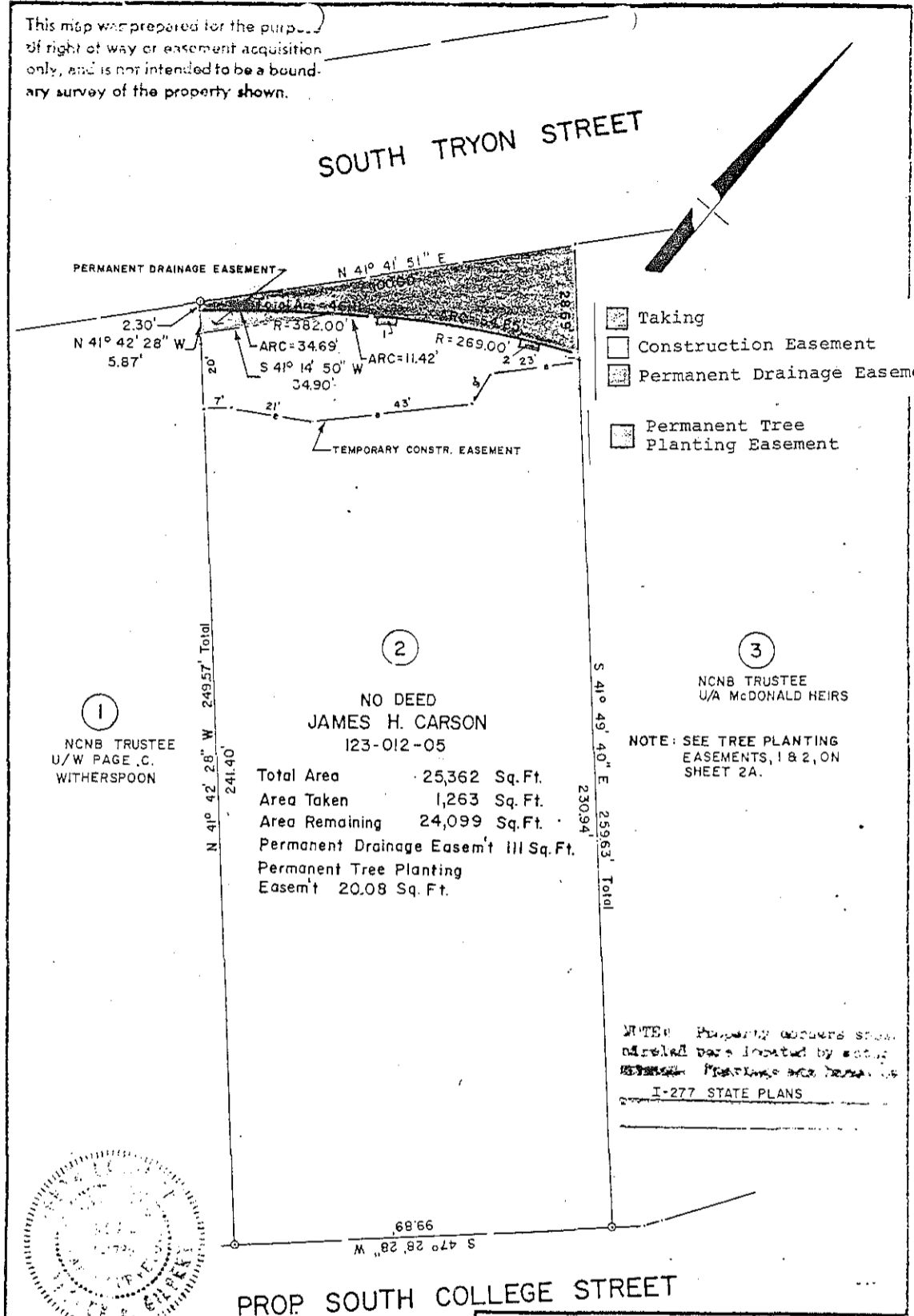
I, PAT SHARKEY, City Clerk of The City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of The City of Charlotte, North Carolina, in regular session convened on the 14th day of November, 19 83, and the reference having been made in Minute Book 81, Page \_\_\_\_\_, and recorded in full in Resolutions Book 19, Pages 465-466

WITNESS my hand and the corporate seal of The City of Charlotte, North Carolina, this the 16th day of November, 19 83.

\_\_\_\_\_  
City Clerk

November 14, 1983  
 Resolution Book  
 19 - Page 466

This map was prepared for the purpose of right of way or easement acquisition only, and is not intended to be a boundary survey of the property shown.



- Taking
- Construction Easement
- Permanent Drainage Easement
- Permanent Tree Planting Easement

①  
 NCNB TRUSTEE  
 U/W PAGE, C.  
 WITHERSPOON

②  
 NO DEED  
 JAMES H. CARSON  
 123-012-05  
 Total Area 25,362 Sq. Ft.  
 Area Taken 1,263 Sq. Ft.  
 Area Remaining 24,099 Sq. Ft.  
 Permanent Drainage Easem't 111 Sq. Ft.  
 Permanent Tree Planting Easem't 20.08 Sq. Ft.

③  
 NCNB TRUSTEE  
 U/A McDONALD HEIRS

NOTE: SEE TREE PLANTING EASEMENTS, 1 & 2, ON SHEET 2A.

NOTE: Property corners shown circled were located by actual measurements and shown on I-277 STATE PLANS



This map was prepared under my supervision by \_\_\_\_\_  
 JAMES HOLMES CARSON  
 CIVIL ENGINEER

PROP SOUTH COLLEGE STREET

CITY OF CHARLOTTE  
 NORTH CAROLINA  
 DEPARTMENT OF PUBLIC WORKS  
 ENGINEERING DIVISION

REVISIONS	PROPOSED R/W	JOB NO.
CONTRACT EASEMENTS DRAINAGE EASEMENTS 12/11/82 NO TREE PLANTING AND EASEMENTS 3/11/83	S. TRYON STREET AND S. COLLEGE STREET CONNECTOR	512-1103
	PROPERTY OF	FILE NO.
DRAWN BY AR	JAMES HOLMES CARSON	
CHECKED BY X		SHEET
CITY ENGINEER	DATE 11/22/82 SCALE 1"=30'	2
		OF
		6

November 14, 1983  
Resolution Book 19 - Page 467

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO CRAVER REALTY CORPORATION, OWNERS; TOM BOONE, D/B/A - BOONE AND HEGE COMPANY, PARTNERSHIP, LESSEE; BUDDY HEGE, D/B/A - BOONE AND HEGE COMPANY, PARTNERSHIP, LESSEE; DON MCGEE, D/B/A - MCGEE CONSTRUCTION COMPANY, LIENHOLDER; SAM BOLTON, BONDSMAN, TENANT; OREN ALEXANDER, BONDSMAN, TENANT; MCKEE REALTY COMPANY, PROPERTY MANAGER, AND ANY OTHER OWNERS OF RECORD OR PARTIES OF INTEREST AT THE TIME OF CONDEMNATION LOCATED AT 500-502 EAST FOURTH STREET, IN THE CITY OF CHARLOTTE FOR THE GOVERNMENTAL CENTER

WHEREAS, the City Council finds a fact that it is necessary to acquire the property belonging to CRAVER REALTY CORPORATION, OWNERS; TOM BOONE, D/B/A - BOONE AND HEGE COMPANY, PARTNERSHIP, LESSEE; BUDDY HEGE, D/B/A - BOONE AND HEGE COMPANY, PARTNERSHIP, LESSEE; DON MCGEE, D/B/A - MCGEE CONSTRUCTION COMPANY, LIENHOLDER; SAM BOLTON, BONDSMAN, TENANT; OREN ALEXANDER, BONDSMAN, TENANT; MCKEE REALTY COMPANY, PROPERTY MANAGER, and any other owners of record or parties of interest at the time of condemnation, located at 500-502 East Fourth Street in the City of Charlotte, for the acquisition of land for the Governmental Center; 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 and tenants for the purchase price.

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that pursuant to Section 7.81, Chapter 713 of the 1965 Session Laws of North Carolina, being the Charter of The City of Charlotte, as amended, and the authority granted by North Carolina General Statutes 160A-241, condemnation proceedings are here authorized to be instituted against the property of CRAVER REALTY CORPORATION, OWNERS; TOM BOONE, D/B/A - BOONE AND HEGE COMPANY, PARTNERSHIP, LESSEE; BUDDY HEGE, D/B/A - BOONE AND HEGE COMPANY, PARTNERSHIP, LESSEE; DON MCGEE, D/B/A - MCGEE CONSTRUCTION COMPANY, LIENHOLDER; SAM BOLTON, BONDSMAN, TENANT; OREN ALEXANDER, BONDSMAN, TENANT; MCKEE REALTY COMPANY, PROPERTY MANAGER, and any other owners of record or parties of interest at the time of condemnation, located at 500-502 East Fourth Street, in the City of Charlotte, Mecklenburg County, North Carolina, under the procedures set forth in Chapter 40A of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that \$223,800.00, 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.

November 14, 1983  
Resolution Book 19 - Page 468

Approved as to form:

*Shura A. Kratt*  
Asst. 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 14th day of November, 1983, and the reference having been made in Minute Book 81, Page \_\_\_\_\_, and recorded in full in Resolutions Book 19, Pages 467-469.

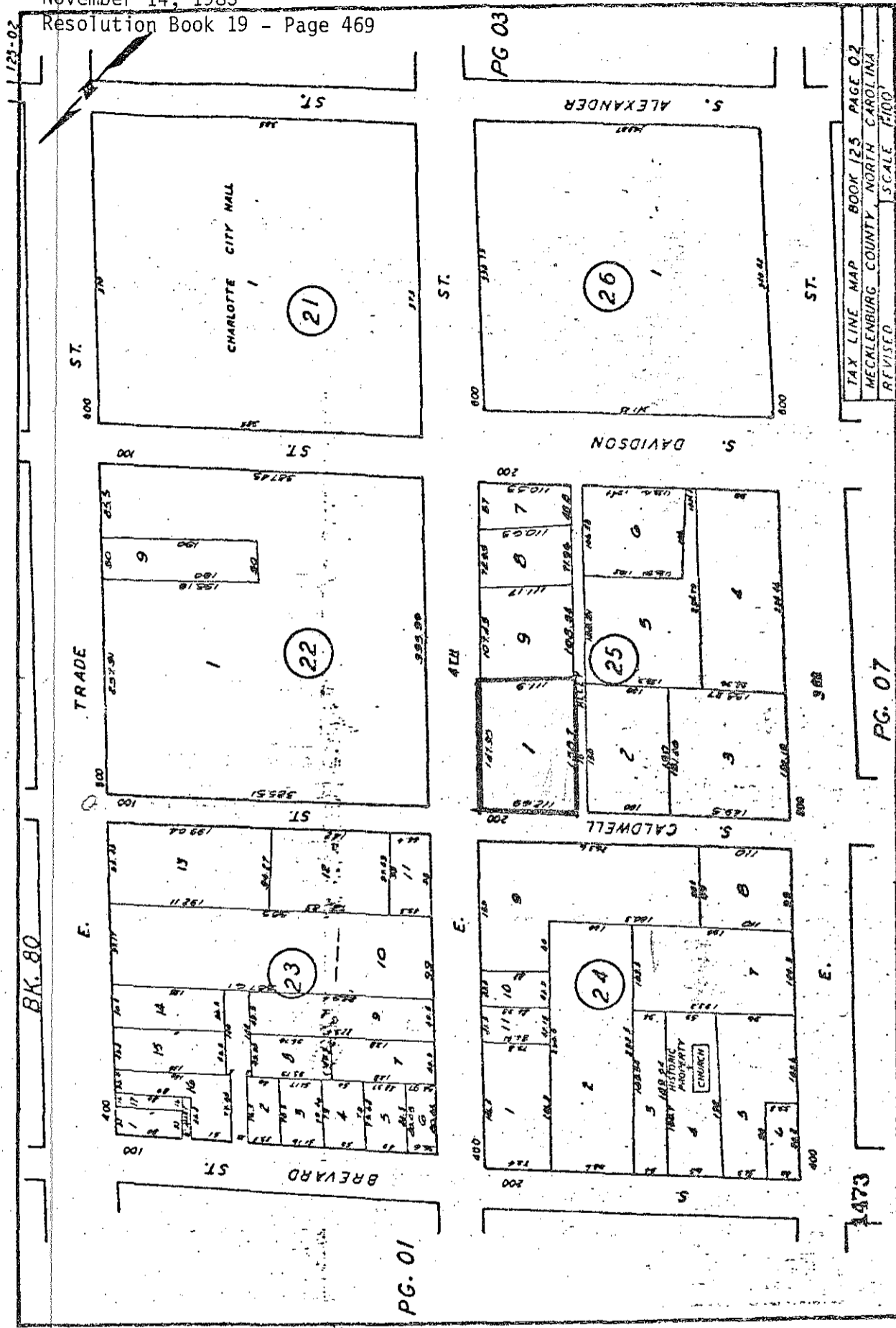
WITNESS my hand and the corporate seal of The City of Charlotte, North Carolina, this the 16th day of November, 1983.

\_\_\_\_\_  
City Clerk

(CORPORATE SEAL)



November 14, 1983  
Resolution Book 19 - Page 469



BK. 80

PG. 01

TAX LINE MAP BOOK 125 PAGE 02  
 MECKLENBURG COUNTY NORTH CAROLINA  
 REVISED SCALE 1"=100'

PG. 07

FOR TAX PURPOSES ONLY

1473

November 14, 1983  
Resolution Book 19 - Page 470

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION  
PURSUANT TO G.S. 160A-31, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Council has by resolution directed the City Clerk to investigate the sufficiency thereof; and

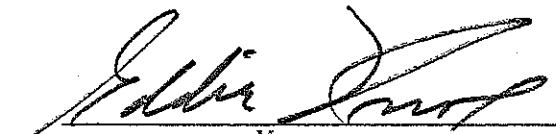
WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made;

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

Section 1. That a public hearing on the question of annexation described herein will be held in the City Council Chambers, City Hall at 3:00 o'clock,     p.m., on the 12th day of December, 1983.

Section 2. The area proposed for annexation is described in Exhibit A attached hereto and incorporated herein by reference.

Section 3. Legal notice of said public hearing shall be published once in a newspaper having general circulation within the City of Charlotte at least ten (10) days prior to the date of the public hearing.

  
\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

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 14th day of November, 1983, the reference having been made in Minute Book 81, and recorded in full in Resolution Book 19, at Page(s) 470.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of November, 1983.

\_\_\_\_\_  
PAT SHARKEY, CITY CLERK

November 14, 1983  
Resolution Book 19 - Page 471

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN ENCROACHMENT AGREEMENT WITH SOUTHERN RAILWAY COMPANY -E-2528

BE IT RESOLVED by the City Council of the City of Charlotte, that the Mayor and City Clerk are hereby authorized to execute an Encroachment Agreement with the Southern Railway Company to construct and maintain a traffic signal cable conduct crossing under the tracks of R-4 Southern Railway Company, 3504 feet South of Milepost R-4 at Charlotte, North Carolina. The City is to pay Fifty Dollars (\$50.00) to the railroad for administrative cost.

APPROVED AS TO FORM:

*Henry W. Underhill*  
City Attorney

CERTIFICATION

I, Pat Sharkey, City Clerk for the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in a regular session convened on the 14th day of November, 1983, the reference having been made in Minute Book 81, page \_\_\_\_\_.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16th day of November 1983.

\_\_\_\_\_  
City Clerk

472  
November 14, 1983  
Resolution Book 19 - Page 472

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO ERNEST CRAWFORD AND WIFE, EMMA CRAWFORD; JOHN D. WARREN, TRUSTEE FOR RAYMOND L. HAIRE AND WIFE, ELISE B. HAIRE; OR THE THEN PRESENT OWNER, LOCATED AT 750 WEST TRADE STREET, IN THE CITY OF CHARLOTTE, FOR STREET WIDENING FOR THE WEST TRADE STREET BOULEVARD PROJECT

WHEREAS, the City Council finds as a fact that it is necessary to acquire a portion of the property belonging to ERNEST CRAWFORD AND WIFE, EMMA CRAWFORD; JOHN D. WARREN, Trustee for RAYMOND L. HAIRE AND WIFE, ELISE B. HAIRE; OR THE THEN PRESENT OWNER, located at 750 West Trade Street, in the City of Charlotte, for street widening improvements for the West Trade Street Boulevard Project, plus a temporary construction easement; 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 437 of the 1983 Session Laws of North Carolina, being a portion of the Charter of the City of Charlotte, condemnation proceedings are hereby authorized to be instituted against the property of ERNEST CRAWFORD AND WIFE, EMMA CRAWFORD; JOHN D. WARREN, Trustee for RAYMOND L. HAIRE AND WIFE, ELISE B. HAIRE; OR THE THEN PRESENT OWNER, located at 750 West Trade Street in the City of Charlotte, Mecklenburg County, North Carolina, under the procedures set forth in Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that \$1,250.00, 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. This resolution amends the resolution passed September 26, 1983, and recorded at

Resolution Book 19, page 396 by correcting erroneous statutory citations.

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 14th day of November, 1983, and the reference having been made in Minute Book 81, Page       , and recorded in full in Resolutions Book 19, Page 472.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16th day of November, 1983.

\_\_\_\_\_  
City Clerk

November 14, 1983  
Resolution Book 19 - Page 473

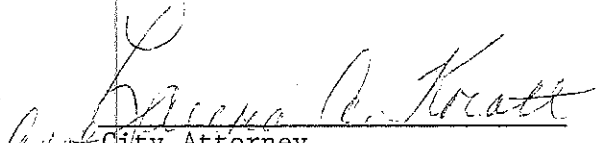
A RESOLUTION AUTHORIZING THE  
REFUND OF CERTAIN TAXES

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 14th day of November, 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 14th day of November, 19 83, the reference having been made in Minute Book 81 and recorded in full in Resolution Book 19, page(s) 473.

Pat Sharkey  
City Clerk

<u>TAXPAYER AND REFUND REQUESTED</u>		
<u>NAME</u>	<u>AMOUNT OF REFUND REQUESTED</u>	<u>REASON</u>
Mrs. E. R. Caldwell	5.00	Clerical Error
TOTAL	<u>\$5.00</u>	

COPY OF 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 North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements within this Municipality under Projects 8.1636601 and 8.1636610, Mecklenburg County, said plans consisting of the construction and improvement of I-85 from south of Beatties Ford Road to south of I-77; and,

WHEREAS, said Department of Transportation and this Municipality propose to enter into an agreement for the above mentioned project whereby this Municipality agrees: (1) to effect the necessary adjustment of any utilities under franchise without cost to the Department of Transportation, and (2) to provide for the adjustment of any municipally owned utilities without cost to the Department of Transportation, except that said Department will reimburse this Municipality in accordance with said Department's Municipally Owned Utility Policy; and,

WHEREAS, the Department agrees to have certain water and sewer lines installed by the contractor and the Municipality agrees to reimburse the Department in one lump sum payment after completion of construction and upon billing by the Department; and,

WHEREAS, said Department of Transportation agrees to acquire the right of way and construct the project in accordance with the approved project plans; and,

WHEREAS, the agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion.

NOW, THEREFORE, BE IT RESOLVED that Projects 8.1636601 and 8.1636610, 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.

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 14th day of November, 1983.

WITNESS, my hand and the official seal of said Municipality on this the 29th day of November, 1983.

(SEAL)

CLERK  
MUNICIPALITY OF CHARLOTTE  
NORTH CAROLINA

COPY OF 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 North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements within this Municipality under Project 8.1636601 and 8.1636606, Mecklenburg County, said plans consisting of the construction improvement of I-85 from US 21 to NC 49.

WHEREAS, said Department of Transportation and this Municipality propose to enter into an agreement for the above mentioned project whereby this Municipality agrees: (1) to effect the necessary adjustment of any utilities under franchise without cost to the Department of Transportation, and (2) to provide for the adjustment of any municipally owned utilities without cost to the Department of Transportation, except that said Department will reimburse this Municipality in accordance with said Department's Municipally Owned Utility Policy; and,

WHEREAS, the Department agrees to have certain water and sewer lines installed by the contractor and the Municipality agrees to reimburse the Department in one lump sum payment after completion of construction and upon billing by the Department.

WHEREAS, said Department of Transportation agrees to acquire the right of way and construct the project in accordance with the approved project plans; and,

WHEREAS, the agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion.

WHEREAS, the Municipality shall purchase and install the required traffic signal equipment for the project, and whereby the Department of Transportation shall reimburse the Municipality a lump sum amount of \$23,500.00 for the cost of the signal equipment, labor, equipment rental; and

NOW, THEREFORE, BE IT RESOLVED that Project 8.1636601 and 8.1636606, 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.

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 14th day of November, 1983.

WITNESS, my hand and the official seal of said Municipality on this the 29th day of November, 1983.

(SEAL)

CLERK  
MUNICIPALITY OF CHARLOTTE  
NORTH CAROLINA