

April 24, 1989
Resolution Book 25 - Page 170

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE EXPRESSING ITS OPPOSITION TO HOUSE BILL 1035

WHEREAS, on April 6, Representative Harry Grimmer introduced House Bill 1035 in the General Assembly; and

WHEREAS, this bill, if enacted, would require the three-fourths favorable vote of all members of a city council or a county commission to "down zone" or rezone a property to a less intensive use unless the owner of the property consents; and

WHEREAS, while the City Council acknowledges the constitutional obligations of government officials to respect private property rights, this bill represents an unreasonable infringement on the authority of local officials to make appropriate land use decisions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session duly assembled, that it does hereby express its opposition to House Bill 1035 and urges all members of the Mecklenburg Legislative Delegation to vote against the passage of this bill in its present form.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to all members of the Mecklenburg Legislative Delegation.

This the 24th day of April, 1989.

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 24th day of April, 1989, the reference having been made in Minute Book 92, and is recorded in full in Resolution Book 25, at page(s) 170-171

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of April, 1989.

Pat Sharkey, City Clerk

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A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN ENCROACHMENT AGREEMENT WITH NORFOLK SOUTHERN RAILWAY COMPANY FOR CONSTRUCTION OF WESTINGHOUSE BOULEVARD OVERHEAD BRIDGE AND A BUDGET ORDINANCE OF 1.7 MILLION DOLLARS

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 Norfolk Southern Railway Company for construction of Westinghouse Boulevard Overhead Bridge and a Budget Ordinance for \$1.7 Million Dollars for all project right-of-way which includes funds for the above agreement as well as City Administrative fees and other related project costs.

APPROVED AS TO FORM:

Henry W. Underhill Jr.

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 24th day of April 1989, the reference having been made in Minute Book 92, page _____, and recorded in full in Resolution Book 25, page 172.
Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of April, 1989.

City Clerk

April 24, 1989
Resolution Book 25 - Page 173

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN ENCROACHMENT AGREEMENT WITH SOUTHERN RAILWAY SYSTEM AND APPROVE A ONE TIME FEE OF \$50.00 FOR THE RAILROAD'S ADMINISTRATIVE COST FOR INSTALLATION OF A 12 INCH WATER MAIN ALONG CONTINENTAL BOULEVARD
JOB NO: 512-89-205

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 System for the railroad's Administrative Cost For Installation Of A 12 Inch water Main Along Continental Boulevard.

APPROVED AS TO FORM:

Henry W. Chandler Jr.

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 24th day of April 1989, the reference having been made in Minute Book 92, page _____, and recorded in full in Resolution Book 25, page 173.
Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of April, 1989.

City Clerk

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

A motion was made by Councilmember Vinroot and seconded by
Councilmember Rouso 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 5.107017T, Mecklenburg County; said project to consist of the installation of traffic signal controllers and cabinets at (1) Beatties Ford Rd. (SR 2074) and Sunset Rd. (SR 2108), (2) Sunset Rd. (US 21) and Statesville Rd. (SR 2691) and Old Statesville Rd. (NC 115), (3) York Rd. (NC 49) and Westinghouse Blvd. (SR 1128/SR 1410), (4) Albemarle Rd. (NC 24-27) and Lawyers Rd. (SR 3128), (5) N. Tryon St. (US 29/NC 49) and Dalton Ave., (6) N. Tryon St. (US 29/NC49) and 24th St., (7) N. Tryon St. (US 29/NC 49) and 28th St., (8) N. Tryon St. (US 29/NC 49) and 32nd St., (9) N. Tryon St. (US 29/NC 49) and Atando Ave., (10) N. Tryon St. (US 29/NC 49) and 36th St.; and,

WHEREAS, the Department of Transportation desires to enter into an Agreement with the City of Charlotte whereby the City of Charlotte shall furnish and install traffic signal controllers and cabinets; and,

WHEREAS, the Department of Transportation shall reimburse the City of Charlotte a lump-sum amount of \$4,500.00 per installation up to a maximum of \$45,000.00 for the work performed by the City of Charlotte;

NOW, THEREFORE, BE IT RESOLVED that Project 5.107017T, Mecklenburg County, is hereby formally approved by the City Council of the Municipality of Charlotte and that the Mayor and Clerk of the 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 24th day of April, 1989

WITNESS, my hand and the official seal of said Municipality on this
the 25th day of April, 1989

SEAL

CLERK
MUNICIPALITY OF CHARLOTTE
NORTH CAROLINA

Approved as to Form

Henry W. Underhill Jr.
City Attorney

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-County 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 RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 24th day of April, 1989, 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:

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 24th day of April, 1989, the reference having been made in Minute Book 92 and recorded in full in Resolution Book 25, page(s) 175.

Pat Sharkey
City Clerk

TAXPAYERS AND REFUNDS REQUESTED

<u>NAME</u>	<u>AMOUNT OF REFUND REQUESTED</u>	<u>REASON</u>
N. C. Florenz	\$132.00	Clerical error
	<hr/>	
	\$132.00	

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A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of The City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the North Carolina Highway 51 Widening-Phase IV Project; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to locate all the parties in interest, and has, therefore, been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

<u>Parties in Interest</u>	<u>Property Description</u>	<u>Appraised Value</u>
WC&C, Inc.	642.40 s.f., plus 6,807.62 s.f. for permanent drainage easement, and 18,780.14 s.f. for temporary con- struction easement for Tax Parcel No. 213- 041-01	\$ 10,000.00
Any Other Parties in Interest	(Same)	(Included)

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

Approved as to form:

Henry W. Claden, 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 24th day of April, 1989, the reference having been made in Minute Book 92, and is recorded in full in Resolution Book 25, at page(s) 176.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of April, 1989.

Pat Sharkey, City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of The City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the North Carolina Highway 51 Widening-Phase IV Project; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to locate all the parties in interest, and has, therefore, been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

<u>Parties in Interest</u>	<u>Property Description</u>	<u>Appraised Value</u>
WC&C, Inc.	408.09 s.f. for permanent drainage easement, and 4,472 s.f. for temporary construction easement for Tax Parcel No. 227-061-28	\$ 2,800.00
Any Other Parties in Interest	(Same)	(Included)

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

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 24th day of April, 1989, the reference having been made in Minute Book 92, and is recorded in full in Resolution Book 25, at page(s) 177.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of April, 1989.

Pat Sharkey, City Clerk

April 24, 1989
Resolution Book 25 - Page 178

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of The City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the North Carolina Highway 51 Widening-Phase IV Project; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to locate all the parties in interest, and has, therefore, been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

<u>Parties in Interest</u>	<u>Property Description</u>	<u>Appraised Value</u>
WC&C, Inc.	348.74 s.f. for permanent drainage easement and 3,853 s.f. for temporary construction easement for Tax Parcel No. 227-481-41	\$ 2,500.00
Any Other Parties in Interest	(Same)	(Included)

IT IS FURTHER RESOLVED that the appraised value of the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, 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 24th day of April, 1989, the reference having been made in Minute Book 92, and is recorded in full in Resolution Book 25, at page(s) 178.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of April, 1989.

Pat Sharkey, City Clerk