

August 27, 1990
Resolution Book 26, Page 333

RESOLUTION CLOSING A PORTION OF SPRINGBROOK ROAD AND A PORTION OF SCHOLTZ ROAD LOCATED BETWEEN SOUTHERN RAILROAD RIGHT-OF-WAY AND ROUNTREE ROAD, 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 a portion of Springbrook Road and a portion of Scholtz Road which calls for a public hearing on the question; and

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to Close a portion of Springbrook Road and a portion of Scholtz Road to be sent by registered or certified mail to all owners of property adjoining the said street (or portion thereof), and prominently posted a notice of the closing and public hearing in at least two places along a portion of Springbrook Road, all as required by G.S. 160-299; and

WHEREAS, the public hearing was held on the 27th day of August, 1990, and City Council determined that the closing of Springbrook Rd & Scholtz Rd 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 August 27, 1990, that the Council hereby orders the closing of Springbrook & Scholtz Street in the City of Charlotte, Mecklenburg County, North Carolina as described below:

(Metes and Bounds Description)

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 27th day of August, 1990, the reference having been made in Minute Book 96, page _____, and recorded in full in Resolution Book 26, Page 333-334.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of August, 1990.

Pat Sharkey, City Clerk

EXHIBIT B

BEGINNING at a nail set in the northerly edge of the existing pavement of the right-of-way of Roundtree Road, which nail marks the intersection of the aforesaid northerly edge of the existing pavement of Roundtree Road with the easterly margin of the right-of-way of Spring Brook Road, which rights-of-way are shown on a map recorded in Map Book 3 at Page 208 in the Mecklenburg County Public Registry; and running thence from said beginning point, with the southerly margin of the right-of-way of Spring Brook Road N. 73-53-46 W. 31.96 feet to a point; thence with the westerly margin of the right-of-way of Spring Brook Road N. 04-05-05 W. 478.09 feet to a point; thence N. 83-06-24 E. 30.04 feet to a point; thence S. 04-05-05 E. 490.59 feet to the point or place of Beginning and containing 14,530 square feet all as shown on survey of F. Donald Lawrence dated May 8, 1990 and entitled "Physical Survey for 77 Center Investors II, L.P." a copy of which is attached hereto and incorporated herein.

EXHIBIT B

BEGINNING at an iron found at the point of intersection of the southerly margin of the right-of-way of Scholtz Road with the easterly margin of the right-of-way of Spring Brook Road, as shown on a map recorded in Map Book 3 at Page 208 in the Mecklenburg County Public Registry, and running thence from said beginning point with the westerly margin of Spring Brook Road N. 04-05-05 W. 30.09 feet to a point; thence N. 81-38-06 E. 90.50 feet to a point in the westerly margin of the above described Southern Railway Company property; thence S. 23-54-54 E. 31.44 feet to a point; thence S. 81-20-06 W. 102.22 feet to the point or place of Beginning and containing 2890 square feet as shown on survey of Ronald Lawrence, N.C.R.L.S. entitled "Physical Survey for 77 Center Investors II, L.P." dated May 8, 1990, a copy of which is attached hereto and incorporated herein by reference.

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LINE	BEARING	DISTANCE
1	N 90° 59' 52" E	18.29
2	N 73° 53' 46" W	31.96
3	N 83° 06' 24" E	30.04
4	N 83° 06' 24" E	4.63

S.P. Birkhoff

77 Center Investors II Limited Partnership
DB 5552 pg. 102

Spring Brook Road 14530 s.f.

Lot 35
Blk 5
10448 S.F.
North of Scholtz Rd.

Scholtz Rd.
2890 s.f.
N 81° 30' 06" E 102.22
S 81° 30' 06" W 80.50

Southern Railway Co.
Railroad Track
DB 1782 pg. 165

Lot 14
Blk 5

Lot 15
Blk 5

44095 s.f.
South of Scholtz Rd

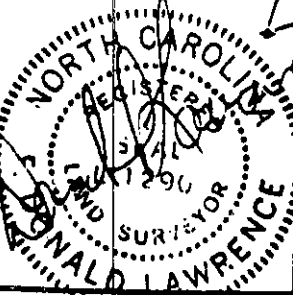
Lot 13
Blk 5

Lot 12
Blk 5

Lot 11
Blk 5

right of way of southern
existing pavement (center of
Ridgeway Road - Map Book 3 pgs 208)
This point is also located N 87° 44' 16" W
345.59' from the intersection of the center-
lines of the existing pavement of Roundtree Rd.
and the Southern Railway track

Roundtree Road



Physical Survey for
77 Center Investors II, L.P.
Charlotte, North Carolina

Orig. scale 1" = 50'
Surveyed by: F. Donald Lawrence & Associates, P.A.
Date: May 8, 1990
109B N. Main St. P.O. Box 1014
Monroe, North Carolina 28110 (704) 289-1013

EXTRACT FROM MINUTES
OF MEETING OF CITY COUNCIL OF
THE CITY OF CHARLOTTE

The City Council of the City of Charlotte, North Carolina, met in regular session at the Council Chambers in the City Hall in Charlotte, North Carolina at 2:30 p.m. on August 27, 1990.

Present: Mayor Sue Myrick, presiding, and Councilmembers Stan Campbell, Dan Clodfelter, Ann Hammond, Pat McCrory, Tom Mangum, Hoyle Martin, Roy Matthews, Cyndee Patterson, Ella Scarborough, Richard Vinroot and Lynn Wheeler

Absent: None

Also present: City Manager, O. Wendell White, City Attorney, Henry Underhill, and Finance Director, Richard Martin.

* * * * *

The Mayor announced that this was the date and hour fixed by the City Council for the public hearing upon the orders entitled:

"ORDER AUTHORIZING \$112,510,000 SANITARY SEWER BONDS",

"ORDER AUTHORIZING \$24,285,000 WATER BONDS"

and that the City Council would immediately hear anyone who might desire to be heard on the questions of the validity of any of such orders or the advisability of issuing said bonds.

No one appeared, either in person or by attorney, to be heard on said questions, and the ^{DEPUTY} City Clerk announced that no statement in writing had been received by her on the questions of the validity of any of said orders or the advisability of issuing said bonds, except as follows:

NONE

After the City Council had heard such persons, if any, who requested to be heard, the public hearing was closed.

Thereupon, upon motion of Councilmember Martin, seconded by Councilmember Hammond, the order introduced and passed on first reading on July 23, 1990, entitled "ORDER AUTHORIZING \$112,510,000 SANITARY SEWER BONDS", was read by title and summarized by the City Attorney a second time and placed upon its adoption. The vote upon the adoption of said order was:

Ayes: Councilmembers Campbell, Clodfelter, Hammond, McCrory, Mangum, Martin, Matthews, Patterson, Scarborough, Vinroot and Wheeler.

Noes: None.

The Mayor then announced that the order entitled: "ORDER AUTHORIZING \$112,510,000 SANITARY SEWER BONDS" had been adopted.

Thereupon, upon motion of Councilmember Mangum, seconded by Councilmember Wheeler, the order introduced and passed on

first reading on July 23, 1990, entitled: "ORDER AUTHORIZING \$24,285,000 WATER BONDS", was read by title and summarized by the City Attorney a second time and placed upon adoption. The vote upon the adoption of said order was:

Ayes: Councilmembers Campbell, Clodfelter, Hammond, McCrory, Mangum, Martin, Matthews, Patterson, Scarborough, Vinroot and Wheeler

Noes: None.

The Mayor then announced that the order entitled: "ORDER AUTHORIZING \$24,285,000 WATER BONDS" had been adopted.

The ^{DEPUTY} City Clerk was thereupon directed to cause to be published each of said orders in The Charlotte Observer once, with the appended note at the foot of each of said orders as required by The Local Government Bond Act, as amended.

In addition, by said motion of Councilmember Mangum, seconded by Councilmember Wheeler, the City Council ratified and approved the filing of a sworn statement of debt by the Deputy Director of Finance with the ^{DEPUTY} City Clerk.

Thereupon Councilmember Wheeler introduced the following resolution which was read by title and summarized by the City Attorney:

RESOLUTION CALLING A SPECIAL
BOND REFERENDUM

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

Section 1. A special bond referendum is hereby called to be held in the City of Charlotte on Tuesday, November 6, 1990, between 6:30 A.M. and 7:30 P.M., at which there shall be submitted to the qualified voters of the City of Charlotte the

questions set forth in the Notice of Special Bond Referendum included in Section 3 of this resolution.

Section 2. For said referendum, (i) the regular registration books for elections in Mecklenburg County shall be used, and the registration books, process or records shall be open for the registration of voters and for public inspection in the manner, under the conditions and at the times and places set forth in the Notice of Special Bond Referendum hereinafter provided for, (ii) the registrars, judges and other officers of elections appointed by the Mecklenburg County Board of Elections shall be the election officers for such referendum, and (iii) the precincts and voting places shall be those fixed by said County Board of Elections as provided in said Notice of Special Bond Referendum, subject to change as provided by law.

Section 3. That the ^{Deputy} City Clerk is hereby directed to cause a notice to be published in The Charlotte Observer once at least fourteen days before October 8, 1990 (being the last day on which persons may register for said referendum except as otherwise provided in said notice set forth in this Section) and once again not less than seven days before such day, such notice to read substantially as follows:

NOTICE OF SPECIAL BOND REFERENDUM
to be held in the
CITY OF CHARLOTTE, NORTH CAROLINA
on November 6, 1990

A special bond referendum will be held on Tuesday, November 6, 1990 between 6:30 A.M. and 7:30 P.M., at which there

will be submitted to the qualified voters of the City of Charlotte the following questions:

1.

Shall the order adopted on August 27, 1990, authorizing not exceeding \$112,510,000 Sanitary Sewer Bonds of the City of Charlotte, North Carolina, for the purpose of providing funds, with any other available funds, for enlarging, extending and improving the sanitary sewer system of said City, within and without the corporate limits, including planning, designing, constructing and installing outfalls, tributaries, tributary expansions, storage buildings, sludge storage, standby generators, lift stations, force mains, filter units, sewer trunk mains and sewer lines, wastewater treatment plants, including regional wastewater treatment plants, and plant additions and improvements, and acquisition of any necessary equipment, 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, be approved?

2.

Shall the order adopted on August 27, 1990, authorizing not exceeding \$24,285,000 Water Bonds of the City of Charlotte, North Carolina, for the purpose of providing funds, with any other available funds, for enlarging, extending and improving the water system of said City, within and without the corporate limits, including acquisition of land for future water treatment plants and future expansion of facilities, planning, designing, constructing and installing water mains and lines, standby generators, water treatment plant expansion, booster pump stations and storage tanks and facilities, and acquisition of any necessary equipment, 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, be approved?

Each of the questions above set forth contains a statement of the purpose for which the bonds are authorized by the order referred to in such question.

If any of said bonds are issued, taxes in an amount sufficient to pay the principal and interest thereof will be levied upon all taxable property in the City of Charlotte.

For said referendum the regular registration books for elections in the County of Mecklenburg will be used and the registration books, process or records will be open for the acceptance of registration applications and the registration of qualified persons at (i) the office of the Mecklenburg County Board of Elections, 741 Kenilworth Avenue, Suite 202, Charlotte, North Carolina 28204 (park and enter from rear), from Monday to Friday, inclusive, of each week, between the hours of 7:30 A.M. and 6:30 P.M. and on Saturday of each week from 9:00 A.M. until 2:00 P.M., (ii) any public library in Mecklenburg County during normal business hours, (iii) the Town Halls in Matthews and Pineville, North Carolina, during normal business hours, (iv) any Division of Motor Vehicles Drivers License Examination Station in Mecklenburg County during normal business hours and (v) any branch of the Mechanics and Farmers Bank in Mecklenburg County, North Carolina, during normal business hours. Registration applications will also be accepted by and qualified persons may also register with the registrars and judges of election for the several precincts in the City at such times and places to be announced by the Mecklenburg County Board of Elections. The telephone number of the Mecklenburg County Board of Elections is (704) 336-2133.

In addition, registration applications will be accepted by and qualified persons may register with the special registration commissioners designated by the Mecklenburg County Board of Elections at such times and places as may be announced by the Mecklenburg County Board of Elections.

Furthermore, certain persons in the armed forces and their spouses, certain veterans, certain civilians working with the armed forces and members of the Peace Corps may register by mail at any time prior to said referendum in the manner provided in Article 21 of Chapter 163 of the General Statutes of North Carolina and in person at any time, including the day of said referendum.

Those residents of the City of Charlotte who were eligible to vote in the second previous presidential election and who have not voted in either of one of the two most recent successive presidential elections or in any other election conducted in the period between said two elections have been purged and are no longer registered under Mecklenburg County's permanent registration system.

Those residents of the City of Charlotte who are presently registered under Mecklenburg County's permanent registration system and who have not changed residence from one precinct to another within the City since their registration will be permitted to vote in said referendum, provided that removal from one precinct to another shall not deprive any person of the right to vote in the precinct from which he has removed until thirty days after his removal and, further, that any person who has changed residence from one precinct to another more than thirty days prior to the special bond referendum may obtain a notice of election day transfer at the precinct in which he is registered and record a change of address on the date of the referendum and vote in the office of the Mecklenburg County Board of Elections

mentioned above or at such other location as may be specified by the Mecklenburg County Board of Elections.

The last day for new registration to vote in the special bond referendum for those not now registered under Mecklenburg County's permanent registration system is Monday, October 8, 1990.

Except as provided above, the last day on which registered voters who have changed residence from one precinct to another may transfer registration to vote in the special bond referendum is Monday, October 8, 1990.

Any qualified voter of the City who is qualified to vote by absentee ballot in said special bond referendum may apply to the Mecklenburg County Board of Elections for an absentee ballot. Certain persons in the armed forces and their spouses, certain veterans, certain civilians working with the armed forces and members of the Peace Corps who are qualified to vote by absentee ballot pursuant to Section 163-245 of the General Statutes of North Carolina may also apply for an absentee ballot as provided by Section 163-247 of the General Statutes of North Carolina.

Persons who are not certain whether they are registered to vote or qualified to vote by absentee ballot or who desire further information concerning the registration process should contact the Mecklenburg County Board of Elections at the office of said Board mentioned above.

The registration books will be open to public inspection by any registered voter of the City between 7:30 A.M. and 6:30 P.M., from Monday to Friday, inclusive, of each week and on Saturday of

each week from 9:00 A.M. until 2:00 P.M., prior to the closing of the registration books, at said office of the Mecklenburg County Board of Elections, and such days are challenge days.

The registrars, judges and other officers of elections appointed by the Mecklenburg County Board of Elections will serve as the election officers for said referendum.

The Mecklenburg County Board of Elections will conduct said referendum.

The precincts and voting places for said referendum, subject to change as provided by law, are as follows:

<u>PRECINCT</u>	<u>VOTING PLACE</u>
PCT. #1	Westminster Presbyterian Church 101 Colville Road (Activities Bldg.)
PCT. #2	St. John's Baptist Church 300 Hawthorne Lane (Fellowship Hall)
PCT. #3	Cochrane Junior High School 6200 Starhaven Drive (Classroom #101)
PCT. #4	Hickory Grove Presbyterian Church 7500 Hickory Grove-Newell Rd. (Sunday School Room)
PCT. #5	Third Presbyterian Church 4019 Central Avenue (Scout Hut)
PCT. #6	Amity Presbyterian Church 2831 Sharon Amity Road (Fellowship Hall)
PCT. #7	Randolph Junior High School 4400 Water Oak Road (Multi-purpose Room)
PCT. #8	Myers Park Elementary School 2132 Radcliff Avenue (Auditorium)
PCT. #9	Dilworth School 405 East Park Avenue (Multi-purpose Room)
PCT. #10	Greek Orthodox Cathedral 600 East Blvd. (Park & enter from rear)
PCT. #11	Mt. Moriah Primitive Baptist Church 747 West Trade Street (Fellowship Hall)
PCT. #12	Clinton Chapel A.M.E. Zion Church 1901 Rozzells Ferry Road (1st Room on left)
PCT. #13	First Ward School 400 East 10th Street (Multi-purpose Room)
PCT. #14	Hawthorne Traditional School 1400 Pegram Street (1st Room on right)
PCT. #15	Kilgo Methodist Church 2101 Belvedere Avenue (Scout Hut)
PCT. #16	East Stonewall A.M.E. Zion Church 1729 Griers Grove Road (Fellowship Hall)
PCT. #17	Old Fireman's Hall 2601 East Seventh Street (Main Bldg.)

<u>PRECINCT</u>	<u>VOTING PLACE</u>
PCT. #18	Eastover School 500 Cherokee Road (Auditorium)
PCT. #19	Myers Park High School 2400 Colony Road (Student Lounge)
PCT. #20	Avondale Presbyterian Church 2821 Park Road (Fellowship Hall)
PCT. #21	Sedgefield Junior High School 700 Sedgefield Road (Multi-purpose Room)
PCT. #22	Margery A. Thompson Staff Dev. Center 428 West Boulevard (Auditorium)
PCT. #23	Ashley Park School 3128 Belfast Drive (Multi-purpose Room)
PCT. #24	Enderly Park Recreation Center 1220 Clay Avenue (Club Room)
PCT. #25	West Charlotte High School 2219 Senior Drive (Auditorium Lobby)
PCT. #26	Cole Memorial United Methodist Church 2022 Sugar Creek Road, West (Gym)
PCT. #27	Tryon Hills School 2600 Grimes Street (Multi-purpose Room)
PCT. #28	New Covenant A.R.P. Church 2541 Elkwood Circle (Fellowship Hall)
PCT. #29	Merry Oaks School 3508 Draper Avenue (Multi-purpose Room)
PCT. #30	Plaza Road School 1000 Anderson Street (Multi-purpose Room)
PCT. #31	Barringer School 1500 Walton Road (Multi-purpose Room)
PCT. #32	Christ Episcopal Church 1412 Providence Road (Education Bldg.)
PCT. #33	Eastway Junior High School 1401 Norland Road (Band Room)
PCT. #34	Oakhurst School 4511 Monroe Road (Multi-purpose Room)

<u>PRECINCT</u>	<u>VOTING PLACE</u>
PCT. #35	Cotswold School 300 Greenwich Road (Multi-purpose Room)
PCT. #36	Providence Baptist Church 4921 Randolph Road (Gym/Youth Bldg.-A)
PCT. #37	Pinewood School 815 Seneca Place (Cafeteria)
PCT. #38	Collinswood School 4000 Applegate Road (Multi-purpose Room)
PCT. #39	Metropolitan United Presbyterian Church 2701 West Blvd. (At Old Steele Ck. Rd.)
PCT. #40	Thomasboro School 538 Bradford Drive (Gym)
PCT. #41	Chadwick Methodist Church 132 Cromer Street (Fellowship Hall)
PCT. #42	Hidden Valley School 5100 Snow White Lane (Multi-purpose Room)
PCT. #43	Grace Baptist Church 5232 The Plaza (Fellowship Hall)
PCT. #44	Shamrock Garden Elementary School 3301 Country Club Drive (Multi-purpose Room)
PCT. #45	Windsor Park School 3900 Sudbury Road (Multi-purpose Room)
PCT. #46	Resurrection Lutheran Church 2825 Shenandoah Avenue (Foyer)
PCT. #47	Scottish Rites Masonic Bodies 4740 Randolph Road (Dining Hall)
PCT. #48	Providence United Methodist Church 2810 Providence Road (Fellowship Hall)
PCT. #49	Park Road Elementary School 3701 Haven Drive (Auditorium)
PCT. #50	Smith Junior High School 1600 Tyvola Road (Multi-purpose Room)
PCT. #51	Sedgefield Elementary School 700 Marsh Road (Multi-purpose Room)

<u>PRECINCT</u>	<u>VOTING PLACE</u>
PCT. #52	St. Mark United Methodist Church 917 Clanton Road (Old Sanctuary)
PCT. #53	Harding High School 2001 Alleghany Street (Auditorium Lobby)
PCT. #54	Oaklawn Elementary School 1810 Oaklawn Avenue (Multi-purpose Room)
PCT. #55	Lincoln Heights School 1900 Newcastle Street (Multi-purpose Room)
PCT. #56	Druid Hills School 2801 Lucena Street (Multi-purpose Room)
PCT. #57	Sharon Presbyterian Church 5201 Sharon Road (Gym/Classroom)
PCT. #58	Starmount School 1600 Brookdale Avenue (Multi-purpose Room)
PCT. #59	Montclair School 5801 Farmbrook Drive (Multi-purpose Room)
PCT. #60	Briarwood School 1001 Wilann Drive (Multi-purpose Room)
PCT. #61	Shamrock Drive Baptist Church 4301 Shamrock Drive (Fellowship Hall)
PCT. #62	Albemarle Road Elementary School 7800 Riding Trail Road (Multi-purpose Room)
PCT. #63	Idlewild School 7101 Idlewild Road (Multi-purpose Room)
PCT. #64	East Mecklenburg High School 6800 Monroe Road (Gym Foyer)
PCT. #65	Sardis Presbyterian Church 6100 Sardis Road (Ed. Bldg./Rm. #101)
PCT. #66	Rama Road School 1035 Rama Road (Multi-purpose Room #136)
PCT. #67	Lansdowne School 6400 Prett Court (Multi-purpose Room)
PCT. #68	St. Stephen United Methodist Church 6800 Sardis Road (Youth Room)

<u>PRECINCT</u>	<u>VOTING PLACE</u>
PCT. X68	St. Stephen United Methodist Church 6800 Sardis Road (Youth Room)
PCT. #69	Olde Providence School 3800 Rea Road (Multi-purpose Room)
PCT. #70	St. John's Episcopal Church 1623 Carmel Rd. (Youth Hall-Park & enter rear)
PCT. #71	Sharon School 4330 Foxcroft Road (Multi-purpose Room)
PCT. #72	Carmel Presbyterian Church 2048 Carmel Road (Scout Hut)
PCT. #73	Beverly Woods School 6001 Quail Hollow Road (Multi-purpose Room)
PCT. X73	Beverly Woods School 6001 Quail Hollow Road (Multi-purpose Room)
PCT. #74	Alexander Graham Junior High School 1800 Runnymede Lane (Multi-purpose Room)
PCT. #75	Sharon Baptist Church 6411 Sharon Road (Modular Unit)
PCT. #76	Huntingtowne Farms Elementary School 2520 Huntingtowne Farms Lane (Multi-purpose Room)
PCT. #77	Nations Ford School 8300 Nations Ford Road (Gym)
PCT. #78	Nations Ford Baptist Church 7410 Nations Ford Road (Fellowship Hall)
PCT. #79	Tuckaseegee Elementary School 2028 Little Rock Road (Multi-purpose Room)
PCT. #80	Pawtucket School Moore's Chapel Road (Room #A-0)
PCT. #81	Allenbrook Elementary School 1430 Allenbrook Drive (Multi-purpose Room)
PCT. #82	Greenville Memorial A.M.E. Zion Church 6116 Monteith Drive (Fellowship Hall)

<u>PRECINCT</u>	<u>VOTING PLACE</u>
PCT. #83	Albemarle Road Presbyterian Church 6700 Albemarle Road (Gym)
PCT. #84	Hickory Grove Baptist Church 6050 Hickory Grove Rd. (Classroom)
PCT. #85	Charlotte Christian High School 7301 Sardis Road (Gym)
PCT. X85	Charlotte Christian High School 7301 Sardis Road (Gym)
PCT. #86	Carmel Junior High School 5001 Camilla Drive (Library)
PCT. X86	Carmel Junior High School 5001 Camilla Drive (Library)
PCT. #87	C.P.C.C. Learning Center (Pineville) 10761 Park Road (behind McDonald's)
PCT. #88	Living Savior Lutheran Church 6817 Carmel Road, Ext. (Education Bldg.)
PCT. #89	Paw Creek Elementary School 1213 Cathey Road (Auditorium)
PCT. #90	Messiah Lutheran Church 8300 Providence Road (Sunday School Room)
PCT. #91	McKee Road Baptist Church 4300 McKee Road (Cafeteria/Fellowship Hall)
PCT. #92	Quail Hollow Presbyterian Church 8501 Park Road (Fellowship Hall)
PCT. #93	Church of Jesus Christ of Latter Day Saints 5815 Carmel Rd. (Park & enter from rear)
PCT. #94	Albemarle Road Recreation Center 5027 Idlewild Rd. North (Gym)
PCT. #95	Hickory Grove United Methodist Church 6300 Hickory Grove Rd. (Gym)
PCT. #96	Heritage Woods Swim Club 736 Sardis Road (Clubhouse)
PCT. #97	Sharon Lakes Condo Clubhouse Mereview Court (Clubhouse)

<u>PRECINCT</u>	<u>VOTING PLACE</u>
PCT. #98	Ebenezer A.R.P. Church 6210 Old Pineville Road (Gym)
XCO #2	Newell Volunteer Fire Department 9007 Newell Baptist Church Road (Meeting Room)
XLC #2	McCrorey YMCA 3801 Beatties Ford Road (Classroom)
XMC #1	Mallard Creek Elementary School 9801 Mallard Creek Road (Multi-purpose Room)
XMC #2	Ranson Junior High School 5850 Statesville Road (Media Center)
XOAK	Oakdale School 1825 Oakdale Road (Multi-purpose Room)
XPR #1	Calvary Church 5801 Pineville Matthews Road (Gym)
XPR #3	McAlpine Elementary School 9100 Carswell Lane (Music Room)
XSC #1	Kennedy Junior High School 4000 Gallant Lane (Multi-purpose Room)
XSC #2	Steele Creek Volunteer Fire Station Number 2 13225 York Road (Meeting Room)

By order of the City Council of the City of Charlotte.

~~Pat Sharkey~~ BRENDA R. FREEZE
~~City Clerk~~ DEPUTY CITY CLERK

Theodore S. Arrington
Chairman of Mecklenburg
County Board of Elections

Section 4. That the form of the questions as the same will appear in the ballot strips for the voting machines and in any paper ballots to be used at said referendum shall be substantially as follows:

SANITARY SEWER BONDS

- YES
- NO

Shall the order adopted on August 27, 1990, authorizing not exceeding \$112,510,000 Sanitary Sewer Bonds of the City of Charlotte, North Carolina, for the purpose of providing funds, with any other available funds, for enlarging, extending and improving the sanitary sewer system of said City, within and without the corporate limits, including planning, designing, constructing and installing outfalls, tributaries, tributary expansions, storage buildings, sludge storage, standby generators, lift stations, force mains, filter units, sewer trunk mains and sewer lines, wastewater treatment plants, including regional wastewater treatment plants, and plant additions and improvements, and acquisition of any necessary equipment, 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, be approved?

WATER BONDS

- YES
- NO

Shall the order adopted on August 27, 1990, authorizing not exceeding \$24,285,000 Water Bonds of the City of Charlotte, North Carolina, for the purpose of providing funds, with any other available funds, for enlarging, extending and improving the water system of said City, within and without the corporate limits, including acquisition of land for future water treatment plants and future expansion of facilities, planning, designing, constructing and installing water mains and lines, standby generators, water treatment plant expansion, booster pump stations and storage tanks and facilities, and acquisition of any necessary equipment, 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, be approved?
.

.....
Section 5. That the ^{DEPUTY}City Clerk is hereby directed to cause
to be delivered or mailed a certified copy of this resolution to
said Mecklenburg County Board of Elections within three days
after its passage.

Thereupon, upon motion of Councilmember Wheeler, seconded
by Councilmember Martin, the foregoing resolution entitled:
"RESOLUTION CALLING A SPECIAL BOND REFERENDUM" was passed by the
following vote:

Ayes: Councilmembers Campbell, Clodfelter, Hammond, McCrory, Mangum,
Martin, Matthews, Patterson, Scarborough, Vinroot and Wheeler.

Noes: None.


* * * * *

BRENDA R. FREEZE, DEPUTY
I, ~~Pat Sharkey~~, ^{DEPUTY}City Clerk of the City of Charlotte, North
Carolina, DO HEREBY CERTIFY that the foregoing is a true and
complete copy of so much of the proceedings of said City Council
at a regular meeting held on August 27, 1990 as relates in any
way to the authorization of bonds of said City and the calling of
a special bond referendum thereon, that all required notices of
such meeting were given and that said proceedings are recorded in
Minute Book No. 96 of the minutes of said City Council,
beginning on page and ending on page .

I HEREBY FURTHER CERTIFY that I mailed or delivered a certified copy of the resolution passed by said City Council on August 27, 1990 entitled: "RESOLUTION CALLING A SPECIAL BOND REFERENDUM" to the Mecklenburg County Board of Elections on or before the third day following the passage of said resolution.

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said City Council, stating that regular meetings of said City Council are held (with certain exceptions not applicable to said meeting) at the Charlotte-Mecklenburg Government Center in Charlotte, North Carolina in the Conference Center on the first Monday of each month at 5:00 P.M. (Workshop); and in the Meeting Chamber on the second Monday of each month at ~~7:30~~^{7:00} P.M., on the third Monday of each month at 6:00 P.M., and the fourth Monday of each month at 2:30 P.M., has been on file in the office of the City Clerk pursuant to North Carolina General Statutes, Sec. 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 30th day of August, 1990.


DEPUTY City Clerk

(SEAL)

EXTRACT FROM MINUTES OF
MEETING OF CITY COUNCIL OF THE
CITY OF CHARLOTTE, NORTH CAROLINA

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Meeting Chamber at the Charlotte-Mecklenburg Government Center, in Charlotte, North Carolina, the regular place of meeting, at 2:30 P.M. on August 27, 1990.

Present: Mayor Sue Myrick, presiding, and Councilmembers Stan Campbell, Dan Clodfeler, Ann Hammond, Pat McCrory, Hoyle, Martin, Roy Matthews, Cyndee Patterson, Ella Scarborough, Richard Vinroot and Lynn Wheeler

Absent: None.

Also Present: City Manager, O. Wendell White, City Attorney, Henry Underhill, and Finance Director, Richard Martin.

* * * * *

Councilmember McCrory introduced the following resolution, a copy of which had been provided to each Councilmember, which was read by title:

\$81,210,000	GENERAL OBLIGATION BONDS CONSISTING OF
\$15,260,000	PUBLIC IMPROVEMENT BONDS, SERIES 1990,
\$43,750,000	PUBLIC IMPROVEMENT BONDS, SERIES 1990A, AND
\$22,200,000	WATER AND SEWER BONDS, SERIES 1990

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

Section 1. The City Council has determined and does hereby find and declare:

(a) That orders authorizing \$3,785,000 Street Improvement Bonds (the "1990 Street Improvement Bonds"), \$4,250,000 Fire Fighting Facility Bonds (the "1990 Fire Fighting Facility Bonds"), \$4,225,000 Public Building Bonds (the "1990 Public Building Bonds"), and \$3,000,000 Parks and Recreational Facilities Bonds (the "1990 Parks and Recreational Facilities Bonds") were adopted by the City Council on July 23, 1990.

(b) That none of said 1990 Street Improvement Bonds, none of said 1990 Fire Fighting Facility Bonds, none of said 1990 Public Building Bonds, and none of said 1990 Parks and Recreational Facility Bonds have heretofore been issued, that no notes have been issued in anticipation of the receipt of the proceeds of the sale of the balance of said bonds, and that it is necessary at this time to issue all of said bonds.

(c) That it is desirable to consolidate the bonds hereinabove referred to in this Section 1 for purposes of sale to be in the aggregate principal amount of \$15,260,000 and to be designated "Public Improvement Bonds, Series 1990".

(d) That the weighted average maximum period of usefulness of the improvements to be undertaken with the proceeds of said Public Improvement Bonds, Series 1990, to be issued as described above in this Section is estimated as a period of not less than

35 years from October 1, 1990, the date of said bonds, and that such period expires on October 1, 2025.

Section 2. Pursuant to said orders, there shall be issued bonds of the City of Charlotte in the aggregate principal amount of \$15,260,000, designated "Public Improvement Bonds, Series 1990" and dated as of October 1, 1990 (the "Public Improvement Bonds, Series 1990"). Said Bonds shall be stated to mature (subject to the right of prior redemption as hereinafter set forth) annually, October 1, as follows: \$525,000 1991, \$550,000 1992, \$600,000 1993, \$625,000 1994, \$700,000 1995, \$750,000 1996, \$775,000 1997, \$850,000 1998, \$950,000 1999 and 2000, \$900,000 2001 and 2002, \$850,000,000 2003 to 2007, inclusive, \$950,000 2008 and \$985,000 2009, and shall bear interest at a rate or rates to be determined by the Local Government Commission of North Carolina at the time the Bonds are sold, which interest to the respective maturities thereof shall be payable on April 1, 1991 and semiannually thereafter on October 1 and April 1 of each year until payment of such principal sum.

Section 3. The City Council has determined and does hereby find and declare:

(a) That an order authorizing \$46,000,000 Street Improvement Bonds (the "1987 Street Improvement Bonds") was adopted by the City Council on August 24, 1987, which was approved by the vote of a majority of the qualified voters of the Issuer who voted thereon at a referendum duly called and held on November 3, 1987.

(b) That \$24,455,000 of the 1987 Street Improvement Bonds has been issued, that no notes have been issued in anticipation of the receipt of the proceeds of the sale of the balance of the 1987 Street Improvement Bonds and that it is necessary at this time to issue \$14,300,000 of the 1987 Street Improvement Bonds.

(c) That an order authorizing \$12,500,000 Parks and Recreational Facilities Bonds (the "1987 Parks and Recreational Facilities Bonds") was adopted by the City Council on August 24, 1987, which was approved by the vote of a majority of the qualified voters of the Issuer who voted thereon at a referendum duly called and held on November 3, 1987.

(d) That \$9,990,000 of the 1987 Parks and Recreational Facilities Bonds has been issued, that no notes have been issued in anticipation of the receipt of the proceeds of the sale of the balance of the 1987 Parks and Recreational Facilities Bonds and that it is necessary at this time to issue \$2,100,000 of the 1987 Parks and Recreational Facilities Bonds.

(e) That an order authorizing \$15,000,000 Cultural Facilities Bonds (the "1987 Cultural Facilities Bonds") was adopted by the City Council on August 24, 1987, which was approved by the vote of a majority of the qualified voters of the Issuer who voted thereon at a referendum duly called and held on November 3, 1987.

(f) That none of the 1987 Cultural Facilities Bonds have been issued, that no notes have been issued in anticipation of the receipt of the proceeds of the sale of the balance of the 1987 Cultural Facilities Bonds and that it is necessary at this

time to issue all \$15,000,000 of the 1987 Cultural Facilities Bonds.

(g) That an order authorizing \$9,000,000 Cultural Facilities--Discovery Place Bonds (the "1988 Cultural Facilities--Discovery Place Bonds") was adopted by the City Council on September 13, 1988, which was approved by the vote of a majority of the qualified voters of the Issuer who voted thereon at a referendum duly called and held on November 8, 1988.

(h) That \$6,000,000 of the 1988 Cultural Facilities--Discovery Place Bonds has been issued, that no notes have been issued in anticipation of the receipt of the proceeds of the sale of the balance of the 1988 Cultural Facilities--Discovery Place Bonds and that it is necessary at this time to issue \$2,200,000 of the 1988 Cultural Facilities--Discovery Place Bonds.

(i) That an order authorizing \$9,500,000 Parks and Recreational Facilities Bonds (the "1988 Parks and Recreational Facilities Bonds") was adopted by the City Council on September 13, 1988, which was approved by the vote of a majority of the qualified voters of the Issuer who voted thereon at a referendum duly called and held on November 8, 1988.

(j) That none of the 1988 Parks and Recreational Facilities Bonds have been issued, that no notes have been issued in anticipation of the receipt of the proceeds of the sale of the balance of the 1988 Parks and Recreational Facilities Bonds and that it is necessary at this time to issue \$500,000 of the 1988 Parks and Recreational Facilities Bonds.

(k) That an order authorizing \$6,400,000 Storm Drainage Bonds (the "1988 Storm Drainage Bonds") was adopted by the City Council on September 13, 1988, which was approved by the vote of a majority of the qualified voters of the Issuer who voted thereon at a referendum duly called and held on November 8, 1988.

(l) That none of the 1988 Storm Drainage Bonds have been issued, that no notes have been issued in anticipation of the receipt of the proceeds of the sale of the balance of the 1988 Storm Drainage Bonds and that it is necessary at this time to issue \$1,450,000 of the 1988 Storm Drainage Bonds.

(m) That an order authorizing \$100,800,000 Street Improvement Bonds (the "1988 Street Improvement Bonds") was adopted by the City Council on September 13, 1988, which was approved by the vote of a majority of the qualified voters of the Issuer who voted thereon at a referendum duly called and held on November 8, 1988.

(n) That \$9,000,000 of the 1988 Street Improvement Bonds has been issued, that no notes have been issued in anticipation of the receipt of the proceeds of the sale of the balance of the 1988 Street Improvement Bonds and that it is necessary at this time to issue \$8,200,000 of the 1988 Street Improvement Bonds.

(o) That it is desirable to consolidate the bonds hereinabove referred to in this Section 3 for purposes of sale to be in the aggregate principal amount of \$43,750,000 and to be designated "Public Improvement Bonds, Series 1990A".

(p) That the weighted average maximum period of usefulness of the improvements to be undertaken with the proceeds of said

Public Improvement Bonds, Series 1990A, to be issued as described above, is estimated as a period of not less than 29 years from October 1, 1990, the date of said bonds, and that such period expires on October 1, 2019.

Section 4. Pursuant to said orders, there shall be issued bonds of the City of Charlotte in the aggregate principal amount of \$43,750,000, designated "Public Improvement Bonds, Series 1990A" and dated as of October 1, 1990 (the "Public Improvement Bonds, Series 1990A"). Said Bonds shall be stated to mature (subject to the right of prior redemption as hereinafter set forth) annually, October 1, as follows: \$1,500,000 1991, \$1,600,000 1992, \$1,700,000 1993, \$1,800,000 1994, \$2,000,000 1995, \$2,100,000 1996, \$2,200,000 1997, \$2,400,000 1998, \$2,600,000 1999 to 2001, inclusive, \$2,650,000 2002, \$2,500,000 2003 to 2007, inclusive, \$2,700,000 2008 and \$2,800,000 2009, and shall bear interest at a rate or rates to be determined by the Local Government Commission of North Carolina at the time the Bonds are sold, which interest to the respective maturities thereof shall be payable on April 1, 1991 and semiannually thereafter on October 1 and April 1 of each year until payment of such principal sum.

Section 5. The City council has determined and does hereby find and declare:

(a) That an order authorizing \$13,675,000 Water Bonds (the "1987 Water Bonds") was adopted by the City Council on August 24, 1987, which was approved by the vote of a majority of the

qualified voters of the Issuer who voted thereon at a referendum duly called and held on November 3, 1987.

(b) That \$10,000,000 of the 1987 Water Bonds has been issued, that no notes have been issued in anticipation of the receipt of the proceeds of the sale of the balance of the 1987 Water Bonds and that it is necessary at this time to issue \$2,600,000 of the 1987 Water Bonds.

(c) That an order authorizing \$24,695,000 Water Bonds (the "1988 Water Bonds") was adopted by the City Council on September 13, 1988, which was approved by the vote of a majority of the qualified voters of the Issuer who voted thereon at a referendum duly called and held on November 8, 1988.

(d) That \$8,500,000 of the 1988 Water Bonds has been issued, that no notes have been issued in anticipation of the receipt of the proceeds of the sale of the balance of the 1988 Water Bonds and that it is necessary at this time to issue \$5,550,000 of the 1988 Water Bonds.

(e) That an order authorizing \$14,800,000 Sanitary Sewer Bonds (the "1987 Sanitary Sewer Bonds") was adopted by the City Council on August 24, 1987, which was approved by the vote of a majority of the qualified voters of the Issuer who voted thereon at a referendum duly called and held on November 3, 1987.

(f) That \$7,500,000 of the 1987 Sanitary Sewer Bonds has been issued, that no notes have been issued in anticipation of the receipt of the proceeds of the sale of the balance of the 1987 Sanitary Sewer Bonds and that it is necessary at this time to issue \$4,000,000 of the 1987 Sanitary Sewer Bonds.

(g) That an order authorizing \$32,400,000 Sanitary Sewer Bonds (the "1988 Sanitary Sewer Bonds") was adopted by the City Council on September 13, 1988, which was approved by the vote of a majority of the qualified voters of the Issuer who voted thereon at a referendum duly called and held on November 8, 1988.

(h) That \$5,150,000 of the 1988 Sanitary Sewer Bonds has been issued, that no notes have been issued in anticipation of the receipt of the proceeds of the sale of the balance of the 1988 Sanitary Sewer Bonds and that it is necessary at this time to issue \$10,050,000 of the 1988 Sanitary Sewer Bonds.

(i) That it is desirable to consolidate the bonds herein above referred to in this Section 5 for purposes of sale to be in the aggregate principal amount of \$22,200,000 and to be designated "Water and Sewer Bonds, Series 1990."

(j) That the weighted average maximum period of usefulness of the improvements to be undertaken with the proceeds of said Water and Sewer Bonds, Series 1990, to be issued as described above is estimated as a period of not less than 40 years from October 1, 1990, the date of said bonds, and that such period expires on October 1, 2030.

Section 6. Pursuant to said orders, there shall be issued bonds of the City of Charlotte in the aggregate principal amount of \$22,200,000, designated "Water and Sewer Bonds, Series 1990" and dated as of October 1, 1990 (the "Water and Sewer Bonds, Series 1990"). Said Bonds shall be stated to mature (subject to the right of prior redemption as hereinafter set forth) annually, October 1, as follows: \$650,000 1991, \$700,000 1992, \$750,000

1993 and 1994, \$850,000 1995, \$900,000 1996, \$950,000 1997, \$1,050,000 1998, \$1,100,000 1999 and 2000, \$1,200,000 2001 and 2002, \$1,300,000 2003, \$1,400,000 2004, \$1,500,000 2005, \$1,600,000 2006, \$1,700,000 2007 and 2008 and \$1,800,000 2009, and shall bear interest at a rate or rates to be determined by the Local Government Commission of North Carolina at the time the Bonds are sold, which interest to the respective maturities thereof shall be payable on April 1, 1991 and semiannually thereafter on October 1 and April 1 of each year until payment of such principal sum.

Section 7. The Public Improvement Bonds, Series 1990, described in Sections 1 and 2 above, the Public Improvement Bonds, Series 1990A, described in Sections 3 and 4 above, and the Water and Sewer Bonds, Series 1990, described in Sections 5 and 6 above, are consolidated for purposes of sale and hereinafter may be referred to collectively as the "Bonds." There are hereby created appropriate capital project funds and accounts of the Issuer for the receipt and expenditure of the proceeds of the Bonds and appropriate debt service funds and accounts of Issuer for the receipt and disbursement of debt service payments on the Bonds.

Section 8. Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated upon an interest payment date in which event it shall bear interest from such interest payment date or (b) authenticated prior to the first interest payment

date in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest and any redemption premium on the Bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

Section 9. The Bonds initially will be issued by means of a book-entry system with no physical distribution of Bond certificates to be made except as hereinafter provided. Initially one Bond certificate with respect to each date on which the Bonds for each of the three designations are stated to mature, in the aggregate principal amount of the Bonds stated to mature on such date and registered in the name of the Securities Depository Nominee (defined below), a nominee of the Securities Depository (defined below), will be issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system of the Securities Depository will evidence positions held in the Bonds by the Securities Depository's participants, with beneficial ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof being evidenced in the records of such participants. Transfers of ownership will be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants.

The Issuer and the Bond Registrar will recognize the Securities Depository Nominee, or the Securities Depository, as the case may be, while the registered owner of Bonds, as the owner of Bonds for all purposes, including payments of principal of, and redemption premium, if any, and interest on the Bonds, notices and voting. The principal of and any redemption premium on each Bond shall be payable to the Securities Depository Nominee or any other person appearing on the registration books of the Issuer hereinafter provided for as the registered owner of such Bond or his registered assigns or legal representative at the office of the Bond Registrar mentioned hereinafter or such other place as the Issuer may determine upon the presentation and surrender thereof as the same shall become due and payable. Payment of the interest on each Bond shall be made by the Bond Registrar on each interest payment date to the registered owner of such Bond (or the previous Bond or Bonds evidencing the same debt as that evidenced by such Bond) at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on such registration books or, during the continuation of the book-entry system, by such other method of payment as the Issuer may determine to be necessary or advisable with the concurrence of the Securities Depository. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository will be the responsibility of the Securities Depository, and

transfer of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. Such transfers of interest by the Securities Depository and by such participants and other nominees of such beneficial owners may be made to the owners of Bonds shown on their records on a date on or after said record date for such interest, pursuant to rules and procedures established by the Securities Depository and its participants. The Issuer and the Bond Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing records maintained by the Securities Depository, its participants or persons acting through such participants.

In the event that (a) any Securities Depository determines not to continue to act as securities depository for the Bonds or (b) the Director of Finance of the Issuer determines that continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Issuer will discontinue the book-entry system with such Securities Depository. If the Issuer identifies another qualified Securities Depository to replace the predecessor Securities Depository, the Issuer will make arrangements with the predecessor Securities Depository and such other Securities Depository to effect such replacement and deliver replacement Bonds registered in the name of such other depository or its nominee in exchange for the outstanding Bonds,

and all references in this resolution to any predecessor Securities Depository or Securities Depository Nominee shall thereupon be deemed to mean such other depository or its nominee. If the Issuer fails to identify another qualified Securities Depository to replace the predecessor Securities Depository, the Issuer will deliver replacement Bonds in the form of fully registered certificates in the denomination of \$5,000 or any multiple thereof ("Certificated Bonds") in exchange for the outstanding Bonds as required by the predecessor Securities Depository and others. Upon the request of the Securities Depository, the Issuer may also deliver one or more Certificated Bonds to any participant of the Securities Depository in exchange for Bonds credited to its account with the Securities Depository. The Issuer and the Bond Registrar shall be entitled to rely upon the instructions of the Securities Depository as to the appropriate parties entitled to receive Certificated Bonds.

For purposes of this resolution "Securities Depository" means The Depository Trust Company, New York, New York, or other recognized securities depository selected by the Issuer, which maintains the book-entry system in respect of the Bonds authorized by this resolution, and shall include any substitute for or successor to the securities depository initially acting as Securities Depository. For purposes of this resolution "Securities Depository Nominee" means, as to any Securities Depository, such Securities Depository or the nominee, if any, of such Securities Depository in whose name the Bond certificates shall be registered on the registration books maintained by the

Bond Registrar during the continuation with such Securities Depository of the book-entry system authorized by this Resolution. The Depository Trust Company, New York, New York, is hereby appointed as the initial Securities Depository, and Cede & Co., a nominee thereof, is hereby appointed as the initial Securities Depository Nominee, for the Bonds.

Unless indicated otherwise, the provisions of this resolution that follow shall apply to all Bonds issued or issuable hereunder, whether initially or in replacement thereof.

Section 10. The Bonds shall be executed with the manual or facsimile signatures of the Mayor and the City Clerk, and the official seal or a facsimile of the official seal of the Issuer shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina shall be endorsed on all Bonds and shall bear the manual or facsimile signature of the Secretary of said Commission or on behalf of the Secretary by a Designated Assistant and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as provided hereinafter.

In case any officer of the Issuer or the Local Government Commission of North Carolina whose manual or facsimile signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any Bond may bear the manual or facsimile signatures of such persons

as at the actual time of the execution of such Bond shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

Section 11. The Public Improvement Bonds, Series 1990 and the endorsements thereon shall be in substantially the following forms:

[Front Side of Printed Bonds]

No. R- _____ \$ _____

United States of America
State of North Carolina
County of Mecklenburg

CITY OF CHARLOTTE

Public Improvement Bonds, Series 1990

<u>MATURITY DATE</u>	<u>INTEREST RATE</u>	<u>CUSIP</u>
_____	_____	_____

The City of Charlotte, a municipal corporation in Mecklenburg County, North Carolina (the "Issuer"), is justly indebted and for value received hereby promises to pay to or registered assigns or legal representative on the date specified above (or earlier as hereinafter referred to), upon the presentation and surrender hereof, at the office of the Director of Finance of the Issuer, currently at 600 East Fourth Street, Charlotte, North Carolina 28202 (the "Bond Registrar"), the principal sum of

_____ DOLLARS

and to pay interest on such principal sum from the date hereof or from the October 1 or April 1 next preceding the date of authentication to which interest shall have been paid, unless

such date of authentication is an October 1 or April 1 to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable on April 1, 1991 and semiannually thereafter on October 1 and April 1 in each year, at the rate per annum specified above, until payment of such principal sum. The interest so payable on any such interest payment date will be paid to the person in whose name this Bond (or the previous Bond or Bonds evidencing the same debt as that evidenced by this Bond) is registered at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on the bond registration books of the Issuer. Both the principal of and the interest on this Bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. For the prompt payment hereof, both principal and interest as the same shall become due, the full faith and credit of the Issuer are hereby irrevocably pledged.

[Printed Bonds are to include
the following paragraph]

ADDITIONAL PROVISIONS OF THIS BOND ARE SET FORTH ON THE REVERSE HEREOF AND SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH HERE.

[Reverse Side of Printed Bonds]

This Bond is one of an issue of Bonds designated "Public Improvement Bonds, Series 1990" (the "Bonds") and issued by the Issuer for the purpose of providing funds, with any other available funds, for the improvement of the facilities, buildings and streets of the Issuer. This Bond is issued under and pursuant to The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, four orders adopted by the City Council of the Issuer which have taken effect as provided by law, and a resolution duly passed by the City Council of the Issuer (the "Resolution").

The Bonds at the time outstanding maturing prior to October 1, 2001 are not subject to redemption prior to maturity. The Bonds maturing on October 1, 2001 and thereafter may be redeemed, at the option of the Issuer, from any moneys that may be made available for such purpose, either in whole on any date not earlier than October 1, 2000, or in part on any interest payment date not earlier than October 1, 2000 at the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption, plus a redemption premium of $\frac{1}{2}$ of 1% of the principal amount of each Bond to be redeemed for each period of 12 months or part thereof between the redemption date and the maturity date of such Bond, such premium not to exceed 2% of such principal amount.

If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds

of such maturity to be redeemed shall be selected by lot by the Issuer in such manner as the Issuer in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000. If less than all of the Bonds stated to mature on different dates shall be called for redemption, the particular Bonds or portions thereof to be redeemed shall be called in the inverse order of their maturities.

Not more than 60 days nor less than 30 days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the Issuer shall cause a notice of such redemption to be filed with the Bond Registrar and mailed, postage prepaid, to the registered owner of each Bond to be redeemed in whole or in part at his address appearing upon the registration books of the Issuer. Failure to mail such notice or any defect therein as to any Bond or portion thereof shall not affect the validity of the redemption as to any Bond or portion thereof for which such notice was given as required hereby. On the date fixed for redemption, notice having been given as aforesaid, the Bonds or portions thereof so called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to such date. If moneys for payment of such redemption price and the accrued interest are held by the Bond Registrar as provided in the Resolution,

interest on the Bonds or the portions thereof so called for redemption shall cease to accrue. If a portion of this Bond shall be called for redemption, a new Bond or Bonds in principal amount equal to the unredeemed portion hereof will be issued to the registered owner hereof or his legal representative upon the surrender hereof.

[The following four paragraphs are to be included in the form of Bond so long as the Bonds are being issued pursuant to a book-entry system.]

The Bonds initially are being issued by means of a book-entry system with no physical distribution of Bond certificates to be made except as provided in the Resolution. Initially one Bond certificate with respect to each date on which the Bonds are stated to mature, in the aggregate principal amount of the Bonds stated to mature on such date and registered in the name of the Securities Depository Nominee (as defined in the Resolution), a nominee of the Securities Depository (as defined in the Resolution), is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system of the Securities Depository will evidence positions held in the Bonds by the Security Depository's participants, with beneficial ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof being evidenced in the records of such participants. Transfers of beneficial ownership will be effected on the records of the Securities Depository and its participants pursuant to rules and

procedures established by the Securities Depository and its participants.

The Issuer and the Bond Registrar will recognize the Securities Depository Nominee or the Securities Depository, as the case may be, while the registered owner of this Bond, as the owner of this Bond for all purposes, including payments of principal of, and redemption premium, if any, and interest on, this Bond, notices and voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository will be the responsibility of the Securities Depository, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer and the Bond Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing records maintained by the Securities Depository, its participants or persons acting through such participants.

While the Securities Depository Nominee or the Securities Depository, as the case may be, is the owner of this Bond, notwithstanding the provisions hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made to the Securities Depository Nominee or the Securities Depository, as the case may be, by wire transfer in immediately available funds to the account of said holder as may be specified in the bond registration books maintained by the

Bond Registrar or by such other method of payment as the Issuer may determine to be necessary or advisable with the concurrence of the Securities Depository. In addition, so long as a book-entry system is used for determining beneficial ownership of Bonds, if less than all of the Bonds within a maturity are to be redeemed, the Securities Depository and its participants shall determine by lot which of the Bonds within a maturity are to be redeemed.

In certain events, the Issuer will be authorized to replace the Securities Depository at the time with another qualified securities depository. In certain events, the Issuer will be authorized to discontinue the book-entry system and to deliver replacement Bonds in the form of fully-registered certificates in the denomination of \$5,000 or any multiple thereof in exchange for the outstanding Bonds as provided in the Resolution.

At the office of the Bond Registrar, in the manner and subject to the conditions provided in the Resolution, Bonds may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of authorized denominations and bearing interest at the same rate.

The Bond Registrar shall keep at its office the books of the Issuer for the registration of transfer of Bonds. The transfer of this Bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond

Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for this Bond a new Bond or Bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this Bond, of the same maturity and bearing interest at the same rate.

The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of such mailing or of any Bond called for redemption in whole or in part pursuant to the Resolution.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within the geographic boundaries of the Issuer sufficient to pay the principal of and the interest on this Bond as the same shall become due; and that the total indebtedness of the Issuer, including this Bond, does not exceed any constitutional or statutory limitation thereon.

[The following paragraphs through the Certificate of Authentication are to appear on the front side of printed Bonds]

This Bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Resolution until this Bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, said City of Charlotte, by resolution duly adopted by its City Council, has caused this Bond to be executed with the manual or facsimile signatures of its Mayor and its City Clerk and its official seal to be impressed or imprinted hereon, all as of the 1st day of October, 1990.

CITY OF CHARLOTTE

[Manual or Facsimile Signature]
Mayor

[Seal]

[Manual or Facsimile Signature]
City Clerk

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

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

[Manual or Facsimile Signature]
Secretary, Local Government
Commission

[By: _____]
[Designated Assistant]

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the series designated herein and described in the within-mentioned Resolution.

CITY OF CHARLOTTE,
as Bond Registrar

By: _____
Director of Finance

Date of Authentication:

ASSIGNMENT

FOR VALUE RECEIVED the undersigned registered owner thereof hereby sells, assigns and transfers unto

the within bond and all rights thereunder and hereby irrevocably constitutes and appoints

attorney to register the transfer of said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed: _____

NOTICE: The assignor's signature to this assignment must correspond with the name of the registered owner as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Certificated Bonds issuable hereunder shall be in substantially the form of the Bonds registered in the name of the Securities Depository Nominee with such changes as are necessary to reflect the provisions of this resolution that are applicable to Certificated Bonds.

Section 12. The Public Improvement Bonds, Series 1990 maturing prior to October 1, 2001 will not be subject to

redemption prior to maturity. Said Bonds maturing on October 1, 2001 and thereafter will be redeemable, at the option of the Issuer, from any moneys that may be made available for such purpose, either in whole on any date not earlier than October 1, 2000, or in part on any interest payment date not earlier than October 1, 2000, at the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption, plus a redemption premium of 1/2 of 1% of the principal amount of each Bond to be redeemed for each period of 12 months or part thereof between the redemption date and the maturity date of such Bond, such premium not to exceed 2% of such principal amount.

If less than all of the Public Improvement Bonds, Series 1990 of any one maturity shall be called for redemption, then subject to the sentence immediately following, the particular Public Improvement Bonds, Series 1990 or portions of Public Improvement Bonds, Series 1990 of such maturity to be redeemed shall be selected by lot by the Issuer in such manner as the Issuer in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000. So long as a book-entry system is used for determining beneficial ownership of Bonds, if less than all of the Public Improvement Bonds, Series 1990 within a maturity are to be redeemed, the Securities

Depository and its participants shall determine by lot which of said Bonds within a maturity are to be redeemed. If less than all of the Public Improvement Bonds, Series 1990 stated to mature on different dates shall be called for redemption, the particular Bonds or portions thereof to be redeemed shall be called in the inverse order of their maturities.

Not more than 60 days nor less than 30 days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the Issuer shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each Bond to be redeemed in whole or in part at his address appearing upon the registration books of the Issuer. Failure to mail such notice or any defect therein as to any Bond or portion thereof shall not affect the validity of the redemption as to any Bond or portion thereof for which such notice was given as required hereby. Each such notice shall set forth the date designated for redemption, the redemption price to be paid and the maturities of the Bonds to be redeemed. In the event that Certificated Bonds are outstanding, each such notice to the registered owners thereof shall also set forth, if less than all of the Bonds of any maturity then outstanding shall be called for redemption, the distinctive numbers and letters, if any, of such Bonds to be redeemed and, in the case of any Bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed. If any Bond is to be redeemed in part only, the notice of redemption shall state also that on or after the redemption

date, upon surrender of such Bond, a new Bond or Bonds in principal amount equal to the unredeemed portion of such Bond will be issued.

If any Bonds or portions thereof are to be redeemed, the Bond Registrar shall open a separate account for the sole benefit of the bondholders whose Bonds are being redeemed, which account may be maintained by the Bond Registrar or by an agent. On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar in its capacity as such for deposit in such account to pay the principal of and the redemption premium, if any, on the Bonds or portions thereof called for redemption as well as the interest accruing thereon to the redemption date thereof.

On the date fixed for redemption, notice having been given in the manner and under the conditions herein above provided, the Bonds or portions thereof so called for redemption shall be due and payable from the moneys required to be deposited in such account at the redemption price provided therefor, plus accrued interest to such date. If moneys sufficient to pay the redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest thereon to the date fixed for redemption, are held by the Bond Registrar in such account for the registered owners of Bonds or portions thereof to be redeemed, interest on the Bonds or portions thereof so called for redemption shall cease to accrue, such Bonds or portions thereof shall cease to be entitled to any benefits or security under this resolution or to be deemed outstanding, and the registered owners of such Bonds or

portions thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest to the date of redemption.

If a portion of a Bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such Bond to the Bond Registrar for payment of the principal amount thereof so called for redemption and the redemption premium, if any, on such principal amount, and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

Section 13. The Public Improvement Bonds, Series 1990A and the endorsements thereon shall be in substantially the following forms:

[Front Side of Printed Bonds]

No. R- _____ \$ _____

United States of America
State of North Carolina
County of Mecklenburg

CITY OF CHARLOTTE

Public Improvement Bonds, Series 1990A

MATURITY DATE

INTEREST RATE

CUSIP

The City of Charlotte, a municipal corporation in Mecklenburg County, North Carolina (the "Issuer"), is justly indebted and for value received hereby promises to pay to or registered assigns or legal representative on the date specified above (or earlier as hereinafter referred to), upon the presentation and surrender hereof, at the office of the Director of Finance of the Issuer, currently at 600 East Fourth Street, Charlotte, North Carolina 28202 (the "Bond Registrar"), the principal sum of

_____ DOLLARS

and to pay interest on such principal sum from the date hereof or from the October 1 or April 1 next preceding the date of authentication to which interest shall have been paid, unless

such date of authentication is an October 1 or April 1 to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable on April 1, 1991 and semiannually thereafter on October 1 and April 1 in each year, at the rate per annum specified above, until payment of such principal sum. The interest so payable on any such interest payment date will be paid to the person in whose name this Bond (or the previous Bond or Bonds evidencing the same debt as that evidenced by this Bond) is registered at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on the bond registration books of the Issuer. Both the principal of and the interest on this Bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. For the prompt payment hereof, both principal and interest as the same shall become due, the full faith and credit of the Issuer are hereby irrevocably pledged.

[Printed Bonds are to include
the following paragraph]

ADDITIONAL PROVISIONS OF THIS BOND ARE SET FORTH ON THE REVERSE HEREOF AND SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH HERE.

[Reverse Side of Printed Bonds]

This Bond is one of an issue of Bonds designated "Public Improvement Bonds, Series 1990A" (the "Bonds") and issued by the Issuer for the purpose of providing funds, with any other available funds, for the improvement of the facilities, buildings and streets of the Issuer. This Bond is issued under and pursuant to The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, seven orders adopted by the City Council of the Issuer which have taken effect as provided by law, and a resolution duly passed by the City Council of the Issuer (the "Resolution").

The Bonds at the time outstanding maturing prior to October 1, 2001 are not subject to redemption prior to maturity. The Bonds maturing on October 1, 2001 and thereafter may be redeemed, at the option of the Issuer, from any moneys that may be made available for such purpose, either in whole on any date not earlier than October 1, 2000, or in part on any interest payment date not earlier than October 1, 2000 at the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption, plus a redemption premium of $\frac{1}{2}$ of 1% of the principal amount of each Bond to be redeemed for each period of 12 months or part thereof between the redemption date and the maturity date of such Bond, such premium not to exceed 2% of such principal amount.

If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds

of such maturity to be redeemed shall be selected by lot by the Issuer in such manner as the Issuer in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000. If less than all of the Bonds stated to mature on different dates shall be called for redemption, the particular Bonds or portions thereof to be redeemed shall be called in the inverse order of their maturities.

Not more than 60 days nor less than 30 days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the Issuer shall cause a notice of such redemption to be filed with the Bond Registrar and mailed, postage prepaid, to the registered owner of each Bond to be redeemed in whole or in part at his address appearing upon the registration books of the Issuer. Failure to mail such notice or any defect therein as to any Bond or portion thereof shall not affect the validity of the redemption as to any Bond or portion thereof for which such notice was given as required hereby. On the date fixed for redemption, notice having been given as aforesaid, the Bonds or portions thereof so called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to such date. If moneys for payment of such redemption price and the accrued interest are held by the Bond Registrar as provided in the Resolution,

interest on the Bonds or the portions thereof so called for redemption shall cease to accrue. If a portion of this Bond shall be called for redemption, a new Bond or Bonds in principal amount equal to the unredeemed portion hereof will be issued to the registered owner hereof or his legal representative upon the surrender hereof.

[The following four paragraphs are to be included in the form of Bond so long as the Bonds are being issued pursuant to a book-entry system.]

The Bonds initially are being issued by means of a book-entry system with no physical distribution of Bond certificates to be made except as provided in the Resolution. Initially one Bond certificate with respect to each date on which the Bonds are stated to mature, in the aggregate principal amount of the Bonds stated to mature on such date and registered in the name of the Securities Depository Nominee (as defined in the Resolution), a nominee of the Securities Depository (as defined in the Resolution), is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system of the Securities Depository will evidence positions held in the Bonds by the Security Depository's participants, with beneficial ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof being evidenced in the records of such participants. Transfers of beneficial ownership will be effected on the records of the Securities Depository and its participants pursuant to rules and

procedures established by the Securities Depository and its participants.

The Issuer and the Bond Registrar will recognize the Securities Depository Nominee or the Securities Depository, as the case may be, while the registered owner of this Bond, as the owner of this Bond for all purposes, including payments of principal of, and redemption premium, if any, and interest on, this Bond, notices and voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository will be the responsibility of the Securities Depository, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer and the Bond Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing records maintained by the Securities Depository, its participants or persons acting through such participants.

While the Securities Depository Nominee or the Securities Depository, as the case may be, is the owner of this Bond, notwithstanding the provisions hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made to the Securities Depository Nominee or the Securities Depository, as the case may be, by wire transfer in immediately available funds to the account of said holder as may be specified in the bond registration books maintained by the

Bond Registrar or by such other method of payment as the Issuer may determine to be necessary or advisable with the concurrence of the Securities Depository. In addition, so long as a book-entry system is used for determining beneficial ownership of Bonds, if less than all of the Bonds within a maturity are to be redeemed, the Securities Depository and its participants shall determine by lot which of the Bonds within a maturity are to be redeemed.

In certain events, the Issuer will be authorized to replace the Securities Depository at the time with another qualified securities depository. In certain events, the Issuer will be authorized to discontinue the book-entry system and to deliver replacement Bonds in the form of fully-registered certificates in the denomination of \$5,000 or any multiple thereof in exchange for the outstanding Bonds as provided in the Resolution.

At the office of the Bond Registrar, in the manner and subject to the conditions provided in the Resolution, Bonds may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of authorized denominations and bearing interest at the same rate.

The Bond Registrar shall keep at its office the books of the Issuer for the registration of transfer of Bonds. The transfer of this Bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond

Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for this Bond a new Bond or Bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this Bond, of the same maturity and bearing interest at the same rate.

The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of such mailing or of any Bond called for redemption in whole or in part pursuant to the Resolution.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within the geographic boundaries of the Issuer sufficient to pay the principal of and the interest on this Bond as the same shall become due; and that the total indebtedness of the Issuer, including this Bond, does not exceed any constitutional or statutory limitation thereon.

[The following paragraphs through the Certificate of Authentication are to appear on the front side of printed Bonds]

This Bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Resolution until this Bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, said City of Charlotte, by resolution duly adopted by its City Council, has caused this Bond to be executed with the manual or facsimile signatures of its Mayor and its City Clerk and its official seal to be impressed or imprinted hereon, all as of the 1st day of October, 1990.

CITY OF CHARLOTTE

[Manual or Facsimile Signature]
Mayor

[Seal]

[Manual or Facsimile Signature]
City Clerk

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

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

[Manual or Facsimile Signature]
Secretary, Local Government
Commission

[By: _____]
[Designated Assisant]

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the series designated herein and described in the within-mentioned Resolution.

CITY OF CHARLOTTE,
as Bond Registrar

By: _____
Director of Finance

Date of Authentication:

ASSIGNMENT

FOR VALUE RECEIVED the undersigned registered owner thereof hereby sells, assigns and transfers unto

the within bond and all rights thereunder and hereby irrevocably constitutes and appoints

attorney to register the transfer of said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed: _____

NOTICE: The assignor's signature to this assignment must correspond with the name of the registered owner as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Certificated Bonds issuable hereunder shall be in substantially the form of the Bonds registered in the name of the Securities Depository Nominee with such changes as are necessary to reflect the provisions of this resolution that are applicable to Certificated Bonds.

Section 14. The Public Improvement Bonds, Series 1990A maturing prior to October 1, 2001 will not be subject to

redemption prior to maturity. Said Bonds maturing on October 1, 2001 and thereafter will be redeemable, at the option of the Issuer, from any moneys that may be made available for such purpose, either in whole on any date not earlier than October 1, 2000, or in part on any interest payment date not earlier than October 1, 2000, at the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption, plus a redemption premium of $1/2$ of 1% of the principal amount of each Bond to be redeemed for each period of 12 months or part thereof between the redemption date and the maturity date of such Bond, such premium not to exceed 2% of such principal amount.

If less than all of the Public Improvement Bonds, Series 1990A of any one maturity shall be called for redemption, then subject to the sentence immediately following, the particular Public Improvement Bonds, Series 1990A or portions of Public Improvement Bonds, Series 1990A of such maturity to be redeemed shall be selected by lot by the Issuer in such manner as the Issuer in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000. So long as a book-entry system is used for determining beneficial ownership of Bonds, if less than all of the Public Improvement Bonds, Series 1990A within a maturity are to be redeemed, the Securities

Depository and its participants shall determine by lot which of said Bonds within a maturity are to be redeemed. If less than all of the Public Improvement Bonds, Series 1990A stated to mature on different dates shall be called for redemption, the particular Bonds or portions thereof to be redeemed shall be called in the inverse order of their maturities.

Not more than 60 days nor less than 30 days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the Issuer shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each Bond to be redeemed in whole or in part at his address appearing upon the registration books of the Issuer. Failure to mail such notice or any defect therein as to any Bond or portion thereof shall not affect the validity of the redemption as to any Bond or portion thereof for which such notice was given as required hereby. Each such notice shall set forth the date designated for redemption, the redemption price to be paid and the maturities of the Bonds to be redeemed. In the event that Certificated Bonds are outstanding, each such notice to the registered owners thereof shall also set forth, if less than all of the Bonds of any maturity then outstanding shall be called for redemption, the distinctive numbers and letters, if any, of such Bonds to be redeemed and, in the case of any Bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed. If any Bond is to be redeemed in part only, the notice of redemption shall state also that on or after the redemption

date, upon surrender of such Bond, a new Bond or Bonds in principal amount equal to the unredeemed portion of such Bond will be issued.

If any Bonds or portions thereof are to be redeemed, the Bond Registrar shall open a separate account for the sole benefit of the bondholders whose Bonds are being redeemed, which account may be maintained by the Bond Registrar or by an agent. On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar in its capacity as such for deposit in such account to pay the principal of and the redemption premium, if any, on the Bonds or portions thereof called for redemption as well as the interest accruing thereon to the redemption date thereof.

On the date fixed for redemption, notice having been given in the manner and under the conditions herein above provided, the Bonds or portions thereof so called for redemption shall be due and payable from the moneys required to be deposited in such account at the redemption price provided therefor, plus accrued interest to such date. If moneys sufficient to pay the redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest thereon to the date fixed for redemption, are held by the Bond Registrar in such account for the registered owners of Bonds or portions thereof to be redeemed, interest on the Bonds or portions thereof so called for redemption shall cease to accrue, such Bonds or portions thereof shall cease to be entitled to any benefits or security under this resolution or to be deemed outstanding, and the registered owners of such Bonds or

portions thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest to the date of redemption.

If a portion of a Bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such Bond to the Bond Registrar for payment of the principal amount thereof so called for redemption and the redemption premium, if any, on such principal amount, and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

Section 15. The Water and Sewer Bonds, Series 1990 and the endorsements thereon shall be in substantially the following forms:

[Front Side of Printed Bonds]

No. R- _____

\$ _____

United States of America
State of North Carolina
County of Mecklenburg

CITY OF CHARLOTTE

Water and Sewer Bonds, Series 1990

MATURITY DATE

INTEREST RATE

CUSIP

The City of Charlotte, a municipal corporation in Mecklenburg County, North Carolina (the "Issuer"), is justly indebted and for value received hereby promises to pay to or registered assigns or legal representative on the date specified above (or earlier as hereinafter referred to), upon the presentation and surrender hereof, at the office of the Director of Finance of the Issuer, currently at 600 East Fourth Street, Charlotte, North Carolina 28202 (the "Bond Registrar"), the principal sum of

_____ DOLLARS

and to pay interest on such principal sum from the date hereof or from the October 1 or April 1 next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is an October 1 or April 1 to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable on April 1, 1991

and semiannually thereafter on October 1 and April 1 in each year, at the rate per annum specified above, until payment of such principal sum. The interest so payable on any such interest payment date will be paid to the person in whose name this Bond (or the previous Bond or Bonds evidencing the same debt as that evidenced by this Bond) is registered at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on the bond registration books of the Issuer. Both the principal of and the interest on this Bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. For the prompt payment hereof, both principal and interest as the same shall become due, the full faith and credit of the Issuer are hereby irrevocably pledged.

[Printed Bonds are to include
the following paragraph]

ADDITIONAL PROVISIONS OF THIS BOND ARE SET FORTH ON THE REVERSE HEREOF AND SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH HERE.

[Reverse Side of Printed Bonds]

This Bond is one of an issue of Bonds designated "Water and Sewer Bonds, Series 1990" (the "Bonds") and issued by the Issuer for the purpose of providing funds, with any other available funds, for the undertaking of various improvements to the water

and sanitary sewer systems operated by the Issuer. This Bond is issued under and pursuant to The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, four orders adopted by the City Council of the Issuer which have taken effect as provided by law, and a resolution duly passed by the City Council of the Issuer (the "Resolution").

The Bonds at the time outstanding maturing prior to October 1, 2001 are not subject to redemption prior to maturity. The Bonds maturing on October 1, 2001 and thereafter may be redeemed, at the option of the Issuer, from any moneys that may be made available for such purpose, either in whole on any date not earlier than October 1, 2000, or in part on any interest payment date not earlier than October 1, 2000, at the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption, plus a redemption premium of $\frac{1}{2}$ of 1% of the principal amount of each Bond to be redeemed for each period of 12 months or part thereof between the redemption date and the maturity date of such Bond, such premium not to exceed 2% of such principal amount.

If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot by the Issuer in such manner as the Issuer in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some

multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000. If less than all of the Bonds stated to mature on different dates shall be called for redemption, the particular Bonds or portions thereof to be redeemed shall be called in the inverse order of their maturities.

Not more than 60 days nor less than 30 days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the Issuer shall cause a notice of such redemption to be filed with the Bond Registrar and mailed, postage prepaid, to the registered owner of each Bond to be redeemed in whole or in part at his address appearing upon the registration books of the Issuer. Failure to mail such notice or any defect therein as to any Bond or portion thereof shall not affect the validity of the redemption as to any Bond or portion thereof for which such notice was given as required hereby. On the date fixed for redemption, notice having been given as aforesaid, the Bonds or portions thereof so called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to such date. If moneys for payment of such redemption price and the accrued interest are held by the Bond Registrar as provided in the Resolution, interest on the Bonds or the portions thereof so called for redemption shall cease to accrue. If a portion of this Bond shall be called for redemption, a new Bond or Bonds in principal

amount equal to the unredeemed portion hereof will be issued to the registered owner hereof or his legal representative upon the surrender hereof.

[The following four paragraphs are to be included in the form of Bond so long as the Bonds are being issued pursuant to a book-entry system.]

The Bonds initially are being issued by means of a book-entry system with no physical distribution of Bond certificates to be made except as provided in the Resolution. Initially one Bond certificate with respect to each date on which the Bonds are stated to mature, in the aggregate principal amount of the Bonds stated to mature on such date and registered in the name of the Securities Depository Nominee (as defined in the Resolution), a nominee of the Securities Depository (as defined in the Resolution), is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system of the Securities Depository will evidence positions held in the Bonds by the Security Depository's participants, with beneficial ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof being evidenced in the records of such participants. Transfers of beneficial ownership will be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants.

The Issuer and the Bond Registrar will recognize the Securities Depository Nominee or the Securities Depository, as the case may be, while the registered owner of this Bond, as the owner of this Bond for all purposes, including payments of principal of, and redemption premium, if any, and interest on, this Bond, notices and voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository will be the responsibility of the Securities Depository, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer and the Bond Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing records maintained by the Securities Depository, its participants or persons acting through such participants.

While the Securities Depository Nominee or the Securities Depository, as the case may be, is the owner of this Bond, notwithstanding the provisions herein above contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made to the Securities Depository Nominee or the Securities Depository, as the case may be, by wire transfer in immediately available funds to the account of said holder as may be specified in the bond registration books maintained by the Bond Registrar or by such other method of payment as the Issuer may determine to be necessary or advisable with the concurrence

of the Securities Depository. In addition, so long as a book-entry system is used for determining beneficial ownership of Bonds, if less than all of the Bonds within a maturity are to be redeemed, the Securities Depository and its participants shall determine by lot which of the Bonds within a maturity are to be redeemed.

In certain events, the Issuer will be authorized to replace the Securities Depository at the time with another qualified securities depository. In certain events, the Issuer will be authorized to discontinue the book-entry system and to deliver replacement Bonds in the form of fully-registered certificates in the denomination of \$5,000 or any multiple thereof in exchange for the outstanding Bonds as provided in the Resolution.

At the office of the Bond Registrar, in the manner and subject to the conditions provided in the Resolution, Bonds may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of authorized denominations and bearing interest at the same rate.

The Bond Registrar shall keep at its office the books of the Issuer for the registration of transfer of Bonds. The transfer of this Bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond

Registrar shall authenticate and deliver in exchange for this Bond a new Bond or Bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this Bond, of the same maturity and bearing interest at the same rate.

The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of such mailing or of any Bond called for redemption in whole or in part pursuant to the Resolution.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within the geographic boundaries of the Issuer sufficient to pay the principal of and the interest on this Bond as the same shall become due; and that the total indebtedness of the Issuer, including this Bond, does not exceed any constitutional or statutory limitation thereon.

[The following paragraphs through the Certificate of Authentication are to appear on the front side of printed Bonds]

This Bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Resolution until this Bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, said City of Charlotte, by resolution duly adopted by its City Council, has caused this Bond to be executed with the manual or facsimile signatures of its Mayor and its City Clerk and its official seal to be impressed or imprinted hereon, all as of the 1st day of October, 1990.

CITY OF CHARLOTTE

[Manual or Facsimile Signature]
Mayor

[Seal]

[Manual or Facsimile Signature]
City Clerk

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

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

[Manual or Facsimile Signature]
Secretary, Local Government
Commission

[By: _____]
[Designated Assistant]

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the series designated herein and described in the within-mentioned Resolution.

CITY OF CHARLOTTE,
as Bond Registrar

By: _____
Director of Finance

Date of Authentication:

ASSIGNMENT

FOR VALUE RECEIVED the undersigned registered owner thereof hereby sells, assigns and transfers unto

the within bond and all rights thereunder and hereby irrevocably constitutes and appoints

attorney to register the transfer of said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: The assignor's signature to this assignment must correspond with the name of the registered owner as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Certificated Bonds issuable hereunder shall be in substantially the form of the Bonds registered in the name of the Securities Depository Nominee with such changes as are necessary to reflect the provisions of this resolution that are applicable to Certificated Bonds.

Section 16. The Water and Sewer Bonds, Series 1990 maturing prior to October 1, 2001 will not be subject to redemption prior to maturity. Said Bonds maturing on October 1, 2001 and

thereafter will be redeemable, at the option of the Issuer, from any moneys that may be made available for such purpose, either in whole on any date not earlier than October 1, 2000, or in part on any interest payment date not earlier than October 1, 2000, at the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption, plus a redemption premium of $\frac{1}{2}$ of 1% of the principal amount of each Bond to be redeemed for each period of 12 months or part thereof between the redemption date and the maturity date of such Bond, such premium not to exceed 2% of such principal amount.

If less than all of the Water and Sewer Bonds, Series 1990 of any one maturity shall be called for redemption, then subject to the sentence immediately following, the particular Water and Sewer Bonds, Series 1990 or portions of Water and Sewer Bonds, Series 1990 of such maturity to be redeemed shall be selected by lot by the Issuer in such manner as the Issuer in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000. So long as a book-entry system is used for determining beneficial ownership of Bonds, if less than all of the Water and Sewer Bonds, Series 1990 within a maturity are to be redeemed, the Securities Depository and its participants shall determine by lot which of said Bonds within a maturity are to be redeemed. If less than all of the Water and Sewer Bonds, Series

1990 stated to mature on different dates shall be called for redemption, the particular Bonds or portions thereof to be redeemed shall be called in the inverse order of their maturities.

Not more than 60 days nor less than 30 days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the Issuer shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each Bond to be redeemed in whole or in part at his address appearing upon the registration books of the Issuer. Failure to mail such notice or any defect therein as to any Bond or portion thereof shall not affect the validity of the redemption as to any Bond or portion thereof for which such notice was given as required hereby. Each such notice shall set forth the date designated for redemption, the redemption price to be paid and the maturities of the Bonds to be redeemed. In the event that Certificated Bonds are outstanding, each such notice to the registered owners thereof shall also set forth, if less than all of the Bonds of any maturity then outstanding shall be called for redemption, the distinctive numbers and letters, if any, of such Bonds to be redeemed and, in the case of any Bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed. If any Bond is to be redeemed in part only, the notice of redemption shall state also that on or after the redemption date, upon surrender of such Bond, a new Bond or Bonds in

principal amount equal to the unredeemed portion of such Bond will be issued.

If any Bonds or portions thereof are to be redeemed, the Bond Registrar shall open a separate account for the sole benefit of the bondholders whose Bonds are being redeemed, which account may be maintained by the Bond Registrar or by an agent. On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar in its capacity as such for deposit in such account to pay the principal of and the redemption premium, if any, on the Bonds or portions thereof called for redemption as well as the interest accruing thereon to the redemption date thereof.

On the date fixed for redemption, notice having been given in the manner and under the conditions hereinabove provided, the Bonds or portions thereof so called for redemption shall be due and payable from the moneys required to be deposited in such account at the redemption price provided therefor, plus accrued interest to such date. If moneys sufficient to pay the redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest thereon to the date fixed for redemption, are held by the Bond Registrar in such account for the registered owners of Bonds or portions thereof to be redeemed, interest on the Bonds or portions thereof so called for redemption shall cease to accrue, such Bonds or portions thereof shall cease to be entitled to any benefits or security under this resolution or to be deemed outstanding, and the registered owners of such Bonds or portions thereof shall have

no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest to the date of redemption.

If a portion of a Bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such Bond to the Bond Registrar for payment of the principal amount thereof so called for redemption and the redemption premium, if any, on such principal amount, and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

Section 17. The provisions of this Section relating to the exchange and transfer of Bonds are subject to the provisions for operation of the book-entry system provided in Section 9 of this resolution, including the immobilization of Bond certificates with a securities depository during the continuation of the book-entry system. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same

maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any Bond may be registered only upon the registration books of the Issuer upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for such Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such Bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any such exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The Issuer or the Bond Registrar may make a charge for every such exchange or registration of transfer of Bonds sufficient to reimburse it for shipping charges and any tax, fee or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made by the Issuer or the Bond Registrar for exchanging or registering the transfer of Bonds under this resolution. The

Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of such mailing or of any Bond called for redemption in whole or in part pursuant to Sections 12, 14, or 16 of this resolution.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal or redemption price of any such Bond and the interest on any such Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond, including the redemption premium, if any, and interest thereon, to the extent of the sum or sums so paid.

The Issuer shall appoint such registrars, transfer agents, depositaries or other agents as may be necessary for the registration and registration of transfer and exchange of Bonds within a reasonable time according to then current commercial standards and for the timely payment of principal, interest and any redemption premium with respect to the Bonds. The Issuer is to act as the initial registrar, transfer agent and paying agent for the Bonds (collectively, the "Bond Registrar"), subject to the right of the governing body of the Issuer to appoint another Bond Registrar. The Director of Finance (or such other officer

who shall from time to time perform the duties of finance officer within the meaning of N.C.G.S. Section 159-24) is hereby designated to act on behalf of the Issuer in carrying out its responsibilities as Bond Registrar, subject to the right of the governing body of the Issuer to designate another officer to act on its behalf, and as such shall keep at the office of the Director of Finance, currently at 600 East Fourth Street, Charlotte, North Carolina 28202, the books of the Issuer for the registration, registration of transfer, exchange and payment of the Bonds.

Section 18. The actions of the Director of Finance of the Issuer in applying to the Local Government Commission of North Carolina to advertise and sell the Bonds are hereby approved, ratified and confirmed and the actions of the Local Government Commission of North Carolina in asking for sealed bids for the Bonds by publishing notices and printing and distributing an Official Statement relating to the sale of the Bonds are hereby approved, ratified and confirmed. The Official Statement, dated August 24, 1990, substantially in the form presented at this meeting, is hereby approved and the Mayor, the City Manager and the Director of Finance of the Issuer are each hereby authorized to approve changes in such Official Statement and to approve any supplement to such Official Statement and to execute such Official Statement and any supplement to such Official Statement for and on behalf of the Issuer.

Section 19. There may be printed on the reverse of each of any printed Bonds the legal opinion of Smith Helms Mulliss &

Moore, co-bond counsel to the Issuer, with respect to the validity of the Bonds, and there may be printed immediately following such legal opinion a certificate bearing the manual or facsimile signature of the Mayor of the Issuer, said certificate to be in substantially the following form:

I HEREBY CERTIFY that the foregoing is a true and correct copy of the legal opinion on the bonds therein described which was manually signed by Smith Helms Mulliss & Moore, Charlotte, North Carolina, and was dated as of the date of delivery of and payment for said bonds.

[Manual or Facsimile Signature]
Mayor of the City of Charlotte,
North Carolina

Section 20. The Issuer recognizes that the purchasers and holders of the Bonds will accept them on, and pay therefor a price that reflects, the understanding that interest on the Bonds is excludable from gross income for federal (and State of North Carolina) income tax purposes. Hence, for the purpose of complying with the requirements of Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended, or any corresponding provisions of succeeding law as applicable to the Bonds (the "Code"), and the applicable temporary, proposed and final regulations and procedures related thereto (the "Regulations") and to assure that interest on the Bonds is excludable from gross income for federal income tax purposes, the Issuer hereby represents and covenants that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the

Bonds and, without limiting the generality of the foregoing, hereby specifically represents and covenants as follows:

(a) Unless the Issuer complies with paragraph (c) below, the Issuer will not permit the following amount to exceed 10 percent of the proceeds of the Bonds (reduced by the amount of Bond-financed costs of issuance and the amount of a Bond-financed reserve fund, if any): the proceeds of the Bonds to be used, directly or indirectly, in the trade or business of any person (other than use as a member of the general public) other than a governmental unit ("private-use proceeds"). For purposes of this Section, the term "person" includes any individual, corporation, partnership, unincorporated association or any other entity capable of carrying on a trade or business; and the term "trade or business" means, with respect to any natural person, any activity regularly carried on for profit and, with respect to persons other than natural persons, means any activity other than an activity carried on by a governmental unit. For purposes of this Section, the term "governmental unit" does not include the United States or any agency or instrumentality thereof. For purposes of this Section, the term "use" may include, among other things, actual or beneficial use pursuant to a lease, a management contract or an arrangement such as a take-or-pay or output contract.

(b) Unless the Issuer complies with paragraph (c) below, the Issuer will not permit the sum of the following amounts to exceed 5 percent of the proceeds of the Bonds (reduced by the amount of Bond-financed costs of issuance and the amount of a

Bond-financed reserve fund, if any): (i) the private-use proceeds of the Bonds to be used, directly or indirectly, in a use which is not related to the governmental use of the proceeds of the Bonds and (ii) the private-use proceeds of the Bonds to be used, directly or indirectly, in a use which is related to the governmental use of the proceeds of the Bonds, to the extent such private-use proceeds exceed the proceeds of the Bonds to be used for the governmental use to which such private-use proceeds relate.

(c) Unless the Issuer complies with paragraphs (a) and (b) above, the Issuer will not permit the Bonds to meet the private security or payment test of Section 141(b)(2) of the Code. To that end, among other things, the Issuer will not permit the present value of the payments taken into account under paragraph (a)(3) of I.R.S. Notice 87-69 (including, e.g., payments by a person to be made for any private use of property financed with proceeds of the Bonds to the extent allocable to the payment of debt service on the portion of the Bonds used to finance such property) to exceed 10 percent (5 percent, in the case of combined unrelated private-use proceeds and disproportionate related private-use proceeds as described in paragraph (b) above) of the present value of the debt service (as defined in paragraph (a)(2)(ii) of I.R.S. Notice 87-69) over the term of the Bonds.

(d) The Issuer will not permit to be used, directly or indirectly, an amount of the proceeds of the Bonds exceeding the lesser of (i) \$5,000,000 or (ii) 5 percent of the proceeds of the

Bonds (reduced by the amount of Bond-financed costs of issuance and the amount of a Bond-financed reserve fund, if any) to make or finance loans to persons other than governmental units as described in Section 141(c) of the Code.

(e) The Issuer will monitor or cause to be monitored the yield on the investment of the proceeds of the Bonds, any moneys pledged to the repayment of the Bonds and any other funds replaced directly or indirectly by the proceeds of the Bonds, other than amounts not subject to yield restriction due to deposit in a reasonably required reserve or replacement fund or a bona fide debt service fund, and will restrict or cause to be restricted the yield on such investments to the extent required by the Code or the Regulations. Without limiting the generality of the foregoing, the Issuer will take appropriate steps to restrict the yield on (i) all original proceeds of the Bonds on hand on the date that is three years from the date of delivery of the Bonds and (ii) all investment proceeds on hand on the date that is three years from the date of delivery of the Bonds or one year from the date such investment proceeds are received, whichever is later, to a yield which is not materially higher than the yield on the Bonds (in both cases calculated in accordance with the Code and the Regulations).

(f) The Issuer will take or cause to be taken all necessary steps to comply with the requirement that "rebtable arbitrage," if any, from the investment of the gross proceeds of the Bonds be paid to the United States. Specifically, the Issuer will (or will cause another to) (i) maintain records regarding

the investment of the gross proceeds of the Bonds as may be required to calculate such "rebtable arbitrage" separately from records of amounts on deposit in the funds and accounts of the Issuer which are allocable to other obligations of the Issuer or moneys which do not represent gross proceeds of any obligations of the Issuer, (ii) calculate, periodically to the extent required to comply with applicable Regulations, the amount of "rebtable arbitrage," if any, earned from the investment of the gross proceeds of the Bonds, and (iii) pay, not less often than once every five years and not later than 60 days after the day on which the last of the Bonds is paid at maturity or redeemed, all "rebtable arbitrage" required to be paid to the United States. Further, to the extent required by future Regulations, such "rebtable arbitrage" may result from or be increased by certain imputed receipts (i.e. any amount otherwise payable to the United States pursuant to the foregoing requirements that is directly or indirectly paid to any person other than the United States by any investment arrangement entered into by the Issuer).

(g) The Issuer will cause the Bonds not to be treated as "federally guaranteed" obligations within the meaning of Section 149(b) of the Code.

(h) The Issuer will issue the Bonds, and will cause the Bonds to be maintained, in "registered form" within the meaning of Section 149(a) of the Code.

(i) The Issuer will timely file with the Secretary of the Treasury an information statement with respect to the Bonds as required by Section 149(e) of the Code.

(j) Upon issuance of the Bonds the payment of legal and underwriting costs associated with the issuance of the Bonds is not contingent, and at least 95 percent of the reasonably expected legal and underwriting costs associated with the issuance of the Bonds will be paid not later than the 180th day after the date of issuance of the Bonds.

(k) The Issuer reasonably expects that 85 percent of the spendable proceeds of the Bonds will be used to carry out the governmental purposes of the Bonds within the three-year period beginning on the date the Bonds are issued; and the Issuer will not invest more than 50 percent of the proceeds of the Bonds in nonpurpose investments (as defined in Section 148(f)(6)(A) of the Code) having a substantially guaranteed yield for four years or more.

As necessary or appropriate in connection with the issuance of the Bonds, all officers, employees and agents of the Issuer are authorized and directed to provide certifications of material facts and estimates as to the reasonable expectations of the Issuer as of the date the Bonds are delivered and on behalf of the Issuer to sign agreements or acknowledge instructions regarding compliance with the requirements of the Code and the Regulations relating to the Bonds. In complying with the covenants in this Section, the Issuer may rely from time to time upon an opinion of its bond counsel or other nationally recognized bond counsel to the effect that any action by the Issuer in reliance upon any interpretation of the Code or the Regulations contained in such opinion will not cause interest on

the Bonds to be includable in gross income for federal income tax purposes or otherwise adversely affect the exemption of interest on the Bonds from federal income taxation. In addition, the Issuer shall not be required to comply with any requirement or requirements of any of the covenants in this Section if the Issuer shall receive an opinion of its bond counsel or other nationally recognized bond counsel to the effect that failure to comply with such requirement or requirements will not cause interest on the Bonds to be includable in gross income for federal income tax purposes or otherwise adversely affect the exemption of interest on the Bonds from federal income taxation.

Section 21. The Mayor, the City Clerk, the City Manager and the Director of Finance, and the other officers of the Issuer are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any and all financing statements, certificates, documents or other papers, including, without limitation, Letters of Representations to Securities Depositories, and to perform any and all acts they may deem necessary or appropriate in order to carry out the intent of this resolution and the matters herein authorized.

Section 22. This resolution shall take effect upon its passage.

Upon motion of Councilmember McCrorry, seconded by Councilmember Clodfelter, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$81,210,000 GENERAL OBLIGATION BONDS CONSISTING OF \$15,260,000 PUBLIC IMPROVEMENT BONDS, SERIES 1990, \$43,750,000 PUBLIC IMPROVEMENT

BONDS, SERIES 1990A AND \$22,200,000 WATER AND SEWER BONDS, SERIES 1990," was passed by the following vote:

Ayes:

Councilmembers Campbell, Clodfelter, Hammond, McCrory, Martin, Mangum, Martin, Matthews, Patterson, Scarborough, Vinroot and Wheeler

Noes:

Councilmembers None.

* * * * *
BRENDA R. FREEZE, DEPUTY
I, ~~Pat Sharkey~~, City Clerk of the City of Charlotte,

North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of said City Council at a regular meeting held August 27, 1990, as relates in any way to the passage of a resolution providing for the issuance of \$81,210,000 GENERAL OBLIGATION BONDS CONSISTING OF \$15,260,000 PUBLIC IMPROVEMENT BONDS, SERIES 1990, \$43,750,000 PUBLIC IMPROVEMENT BONDS, SERIES 1990A AND \$22,200,000 WATER AND SEWER BONDS, SERIES 1990, of said City, that all required notices of such meeting were given and that said proceedings are recorded in Minute Book 96 of the minutes of said City Council beginning on page and ending at page .

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said City Council, stating that regular meetings of said City Council are held (with certain exceptions not applicable to said meeting) at the Charlotte-Mecklenburg Government Center in Charlotte, North Carolina, in the Conference Center on the first Monday of each month at 5:00 P.M. (Workshop); and in the Meeting Chamber on the second Monday of each month at

7:00 P.M., the third Monday of each month at 6:00 P.M., and the fourth Monday of each month at 2:30 P.M., has been on file in the office of the City Clerk pursuant to North Carolina General Statutes, §143-318.12, as of a date not less than seven days before said meeting.

WITNESS my hand and the official seal of said City,
this 30th day of August, 1990.

DEPUTY Brenda R. Frye
City Clerk

(SEAL)

RESOLUTION AMENDING THE DEFERRED COMPENSATION PLAN
OF THE
CITY OF CHARLOTTE

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

The Deferred Compensation Plan of the City of Charlotte be amended to comply with Section 457 of the Internal Revenue Code and that the City of Charlotte, hereby adopts the deferred compensation plan document attached hereto as Appendix A.

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

CERTIFICATION

I, Brenda R. Freeze, Deputy City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of August, 1990, the reference having been made in Minute Book 96, and recorded in full in Resolution Book 26, at Page(s) 428-432.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 31st day of August, 1990.

Brenda R. Freeze
Brenda R. Freeze, Deputy City Clerk

Deferred Compensation Plan

10/89

Article I. INTRODUCTION

The Employer hereby establishes the Employer's Deferred Compensation Plan, hereinafter referred to as the "Plan." The Plan consists of the provisions set forth in this document.

The primary purpose of this Plan is to provide retirement income and other deferred benefits to the Employees of the Employer in accordance with the provisions of Section 457 of the Internal Revenue Code of 1986, as amended (the "Code").

This Plan shall be an agreement solely between the Employer and participating Employees.

Article II. DEFINITIONS

Section 2.01 Account: The bookkeeping account maintained for each Participant reflecting the cumulative amount of the Participant's Deferred Compensation, including any income, gains, losses, or increases or decreases in market value attributable to the Employer's investment of the Participant's Deferred Compensation, and further reflecting any distributions to the Participant or the Participant's Beneficiary and any fees or expenses charged against such Participant's Deferred Compensation.

Section 2.02 Administrator: The person or persons named to carry out certain nondiscretionary administrative functions under the Plan, as hereinafter described. The Employer may remove any person as Administrator upon 60 days' advance notice in writing to such person, in which case the Employer shall name another person or persons to act as Administrator. The Administrator may resign upon 60 days' advance notice in writing to the Employer, in which case the Employer shall name another person or persons to act as Administrator.

Section 2.03 Beneficiary: The person or persons designated by the Participant in his Joinder Agreement who shall receive any benefits payable hereunder in the event of the Participant's death. In the event that the Participant names two or more Beneficiaries, each Beneficiary shall be entitled to equal shares of the benefits payable at the Participant's death, unless otherwise provided in the Participant's Joinder Agreement. If no Beneficiary is designated in the Joinder Agreement, if the Designated Beneficiary predeceases the Participant, or if the Designated Beneficiary does not survive the Participant for a period of fifteen (15) days, then the estate of the Participant shall be the Beneficiary.

Section 2.04 Deferred Compensation: The amount of Normal Compensation otherwise payable to the Participant which the Participant and the Employer mutually agree to defer hereunder, any amount credited to a Participant's Account by reason of a transfer under Section 6.03, or any other amount which the Employer agrees to credit to a Participant's Account.

Section 2.05 Employee: Any individual who provides services for the Employer, whether as an employee of the Employer or as an independent contractor, and who has been designated by the Employer as eligible to participate in the Plan.

Section 2.06 Includible Compensation: The amount of an Employee's compensation from the Employer for a taxable year that is attributable to services performed for the Employer and that is includible in the Employee's gross income for the taxable year for federal income tax purposes; such term does not include any amount excludable from gross income under this Plan or any other plan described in Section 457(b) of the Code or any other amount excludable from gross income for federal income tax purposes. Includible Compensation shall be determined without regard to any community property laws.

Section 2.07 Joinder Agreement: An agreement entered into between an Employee and the Employer, including any amendments or modifications thereof. Such agreement shall fix the amount of Deferred Compensation, specify a preference among the investment alternatives designated by the Employer, designate the Employee's Beneficiary or Beneficiaries, and incorporate the terms, conditions, and provisions of the Plan by reference.

Section 2.08 Normal Compensation: The amount of compensation which would be payable to a Participant by the Employer for a taxable year if no Joinder Agreement were in effect to defer compensation under this Plan.

Section 2.09 Normal Retirement Age: Age 70½, unless the Participant has elected an alternate Normal Retirement Age by written instrument delivered to the Administrator prior to Separation from Service. A Participant's Normal Retirement Age determines the period during which a Participant may utilize the catch-up limitation of Section 5.02 hereunder. Once a Participant has to any extent utilized the catch-up limitation of Section 5.02, his Normal Retirement Age may not be changed.

A Participant's alternate Normal Retirement Age may not be earlier than the earliest date that the Participant will become eligible to retire and receive unreduced retirement benefits under the Employer's basic retirement plan covering the Participant and may not be later than the date the Participant will attain age 70½. If a Participant continues employment after attaining age 70½, not having previously elected an alternate Normal Retirement Age, the Participant's alternate Normal Retirement Age shall not be later than the mandatory retirement age, if any, established by the Employer, or the age at which the Participant actually separates from service if the Employer has no mandatory retirement age. If the Participant will not become eligible to receive benefits under a basic retirement plan maintained by the Employer, the Participant's alternate Normal Retirement Age may not be earlier than age 55 and may not be later than age 70½.

Section 2.10 Participant: Any Employee who has joined the Plan pursuant to the requirements of Article IV.

Section 2.11 Plan Year: The calendar year.

Section 2.12 Retirement: The first date upon which both of the following shall have occurred with respect to a participant: Separation from Service and attainment of age 65.

Section 2.13 Separation from Service: Severance of the Participant's employment with the Employer which constitutes a "separation from service" within the meaning of Section 402(e)(4)(A)(iii) of the Code. In general, a Participant shall be deemed to have severed his employment with the Employer for purposes of this Plan when, in accordance with the established practices of the Employer, the employment relationship is considered to have actually terminated. In the case of a Participant who is an independent contractor of the Employer, Separation from Service shall be deemed to have occurred when the Participant's contract under which services are performed has completely expired and terminated, there is no foreseeable possibility that the Employer will renew the contract or enter into a new contract for the Participant's services, and it is not anticipated that the Participant will become an Employee of the Employer.

Article III. ADMINISTRATION

Section 3.01 Duties of Employer: The Employer shall have the authority to make all discretionary decisions affecting the rights or benefits of Participants which may be required in the administration of this Plan.

Section 3.02 Duties of Administrator: The Administrator, as agent for the Employer, shall perform nondiscretionary administrative functions in connection with the Plan, including the maintenance of Participants' Accounts, the provision of periodic reports of the status of each Account, and the disbursement of benefits on behalf of the Employer in accordance with the provisions of this Plan.

Article IV. PARTICIPATION IN THE PLAN

Section 4.01 Initial Participation: An Employee may become a Participant by entering into a Joinder Agreement prior to the beginning of the calendar month in which the Joinder Agreement is to become effective to defer compensation not yet earned.

Section 4.02 Amendment of Joinder Agreement: A Participant may amend an executed Joinder Agreement to change the amount of compensation not yet earned which is to be deferred (including the reduction of such future deferrals to zero) or to change his investment preference (subject to such restrictions as may result from the nature or terms of any investment made by the Employer). Such amendment shall become effective as of the beginning of the calendar month commencing after the date the amendment is executed. A Participant may at any time amend his Joinder Agreement to change the designated Beneficiary, and such amendment shall become effective immediately.

Article V. LIMITATIONS ON DEFERRALS

Section 5.01 Normal Limitation: Except as provided in Section 5.02, the maximum amount of Deferred Compensation for any Participant for any taxable year shall not exceed the lesser of \$7,500.00 or 33 $\frac{1}{3}$ percent of the Participant's Includible Compensation for the taxable year. This limitation will ordinarily be equivalent to the lesser of \$7,500.00 or 25 percent of the Participant's Normal Compensation.

Section 5.02 Catch-Up Limitation: For each of the last three (3) taxable years of a Participant ending before his attainment of Normal Retirement Age, the maximum amount of Deferred Compensation shall be the lesser of: (1) \$15,000 or (2) the sum of (i) the Normal Limitation for the taxable year, and (ii) the Normal Limitation for each prior taxable year of the Participant commencing after 1978 less the amount of the Participant's Deferred Compensation for such prior taxable years. A prior taxable year shall be taken into account under the preceding sentence only if (i) the Participant was eligible to participate in the Plan for such year (or in any other eligible deferred compensation plan established under Section 457 of the Code which is properly taken into account pursuant to regulations under section 457), and (ii) compensation (if any) deferred under the Plan (or such other plan) was subject to the deferral limitations set forth in Section 5.01.

Section 5.03 Other Plans: The amount excludable from a Participant's gross income under this Plan or any other eligible deferred compensation plan under section 457 of the Code shall not exceed \$7,500.00 (or such greater amount allowed under Section 5.02 of the Plan), less any amount excluded from gross income under section 403(b), 402(a)(8), or 402(h)(1)(B) of the Code, or any amount with respect to which a deduction is allowable by reason of a contribution to an organization described in section 501(c)(18) of the Code.

Article VI. INVESTMENTS AND ACCOUNT VALUES

Section 6.01 Investment of Deferred Compensation: All investments of Participants' Deferred Compensation made by the Employer, including all property and rights purchased with such amounts and all income attributable thereto, shall be the sole property of the Employer and shall not be held in trust for Participants or as collateral security for the fulfillment of the Employer's obligations under the Plan. Such property shall be subject to the claims of general creditors of the Employer, and no Participant or Beneficiary shall have any vested interest or secured or preferred position with respect to such property or have any claim against the Employer except as a general creditor.

Section 6.02 Crediting of Accounts: The Participant's Account shall reflect the amount and value of the investments or other property obtained by the Employer through the investment of the Participant's Deferred Compensation. It is anticipated that the Employer's investments with respect to a Participant will conform to the investment preference specified in the Participant's Joinder Agreement, but nothing herein shall be construed to require the Employer to make any particular investment of a Participant's Deferred Compensation. Each Participant shall receive periodic reports, not less frequently than annually, showing the then-current value of his Account.

Section 6.03 Transfers:

(a) **Incoming Transfers:** A transfer may be accepted from an eligible deferred compensation plan maintained by another employer and credited to a Participant's Account under this Plan if (i) the Participant has separated from service with that employer and become an Employee of the Employer, and (ii) the other employer's plan provides that such transfer will be made. The Employer may require such documentation from the predecessor plan as it deems necessary to effectuate the transfer, to confirm that such plan is an eligible deferred compensation plan within the meaning of Section 457 of the Code, and to assure that transfers are provided for under such plan. The Employer may refuse to accept a transfer in the form of assets other than cash, unless the Employer and the Administrator agree to hold such other assets under the Plan. Any such transferred amount shall not be treated as a deferral subject to the limitations of Article V, except that, for purposes of applying the limitations of Sections 5.01 and 5.02, an amount deferred during any taxable year under the plan from which the transfer is accepted shall be treated as if it has been deferred under this Plan during such taxable year and compensation paid by the transferor employer shall be treated as if it had been paid by the Employer.

(b) **Outgoing Transfers:** An amount may be transferred to an eligible deferred compensation plan maintained by another employer, and charged to a Participant's Account under this Plan, if (i) the Participant has separated from service with the Employer and become an employee of the other employer, (ii) the other employer's plan provides that such transfer will be accepted, and (iii) the Participant and the employers have signed such agreements as are necessary to assure that the Employer's liability to pay benefits to the Participant has been discharged and assumed by the other employer. The Employer may require such documentation from the other plan as it deems necessary to effectuate the transfer, to confirm that such plan is an eligible deferred compensation plan within the meaning of section 457 of the Code, and to assure that transfers are provided for under such plan. Such transfers shall be made only under such circumstances as are permitted under section 457 of the Code and the regulations thereunder.

Section 6.04 Employer Liability: In no event shall the Employer's liability to pay benefits to a Participant under Article VI exceed the value of the amounts credited to the Participant's Account; the Employer shall not be liable for losses arising from depreciation or shrinkage in the value of any investments acquired under this Plan.

Article VII. BENEFITS

Section 7.01 Retirement Benefits and Election on Separation from Service: Except as otherwise provided in this Article VII, the distribution of a Participant's Account shall commence as of April 1 of the calendar year after the Plan Year of the Participant's Retirement, and the distribution of such Retirement benefits shall be made in accordance with one of the payment options described in Section 7.02. Notwithstanding the foregoing, the Participant may irrevocably elect within 60 days following Separation from Service to have the distribution of benefits commence on a fixed or determinable date other than that described in the preceding sentence which is at least 60 days after the date such election is delivered in writing to the Employer and forwarded to the Administrator, but not later than April 1 of the year following the year of the Participant's Retirement or attainment of age 70 $\frac{1}{2}$, whichever is later.

Section 7.02 Payment Options: As provided in Sections 7.01, 7.04, and 7.05, a Participant or Beneficiary may elect to have the value of the Participant's Account distributed in accordance with one of the following payment options, provided that such option is consistent with the limitations set forth in Section 7.03:

- (a) Equal monthly, quarterly, semi-annual or annual payments in an amount chosen by the Participant, continuing until his Account is exhausted;
- (b) One lump-sum payment;
- (c) Approximately equal monthly, quarterly, semi-annual or annual payments, calculated to continue for a period certain chosen by the Participant.
- (d) Annual Payments equal to the minimum distributions required under Section 401(a)(9) of the Code over the life expectancy of the Participant or over the life expectancies of the Participant and his Beneficiary.
- (e) Payments equal to payments made by the issuer of a retirement annuity policy acquired by the Employer.
- (f) Any other payment option elected by the Participant and agreed to by the Employer and Administrator, provided that such option must provide for substantially nonincreasing payments for any period after the latest benefit commencement date under Section 7.01.

A Participant's or Beneficiary's election of a payment option must be made at least 30 days before the payment of benefits is to commence. If a Participant or Beneficiary fails to make a timely election of a payment option, benefits shall be paid monthly under option (c) above for a period of five years.

Section 7.03 Limitation on Options: No payment option may be selected by a Participant or Beneficiary under Sections 7.02, 7.04, or 7.05 unless it satisfies the requirements of Sections 401(a)(9) and 457(d)(2) of the Code, including that payments commencing before the death of the Participant shall satisfy the incidental death benefits requirement under section 457(d)(2)(B)(i)(I). Unless otherwise elected by the Participant, all determinations under Section 401(a)(9) shall be made without recalculation of life expectancies.

Section 7.04 Post-retirement Death Benefits:

(a) Should the Participant die after he has begun to receive benefits under a payment option, the remaining payments, if any, under the payment option shall be payable to the Participant's Beneficiary commencing within the 30-day period commencing with the 61st day after the Participant's death, unless the Beneficiary elects payment under a different payment option that is available under Section 7.02 within 60 days of the Participant's death. Any different payment option elected by a Beneficiary under this section must provide for payments at a rate that is at least as rapid as under the payment option that was applicable to the Participant. In no event shall the Employer or Administrator be liable to the Beneficiary for the amount of any payment made in the name of the Participant before the Administrator receives proof of death of the Participant.

(b) If the designated Beneficiary does not continue to live for the remaining period of payments under the payment option, then the commuted value of any remaining payments under the payment option shall be paid in a lump sum to the estate of the Beneficiary. In the event that the Participant's estate is the Beneficiary, the commuted value of any remaining payments under the payment option shall be paid to the estate in a lump sum.

Section 7.05 Pre-retirement Death Benefits:

(a) Should the Participant die before he has begun to receive the benefits provided by Section 7.01, the value of the Participant's Account shall be payable to the Beneficiary commencing within the 30-day period commencing on the 91st day after the Participant's death, unless the Beneficiary irrevocably elects a different fixed or determinable

benefit commencement date within 90 days of the Participant's death. Such benefit commencement date shall be not later than the later of (i) December 31 of the year following the year of the Participant's death, or (ii) if the Beneficiary is the Participant's spouse, December 31 of the year in which the Participant would have attained age 70½.

(b) Unless a Beneficiary elects a different payment option prior to the benefit commencement date, death benefits under this Section shall be paid in approximately equal annual installments over five years, or over such shorter period as may be necessary to assure that the amount of any annual installment is not less than \$3,500. A Beneficiary shall be treated as if he were a Participant for purposes of determining the payment options available under Section 7.02, provided, however, that the payment option chosen by the Beneficiary must provide for payments to the Beneficiary over a period no longer than the life expectancy of the Beneficiary, and provided that such period may not exceed fifteen (15) years if the Beneficiary is not the Participant's spouse.

(c) In the event that the Beneficiary dies before the payment of death benefits has commenced or been completed, the remaining value of the Participant's Account shall be paid to the estate of the Beneficiary in a lump sum. In the event that the Participant's estate is the Beneficiary, payment shall be made to the estate in a lump sum.

Section 7.06 Unforeseeable Emergencies:

(a) In the event an unforeseeable emergency occurs, a Participant may apply to the Employer to receive that part of the value of his Account that is reasonably needed to satisfy the emergency need. If such an application is approved by the Employer, the Participant shall be paid only such amount as the Employer deems necessary to meet the emergency need, but payment shall not be made to the extent that the financial hardship may be relieved through cessation of deferral under the Plan, insurance or other reimbursement, or liquidation of other assets to the extent such liquidation would not itself cause severe financial hardship.

(b) An unforeseeable emergency shall be deemed to involve only circumstances of severe financial hardship to the Participant resulting from a sudden unexpected illness, accident, or disability of the Participant or of a dependent (as defined in Section 152(a) of the Code) of the Participant, loss of the Participant's property due to casualty, or other similar and extraordinary unforeseeable circumstances arising as a result of events beyond the control of the Participant. The need to send a Participant's child to college or to purchase a new home shall not be considered unforeseeable emergencies. The determination as to whether such an unforeseeable emergency exists shall be based on the merits of each individual case.

Section 7.07 Transitional Rule for Pre-1989 Benefit Elections: In the event that, prior to January 1, 1989, a Participant or Beneficiary has commenced receiving benefits under a payment option or has irrevocably elected a payment option or benefit commencement date, then that payment option or election shall remain in effect notwithstanding any other provision of this Plan.

Article VIII. NON-ASSIGNABILITY

Section 8.01 In General: Except as provided in Section 8.02, no Participant or Beneficiary shall have any right to commute, sell, assign, pledge, transfer or otherwise convey or encumber the right to receive any payments hereunder, which payments and rights are expressly declared to be non-assignable and non-transferable.

Section 8.02 Domestic Relations Orders:

(a) Allowance of Transfers: To the extent required under a final judgment, decree, or order (including approval of a property settlement agreement) made pursuant to a state domestic relations law, any portion of a Participant's Account may be paid or set aside for payment to a spouse, former spouse, or child of the Participant. Where necessary to carry out the terms of such an order, a separate Account shall be established with respect to the spouse, former spouse, or child who shall be entitled to make investment selections with respect thereto in

the same manner as the Participant; any amount so set aside for a spouse, former spouse, or child shall be paid out in a lump sum at the earliest date that benefits may be paid to the Participant, unless the order directs a different time or form of payment. Nothing in this Section shall be construed to authorize any amount to be distributed under the Plan at a time or in a form that is not permitted under Section 457 of the Code. Any payment made to a person other than the Participant pursuant to this Section shall be reduced by required income tax withholding; the fact that payment is made to a person other than the Participant may not prevent such payment from being includible in the gross income of the Participant for withholding and income tax reporting purposes.

(b) Release from Liability to Participant: The Employer's liability to pay benefits to a Participant shall be reduced to the extent that amounts have been paid or set aside for payment to a spouse, former spouse, or child pursuant to paragraph (a) of this Section. No such transfer shall be effectuated unless the Employer or Administrator has been provided with satisfactory evidence that the Employer and the Administrator are released from any further claim by the Participant with respect to such amounts. The Participant shall be deemed to have released the Employer and the Administrator from any claim with respect to such amounts, in any case in which (i) the Employer or Administrator has been served with legal process or otherwise joined in a proceeding relating to such transfer, (ii) the Participant has been notified of the pendency of such proceeding in the manner prescribed by the law of the jurisdiction in which the proceeding is pending for service of process in such action or by mail from the Employer or Administrator to the Participant's last known mailing address, and (iii) the Participant fails to obtain an order of the court in the proceeding relieving the Employer or Administrator from the obligation to comply with the judgment, decree, or order.

(c) Participation in Legal Proceedings: The Employer and Administrator shall not be obligated to defend against or set aside any judgment, decree, or order described in paragraph (a) or any legal order relating to the garnishment of a Participant's benefits, unless the full expense of such legal action is borne by the Participant. In the event that the Participant's action (or inaction) nonetheless causes the Employer or Administrator to incur such expense, the amount of the expense may be charged against the Participant's Account and thereby reduce the Employer's obligation to pay benefits to the Participant. In the course of any proceeding relating to divorce, separation, or child support, the Employer and Administrator shall be authorized to disclose information relating to the Participant's Account to the Participant's spouse, former spouse, or child (including the legal representatives of the spouse, former spouse, or child), or to a court.

Article IX. RELATIONSHIP TO OTHER PLANS AND EMPLOYMENT AGREEMENTS

This Plan serves in addition to any other retirement, pension, or benefit plan or system presently in existence or hereinafter established

for the benefit of the Employer's employees, and participation hereunder shall not affect benefits receivable under any such plan or system. Nothing contained in this Plan shall be deemed to constitute an employment contract or agreement between any Participant and the Employer or to give any Participant the right to be retained in the employ of the Employer. Nor shall anything herein be construed to modify the terms of any employment contract or agreement between a Participant and the Employer.

Article X. AMENDMENT OR TERMINATION OF PLAN

The Employer may at any time amend this Plan provided that it transmits such amendment in writing to the Administrator at least 30 days prior to the effective date of the amendment. The consent of the Administrator shall not be required in order for such amendment to become effective, but the Administrator shall be under no obligation to continue acting as Administrator hereunder if it disapproves of such amendment. The Employer may at any time terminate this Plan.

The Administrator may at any time propose an amendment to the Plan by an instrument in writing transmitted to the Employer at least 30 days before the effective date of the amendment. Such amendment shall become effective unless, within such 30-day period, the Employer notifies the Administrator in writing that it disapproves such amendment, in which case such amendment shall not become effective. In the event of such disapproval, the Administrator shall be under no obligation to continue acting as Administrator hereunder. If this Plan document constitutes an amendment and restatement of the Plan as previously adopted by the Employer, the amendments contained herein shall become effective on January 1, 1989, and the terms of the preceding Plan document shall remain in effect through December 31, 1988.

Except as may be required to maintain the status of the Plan as an eligible deferred compensation plan under section 457 of the Code or to comply with other applicable laws, no amendment or termination of the Plan shall divest any Participant of any rights with respect to compensation deferred before the date of the amendment or termination.

Article XI. APPLICABLE LAW

This Plan shall be construed under the laws of the state where the Employer is located and is established with the intent that it meet the requirements of an "eligible deferred compensation plan" under Section 457 of the Code, as amended. The provisions of this Plan shall be interpreted wherever possible in conformity with the requirements of that section.

Article XII. GENDER AND NUMBER

The masculine pronoun, whenever used herein, shall include the feminine pronoun, and the singular shall include the plural, except where the context requires otherwise.

RESOLUTION AMENDING THE RULES AND REGULATIONS
OF THE
CITY OF CHARLOTTE

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, 1969, as subsequently amended, is hereby further amended by suspending the Leave "Cash-In" Policy under the City's Deferred Compensation Plan as follows:

The Leave "Cash-In" policy under the City's Deferred Compensation Plan as stated in the Rules and Regulations in Rule IV, Leave of Absence be suspended with the understanding that the policy will automatically be reinstated if a favorable Internal Revenue Ruling is issued on the subject at a later date.

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

APPROVED AS TO FORM:

76 Michael J. L.
Deputy City Attorney

CERTIFICATION

I, Brenda R. Freeze, Deputy City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of August, 1990, the reference having been made in Minute Book 96, and recorded in full in Resolution Book 26, at Page(s) 433.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 31st day of August, 1990.

Brenda R. Freeze
Brenda R. Freeze, Deputy City Clerk

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not used

EXTRACT FROM THE MINUTES OF A
MEETING OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
HELD ON _____

The following Resolution was introduced by Councilmember Patterson
seconded by Councilmember Wheeler, read in full, considered
and adopted.

RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND
RATIFYING THE EXECUTION OF GRANT AGREEMENT FOR PROJECT NUMBER
3-37-0012-14 BETWEEN THE UNITED STATES OF AMERICA AND
CITY OF CHARLOTTE, NORTH CAROLINA.

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

SECTION 1. That said City Council hereby authorizes,
adopts, approves, accepts and ratifies the execution of Grant Agreement
between the Federal Aviation Administration on behalf of the United
States of America and City of Charlotte, North Carolina

SECTION 2. That the Execution of said Grant Agreement in
quadruplicate on behalf of said City of Charlotte
by City Manager;
and the impression of the official seal of the City of Charlotte
and the attestation by City Clerk (if there is no seal, so state)
is hereby authorized, adopted, approved, accepted and ratified.

SECTION 3. That the Aviation Director is hereby
Authorized (Title of Position, Airport
Manager, City Manager, etc.)
to execute payment requests under this Grant Agreement on behalf of said
City of Charlotte.

APPROVED AS TO FORM

Henry W. Underhill Jr.
CITY ATTORNEY

CERTIFICATION

I, Brenda R. Freeze, Deputy City Clerk of the City of Charlotte, North
Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy
of an Resolution adopted by the City Council of the City of Charlotte,
North Carolina in regular session convened on the 27th day of
August, 1990, the reference having been made in Minute Book 96, and
recorded in full in Resolution Book 26, at Page(s) 435.

WITNESS my hand and the corporate seal of the City of Charlotte, North
Carolina this the 30 day of August, 1990.

Brenda R. Freeze
Brenda R. Freeze, Deputy City Clerk

A RESOLUTION AMENDING THE MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE, AND AUTHORIZING THE MAYOR AND CITY MANAGER SIGN THE AMENDMENT.

WHEREAS, on September 24, 1984, the City Council adopted a resolution approving the Municipal Records and Disposition Schedule issued by the Division of Archives and History in Raleigh to eliminate the necessity for City departments to get Council's permission each time they needed to dispose of documents; and

WHEREAS, on July 11, 1988, City Council adopted a resolution amending the Municipal Records and Disposition Schedule to permit the destruction of original, non-permanent paper records that had been captured on filmed or machine readable media under specified conditions; and

WHEREAS, the Charlotte Police Department wishes the Schedule be amended further to be consistent with North Carolina Sheriffs regarding the destruction of criminal history or closed case records, and as recommended by the Division of Archives and History, Department of Cultural Resources.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte hereby approves amending the Municipal Records Retention and Disposition, page (32), Item 12 Criminal history or records to read as follows:

- a. Felonies 10 years.
- b. Misdemeanors, investigation, noncriminal, missing persons, etc. 2 years.

BE IT FURTHER RESOLVED that the Mayor and City Manager of the City of Charlotte be authorized to sign the amendment.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

CERTIFICATION

I, Brenda Freeze, Deputy, 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 27 day of August, 1990, the reference having been made in Minute Book 96, and is recorded in full in Resolution Book 25, at page 436.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31 day of August, 1990.

Brenda R. Freeze
Brenda Freeze, Deputy City Clerk

**RESOLUTION ADOPTING THE FINAL ASSESSMENT ROLL FOR THE
STORM DRAINAGE IMPROVEMENTS MADE ON 4811 Gaynor Road
IN THE
CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA**

BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, at its regularly assembled meeting of August 27, 1990, that the Council hereby adopt the attached final assessment roll for the storm drainage improvements made 4811 Gaynor Road in the City of Charlotte, North Carolina.

APPROVED AS TO FORM:

Henry W. Underhill Jr.
City Attorney

CERTIFICATION

BRENDA R. FREEZE, DEPUTY

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 27 day of August, 1990, the reference having been made in Book 96, Page , and recorded in full in Resolution book 26, Page 437.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31 day of August, 1990.

Brenda R. Freeze
Brenda Freeze, Deputy City Clerk

**RESOLUTION ADOPTING THE FINAL ASSESSMENT ROLL FOR THE
STORM DRAINAGE IMPROVEMENTS MADE ON 3910 and 3918 Dunwoody Drive
IN THE
CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA**

BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, at its regularly assembled meeting of August 27, 1990, that the Council hereby adopt the attached final assessment roll for the storm drainage improvements made at 3910 and 3918 Dunwoody Drive in the City of Charlotte, North Carolina.

APPROVED AS TO FORM:

Henry W. Chamberhill Jr.
City Attorney

CERTIFICATION

BRENDA R. FREEZE, DEPUTY
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 27 day of August, 1990, the reference having been made in Book 96 Page , and recorded in full in Resolution book 26, Page 438.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31 day of August, 1990.

Brenda R. Freeze
Brenda Freeze, Deputy City Clerk

RESOLUTION ADOPTING THE FINAL ASSESSMENT ROLL FOR THE
STORM DRAINAGE IMPROVEMENTS MADE ON 2026 Emerywood Drive
IN THE
CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, at its regularly assembled meeting of August 27, 1990, that the Council hereby adopt the attached final assessment roll for the storm drainage improvements made 2026 Emerywood Drive in the City of Charlotte, North Carolina.

APPROVED AS TO FORM:

Henry W. Underhill Jr.
City Attorney

CERTIFICATION

Brenda R. Freeze, DEPUTY
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 27 day of August, 1990, the reference having been made in Book 96, Page , and recorded in full in Resolution book 26, Page 439.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31 day of Augsut, 1990.

Brenda R. Freeze
Brenda Freeze, Deputy City Clerk

RESOLUTION DECLARING AN INTENT TO ABANDON AND
CLOSE a portion of JAMES AVENUE
LOCATED BETWEEN Morris Field Drive
AND Taggart Creek IN THE CITY OF CHARLOTTE,
MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, David M. Furr has filed a Petition to close a portion of James Avenue in the City of Charlotte; and

WHEREAS, a portion of James Avenue petitioned to be closed lies between Taggart Creek and
Morris Field Drive

marked "Exhibit A", and is more particularly described by metes and bounds in a document marked "Exhibit B", both 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 alleys as outlined in North Carolina General Statutes, Section 160A-299, requires that Council first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said Statute further requires that the resolution shall be published once a week for two successive weeks prior to the hearing, and copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, at its regularly scheduled session of _____, 19____, that it intends to close a portion of James Avenue lying between Morris Field Drive and Taggart Creek, said street (or portion thereof) being more particularly described on a map 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 2:30 p.m. on Monday, _____, the 24th day of September, 1990, at CMGC 600 East Fourth Street

The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing, as required by N.C.G.S. 160A-299.


BEGINNING at an existing 2 inch iron pipe in the intersection of the northern right-of-way of Mecklenburg Street with the eastern right-of-way of James Avenue, as shown on Map Book 3, Page 154, thence along a new line on a bearing of South 63 degrees 41 minutes 21 seconds West a distance of 50.03 feet to a new iron rebar set in the western right-of-way of James Avenue, thence along said right-of-way on a bearing of North 26 degrees 34 minutes 17 seconds West (passing existing iron pins at 49.99 feet and 99.95 feet) a distance of 237.25 feet to an existing 2 inch iron pipe located at the end of James Avenue, thence along the northern right-of-way of James Avenue on a bearing of North 35 degrees 11 minutes 00 seconds East a distance of 57.08 feet to an existing 2 inch bent iron pipe located at the end of James Avenue, thence along the eastern right-of-way of James Avenue on a bearing of South 26 degrees 30 minutes 57 seconds East a distance of 264.49 feet to the point of beginning, containing 0.288 acres as surveyed by Concord Engineering and Surveying, Inc. on February 7, 1990.

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

BRENDA R. FREEZE, DEPUTY
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 27th day of August, 1990, the reference having been made in Minute Book 96, page _____, and recorded in full in Resolution Book 26, Page 440-443.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 31st day of August, 1990.

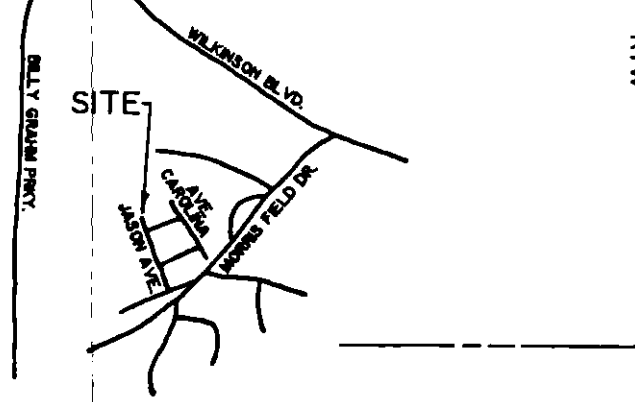

Brenda Freeze, Deputy City Clerk

R/Dennis1

442

EXHIBIT A

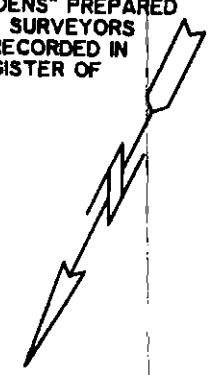
VICINITY MAP
NOT TO SCALE



MECKLENBURG ST. (50'R/W)

JAMES AVE. (50'R/W)

BASIS OF BEARING IS A PLAT TITLED "MAP OF SUNSET GARDENS" PREPARED BY SPRATT & SPRATT SURVEYORS DATED MARCH 1925. RECORDED IN MECKLENBURG CO. REGISTER OF DEEDS MB 3 PG 154.



JOHN G. HUDSON
3199-018

LOT 18

DAVID M. FURR, TRUSTEE FOR ANNE
BRADLEY FURR EDUCATIONAL TRUST
5657-949

S 63°41'21" W

50.03'

LOT 19

REFERENCES

1. DEEDS AS SHOWN HEREON.
2. MAP TITLED "MAP OF SUNSET GARDENS". BY SPRATT & SPRATT SURVEYORS DATED MARCH 1925. RECORDED IN MECKLENBURG CO. REGISTER OF DEEDS MB 3 PG 154.
3. MAP TITLED "BOUNDARY SURVEY FOR: BLYTHE INDUSTRIES, INC." DATED 1-18-90 PREPARED BY CONCORD ENGINEERING & SURVEYING, INC., JOB NO. 90-01-10.

NOTES

1. AREA BY COORDINATE COMPUTATION METHOD.
2. THIS PROPERTY IS NOT LOCATED IN A DESIGNATED FLOOD PLAIN AREA AS PER F.I.R.M. COMMUNITY PANEL NO. 370159 0012 B. REVISED 2-26-82.
3. ERROR OF CLOSURE OF THE UNADJUSTED TRAVERSE WAS 1/10,000. ERROR DISTRIBUTED BY THE COMPASS RULE ADJUSTMENT METHOD.
4. THIS MAP IS PREDICATED ON THE POSSESSION LINES AND EXISTING MONUMENTATION FOUND IN THE FIELD AS SHOWN.
5. STREET NAMES ARE TAKEN FROM MAP BOOK 3, PG. 154.

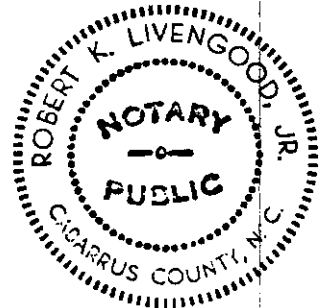
LOT 1

JAMES AVE. (50'R/W)

DAVID M. FURR, TRUSTEE FOR ANNE
BRADLEY FURR EDUCATIONAL TRUST
5657-949

LOT 20

LOT 21



LEGEND

- EIP EXISTING IRON PIN
- SIP SET IRON PIN (#5 Rebar)
- - - R-W RIGHT OF WAY LINE

BLOCK 2

0.288 AC.

BLOCK 1

THIS SECTION OF STREET
RESERVED AS PER MB 3
PG. 154

POSSIBLE GAP IN
(SEE MAP IN
REFERENCE NO. 3)



REVISED 2-23-90, CHANGED STREET NAMES

I, MARION L. SANDLIN, JR., CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1 : 10,000 +; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN D.B. PG. 154. THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; AND THAT THE ANGULAR ERROR WAS 7.0 SEC. PER TURN.

WITNESS MY HAND AND OFFICIAL SEAL THIS 7th DAY OF FEB. 1990
L-2941
Marion L. Sandlin, Jr.
LICENSE NO. REGISTERED LAND SURVEYOR

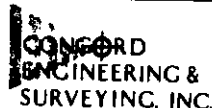
NORTH CAROLINA, CABARRUS COUNTY
I, ROBERT K. LIVENGOOD, JR., A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT MARION L. SANDLIN, JR., A REGISTERED SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL, THIS 7th DAY OF FEB. 1990.

Robert K. Livengood, Jr.
NOTARY PUBLIC 3-07-94
MY COMMISSION EXPIRES

PROPOSED ABANDONMENT

_____ SURVEY OF
STREET JAMES AVE., MECKLENBURG CO., N.C.
IN THE CITY OF CHARLOTTE ON JAMES AVE. HOUSE
NO. N/A IN BLOCK NO. 182 ON MAP OF SUNSET GARDENS
MAP RECORDED IN BOOK 3, PG. 154; DEED RECORDED IN
BOOK _____, PG. _____ OFFICE OF THE REGISTER OF DEEDS FOR
MECKLENBURG COUNTY, N.C. (FIELD BOOK NOS. _____)
SURVEY FOR BLYTHE INDUSTRIES

SCALE: 1" = 40' FT. DATE: FEB. 7 1990



ENGINEERS - SURVEYORS - PLANNERS
45 Spring Street S.W. Concord (704) 786-5404
Concord, N.C. 28025 • Charlotte (704) 332-9934
Fax (704) 786-7454

EXHIBIT B

BEGINNING at an existing 2 inch iron pipe in the intersection of the northern right-of-way of Mecklenburg Street with the eastern right-of-way of James Avenue, as shown on Map Book 3, Page 154, thence along a new line on a bearing of South 63 degrees 41 minutes 21 seconds West a distance of 50.03 feet to a new iron rebar set in the western right-of-way of James Avenue, thence along said right-of-way on a bearing of North 26 degrees 34 minutes 17 seconds West (passing existing iron pins at 49.99 feet and 99.95 feet) a distance of 237.25 feet to an existing 2 inch iron pipe located at the end of James Avenue, thence along the northern right-of-way of James Avenue on a bearing of North 35 degrees 11 minutes 00 seconds East a distance of 57.08 feet to an existing 2 inch bent iron pipe located at the end of James Avenue, thence along the eastern right-of-way of James Avenue on a bearing of South 26 degrees 30 minutes 57 seconds East a distance of 264.49 feet to the point of beginning, containing 0.288 acres as surveyed by Concord Engineering and Surveying, Inc. on February 7, 1990.

RESOLUTION DECLARING AN INTENT TO ABANDON AND
CLOSE PORTION OF ALLEY SOUTH FROM WEST 15TH STREET IN THE
CITY OF CHARLOTTE,
MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS,

C.D. Stampley Enterprises, Inc. has filed a Petition to close
portion of alley south of West 15th Street in the City of
Charlotte;
and

WHEREAS, the alley petitioned to be closed lies south of West
15th Street marked "Exhibit A," and is more particularly
described by metes and bounds in a document marked "Exhibit
B," both 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 alleys as
outlined in North Carolina General Statutes, Section 160A-
299, requires that Council first adopt a resolution declaring
its intent to close the street and calling a public hearing
on the question; said Statute further requires that the
resolution shall be published once a week for two 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 as shown on the county tax records, and
a notice of the closing and public hearing shall be
prominently posted in at least two places along said street
or alley; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the
City of Charlotte, at its regularly scheduled session of
August 27, 1990, that it intends to close that portion
of the alley south of West 15th Street, said alley being more
particularly described on a map 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 2:30 p.m., on Monday, the 24 day
of September, 1990, at CMGC.

The City Clerk is hereby directed to publish a copy of this
resolution in the Mecklenburg Times once a week for two
successive weeks next preceding the date fixed here for such
hearing, as required by N.C.G.S. 160A-299.

APPROVED AS TO FORM:

Henry W. Chadwick Jr.
City Attorney

CERTIFICATION

I, Brenda R. Freeze, Deputy City Clerk of the City of Charlotte, North
Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy
of an Resolution adopted by the City Council of the City of Charlotte,
North Carolina in regular session convened on the 27th day of
August, 1990, the reference having been made in Minute Book 96, and
recorded in full in Resolution Book 26, at Page(s) 444-446

WITNESS my hand and the corporate seal of the City of Charlotte, North
Carolina this the 31st day of August, 1990.

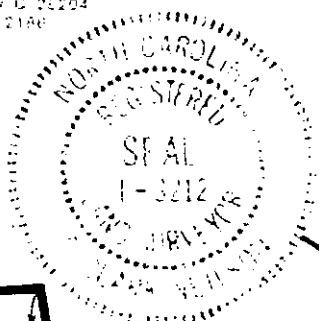
Brenda R. Freeze
Brenda R. Freeze

MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS IF ANY ARE AS SHOWN HEREON. THIS PLAT DOES NOT MEET NCGS 47-30 STANDARDS AND IS NOT FOR RECORDING

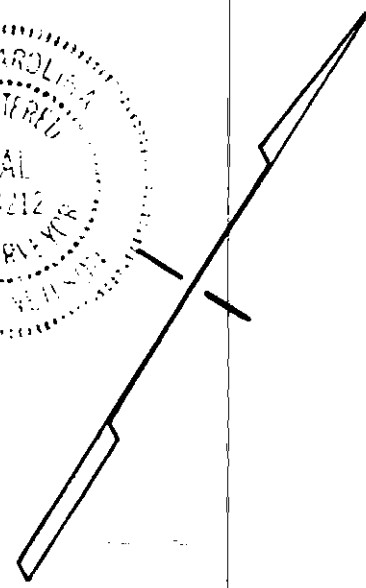
SIGNED C. Clark Neilson

R. B. PHARR & ASSOCIATES, REGISTERED SURVEYORS
210 EAST INDEPENDENCE BLVD
CHARLOTTE, N.C. 28204
(704) 375-2188

EXHIBIT A



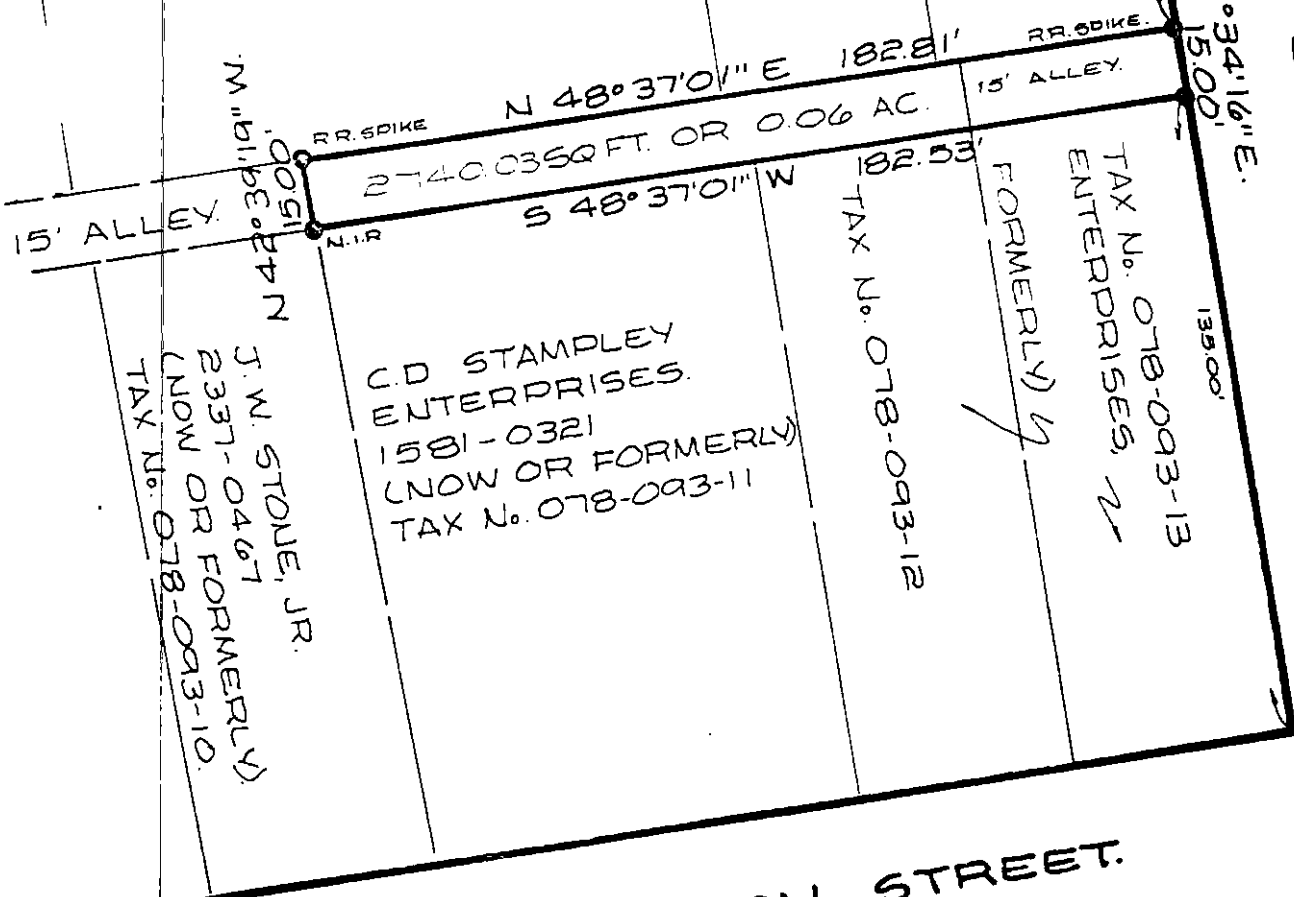
NORTH CHURCH STREET.



C.D. STAMPLEY ENTERPRISES.
1677-0161
(NOW OR FORMERLY)
TAX No. 078-093-16.

TAX No. 078-093-14
S INC. 4541 0867
(NOW OR FORMERLY)

WEST 15th STREET.
S 41°34'16" E.
15.00'



NORTH TRYON STREET.

MAP OF SURVEY

A PORTION OF A 15' ALLEY TO BE CLOSED.

SCALE: 1"=40'

CHARLOTTE, N.C.

THE PROPERTY OF C.D. STAMPLEY ENTERPRISES, INC.

MAP RECORDED IN BOOK _____ PAGE _____ DEED RECORDED IN BOOK 4541 PAGE 0867
1677 0161

EXHIBIT B

METES AND BOUNDS DESCRIPTION OF THE AREA REQUESTING TO BE
CLOSED:

To find the BEGINNING POINT commence from the northwesterly intersection of North Tryon Street and West 15th Street, said point being the southeasterly corner of the C.D. Stampley Enterprises property as described in Deed Book 1581, Page 321 of the Mecklenburg County Registry, and proceed with the southwesterly right-of-way of West 15th Street N. 41-34-16 W., 150.0 feet to a railroad spike, said point being the northwesterly intersection of a 15' alley and West 15th Street and thence:

BEGINNING and runs thence with the southwesterly margin of West 15th Street S. 41-34-16 E., 15.00 feet to a point thence with the southerly line of said alley and the C.D. Stampley property S. 48-37-01 W., 182.53 feet to an iron pin said point being the northeasterly corner of J.W. Stone, Jr. property as described in Deed Book 2337, Page 467 of said Registry; thence crossing the alley N. 42-39-19 W., 15.00 feet to a railroad spike in the line of C.D. Stampley Enterprises property as described in Deed Book 1677, Page 161 of said Registry; thence with the northerly line of said alley N. 48-37-01 E., 182.81 feet to the point and place of BEGINNING. Containing 2740.03 square feet or 0.06 acre as shown on map prepared by R.B. Pharr & Associates, P.A. dated February 20, 1990.

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE THE ALLEYWAY LOCATED BETWEEN SEIGLE AVE AND McDOWELL ST AND ON 16th ST IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, HABITAT FOR HUMANITY has filed a Petition to close AN ALLEY and _____ in the City of Charlotte;

WHEREAS, THE ALLEY petitioned to be closed lies ON 16th ST BETWEEN SEIGLE AND McDOWELL marked "Exhibit A," and is more particularly described by metes and bounds in a document marked "Exhibit B," both 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 alleys as outlined in North Carolina General Statues, Section 160A-299, requires that Council first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said Statue further requires that the resolution shall be published once a week for two 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 as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, at its regularly scheduled session of August 27th, 1990, that it intends to close the Alley on 16th Street laying between Seigle and McDowell said street (or portion thereof) available for inspection in the City Clerk's office, and hereby calls a public hearing on the question to be held at 2:30 p.m., on Monday, the 24th day of September, 1990, at the Char-Meck Government Center. The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing, as required by N.C.G.S. 160-299.

APPROVED AS TO FORM:

Henry W. Underhill Jr
City Attorney

CERTIFICATION

I, Brenda R. Freeze, Deputy City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of August, 1990, the reference having been made in Minute Book 96, and recorded in full in Resolution Book 26, at Page(s)447-449.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 31st day of August, 1990.

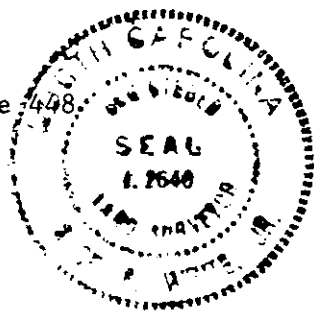
Brenda R. Freeze
Brenda R. Freeze, Deputy City Clerk

THIS IS TO CERTIFY THAT ON THE 16th DAY OF MARCH 1990 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.

REVISED 5-24-90 TO DESCRIBE ALLEY

August 27, 1990 Resolution Book 26, Page 448.

SIGNED A. E. White REGISTERED SURVEYOR



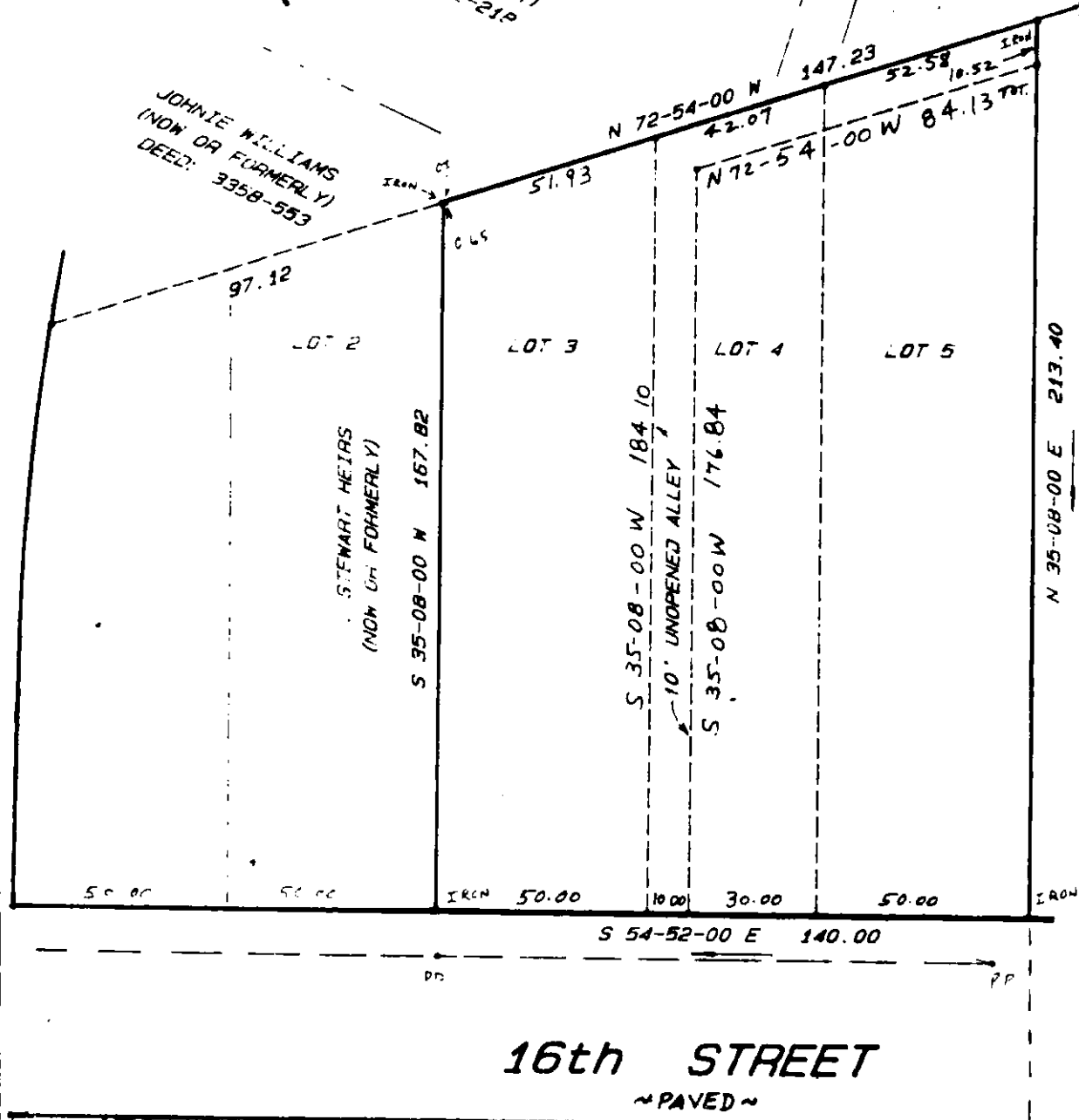
824 1/8 E 16th St

JAY L. COLE (NOW OR FORMERLY) DEED: 3116-284
ALLTIME FACTORS (NOW OR FORMERLY) DEED: 5148-385
EL VERNON C. MORRIS, JR. (NOW OR FORMERLY) DEED: 4846-557

JAY L. COLE (NOW OR FORMERLY) DEED: 3172-218

JOHNIE WILLIAMS (NOW OR FORMERLY) DEED: 3358-553

SIEGLE AVE.



16th STREET
~PAVED~

A BOUNDARY SURVEY OF A 0.613 AC. LOT AS SHOWN

CAROLINA SURVEYORS INC. P O BOX 267 PINEVILLE N C 28134

SCALE _____ CHARLOTTE, N C
THE PROPERTY OF HABITAT FOR HUMANITY
MAP RECORDED IN BOOK _____ AT PAGE _____ DEED RECORDED IN BOOK _____ PAGE _____
DRAWN BY JG FIELD WORK HW FIELD BOOK # _____



Habitat for Humanity
CHARLOTTE

45 East 16th Street, Charlotte, North Carolina 28204 Phone 704 376 2054

LEGAL DESCRIPTION OF ALLEYWAY

Between Lots 3 and 4, and at the Rear of Lots 4 and 5
Map Book 6240, Page 0046

Being a 10.00 foot wide unopened alley beginning in the Southerly margin of East 16th Street at a point 150.00 feet N 54-52-00 W of North Siegle Avenue, and runs thence S 35-08-00 W 184.10 feet along the northwest boundary of Lot 3 of the Habitat for Humanity property in Map Book 6240, Page 0046; thence N 72-54-00 W 94.65 feet; thence N 35-08-00 E 10.52 feet; thence N 72-54-00 W 84.13 feet; thence N 35-08-00 E 176.84 feet; thence S 54-52-00 E 10.00 feet, to the place of beginning.

RECEIVED

90 JUN 18 AM 11:26

ENGINEERING DEPT.

RESOLUTION DECLARING AN INTENT TO ASSESS STORM DRAINAGE
REPAIRS MADE TO THE PLAZA-SHAMROCK NEIGHBORHOOD; PETITION I
IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY,
NORTH CAROLINA

WHEREAS, Plaza-Shamrock Neighborhood Organization has filed a petition to make storm drainage improvements in the Plaza-Shamrock Neighborhood; Petition I in the City of Charlotte; and

WHEREAS, storm drainage improvements made within the right-of-way and on private property in or near the 1400-1500 Academy Street, 1400-1500 Anderson Street, Byrnes Street, Cromwell Court, 1000-1200 Dade Street, East 36th Street, 3300 Erskine Drive, Hampshire Place, 1400-1700 Herrin Avenue, 1100 Jensen Street, 3700-3800 McMillan Street, Murdock Road, 3500-3600 Oakwood Avenue, 3200-3800 The Plaza, Patio Court, Tappan Place, Winston Drive as shown on the map marked "Exhibit A" which is available for inspection in the Office of the City Clerk, City Hall, Charlotte, North Carolina; and

WHEREAS, one-fifth of the cost of the storm drainage improvements constructed in accordance with City standards, exclusive of the cost incurred in maintained street rights-of-way and the share of railroads (if any) and the state of North Carolina if any) be assessed upon the involved lots and parcels of land as authorized by N.C.G.S. Article 10, Chapter 160A, City Charter Section 7.101 et seq, and the Storm Drainage Repair Policy, and listed on the preliminary assessment roll marked "Exhibit B" which is available for inspection in the Office of the City Clerk, City Hall, Charlotte, North Carolina; and

WHEREAS, the final assessments published by the Mecklenburg County Tax Collector may be paid without interest within thirty days of the publication, or in ten annual installments accruing 8% interest on the unpaid balance, due and payable each year on September 1; and

WHEREAS, the procedure for making storm drainage improvements as outlined in North Carolina General Statutes, Section 160A-227, requires that City Council prepare a preliminary assessment roll, schedule a public hearing to hear objections, and publish notice of the hearing and the availability of the assessment roll.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of August 27, 1990, that it intends to assess the storm drainage improvements made in , said location being more particularly described on a map available for inspection in the City Clerk's Office, and hereby calls a public hearing on the matter to be held at 2:30 p.m. on September 24, 1990 in the Charlotte-Mecklenburg Government Center. The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times at least ten days preceding the date fixed here for such hearing, as required by N.C.G.S. 160A-227.

APPROVED AS TO FORM:

Henry W. Underhill Jr
City Attorney

CERTIFICATION

I, Brenda R. Freeze, Deputy City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of August, 1990, the reference having been made in Minute Book 96, and recorded in full in Resolution Book 26, at Page(s) 450-453.

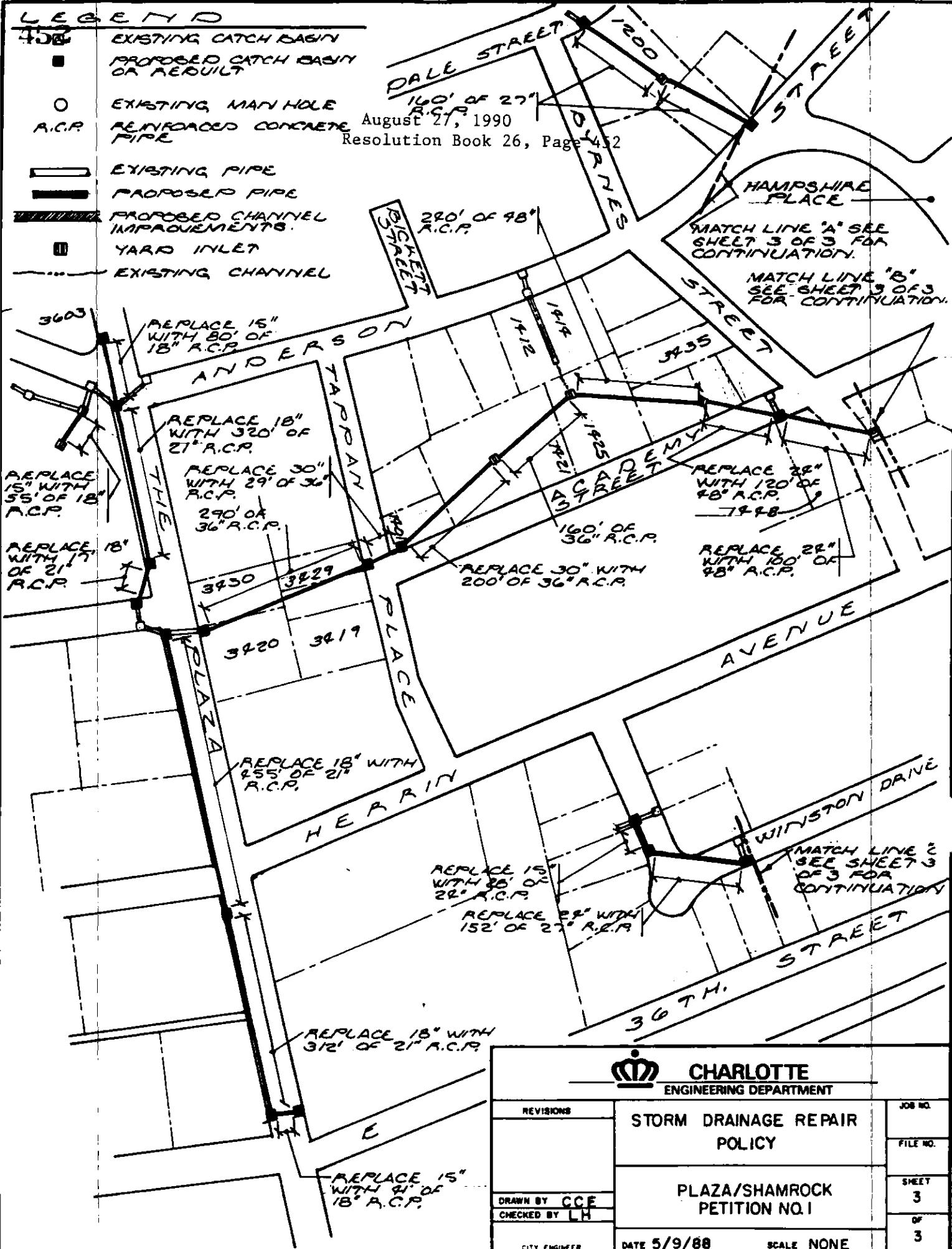
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 31st day of August, 1990.


Brenda R. Freeze
Brenda R. Freeze, Deputy City Clerk

LEGEND

- EXISTING CATCH BASIN
- PROPOSED CATCH BASIN OR REDUPT
- EXISTING MAN HOLE
- R.C.P. REINFORCED CONCRETE PIPE
- EXISTING PIPE
- PROPOSED PIPE
- ▨ PROPOSED CHANNEL IMPROVEMENTS
- YARD INLET
- EXISTING CHANNEL

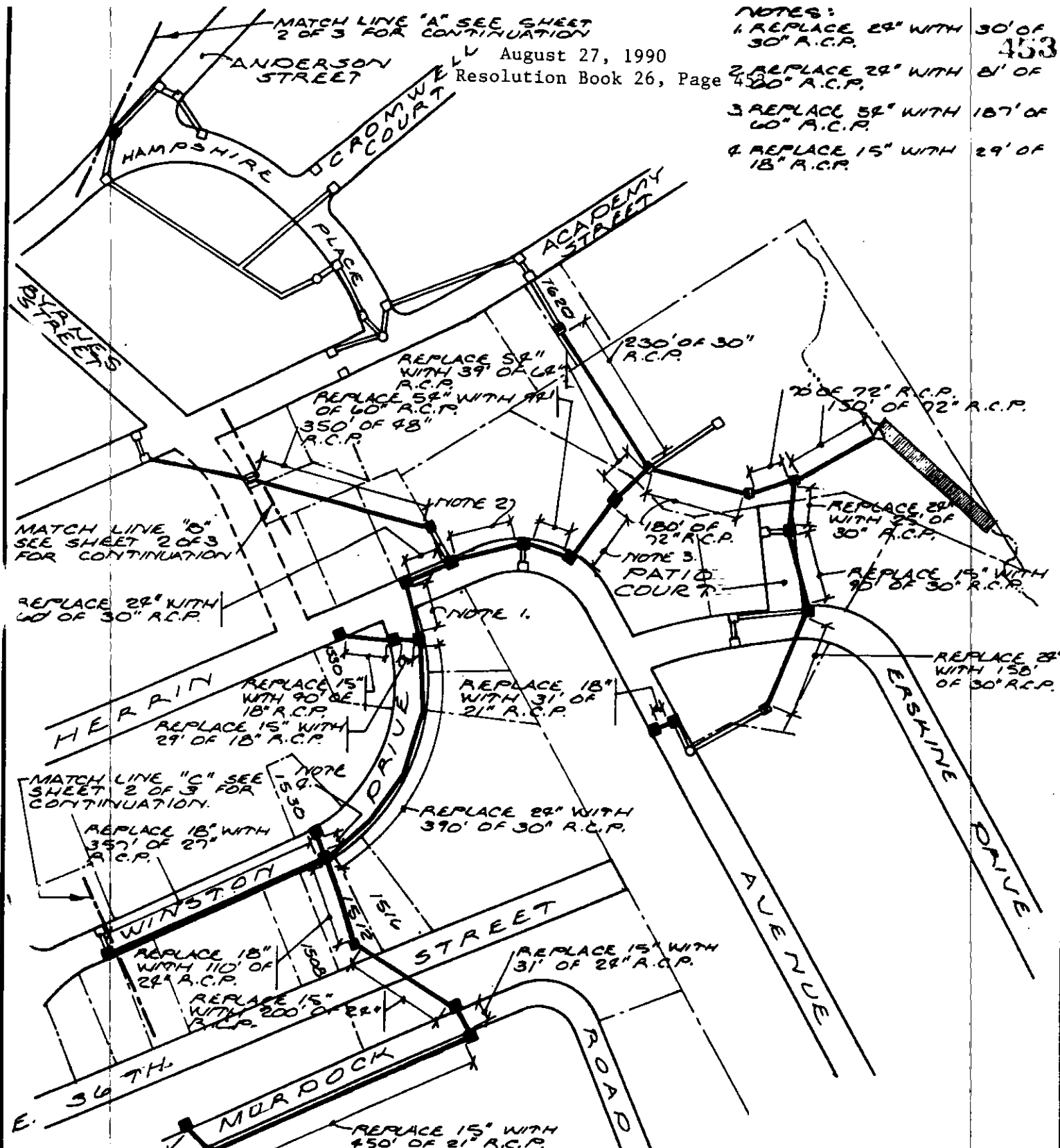
August 27, 1990
Resolution Book 26, Page 452




 CHARLOTTE ENGINEERING DEPARTMENT		JOB NO.
REVISIONS	STORM DRAINAGE REPAIR POLICY	FILE NO.
DRAWN BY CCE CHECKED BY LH	PLAZA/SHAMROCK PETITION NO. 1	SHEET 3
CITY ENGINEER	DATE 5/9/88	SCALE NONE
		OF 3

August 27, 1990
 Resolution Book 26, Page 453

- NOTES:
 1. REPLACE 22" WITH 30' OF 30" R.C.P.
 2. REPLACE 22" WITH 81' OF 30" R.C.P.
 3. REPLACE 52" WITH 187' OF 60" R.C.P.
 4. REPLACE 15" WITH 29' OF 18" R.C.P.



 CHARLOTTE ENGINEERING DEPARTMENT		JOB NO.
REVISIONS	STORM DRAINAGE REPAIR POLICY	FILE NO.
DRAWN BY CCE CHECKED BY LH	PLAZA/SHAMROCK PETITION NO.1	SHEET 2
CITY ENGINEER	DATE 5/9/88	SCALE NONE
		OF 3

RESOLUTION DECLARING AN INTENT TO ASSESS STORM DRAINAGE
REPAIRS MADE TO THE PLAZA-SHAMROCK NEIGHBORHOOD; PETITION II
IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY,
NORTH CAROLINA

WHEREAS, Plaza-Shamrock Neighborhood Organization has filed a petition to make storm drainage improvements in the Plaza-Shamrock Neighborhood; Petition II in the City of Charlotte; and

WHEREAS, storm drainage improvements made within the right-of-way and on private property in or near the 1500-1900 Academy Street, Admiral Avenue, 1500-1900 Anderson Street, 1200 Dade Street, Dalehurst Drive, 3300-3500 Eastwood Drive, 2400 Elkwood Circle, 1100-1200 Jensen Street, 3300 Maywood Drive, 3800-3900 McMillan Street, Meadow Lane, 3800-3900 The Plaza, Patio Court, 1100-1500 East Sugar Creek, Terrybrook Lane, as shown on the map marked "Exhibit A" which is available for inspection in the Office of the City Clerk, City Hall, Charlotte, North Carolina; and

WHEREAS, one-fifth of the cost of the storm drainage improvements constructed in accordance with City standards, exclusive of the cost incurred in maintained street rights-of-way and the share of railroads (if any) and the state of North Carolina if any) be assessed upon the involved lots and parcels of land as authorized by N.C.G.S. Article 10, Chapter 160A, City Charter Section 7.101 et seq, and the Storm Drainage Repair Policy, and listed on the preliminary assessment roll marked "Exhibit B" which is available for inspection in the Office of the City Clerk, City Hall, Charlotte, North Carolina; and

WHEREAS, the final assessments published by the Mecklenburg County Tax Collector may be paid without interest within thirty days of the publication, or in ten annual installments accruing 8% interest on the unpaid balance, due and payable each year on September 1; and

WHEREAS, the procedure for making storm drainage improvements as outlined in North Carolina General Statutes, Section 160A-227, requires that City Council prepare a preliminary assessment roll, schedule a public hearing to hear objections, and publish notice of the hearing and the availability of the assessment roll.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of August 27, 1990, that it intends to assess the storm drainage improvements made in , said location being more particularly described on a map available for inspection in the City Clerk's Office, and hereby calls a public hearing on the matter to be held at 2:30 p.m. on September 24, 1990 in the Charlotte-Mecklenburg Government Center. The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times at least ten days preceding the date fixed here for such hearing, as required by N.C.G.S. 160A-227.

PLAII.R/NPP51200

APPROVED AS TO FORM:

Henry W. Underhill Jr.
City Attorney

CERTIFICATION

I, Brenda R. Freeze, Deputy City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of August, 1990, the reference having been made in Minute Book 96, and recorded in full in Resolution Book 26, at Page(s) 454-455.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 31st day of August, 1990.

Brenda R. Freeze
Brenda R. Freeze, Deputy City Clerk

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE CALLING FOR A JOINT PUBLIC HEARING TO BE HELD BY THE CITY COUNCIL AND THE CHARLOTTE-MECKLENBURG HISTORIC LANDMARKS COMMISSION ON THE QUESTION OF DESIGNATING THE PROPERTY KNOWN AS THE GATEWAY AND CENTURY BUILDINGS (INCLUDING THE EXTERIOR OF THE BUILDINGS AND THE LAND OF TAX PARCEL NUMBER 078-054-05 UPON WHICH THE BUILDINGS ARE LOCATED) AS AN HISTORIC LANDMARK. THE PROPERTY, OWNED BY WEST TRADE STREET ASSOCIATES, IS LOCATED AT 402 - 412 WEST TRADE STREET, CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA.

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has made an investigation and report on the historic, architectural, educational, and cultural significance of the property as described below; and

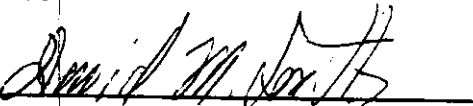
WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has recommended that the City Council adopt an ordinance designating the property described below as a historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has determined that the property described below meets the criteria for designation because of special significance in terms of its history, architectural, and/or cultural importance, and because it possesses integrity of design, setting, workmanship, materials, feeling and/or association as required by N.C.G.S. 160A-400.5.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, Mecklenburg County, North Carolina, that the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission will hold a joint public hearing at which time interested parties will have an opportunity to be heard on the question of the designation of the property known as the "Gateway and Century Buildings" (the entire exterior and the parcel of land upon which it is located) as an historic landmark.

BE IT FURTHER RESOLVED that reasonable notice of the time and place of the public hearing shall be given.

Approved as to form:


City Attorney

CERTIFICATION

I, Brenda R. Freeze, Deputy City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of August, 1990, the reference having been made in Minute Book 96, and recorded in full in Resolution Book 26, at Page(s) 456.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 31st day of August, 1990.


Brenda R. Freeze, Deputy City Clerk

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE CALLING FOR A JOINT PUBLIC HEARING TO BE HELD BY THE CITY COUNCIL AND THE CHARLOTTE-MECKLENBURG HISTORIC LANDMARKS COMMISSION ON THE QUESTION OF DESIGNATING THE PROPERTY KNOWN AS THE MCNINCH HOUSE (INCLUDING THE INTERIOR AND EXTERIOR OF BOTH THE HOUSE AND THE GARAGE/SERVANT'S QUARTERS, AND THE LAND OF TAX PARCEL NUMBER 183-012-04 UPON WHICH THE MCNINCH HOUSE IS LOCATED) AS AN HISTORIC LANDMARK. THE PROPERTY, OWNED BY WILLIAM J., JR., AND MARY ELLEN WORTMAN, IS LOCATED AT 2727 SHARON LANE, CHARLOTTE, N. C.

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has made an investigation and report on the historic, architectural, educational, and cultural significance of the property as described below; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has recommended that the City Council adopt an ordinance designating the property described below as a historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has determined that the property described below meets the criteria for designation because of special significance in terms of its history, architectural, and/or cultural importance, and because it possesses integrity of design, setting, workmanship, materials, feeling and/or association as required by N.C.G.S. 160A-400.5.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, Mecklenburg County, North Carolina, that the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission will hold a joint public hearing at which time interested parties will have an opportunity to be heard on the question of the designation of the property known as the "McNinch House" (the entire interior and exterior of both the house and the garage/servant's quarters and the parcel of land upon which they are located) as an historic landmark.

BE IT FURTHER RESOLVED that reasonable notice of the time and place of the public hearing shall be given.

Approved as to form:


City Attorney

CERTIFICATION

I, Brenda R. Freeze, Deputy City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of August, 1990, the reference having been made in Minute Book 96, and recorded in full in Resolution Book 26, at Page(s) 457.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 31st day of August, 1990.


Brenda R. Freeze, Deputy City Clerk

RESOLUTION STATING THE INTENT OF THE CHARLOTTE CITY COUNCIL TO ANNEX PROPERTY OWNED BY THE CITY WHICH IS CONTIGUOUS TO THE EXISTING MUNICIPAL BOUNDARIES (DIXIE ROAD)

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

Section 1. It is the intent of the City Council, pursuant to G.S. 160A-31, to annex the property described in Exhibit A (attached hereto and incorporated herein by reference) which is owned by the City of Charlotte.

Section 2. The property described in Exhibit A is contiguous to the current municipal boundaries.

Section 3. A public hearing on the question of annexation will be held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina at 6:30 p.m., on Monday, September 10, 1990.

Section 4. The Clerk shall publish notice of the public hearing once in the Charlotte Observer at least 10 days prior to the date of the public hearing.

Adopted this 27th day of August, 1990.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

CERTIFICATION

I, Brenda R. Freeze, Deputy City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of August, 1990, the reference having been made in Minute Book 96, and recorded in full in Resolution Book 26, at Page(s) 458-459.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 31st day of August, 1990.

Brenda R. Freeze
Brenda R. Freeze, Deputy City Clerk

EXHIBIT A

Beginning at a point, said point being on the present Charlotte city limits line, said point also being located on the Easterly right-of-way margin of Dixie Road (NC 160), said point also being on the Northwesterly corner of lot as described in Deed Book 3932, page 796; thence with a line as described in said deed having a bearing and distance as follows: South 63-33 East 526 feet to a point; thence, North 35-38 East 117.70 feet to a point, said point being located on boundary line of property as described in Deed Book 2508, page 594 as follows: South 51-37 East approximately 149 feet, North 43-40 East 100.64 feet, South 50-10 East 254.79 feet to a point, said point being the Northeasterly corner of a lot as described in Deed Book 3299, page 158; thence, with a line as described in said Deed as having a bearing and distance as follows: South 64-51 West 842.97 feet, South 64-57 West 191.69 feet; thence, North 84-11 West 200.18 feet to a point, said point being located on the intersection of said line with the Easterly right-of-way margin of Dixie Road (NC 160); thence, following a Northeasterly direction with the Easterly right-of-way margin of Dixie Road (NC 160) approximately 769.92 feet to the point or place of beginning.

RESOLUTION STATING THE INTENT OF THE CHARLOTTE CITY COUNCIL TO ANNEX PROPERTY OWNED BY THE CITY WHICH IS CONTIGUOUS TO THE EXISTING MUNICIPAL BOUNDARIES (WEST BOULEVARD)

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

Section 1. It is the intent of the City Council, pursuant to G.S. 160A-31, to annex the property described in Exhibit A (attached hereto and incorporated herein by reference) which is owned by the City of Charlotte.

Section 2. The property described in Exhibit A is contiguous to the current municipal boundaries.

Section 3. A public hearing on the question of annexation will be held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina at 6:30 p.m., on Monday, September 10th, 1990.

Section 4. The Clerk shall publish notice of the public hearing once in the Charlotte Observer at least 10 days prior to the date of the public hearing.

Adopted this 27th day of August, 1990.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

CERTIFICATION

I, Brenda R. Freeze, Deputy City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of August, 1990, the reference having been made in Minute Book 96, and recorded in full in Resolution Book 26, at Page(s) 460-461.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 31st day of August, 1990.

Brenda R. Freeze
Brenda R. Freeze, Deputy City Clerk

EXHIBIT A

Beginning at a point, said point being on the present Charlotte city limits line, said point also being on the southerly right-of-way margin of West Boulevard (New Dixie Road), said point being the Northwesterly corner of lot as described in Deed Book 5749, page 128; thence, running in Southeasterly direction South 19-30-00 East approximately 225 feet to a point, said point being the most Northeasterly corner of lot as described in Deed Book 3278, page 24; thence, with the line of said deed, North 76-57 West approximately 267.18 feet to a point, said point being the Northwesterly most corner of said lot; thence, continuing along the Westerly boundary of said lot, South 13-46 West 150 feet to a point, said point being the Northwesterly corner of the property described in Deed Book 5875, page 250; thence, with the lines of said deed South 13-47-07 West 272.57 feet; thence, South 76-57-29 East approximately 281.44 feet to a point, said point being on the Westerly right-of-way margin of Piney Top Drive; thence, running with the Westerly right-of-way margin of Piney Top Drive in a Southerly direction approximately 234.6 feet to a point, said point being the Northeasterly corner of the property described in Deed Book 6154, page 257; thence, with the lines of said Deed North 64-24-18 West 194.73 feet; thence, South 51-14-07 West 133.09 feet to a point, said point being the Northwesterly corner of the property described in Deed Book 6154, page 320; thence, with the line of said Deed South 51-14-07 West 238.36 feet to a point, said point being the Northwesterly corner of the property described in Deed Book 5944, page 429; thence with the line of said deed South 51-25 West 292.42 feet to a point, said point being on the Northeasterly line of the property described in Deed Book 5965, page 664; thence with the line of said deed North 64 West 30.48 feet to a point, said point being on the present Charlotte city limits line; thence with existing Charlotte city limits description North 89-58 West 453.9 feet to a point; thence, in a Northerly direction following along the Easterly boundary line of a lot as shown on Recorded Map in Deed Book 3339, page 166 as having a bearing and distance as follows: North 13-01-00 East 704.94 feet, North 40-02-40 West 197.04 feet, North 39-55-10 West 462.48 feet, North 32-05-50 East approximately 97 to a point, said point being located 40 feet South of and normal to the centerline of New Dixie Road (NC 160); thence, in an Easterly direction following along a line 40 feet South of and parallel with the centerline of New Dixie Road (NC 160) approximately 1551.32 feet to the point or place of beginning.

RESOLUTION STATING THE INTENT OF THE CHARLOTTE CITY COUNCIL TO ANNEX PROPERTY OWNED BY THE CITY WHICH IS CONTIGUOUS TO THE EXISTING MUNICIPAL BOUNDARIES (PAUL BROWN BOULEVARD AND BYRUM DRIVE)

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

Section 1. It is the intent of the City Council, pursuant to G.S. 160A-31, to annex the property described in Exhibit A (attached hereto and incorporated herein by reference) which is owned by the City of Charlotte.

Section 2. The property described in Exhibit A is contiguous to the current municipal boundaries.

Section 3. A public hearing on the question of annexation will be held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina at 6:30 p.m., on Monday, September 10th, 1990.

Section 4. The Clerk shall publish notice of the public hearing once in the Charlotte Observer at least 10 days prior to the date of the public hearing.

Adopted this 27th day of August, 1990.

Approved as to form:

Henry W. Zdenkiewicz Jr.
City Attorney

CERTIFICATION

I, Brenda R. Freeze, Deputy City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of August, 1990, the reference having been made in Minute Book 96, and recorded in full in Resolution Book 26, at Page(s) 462-464.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 31st day of August, 1990.

Brenda R. Freeze
Brenda R. Freeze, Deputy City Clerk

EXHIBIT A

Beginning at a point, said point being on the present Charlotte city limits line, said point also being the Northwesterly corner of the property described in Deed Book 3612, page 4; thence, South 78-07 East, approximately 720.75 feet to a point, said point being on the Westerly right-of-way margin of Piney Top Drive, said point also being the Southeasterly corner of the property described in Deed Book 5965, page 664; thence, running in a Southwesterly direction with the Westerly right-of-way margin of Piney Top Drive approximately 830 feet to a point, said point being on the Westerly margin of Piney Top Drive; thence, in a Southeasterly direction crossing Piney Top Drive approximately 100 feet to a point, said point being on the Easterly right-of-way margin of Piney Top Drive, said point also being on the Northwesterly corner of the property described in Deed Book 6154, page 252; thence, with the lines of said Deed South 50-40-22 East 82.87 feet to a point; thence, South 89-08-44 East 355.32 feet to a point marking the Northeasterly corner of said property; thence, South 6-29-13 East 375.91 feet to a point in the Northerly right-of-way of Paul Brown Boulevard; thence, in a Southerly direction crossing Paul Brown Boulevard with the extension of said line approximately 250 feet to a point, said point being on the Southerly right-of-way margin of Paul Brown Boulevard; thence, running in a Westerly direction with the right-of-way margin of Paul Brown Boulevard approximately 750 feet to a point; thence, continuing in a Southwesterly direction with the Southerly right-of-way margin of Paul Brown Boulevard, approximately 180 feet to a point; thence, continuing in a Southwesterly direction approximately 160 feet along the Easterly right-of-way of Piney Top Drive to a point in the centerline of Coffey Creek; thence, with the centerline of Coffey Creek as described in Deed Book 5959, page 955 in four courses as follows: 1) South 70-24-07 East 224.15 feet, 2) South 70-45-27 East 162.71 feet, 3) South 65-12-34 East 208.87 feet, and 4) South 34-26-57 East 81.90 feet to a point; thence, South 46-09-10 West 25 feet to a point; thence, continuing with said Deed South 17-10-28 East 255.27 feet to a point; thence, South 54-15-01 West 132 feet to a point; thence, North 86-13-14 West 32 feet to a point; thence, continuing with said Deed in two courses as follows: 1) North 13-28-30 East 103.33 feet to a point; thence, 2) North 76-46-26 West 497.11 feet to a point; thence, South 89-47-12 West approximately 110 feet to a point; thence, in a Southerly direction running along the Westerly boundary of property as described in Deed Book 2239, page 177 as follows: South 13-31 East approximately 800 feet to a point on the Northerly right-of-way margin of Byrum Drive; thence, in a Southerly direction crossing Byrum Drive with the extension of said line approximately 80 feet to a point, said point being on the Southerly right-of-way margin of Byrum Drive, said point also being on the existing Charlotte city limits line; thence, continuing in a Westerly direction with the southerly right-of-way margin of Byrum Drive approximately 550 feet to a point; thence, in a Northwesterly direction approximately 200 feet to a point, said point being 40 feet West of and parallel with the centerline of Piney Top Drive; thence, in a Northerly or Northeasterly direction following along a line 40 feet West of and normal to the centerline of Piney Top Drive, (SR 1180); thence, in a

Northwesterly direction following along the centerline of Coffey Creek as described in Deed Book 3612, page 1 as having a bearing and distance as follows: North 71-06 West approximately 240 feet to a point, North 61-38 West 69 feet, North 38-26 West 117.9 feet, North 51-28 West 52.70 feet, North 34-07 West 98.9 feet, North 40-04 West 96.5 feet to a point, in or near the centerline of Coffey Creek; thence, continuing in a Northerly direction following along the Westerly and a portion of the Northerly boundary line of a lot as described in Deed Book 3612, page 4 as having a bearing and distance as follows: North 26-57-50 East 15.81 feet, North 19-47 West 709.7 feet to a point, said point being the most Northwestern corner of lot as described in said deed; thence, continuing in a Northerly direction along the boundary line of lot as described in Deed Book 3612, page 4, North 33-53-14 East 950.6 feet to the point or place of beginning.

RESOLUTION STATING THE INTENT OF THE CHARLOTTE CITY COUNCIL TO ANNEX PROPERTY OWNED BY THE CITY WHICH IS CONTIGUOUS TO THE EXISTING MUNICIPAL BOUNDARIES (NANNIE PRICE/WARREN ROADS)

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

Section 1. It is the intent of the City Council, pursuant to G.S. 160A-31, to annex the property described in Exhibit A (attached hereto and incorporated herein by reference) which is owned by the City of Charlotte.

Section 2. The property described in Exhibit A is contiguous to the current municipal boundaries.

Section 3. A public hearing on the question of annexation will be held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina at 6:30 p.m., on Monday, September 10th, 1990.

Section 4. The Clerk shall publish notice of the public hearing once in the Charlotte Observer at least 10 days prior to the date of the public hearing.

Adopted this 27th day of August, 1990.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

CERTIFICATION

I, Brenda R. Freeze, Deputy City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of August, 1990, the reference having been made in Minute Book 96, and recorded in full in Resolution Book 26, at Page(s) 465-466.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 31st day of August, 1990.

Brenda R. Freeze
Brenda R. Freeze, Deputy City Clerk

EXHIBIT A

Beginning at a point, said point being on the present Charlotte city limits line, said point also being the intersection of the Northerly boundary line of a lot as described in Deed Book 3498, page 251 with the Charlotte city limit line as follows: North 58-00-30 East approximately 576 feet to a point, said point being located 40 feet West of and normal to the centerline of Nannie Price Road (SR 1196); thence, in a Northerly direction following along a line 40 feet West of and parallel with the centerline of Nannie Price Road, approximately 790 feet to a point, said point being the intersection of the Westerly right-of-way margin of Nannie Price Road with the Southerly right-of-way margin of Warren Road; thence, leaving the present Charlotte city limits line following in a Westerly direction along the Northerly boundary of a lot as described in Deed Book 4241, page 370 as having a bearing and distance as follows: North 76-05-45 West 55.70 feet, South 57-52-15 West 240.59 feet to a point, said point being on the Southerly margin of Warren Road; thence, continuing with said Deed South 8-15 East 909.60 feet to the point or place of beginning.

A RESOLUTION PROVIDING FOR A PUBLIC HEARING TO BE HELD ON TWO DAYS ON THE NEW, COMPREHENSIVE PROPOSED ZONING ORDINANCES FOR THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY

WHEREAS, the City Council shall receive public comment on the text of the proposed, comprehensive Zoning Ordinance and the zoning maps conversion process; and,

WHEREAS, the City Council deems it in the public interest that a hearing be held on the proposed Zoning Ordinance and zoning maps conversion process; now therefore,

BE IT RESOLVED by the City Council of the City of Charlotte, that a public hearing will be held on the proposed, comprehensive Charlotte & Mecklenburg County Zoning Ordinances in the Meeting Chambers located in the Charlotte-Mecklenburg Government Center, lobby level, at 600 East Fourth Street on two dates: Wednesday, the 26th day of September at 6:00 p.m. and Thursday the 11th day of October at 6:00 p.m.

BE IT FURTHER RESOLVED that notice of said hearing be published as required by law.

APPROVED AS TO FORM:

Henry W. Underhill Jr

Henry Underhill, City Attorney

CERTIFICATION

I, Brenda R. Freeze, Deputy City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of August, 1990, the reference having been made in Minute Book 96, and recorded in full in Resolution Book 26, at Page(s) 467.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 31 day of August, 1990.

Brenda R. Freeze
Brenda R. Freeze, Deputy 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 _____ day of _____, 1990, 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

CERTIFICATION

I, Brenda R. Freeze, Deputy City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of August, 1990, the reference having been made in Minute Book 96, and recorded in full in Resolution Book 26, at Page(s) 468-470.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 31st day of August, 1990.

Brenda R. Freeze
Brenda R. Freeze, Deputy City Clerk

TAXPAYERS AND REFUNDS REQUESTED

<u>Name</u>	<u>Refund Requested</u>	<u>Reason</u>
Datasouth Computer	\$1,387.20	Clerical Error
Herron Heating & Conditioning	99.44	Clerical Error
Robert E. & Rose T. Good	50.30	Illegal Levy
Dar-Lynn Bridal	487.16	Clerical Error
Datasouth Computer	2,423.14	Clerical Error
Herron Heating & Air Conditioning	137.09	Clerical Error
Hipage Co., Inc.	337.74	Clerical Error
City County Tax Collector	107.12	Clerical Error
Michael W. & Patricia Cook	63.05	Clerical Error
Frances W. Freeland	29.10	Clerical Error
Robert E. & Rose Good	44.05	Clerical Error
Jack E. Wilkie, Jr.	84.71	Illegal Levy
Dar-Lynn Bridal	379.63	Clerical Error
Datasouth Corp.	2,400.69	Illegal Levy
Herron Heating & Air	166.34	Clerical Error
Hipage Co., Inc.	321.73	Clerical Error
Morningstar Co.	16.59	Clerical Error
Province Development	393.07	Clerical Error
Ronald Brooks	77.43	Illegal Levy
Ronald Brooks	42.46	Illegal Levy
Michael W. & Patricia T. Cook	66.00	Clerical Error
Robert E. & Rose T. Good	43.60	Illegal Levy
Jack E. Wilkie, Jr.	162.40	Illegal Levy
Dar-Lynn Bridal	82.35	Clerical Error
Datasouth Computer Corp.	2,392.85	Clerical Error
Herron Heating & Air Conditioning	167.24	Clerical Error
Hipage Co., Inc.	360.06	Clerical Error
Lots of Labels Globman	170.13	Clerical Error
Morningstar Company of Charlotte	31.51	Illegal Levy
Province Development, Ltd.	393.07	Clerical Error
First Union National Bank Vehicle Leasing	67.19	Clerical Error
World Omni Leasing, Inc.	165.63	Clerical Error
Ronald Brooks	105.06	Illegal Levy
Ronald Brooks	40.81	Illegal Levy
Edna L. Browning	33.66	Clerical Error
John B. Spagnuolo	106.27	Clerical Error
Michael W. & Patricia T. Cook	62.42	Clerical Error

<u>Name</u>	<u>Refund Requested</u>	<u>Reason</u>
NCNB Mortgage Corp.	\$119.92	Illegal Levy
Sara B. Gloesener	10.00	Clerical Error
Robert E. & Rose T. Good	127.07	Illegal Levy
Keith A. & Pamela G. Mason	39.45	Illegal Levy
Walter F. & Claudia J. Putnam	229.79	Clerical Error
James L. & Johnnie M. Summerlin	31.06	Clerical Error
Russell G. Thompson	398.42	Illegal Levy
Audrey G. Wall	86.01	Clerical Error
Jack E. Wilkie, Jr.	148.53	Illegal Levy
Dar-Lynn Bridal	81.84	Illegal Levy
Grier-Fripp & Orkan Assoc.	64.62	Clerical Error
Herron Heating & Air Conditioning	143.55	Clerical Error
The Hipage Co., Inc.	266.86	Clerical Error
J. B. Ivey Co.	9,717.15	Clerical Error
Lots of Labels Globman	152.83	Clerical Error
Morningstar Co. of Charlotte, Inc.	121.76	Illegal Levy
Royal Palace	1,442.27	Clerical Error
Automotive Rentals, Inc.	78.36	Clerical Error
Interstate Auto Leasing	154.47	Clerical Error
Subaru Leasing Corp.	68.32	Clerical Error
Ferguson Enterprises Mitchell Carolina Corp.	764.81	Clerical Error
Barclays American Leasing	235.86	Clerical Error
First Union National Bank	749.30	Illegal Levy
World Omni Leasing, Inc.	180.31	Clerical Error
General Electric Capital Lsd. & Eq. & Vehicle	70.14	Clerical Error
Timothy G. Korregay	25.29	Clerical Error
William McGregor Interiors	46.64	Clerical Error
Robert Word Reynolds	24.31	Clerical Error
J.K.R. Dry Cleaners	50.00	Clerical Error
Total	\$ 29,127.23	

A RESOLUTION TO AMEND THE RESOLUTION ADOPTED BY CITY COUNCIL ON
APRIL 23, 1990, AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE
ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, on the 23rd day of April, 1990, City Council authorized condemnation proceedings to be instituted against the property of ROBERT C. MOORE; WILLIAM T. WATSON, Trustee; NORTH CAROLINA NATIONAL BANK, Beneficiary; ANY OTHER PARTIES IN INTEREST, located at 7124 Idlewild Road in the City of Charlotte for the Idlewild Road Widening-Phase II Project; and

WHEREAS, after the Resolution was adopted on April 23, 1990, it was discovered that certain incorrect property descriptions were made in the original Resolution, and for this reason, it is necessary for a correction to be made.

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte that the Resolution adopted on April 23, 1990, authorizing the institution of condemnation proceedings against the property belonging to ROBERT C. MOORE; WILLIAM T. WATSON, Trustee; NORTH CAROLINA NATIONAL BANK, Beneficiary; ANY OTHER PARTIES IN INTEREST, located at 7124 Idlewild Road in the City of Charlotte, the paragraph entitled Property Description shall be amended in the following manner:

CHANGE: "607 square feet for temporary construction easement"

TO: "809 square feet for temporary construction easement"

Except as hereby amended, said Resolution shall remain as originally adopted.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

CERTIFICATION

I, Brenda R. Freeze, Deputy City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of August, 1990, the reference having been made in Minute Book 96, and recorded in full in Resolution Book 26, at Page(s)471.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 31st day of August, 1990.

Brenda R. Freeze
Brenda R. Freeze, Deputy 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 Shamrock Drive Widening 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:

Parties in Interest

Joseph Adu; Vasty A. Newton; Any Other Parties in Interest

Property Description

681 square feet for fee-simple taking; 32 square feet for permanent utility easement; 982 square feet for temporary construction easement; and any additional property or interest as the City may determine is necessary to complete the project, as it relates to Tax Parcel No. 099-051-02

Appraised Value

\$11,900.00, or such appraised value as may be determined based upon the takings required by the final construction plans.

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, Brenda R. Freeze, Deputy City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of August, 1990, the reference having been made in Minute Book 96, and recorded in full in Resolution Book 26, at Page(s) 472.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 31st day of August, 1990.

Brenda R. Freeze
Brenda R. Freeze, Deputy 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 Shamrock Drive Widening 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:

Parties in Interest

Robert C. Spivey, Jr.; Lloyd C. Caudle, Trustee; H. B. Johnson and Son, Inc., Beneficiary; Small Business Administration; Any Other Parties in Interest

Property Description

121 square feet for fee-simple; 1,643 square feet for a temporary construction easement; and any additional property or interest as the City may determine is necessary to complete the project, as it relates to Tax Parcel No. 093-083-08.

Appraised Value

\$9,125.00, or such appraised value as may be determined based upon the takings required by the final construction plans.

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, Brenda R. Freeze, Deputy City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of August, 1990, the reference having been made in Minute Book 96, and recorded in full in Resolution Book 26, at Page(s) 473

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 31st day of August, 1990.


Brenda R. Freeze, Deputy 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 Transit Radius Improvements-The Plaza at 36th Street 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:

Parties in Interest

Mary K. Dalton; Harry L. Dalton; HTL Enterprises, Inc., Lessee; Frank R. Burger's, Inc, Assignee; Any Other Parties in Interest

Property Description

259 square feet for fee-simple; 746 square feet for a temporary construction easement; and any additional property or interest as the City may determine is necessary to complete the project, as it relates to Tax Parcel No. 091-092-03

Appraised Value

\$3,400.00, or such appraised value as may be determined based upon the takings required by the final construction plans.

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, Brenda R. Freeze, Deputy City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of August, 1990, the reference having been made in Minute Book 96, and recorded in full in Resolution Book 26, at Page(s) 474.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 31st day of August, 1990.

Brenda R. Freeze
Brenda R. Freeze, Deputy 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 Idlewild Road Widening 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:

Parties in Interest

North Carolina Playcare, Inc.; Child Care Leasing-A, Inc.; Kinder-Care, Inc., Lessee; NCNB Texas National Bank, Assignee; Any Other Parties in Interest

Property Description

48 square feet for fee-simple; 2,455 square feet for a temporary construction easement; 322 square feet for permanent utility easement; and any additional property or interest as the City may determine is necessary to complete the project, as it relates to Tax Parcel No. 133-111-13

Appraised Value

\$2,500.00, or such appraised value as may be determined based upon the takings required by the final construction plans.

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, Brenda R. Freeze, Deputy City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of August, 1990, the reference having been made in Minute Book 96, and recorded in full in Resolution Book 26, at Page(s) 475.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 31st day of August, 1990.

Brenda R. Freeze
Brenda R. Freeze, Deputy City Clerk