

BK: 06932 PG: 0700/0703 #:0053 11.00

RESOLUTION CLOSING A PORTION OF EAST 29TH STREET  
(PLUS AN ADJOINING 10-FOOT ALLEY) LOCATED ON  
THE SOUTHEASTERLY SIDE OF NORTH TRYON STREET  
BETWEEN EAST 28TH STREET AND EAST 30TH  
STREET 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 East 29th Street and an adjoining 10-foot alley which calls for a public hearing on the question; and

WHEREAS, the petitioners have caused a copy of the Resolution of Intent to Close a portion of East 29th Street and an adjoining 10-foot alley to be sent by registered or certified mail to all owners of property adjoining the said street (or portion thereof) and the adjoining 10-foot alley, and prominently posted a notice of the closing and public hearing in at least two places along East 29th Street and the adjoining 10-foot alley, all as required by G.S. 160A-299; and

WHEREAS, the public hearing was held on the 26th day of May, 1992, and City Council determined that the closing of a portion of East 29th Street and the adjoining 10-foot alley 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 May 26, 1992, that the Council hereby orders the closing of a portion of East 29th Street and the adjoining 10-foot alley in the City of Charlotte, Mecklenburg County, North Carolina, as described below:

See attached Schedule A for legal 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, BRENDA FREEZE, 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 26th day of May, 1992, the reference having been made in Minute Book 99, Page            and recorded in full in Resolution Book 29, Page 51-54.  
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of May, 1992

Brenda R. Freeze  
Brenda R. Freeze, City Clerk

Return to City of Charlotte -  
box

0000 6932 0700



**EXHIBIT B**

BEING located in the City of Charlotte, County of Mecklenburg, State of North Carolina and being more particularly described as follows:

East 29th Street

BEGINNING at a point in the southeasterly margin of the new right-of-way of North Tryon Street, said point being located S. 45-41-45 E. 18.36 feet from an iron in the southeasterly margin of the old right-of-way of North Tryon Street, said iron marking the most westerly corner of the property described as Parcel I in that certain Deed to Daniel Leonard McLaurin and wife, Concetta C. McLaurin, recorded in the Mecklenburg Public Registry in Deed Book 4281, Page 833; and running thence from said BEGINNING point, S. 45-41-45 E. 417.35 feet to a point; thence, S. 46-38-58 W. 40.27 feet to an iron; thence, N. 45-37-35 W. 20.025 feet to a point, marking a corner of the property of the Weyerhaeuser Company (see Deed recorded in the Mecklenburg Public Registry in Deed Book 4152, at Page 604); thence, with two of the lines of the said property of the Weyerhaeuser Company, as follows: (1) N. 45-37-35 W. 20.025 feet to an iron; and (2) N. 45-56-13 W. 200.58 feet to an iron; thence, with the northeasterly terminus of a 10-foot alley, N. 45-24-08 W. 10.08 feet to a point; thence, N. 45-25-01 W. 84.00 feet to an iron; thence, N. 45-28-35 W. 81.79 feet to a point in the southeasterly margin of the new right-of-way of North Tryon Street; thence, with the southeasterly margin of the new right-of-way of North Tryon Street, N. 45-26-04 E. 40.26 feet to the point or place of BEGINNING, containing 16,916 square feet or 0.388 acre, all as shown on blueprint of boundary survey, dated June 8, 1989, by Radford Dennis Smith, N.C.R.L.S., reference to which is hereby made.

10-Foot Alley

BEGINNING at a point in the southwesterly margin of the 40-foot right-of-way of East 29th Street, said point marking the most easterly corner of the property conveyed to D. Leonard McLaurin and wife, Concetta C. McLaurin, by Deed recorded in the Mecklenburg Public Registry in Deed Book 5478, Page 278; and running thence with the southwesterly margin of the 40-foot right-of-way of East 29th Street, S. 45-24-08 E. 10.08 feet to an iron, marking a corner of the property of the Weyerhaeuser Company; thence, with a line of the property of the Weyerhaeuser Company (said line also being the southeasterly margin of a 10-foot alley), S. 47-47-05 W. 189.85 feet to a point; thence, with another line of the property of the Weyerhaeuser Company (said line also being the northeasterly line of the said 10-foot alley), S. 45-40-15 E. 60.50 feet to a point; thence, with the southeasterly terminus of the said 10-foot alley, S. 44-19-45 W. 10.00 feet to a point, marking the most easterly corner of the property conveyed to Lonnie C.

(Page 1 of 2 Pages)

0000 6932 0702

**EXHIBIT B**  
(continued)

Hanna, Sr. by Deed recorded in the Mecklenburg Public Registry in Deed Book 5189, Page 996; thence, with a portion of the northeasterly line of the said property of Lonnie C. Hanna, Sr. (said line also being the southwesterly margin of the said 10-foot alley), N. 45-40-15 W. 71.19 feet to an old iron; thence, with a line of the property of Concetta C. McLaurin (said line also being the northwesterly margin of the said 10-foot alley), N. 47-47-05 E., passing an iron (bent) after 99.49 feet, a total distance of 199.92 feet to the point or place of BEGINNING, containing 2,620 square feet or 0.06 acre, all as shown on blueprint of boundary survey, dated June 8, 1989, by Radford Dennis Smith, N.C.R.L.S., reference to which is hereby made.

(Page 2 of 2 Pages)

0000 6932 0703

CHARLOTTE CITY COUNCIL

RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY BY PUBLIC AUCTION

WHEREAS, G.S. 160A-270(b) allows the City to sell personal property at public auction upon adoption of a resolution or order authorizing the appropriate official to dispose of the property at public auction; and


WHEREAS, the City Manager has recommended that the property listed on the attached Exhibit A should be sold at public auction as surplus property, now, therefore,

BE IT RESOLVED by the Charlotte City Council that the City-County Purchasing Director is authorized to sell at public auction on the 6th day of June, 1992 at 10:00 a.m. at 100 Terminal Road (Old Airport Terminal Parking Lot) the surplus property described on Exhibit A as per the terms and conditions and in accordance with the "Auction Services" contract approved by this Council. The terms of the sale of the surplus property shall be net cash. The City-County Purchasing is directed to publish at least once and not less than ten (10) days before the date of the auction a copy of this resolution or a notice summarizing its content as required by G.S. 160A-270.

Adopted on the 26th day of May, 1992.

  
\_\_\_\_\_  
Mayor/City Manager

ATTEST:

  
\_\_\_\_\_  
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-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time limits.
3. The amounts listed on the schedule were collected through either a clerical or assessor error.

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 26th day of May, 1992 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.

CERTIFICATION

I, Brenda R. Freeze, 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 26th day of May, 1992, the reference having been made in Minute Book 99, and recorded in full in Resolution Book 29, Page(s) 56-62.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 1st day of June, 1992.

Brenda R. Freeze  
Brenda R. Freeze, City Clerk

TAXPAYERS AND REFUNDS REQUESTED  
MORE THAN \$100

<u>Name</u>	<u>Amount of Refund</u>
Singleton, Sylvia H.	\$ 101.33
Stephens, Ronny M.	880.32
Stephens, Ronny M.	880.32
Stephens, Ronny M.	880.32
Meridian Leasing Corp.	12,460.49
Calkins, Martha Rea.	209.04
Furr, Warren Roger	135.68
Stephens, Ronny M.	1,003.56
Texas Carolina Trading Corp. 301 S. College St.	254.14
Abernathy, William S., Jr.	371.47
Carmichael, Mitchell W.	108.82
Carpenter, Daniel James	136.68
Cornell, James F., Jr.	106.32
Furr, Warren Roger	127.42
Hodge, Michael R.	113.94
Honig, Claes C.	1,635.39
Howard, John M.	103.51
Marrash, David	235.79
McGirt, Robert H.	473.40
McGirt, William C.	492.75
Miller, Sue B.	7,239.05
Moore, John K.	130.96
Northey, David B.	196.79
pearce, Elizabeth V.	123.92
Rosenberger, Hugo	176.11
Sanders, David M.	153.80
St. Clair, Alta P.	124.08
Walls, Edward L., Jr.	202.13
Young, W. Terry	257.84
American Schlafhorst Company	204.16
American Schlafhorst Company	206.25
Bissell & Associates	4,834.56
Fairview Plaza Associates	17,197.24
Forsyth/Charlotte Partners II	1,350.53
Forsyth/Charlotte Partners II	660.72
Forsyth/Charlotte Partners II	765.49
Ken-Wil Oil Company	319.63
Leasing Consultants of Charlotte, Inc.	594.84
Providence Computer Systems, Inc.	109.67
Southeastern Saving Bank, Inc.	4,398.79
US Auto Corp.	1,236.62
Wade, H. M. & W. Reynolds Trust c/o NCNB T11-5	620.51
Division 7 Contracting Company	595.93
Mark Oil Company, Inc.	661.32
Rothwell, Velma C.	275.00
Paullin, Harold A.	130.38
Snyder, James L., II	120.29
Ross & Sons Prop. Inc.	6,050.88
Lubin, Joseph I.	1,551.17

TAXPAYERS AND REFUNDS REQUESTED  
MORE THAN \$100

<u>Name</u>	<u>Amount of Refund</u>
Crosland-Erwin-Merrifield Assoc. XVI	351.01
Arbel, Nahum	221.32
Morrow, Sarah Taylor	166.82
Squires Realty, Inc.	311.91
Bush, Harry E., Jr.	239.58
Johnson, Sam	256.47
Jorn, Glen L.	110.94
Butcher, Alfred, Jr.	106.32
Sullivan, John T., Jr.	176.06
Calkins, Martha Rea	144.09
Associated Apartment	369.55
Atlas-Tremont Partnership	670.23
Hambley, Hilda D.	102.25
Associated Apartment Investors - Colony	2,970.61
Ciucevich, Francis P.	115.45
Myshin, Mike	151.20
McAlpine Place Associates	9,917.38
Bookland Stores, Inc. for 90	159.62
LaQuinta Motor Inns	1,372.42
Executive Building Company	492.36
Waters Construction Company, Inc.	698.61
Waters Construction Company, Inc.	134.20
Waters Construction Company, Inc.	111.16
Waters Construction Company, Inc.	110.22
Old Dominion Real Estate Inv. Tr.	587.18
Kerr, Paulette	145.41
Pizzagalli Investment Company	3,275.09
Celanese Corp. of America No. 2	5,553.24
W P Properties	254.38
Fairview Plaza Associates c/o Building Mgr.	13,848.01
Carriage Club Ltd. Partnership c/o EMS	4,376.68
Chelsaware Assoc. c/o Property Tax Serv. Company	2,859.45
Equitable Life Assurance Soc. of the US (#500)	2,205.67
Hampton, George R.	1,571.56
Double Play Sport Cards, Inc.	169.50
Total	<u>\$125,505.30</u>



TAX REFUNDS PAID  
LESS THAN \$100

<u>Name</u>	<u>Amount of Refund</u>
Benesole, Stephen George	\$ 45.76
Pasley, Edward L.	57.98
Pasley, Edward L.	57.98
Furr, Dana Marshall	44.97
Hood, Booker T.	29.70
Pasley, Edward L.	57.98
Wilson, Melisa Lee	66.03
Woodard, David M.	67.00
Volvo Finance N.A., Inc.	86.22
Abernathy, Clement L., III	34.19
Allen, Regis C.	64.46
Barnette, James M.	10.29
Carbaugh, James Edward	33.00
Cariaga, Terri S.	51.62
Carnes, Robert E.	55.61
Furr, Dana Marshall	71.09
Graydon, Nell S.	34.04
Imbleau, Claude	45.32
King, Gary James	65.82
Krug, Marshall R.	48.51
Lambert, June Crenshaw	37.10
McCallum, Glenn Ray	15.02
Murphy, James William	70.73
Nagem, Michael E.	80.63
Plettner, Vernon M.	26.29
Rigsby, Jerry	65.78
Rogers, Louis G., Jr.	66.00
Rossi, James J.	17.88
Thompson, Alyssa D.	59.60
Tietsort, Kenneth D.	52.42
BCD Associates	52.22
Combs & Associates, Inc.	15.24
Combs & Associates, Inc.	57.70
Combs & Associates, Inc.	81.68
Combs & Associates, Inc.	44.33
Combs & Associates, Inc.	17.33
Combs & Associates, Inc.	19.58
Combs & Associates, Inc.	6.22
Combs & Associates, Inc.	8.20
Combs & Associates, Inc.	8.20
Combs & Associates, Inc.	11.06
Combs & Associates, Inc.	11.22
Combs & Associates, Inc.	9.96
Combs & Associates, Inc.	33.11
Combs & Associates, Inc.	27.72
Folger Leasing Company	25.69
Kopy Korner-Kopies, Inc.	46.51
Publishers Book Outlet Charlotte #240	78.95

TAX REFUNDS PAID  
LESS THAN \$100

<u>Name</u>	<u>Amount of Refund</u>
St. Joe Container Company	60.07
United Electric Power Inc.	29.70
Norwood, Lawrence E.	93.78
Pacheco, Paula L.	37.68
Cook, Beatrice J.	39.05
Frazier, James T.	92.13
Underwood, Robin L.	24.20
Glenn, Virginia N. c/o W. H. Glenn	46.75
Fox, E. Jerry & Violet S.	58.69
McInnis, Frank G.	38.72
Bush, Eya Mae S.	41.17
Keaton, Raymond G.	61.08
Miller, Gary	36.09
Miller, Gary	32.58
Miller, Gary	89.88
Snellings, Mandy Denise	31.80
Woodward, Lloyd Merrill, Jr.	40.88
Farmer, Bernice D., Jr.	36.68
Farmer, Bernice D., Jr.	29.04
Farmer, Bernice D., Jr.	30.09
Farmer, Bernice D., Jr.	36.52
Farmer, Bernice D., Jr.	36.63
Farmer, Bernice D., Jr.	14.47
Williams, Bill J.	37.13
Couchell, Ruby G.	43.12
LaPointe, Frank J.	94.99
Shaw, Kathleen M.	88.11
Charlotte Liberty Mutual Ins. Co.	68.75
Osborne, Alle Graham, III	49.61
Fryer, George C.	54.62
Clute, Jane R. & Mary R. Kiser & Thomas H. Rea	1.32
Bookland Stores, Inc. for 1989	29.12
Marvin, Gregory J.	67.54
Sadler, J. H.	18.76
Sadler, J. H.	19.72
SAdler, J. H.	19.72
Sadler, J. H.	19.72
Sadler, J. H.	19.44
Waters Construction Company, Inc.	86.24
Shepard, B. J.	54.29
Yorkmont Drug Co.	10.00
Total	<u>\$3,893.82</u>



TAX REFUNDS PAID  
LESS THAN \$100

<u>Name</u>	<u>Amount of Refund</u>
Crosland Group Inc. (The)	19.25
Crosland Group Inc. (The)	19.25
Crosland Group Inc. (The)	19.25
Crosland Group Inc. (The)	19.25
Crosland Group Inc. (The)	19.25
Crosland Group Inc. (The)	19.25
Crosland Group Inc. (The)	19.25
Firstmark Dev. Corp.	20.63
Firstmark Dev. Corp.	20.63
Firstmark Dev. Corp.	20.63
Firstmark Dev. Corp.	20.63
Firstmark Dev. Corp.	20.63
Kopy Korner, Kopies Inc.	31.93
Land Design Engineering Services Inc.	36.84
Lease Plan USA Inc.	84.13
Locklear James A. Landscaping	62.48
Montres Investments	73.48
Randolph Cafe	45.79
Southern Cast Inc. % Somer-Set Consolidated Ind Inc.	73.66
Carriker, Dorothy E.	33.88
Adams, Mary Cook	34.38
Jondrow, James M.	8.03
Centrex Real Estate Corp.	19.97
Cauble, Tonya Monique	77.47
Gross, Jeffrey John	69.61
Hiltz, Frederick Peter IV	88.00
Knell, Kimberly D.	58.96
Zeller, Kevin L.	92.30
White L. W. Construction Co. Addl 91	85.04
Williams, F. T. Co. Inc.	13.20
Williams, F. T. Co. Inc.	6.60
Hege, Spencer Lee	25.00
Powell, J. Kenneth	29.26
Buchanan, Sylvia D.	60.14
First Citizens Bank	51.15
Resources Employment Services	50.00
Total	<u>\$3,533.76</u>

RESOLUTION DECLARING AN INTENT TO ASSESS STORM DRAINAGE  
REPAIRS MADE TO THE BLANDWOOD DRIVE AREA  
IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY,  
NORTH CAROLINA

WHEREAS, Ms. Dorothy Waddy filed a petition to make storm drainage improvements to the Blandwood Drive area in the City of Charlotte; and

WHEREAS, storm drainage improvements made within the right-of-way and on private property in or near Blandwood 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 5 $\frac{1}{2}$ % 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 May 26, 1992, that it intends to assess the storm drainage improvements made in the Blandwood Drive area, 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 7:00 p.m. on June 22, 1992 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.

BL.R/NPP51200

CERTIFICATION

I, Brenda R. Freeze, 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 26th day of May, 1992, the reference having been made in Minute Book 99, and recorded in full in Resolution Book 29, Page(s) 63-70.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 1st day of June, 1992.

Brenda R. Freeze  
Brenda R. Freeze, City Clerk

PROPOSED  
 MAN HOLE  
 STD. # 20.08

INSTALL APPROX. 75'  
 OF 30" RCP

EXISTING 12" PIPE

EXISTING 30" PIPE

NOTE 4

REPLACE 2'-0" CURB  
 AND GUTTER AND  
 REPAIR SIDEWALK.

NOTE 5

INSTALL APPROX.  
 155' L.F. OF 30" RCP.

-939-

NOTE 2

PROPOSED REBUILD  
 C.B. TO STD. # 20.01

UTILITY POLE TO BE  
 RELOCATED DURING  
 CONSTRUCTION.  
 YI STD. # 20.05

NOTE 4

INSTALL APPROX. 62'  
 L.F. OF 24" RCP

REMOVE AND RESET  
 APPROX. 125' L.F.  
 OF FENCE

-3715-

TREE PROTECTION

REMOVE EXISTING 30" CMP AND  
 INSTALL APPROX. 30'  
 L.F. OF 42" RCP.

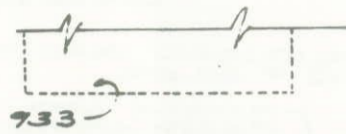
REBUILD MANHOLE TO  
 STD. # 20.08

-CONTINUATION-

1. REMOVE EXISTING TWY 15" RCP, AND INSTALL 39' L.F. OF 24" RCP.
2. INSTALL APPROX. 35' L.F. OF 24" RCP.
3. CONTRACTOR SHALL EXERCISE CARE DURING CONSTRUCTION NOT TO DISTURB FOUNDATION OF 3715 BLANDWOOD DRIVE.
4. CONSTRUCTION EASEMENT TO FOLLOW LINE OF PROPOSED PIPE.

LEGEND

- PROPOSED STORM DRAINAGE PIPING
- EXISTING PIPING TO REMAIN
- BLOWOUT TO BE FILLED
- PROPOSED CATCH BASIN
- PROPOSED YARD INLET
- PROPOSED DROP INLET
- EXISTING CATCH BASIN
- EXISTING MAN HOLE
- PROPOSED MAN HOLE



REMOVE EXISTING F.E.S. AND REPLACE WITH MAN HOLE STD. # 20.08

INSTALL APPROX. 15' L.F. OF 18" RCP.

REMOVE AND RESET APPROX. 20' L.F. OF FENCE.

YI STD. # 20.05

NOTE 2

NOTE 3

NOTE 6

NOTE 7

NOTE 3

NOTE 2

NOTES:

1. THIS SKETCH REPRESENTS A PRELIMINARY DESIGN AND IS BASED ON LIMITED FIELD INFORMATION. FULL SURVEY MUST BE PERFORMED AND DETAILED PLANS PREPARED PRIOR TO CONSTRUCTION.
2. TREES TO BE SAVED.
3. TREES OR BUSHES TO BE REMOVED.
4. PLUG PIPE AT STRUCTURE
5. EXISTING STORM DRAINAGE PIPING TO BE ABANDONED.

MATCH LINE (FOR CONTINUATION) (SEE SHEET 201.6)

BLANDWOOD DR.

REMOVE EXIST. CMP AND INSTALL 45' L.F. OF 42" RCP.

401-572-91-312



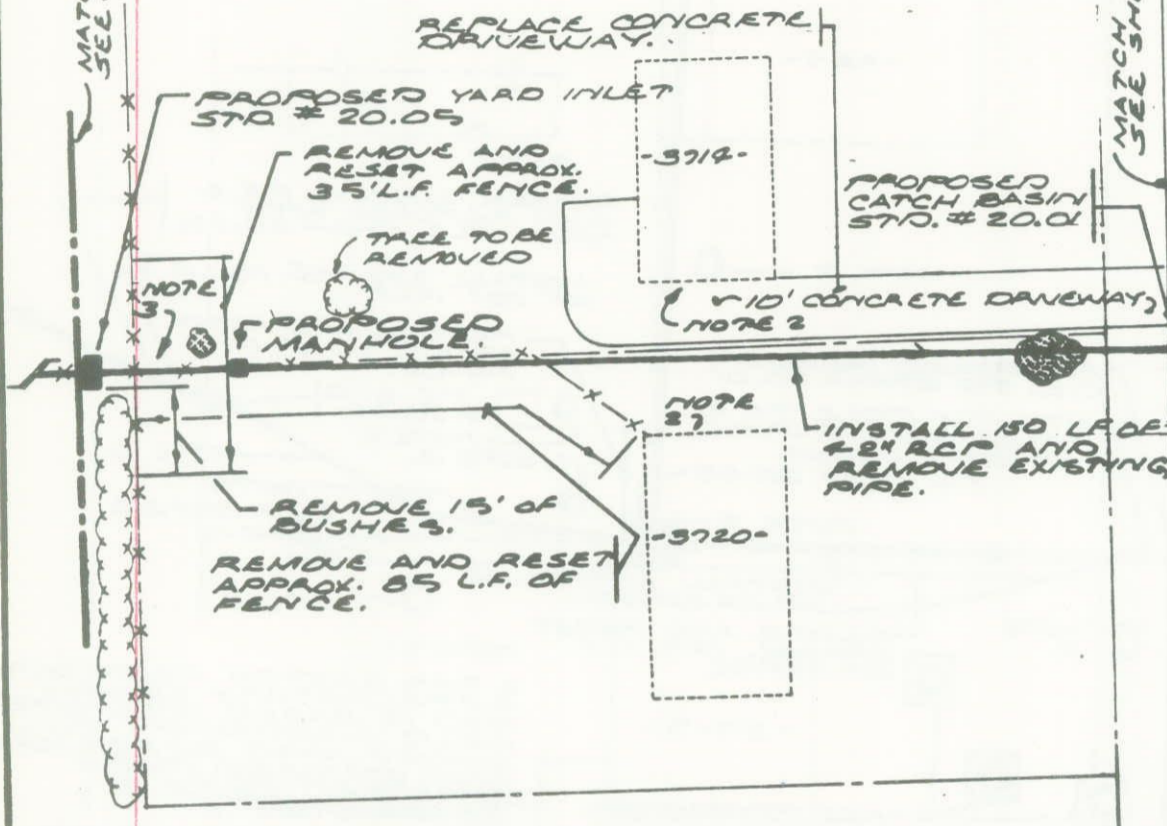
CHARLOTTE  
 ENGINEERING DEPARTMENT

REVISIONS	STORM DRAINAGE REPAIR POLICY	JOB #
		FILE #
DRAWN BY CE	3715 BLANDWOOD DRIVE (Alternate 1)	SHEET 1
CHECKED BY WH		OF 6
CITY ENGINEER	DATE 5/2/91	SCALE NONE

MATCH LINE (FOR CONTINUATION  
SEE SHEET 5 OF 6)


MATCH LINE (FOR CONTINUATION  
SEE SHEET 1 OF 6)

BLANDWOOD DR.

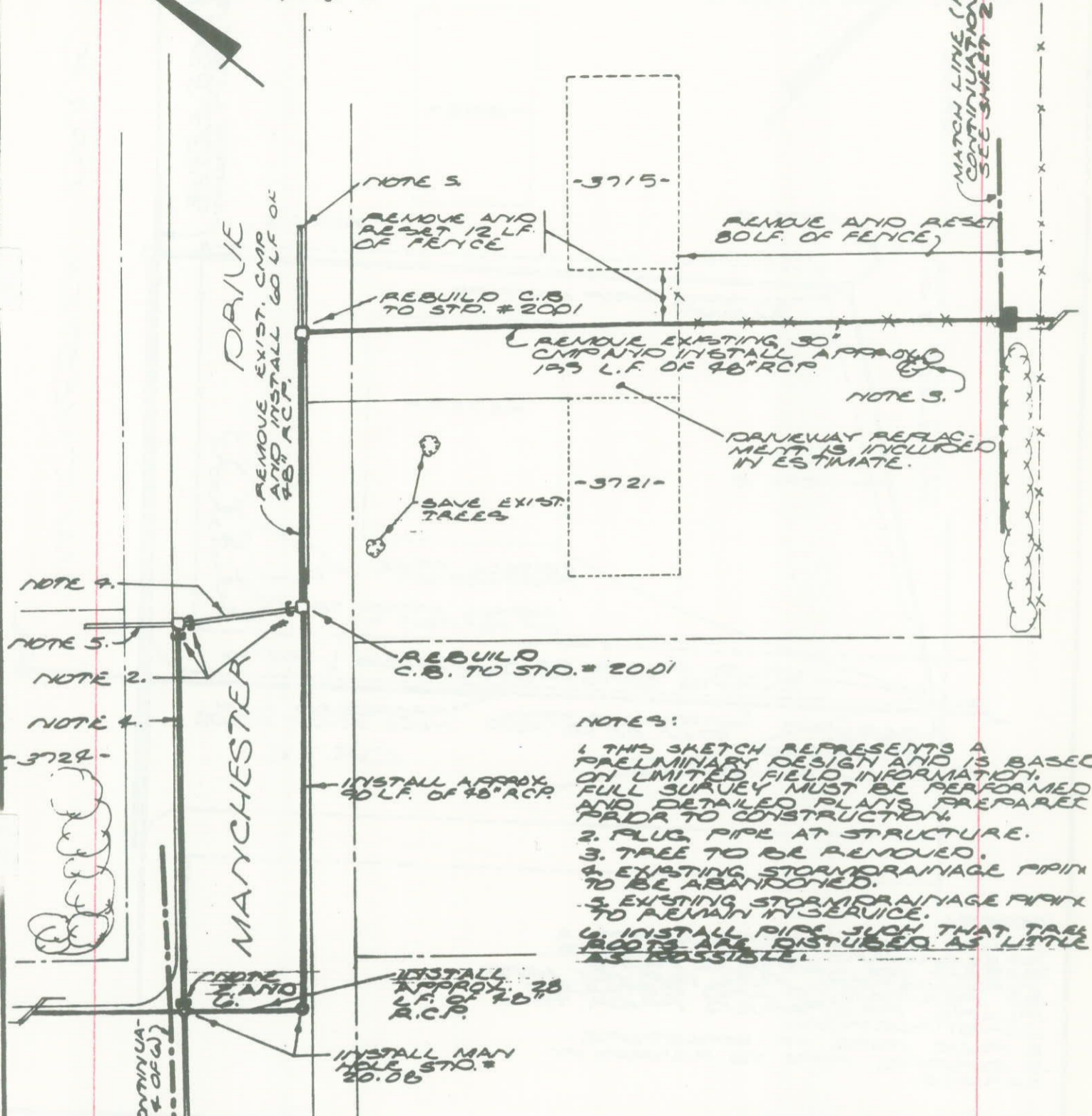


- NOTES:
1. THIS SKETCH REPRESENTS A PRELIMINARY DESIGN AND IS BASED ON LIMITED FIELD INFORMATION. FULL SURVEY MUST BE PERFORMED AND DETAILED PLANS PREPARED PRIOR TO CONSTRUCTION.
  2. CONTRACTOR SHALL EXERCISE CARE DURING CONSTRUCTION NOT TO DISTURB FOUNDATION OF 3715 OR 3720 BLANDWOOD DRIVE.
  3. INSTALL APPROXIMATELY 15 L.F. OF 36" X 53" HORIZONTAL ELLIPTICAL REINFORCED CONCRETE PIPE.

DATE 5-27-91

		<b>CHARLOTTE</b> ENGINEERING DEPARTMENT	
REVISIONS		STORM DRAINAGE REPAIR POLICY	
DRAWN BY CE		3715 BLANDWOOD DRIVE (Alternate 1)	
CHECKED BY WH			
CITY ENGINEER		DATE 5/2/91	SCALE NONE
		JOB NO.	
		FILE NO.	
		SHEET	2
		OF	6






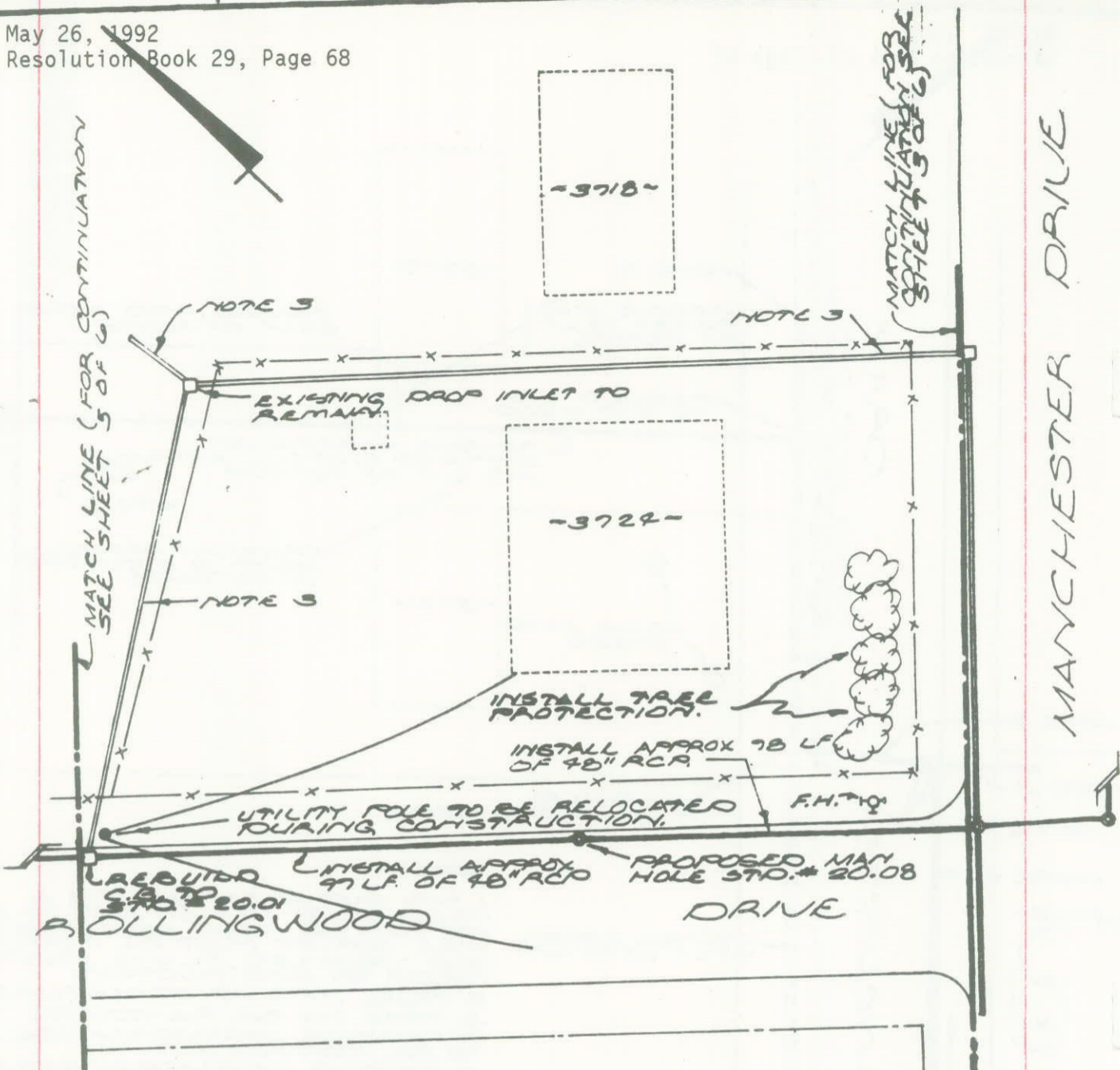
- NOTES:**
1. THIS SKETCH REPRESENTS A PRELIMINARY DESIGN AND IS BASED ON LIMITED FIELD INFORMATION. FULL SURVEY MUST BE PERFORMED AND DETAILED PLANS PREPARED PRIOR TO CONSTRUCTION.
  2. PLUG PIPE AT STRUCTURE.
  3. TREE TO BE REMOVED.
  4. EXISTING STORM DRAINAGE PIPING TO BE ABANDONED.
  5. EXISTING STORM DRAINAGE PIPING TO REMAIN IN SERVICE.
  6. INSTALL PIPE SUCH THAT TREE ROOTS ARE DISTURBED AS LITTLE AS POSSIBLE.

UN 517-91-318

MATCH LINE (FOR CONTINUATION SEE SHEET 4 OF 6)


MATCH LINE (FOR CONTINUATION SEE SHEET 2 OF 6)

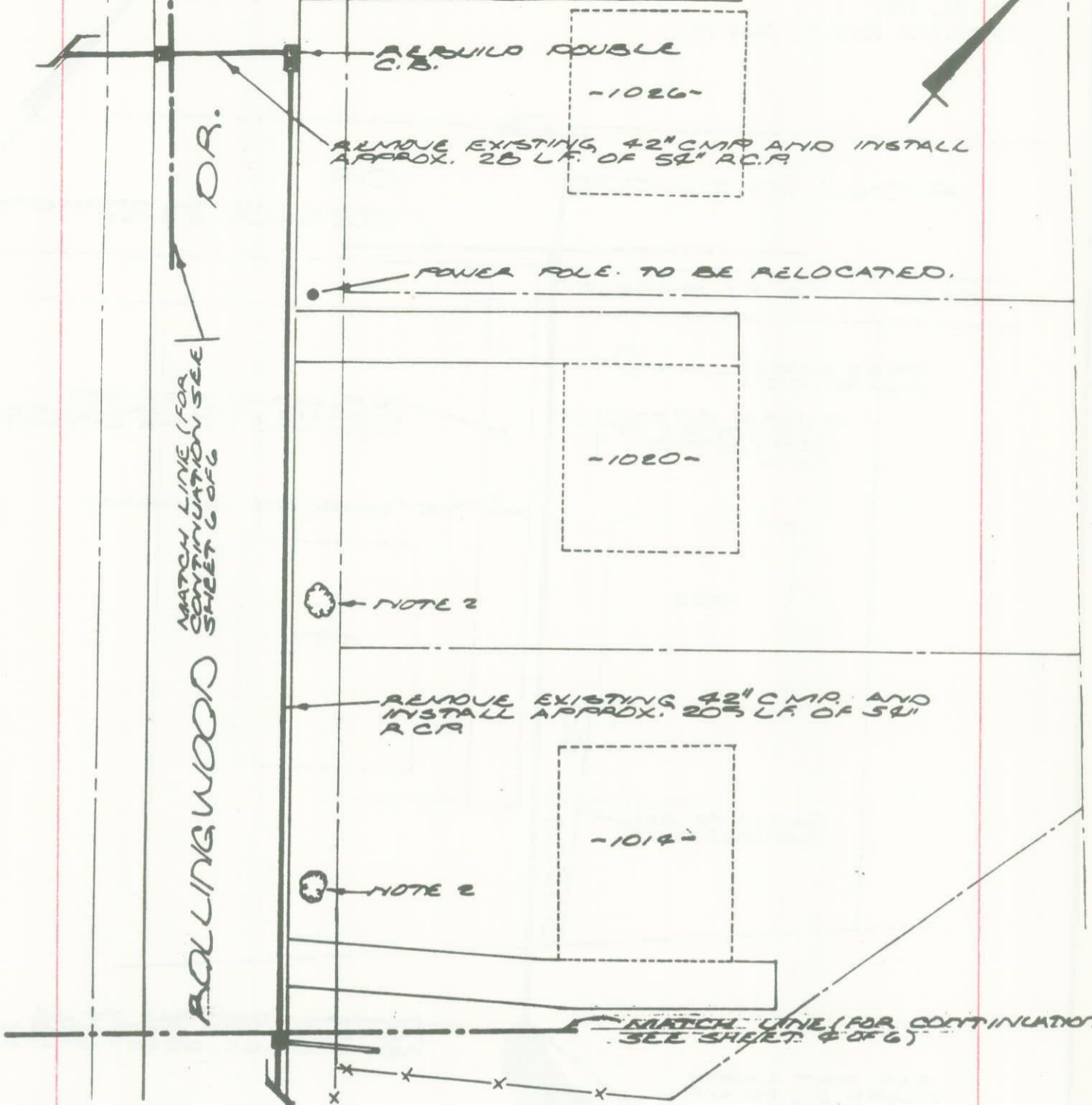
 <b>CHARLOTTE</b> ENGINEERING DEPARTMENT		JOB NO.
<b>STORM DRAINAGE REPAIR POLICY</b>		FILE NO.
DRAWN BY <b>CE</b>	<b>3715 BLANDWOOD DRIVE</b> (Alternate 1)	SHEET <b>3</b>
CHECKED BY <b>WH</b>		OF <b>6</b>
CITY ENGINEER	DATE <b>5/2/91</b>	SCALE <b>NONE</b>



- NOTES:
1. THIS SKETCH REPRESENTS A PRELIMINARY DESIGN AND IS BASED ON LIMITED FIELD INFORMATION. FULL SURVEY MUST BE PERFORMED AND DETAILED PLANS PREPARED PRIOR TO CONSTRUCTION.
  2. PLUG PIPE AT STRUCTURE.
  3. EXISTING PIPE TO REMAIN IN SERVICE.

J.N. 517-91-312

 <b>CHARLOTTE</b> ENGINEERING DEPARTMENT		JOB NO.
REVISIONS	<b>STORM DRAINAGE REPAIR POLICY</b>	FILE NO.
DRAWN BY <b>CE</b> CHECKED BY <b>WH</b>		SHEET <b>4</b> OF <b>6</b>
CITY ENGINEER	DATE <b>5/2/92</b>	SCALE <b>NONE</b>



**NOTES:**

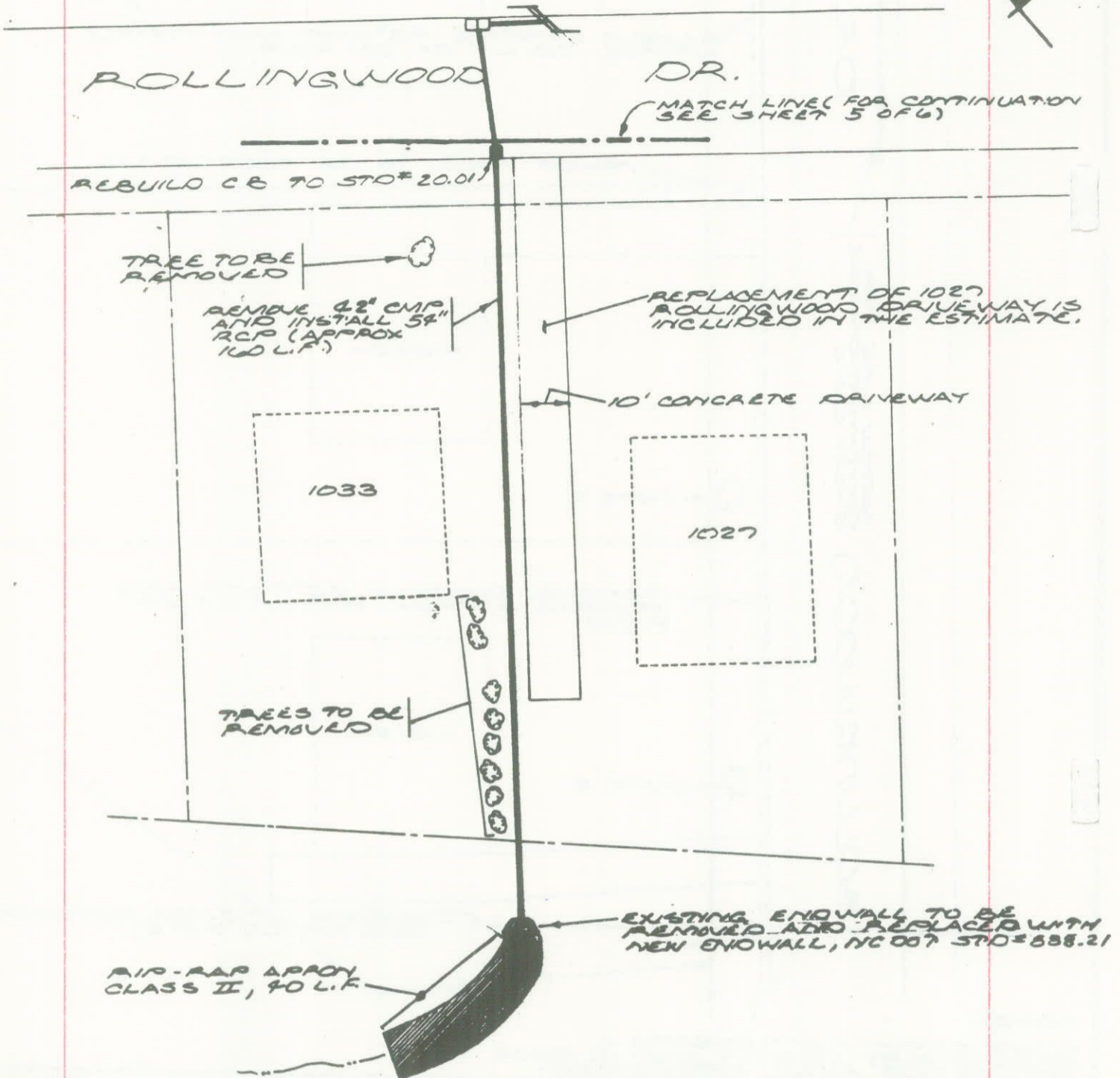
1. THIS SKETCH REPRESENTS A PRELIMINARY DESIGN AND IS BASED ON LIMITED FIELD INFORMATION. FULL SURVEY MUST BE PERFORMED AND DETAILED PLANS PREPARED PRIOR TO CONSTRUCTION.
2. TALK TO BE REMOVED.
3. DRIVEWAYS TO BE REPAIRED WITHIN RIGHT-OF-WAY.

404-517-9131R



**CHARLOTTE**  
 ENGINEERING DEPARTMENT


REVISIONS		STORM DRAINAGE REPAIR POLICY		JOB NO.
				FILE NO.
DRAWN BY CE		3715 BLANDWOOD DRIVE (Alternate 1)		SHEET 5
CHECKED BY WH				OF 6
CITY ENGINEER		DATE 5/2/91	SCALE NONE	



NOTES.

1. THIS SKETCH REPRESENTS A PRELIMINARY DESIGN AND IS BASED ON LIMITED FIELD INFORMATION. FULL SURVEY MUST BE PERFORMED AND DETAILED PLANS PREPARED PRIOR TO CONSTRUCTION.
2. CONTRACTOR SHALL EXERCISE CARE DURING CONSTRUCTION NOT TO DISTURB FOUNDATION OF 1033 ROLLINGWOOD DRIVE.

JUN 12 1992

 <b>CHARLOTTE</b> ENGINEERING DEPARTMENT		JOB NO.
REVISIONS	<b>STORM DRAINAGE REPAIR POLICY</b>	FILE NO.
DESIGNED BY CE	<b>3715 BLANDWOOD DRIVE (Alternate 1)</b>	SHEET
CHECKED BY WH	DATE 5/2/91	6
CITY ENGINEER	PAGE NONE	6

RESOLUTION DECLARING AN INTENT TO ABANDON AND  
CLOSE (a portion of Cornelius Street)  
LOCATED BETWEEN \_\_\_\_\_  
AND \_\_\_\_\_ IN THE CITY OF CHARLOTTE,  
MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, Purser Oil Company, Inc., has filed a Petition to close the unopened portion of Cornelius Street in the City of Charlotte; and

WHEREAS, the Cornelius Street right-of-way petitioned to be closed lies northeast of Leota 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 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 May 26, 1992, that it intends to close a portion of the Cornelius Street right-of-way (or portion thereof) being more particularly described on a map and by a metes and bounds description available for inspection in the City Clerk's office, and hereby calls a public hearing on the question to be held at 7:00 p.m., on Monday, the 22nd day of June, 1992, at 600 E. 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.

CERTIFICATION

I, Brenda R. Freeze, 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 26th day of May, 1992, the reference having been made in Minute Book 99, and recorded in full in Resolution Book 29, Page(s) 71-72.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 1st day of June, 1992.

Brenda R. Freeze  
Brenda R. Freeze, City Clerk

RESOLUTION DECLARING AN INTEENT TO  
ABANDON AND CLOSE A PORTION OF CITADEL  
PLACE LOCATED NEAR THE INTERSECTION OF  
ALLEN ROAD EAST AND LAKE DRIVE IN THE CITY  
OF CHARLOT, MECKLENBURG COUNTY NORTH  
CAROLINA

WHEREAS, Prad Citahan has filed a Petition to close a portion of CITADEL PLACE in the City of Charlotte:

WHEREAS, The portion of CITADEL PLACE petitioned to be closed lies at the end of Butler Road 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 Status 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 street or said alley; and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlotte, at its regularly scheduled sessions of May 26, 1992, that it intends to close a portion of CITADEL PLACE lying near the intersection of Allen Road East and Lake Drive, said street being more particularly described on a map and by 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 7:00 p.m. on Monday the 22<sup>nd</sup> day of June, 1992 at 600 East Fourth Street

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

# THIS PAGE IS BLANK

RESOLUTION DECLARING AN INTENT TO  
ABANDON AND LOCATE A PORTION OF  
PLACE LOCATED AT THE INTERSECTION OF  
ALLEN ROAD EAST AND LAKE DRIVE  
OF CHARLOTTE, MECKLENBURG COUNTY NORTH  
CAROLINA

WHEREAS, said City Clerk has received a petition from the portion of CITADEL  
PLACE in the City of Charlotte, North Carolina, requesting that the City Council  
declare its intent to close the portion of CITADEL PLACE between the intersection  
of the end of Butler Road marked "Exhibit A" and the intersection of the  
metes and bounds in a document marked "Exhibit B", both of which are available for  
inspection in the Office of the City Clerk, Charlotte, North Carolina.

WHEREAS, the procedure for closing streets and alleys as outlined in North  
Carolina General Statutes, Section 160A-298, requires that Council first adopt a  
resolution declaring its intent to close the street and call for a public hearing on the  
question; said Statute further requires that the resolution be published once a  
week for two successive weeks prior to the hearing, and that a copy of the  
resolution or certified map of the street to be closed be sent to the county tax  
assessor for recording in the county tax records; and that a public hearing shall be  
prominently posted in at least two places along street or said alley, and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of  
Charlotte, at its regularly scheduled session of May 28, 1992, that it intends to  
close a portion of CITADEL PLACE lying near the intersection of Allen Road East  
and Lake Drive, said street being more particularly described on a map and by  
metes and bound description available for inspection in the City Clerk's office and  
herby calls a public hearing on the question to be held at 7:00 p.m. on Monday, the  
22<sup>nd</sup> day of June, 1992 at 900 East Fourth Street.

The City Clerk is hereby directed to publish a copy of this resolution in the  
Mecklenburg Times once for two successive weeks next preceding the date fixed  
here for such hearing, as N.C.G.S. 160A-292.



CERTIFICATION

I, Brenda R. Freeze, 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 26th day of May, 1992, the reference having been made in Minute Book 99, and recorded in full in Resolution Book 29, Page(s) 72-73.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 1st day of June, 1992.

Brenda R. Freeze  
Brenda R. Freeze, City Clerk

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE  
PORTIONS OF CRAFTERS LANE AND KINGSBROOK DRIVE  
LOCATED OFF WESTINGHOUSE BOULEVARD  
IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS The Engineering Department of the City of Charlotte has filed a Petition to close Crafters Lane and Kingsbrook Drive in the City of Charlotte; and

WHEREAS Crafters Lane and Kingsbrook Drive petitioned to be closed lies off Westinghouse Boulevard as shown on a map 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 May 26, 19 92, that it intends to close Crafters Lane and Kingsbrook Drive located off Westinghouse Boulevard, said streets 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 7:00 p.m., on Monday, the 22nd day of June, 19 92, at 600 E. 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.

TW.R/NPP51200

CERTIFICATION

I, Brenda R. Freeze, 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 26th day of May, 1992, the reference having been made in Minute Book 99, and recorded in full in Resolution Book 29, Page(s) 74-75.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 1st day of June, 1992.

\_\_\_\_\_  
Brenda R. Freeze, City Clerk

RESOLUTION DECLARING AN INTENT TO ABANDON AND  
CLOSE CLARICE AVENUE  
LOCATED BETWEEN CHESTERFIELD AVE.  
AND BAY STREET IN THE CITY OF CHARLOTTE,  
MECKLENBURG COUNTY, NORTH CAROLINA.

WHEREAS, Beverly L. Penninger/Margaret C. Perkins have filed a Petition to close Clarice Avenue in the City of Charlotte; and

WHEREAS, Clarice Avenue petitioned to be closed lies between Chesterfield Avenue and Bay 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, North Carolina at its regularly scheduled meeting of May 26, 1992, that it intends to close Clarice Avenue lying between Chesterfield Avenue and Bay street, said street 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 7:00 P.M., on Monday, the 22nd day of June, 1992, at 600 E. 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.

CERTIFICATION

I, Brenda R. Freeze, 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 26th day of May, 1992, the reference having been made in Minute Book 99, and recorded in full in Resolution Book 29, Page(s) 76-77.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 1st day of June, 19 92

\_\_\_\_\_  
Brenda R. Freeze, 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 Park/Johnston Road Widening-Phase II, Segment IV; 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

Louis F. Harrelson and spouse, if any; Richard D. Stephens, Trustee; Harrelson Ford, Inc., Beneficiary; Any Other Parties in Interest

Property Description

767 square feet for fee-simple; 7,957 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. 173-234-04

Appraised Value

\$ 47,450.00 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, 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 26th day of May, 1992, and the reference having been made in Minute Book 99, Page \_\_\_\_\_.

WITNESS my hand and the corporate seal of The City of Charlotte, North Carolina, this the 1st day of June, 1992.

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

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 7:00 P.M. on May 26, 1992.

Present: Mayor Richard Vinroot, presiding, and Councilmembers Campbell, Clodfelter, Hammond, McCrory, Majeed, Mangum, Martin, Patterson, Reid, Scarborough and Wheeler

Absent: None

Also Present: City Manager, O. Wendell White, City Attorney, Henry Underhill and City Clerk, Brenda R. Freeze

\* \* \* \* \*

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

RESOLUTION PROVIDING FOR THE ISSUANCE OF  
\$58,700,000 WATER AND SEWER BONDS, SERIES 1992

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 two orders, one authorizing \$32,400,000 Sanitary Sewer Bonds (the "1988 Sanitary Sewer Bonds"), and one authorizing \$24,695,000 Water Bonds (the "1988 Water Bonds") were adopted by the City Council on September 13, 1988, which orders were approved by a 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; and that two orders, one authorizing \$24,285,000 Water Bonds (the "1990 Water Bonds"), and one authorizing \$112,510,000 Sanitary Sewer Bonds (the "1990 Sanitary Sewer Bonds") were adopted by the City Council on August 27, 1990, which orders were approved by a vote of the majority of the qualified voters of the Issuer who voted thereon at a referendum duly called and held on November 6, 1990.

(b) That \$15,200,000 of the 1988 Sanitary Sewer Bonds, \$14,050,000 of the 1988 Water Bonds, \$1,625,000 of the 1990 Water Bonds and \$4,000,000 of the 1990 Sanitary Sewer 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 the \$17,200,000 balance of the 1988 Sanitary Sewer Bonds, the \$10,645,000 balance of the 1988 Water Bonds, \$9,655,000 of the 1990 Water Bonds and \$21,200,000 of the 1990 Sanitary Sewer Bonds.

(c) That it is desirable to consolidate the bonds hereinabove referred to in this Section for purposes of sale to be in the aggregate principal amount of \$58,700,000 and to be designated "Water and Sewer Bonds, Series 1992".

(d) That the weighted average maximum period of usefulness of the capital project(s) to be financed with the proceeds of said bonds to be issued as described above in this Section is estimated as a period of 40 years from June 1, 1992, the date of said bonds, and that such period expires on June 1, 2032.

Section 2. Pursuant to said orders, there shall be issued bonds of the Issuer in the aggregate principal amount of \$58,700,000, designated "Water and Sewer Bonds, Series 1992" and dated as of June 1, 1992 (the "Bonds"). The Bonds shall be stated to mature (subject to the right of prior redemption as hereinafter set forth) annually, June 1, \$1,100,000 1993, \$1,150,000 1994, \$1,250,000 1995, \$1,300,000 1996, \$1,400,000 1997 and 1998, \$1,500,000 1999, \$1,550,000 2000, \$1,650,000 2001, \$1,800,000 2002, \$1,900,000 2003, \$2,000,000 2004, \$2,150,000 2005, \$2,300,000 2006, \$2,410,000 2007, \$2,560,000 2008, \$2,730,000 2009, \$2,910,000 2010, \$3,100,000 2011, \$3,300,000 2012, \$3,520,000 2013, \$3,740,000 2014, \$3,980,000 2015 and \$4,000,000 2016 and 2017, 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 December 1, 1992 and semiannually thereafter on June 1 and December 1 of each year until payment of such principal sum.

Section 3. 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 4. 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 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 5. 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 such officer 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 6. The Bonds 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 1992

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 June 1 or December 1 next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is a June 1 or December 1 to which

interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable on December 1, 1992 and semiannually thereafter on June 1 and December 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 1992" (the "Bonds") and issued by the Issuer

for the purpose of providing funds, with any other available funds, for improving the water and sanitary sewer systems of the Issuer, and 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 maturing prior to June 1, 2003 are not subject to redemption prior to maturity. The Bonds maturing on June 1, 2003 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 or in part on any date not earlier than June 1, 2002, 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 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 the address of said owner 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 the legal representative of said owner 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 June, 1992.

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: \_\_\_\_\_

\_\_\_\_\_  
Assignor's Signature

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 7. The Bonds maturing prior to June 1, 2003 will not be subject to redemption prior to maturity. The Bonds maturing on June 1, 2003 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 or in part on any date not earlier than June 1, 2002, 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, then subject to the sentence immediately following, 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. 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 said Bonds within a maturity are to be redeemed. 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 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 8. 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 4 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 canceled 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 Section 7 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, 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 9. 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, including any supplement thereto, relating to the sale of the Bonds are hereby approved, ratified and confirmed. The Official Statement, dated May 15, 1992, 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 10. 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 11. 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") with respect to the tax-exempt status of interest on the Bonds, 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 (or State of North Carolina) 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) The Issuer will not permit the following to exceed 10 percent of the proceeds of the Bonds (reduced by the amount of Bond-financed costs of issuance): the amount of proceeds of the Bonds (including bond-financed assets) 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) The Issuer will not permit the sum of the following to exceed 5 percent of the proceeds of the Bonds (reduced by the amount of Bond-financed costs of issuance): (A) the amount of private-use proceeds of the Bonds (including Bond-financed assets) to be used, directly or indirectly, in a use which is not related to the governmental use of the proceeds of the Bonds and (B) the amount of private-use proceeds of the Bonds (including Bond-financed assets) 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) The Issuer will not permit to be used, directly or indirectly, an amount of the proceeds of the Bonds exceeding the lesser of (A) \$5,000,000 or (B) 5 percent of the proceeds of the Bonds (reduced by the amount of Bond-financed costs of issuance) to make or finance loans (including sale of Bond-financed assets on an installment basis) to persons other than governmental units as described in Section 141(c) of the Code.

(d) 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 (A) all original proceeds of the Bonds on hand on the date that is three years from the date of delivery of the Bonds and (B) 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).

(e) 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) (A) 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, (B) 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 (C) 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).

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

(g) 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.

(h) 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.

(i) For purposes of complying with the hedge bond requirements of Section 149(g) of the Code:

(A) 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.

(B) 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.

(C) 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 (or State of North Carolina) income tax purposes or otherwise adversely affect the exemption of interest on the Bonds from federal (and State of North Carolina) 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 (or State of North Carolina) income tax purposes or otherwise adversely affect the exemption of interest on the Bonds from federal (and State of North Carolina) income taxation.

Section 12. 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 the Issuer for the receipt and disbursement of debt service payments on the Bonds.

Section 13. 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, Letter(s) 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 14. This Resolution shall take effect upon its passage.

Upon motion of Councilmember Mangum, seconded by Councilmember Wheeler, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$58,700,000 WATER AND SEWER BONDS, SERIES 1992," was passed by the following vote:

Ayes: Councilmembers Campbell, Clodfelter, Hammond, McCrory, Majeed, Mangum, Martin, Patterson, Reid, Scarborough and Wheeler

Noes: None

\* \* \* \* \*



I, Brenda R. Freeze, 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 the City Council of said City at a regular meeting held May 26, 1992, as relates in any way to the passage of a resolution providing for the issuance of \$58,700,000 Water and Sewer Bonds, Series 1992, of said City, that all required notices of such meeting were given and that a reference regarding said proceedings is recorded in Minute Book 99 of the minutes of said City Council on page(s) \_\_\_\_\_ and a full copy of the foregoing resolution is recorded in Resolution Book 29 on page(s) 80-114.

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 other than as listed below) 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. (zoning), and the fourth Monday of each month at 7:00 P.M., except that the regular meeting for the fourth Monday of the month of May is held on the fourth Tuesday of May at 7:00 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 official seal of said City, this 1st  
day of June, 1992.

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

(SEAL)