

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 12th day of September, 1994 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set ut and that the schedule and this resolution be spread upon the minutes of this meeting.

Approved as to form:


City Attorney

Read, approved, and adopted by the City Council of the City of Charlotte, North Carolina, in a regular session convened on the 12th day of September, 1994, the reference having been made in Minute Book 106 and recorded in full in Resolution Book 33, page(s) 1-2.

Brenda Freeze
City Clerk

**TAXPAYERS AND REFUNDS REQUESTED
MORE THAN \$100**

<u>Name</u>	<u>Amount of Refund</u>
May Centers Assoc Corp	\$ 3,441.44
May Centers Assoc Corp	3,378.29
Crow-Klein-Wyatt #1	2,217.63
UDP Inc	2,026.92
Eastland Ltd	6,789.42
Ivey J B & Co	3,952.91
Charleston Place/McGuire	4,664.13
Ginsberg Lawrence	2,325.62
Charlotte Eastchase	3,122.39
UVAG Realty	9,504.06
Sherrill & Associates	1,962.56
Asphalt Associates of	917.99
Mirror Telephony Software Inc	223.51
Mirror Telephony Software Inc	279.81
Dillard Department Stores Inc.	1,948.10
Trenchers Plus	252.20
Total	<u>\$47,006.98</u>

**RESOLUTION OF THE CITY OF CHARLOTTE AMENDING THE FIVE-YEAR
CAPITAL IMPROVEMENT PROGRAM FOR FY1995-99**

WHEREAS, the City of Charlotte has adopted a five-year program as a plan for needed capital facilities during fiscal years 1995 through 1999; and

WHEREAS, a recommendation has been made by the Utilities Director to proceed with construction of a water main along Idlewild Road from Margaret Wallace Road to Highway 51. This project appeared in the FY1993-97 adopted Capital Improvement Program as a part of the Matthews Bond Program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session duly assembled, that it does hereby formally amend the Capital Improvement Program for FY1995-99 to include the aforementioned Water and Sewer project change.

This the 12th day of September, 1994.

Approved as to form:


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 12th day of September, 1994, the reference having been made in Minute Book 106 and recorded in full in Resolution Book 33, Page(s) 3-4.

WITNESS my hand and corporate seal of the City of Charlotte, North Carolina, this the 14th day of September, 1994.

Brenda R. Freeze, City Clerk

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

A motion was made by Councilmember Martin and seconded by Councilmember Wheeler for the adoption of the following Resolution, and upon being put to a vote was duly adopted:

WHEREAS, the North Carolina Department of Transportation, under a Municipal Agreement entered into with the City of Charlotte on July 7, 1989, has prepared and adopted plans to make certain street and highway improvements within this Municipality under Project U-0209, Mecklenburg County, said plans consisting of the improvement of US 74 (Independence Boulevard) to include High Occupancy Vehicle Lanes between Brookshire Freeway and Sharon Amity Road; and,

WHEREAS, the Department and the Municipality now wish to amend the Agreement to add the provision stipulating that the Department, subject to reimbursement by the Municipality, shall relocate the utilities, acquire the right of way and construct the project; and,

WHEREAS, the Municipality shall reimburse the Department eighty seven and one-half percent (87.5%), or up to \$15,400,000, of the actual project cost of the project. Said reimbursement shall be made on a quarterly basis within thirty (30) days of billing by the Department. The total amount of reimbursement, including what has been paid on billings under the original Municipal Agreement, is not to exceed \$15,400,000.

NOW, THEREFORE, BE IT RESOLVED that Project U-0209; Mecklenburg County, is hereby formally approved by the City Council of the Municipality of Charlotte and that the Director of Transportation and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

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 12th day of September, 1994, and the reference having been made in Minute Book 106, and recorded in full in Resolution Book 33, Pages5-6.

WITNESS, my hand and the corporate seal of the City of
Charlotte, North Carolina, this the 14th day of September, 1994.

(SEAL)

Brenda Freeze, City Clerk

APPROVED AS TO FORM

By: Henry W. Underhill Jr.
City Attorney

RESOLUTION FIXING DATE OF PUBLIC HEARING ON THE PETITION
REQUESTING THE ANNEXATION OF PROPERTY TO THE CITY OF
CHARLOTTE PURSUANT TO G.S. 160A-31, AS AMENDED.

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That a public hearing on the question of annexation of the area described herein will be held at CMGC Council Meeting Chamber, 600 E. 4th St., Charlotte, N. C., at 7:00 o'clock P. M., on the 26th date of September, 1994.

Section 2. The area proposed for annexation is described as follows:

See Exhibit A

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

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 12th day of September, 1994, the reference having been made in Minute Book 106 and recorded in full in Resolution Book 33, Page(s) 7-10.

WITNESS my hand and corporate seal of the City of Charlotte, North Carolina, this the 14th day of September, 1994.

Brenda R. Freeze, City Clerk

"EXHIBIT A"
LEGAL DESCRIPTION OF
PROPOSED ANNEXATION BY THE
CITY OF CHARLOTTE, NORTH CAROLINA

BEGINNING AT A POINT ON THE EXISTING CHARLOTTE CITY LIMITS LINE AS ESTABLISHED IN THE GENERAL ASSEMBLY OF NORTH CAROLINA SESSION LAWS - 1987, CHAPTER 201, SECTION 2; SAID POINT BEING ON THE EASTERLY RIGHT-OR-WAY OF MALLARD CREEK ROAD AND ALSO BEING ON THE WESTERLY LINE OF THAT TRACT DESCRIBED IN THAT DEED TO ELIZABETH MASON IN DEED BOOK 1295 AT PAGE 594; (TAX PARCEL 47-122-08); THENCE WITH THE EXISTING CITY LIMITS LINE AS FOLLOWS: ALONG THE WESTERLY LINE OF ELIZABETH MASON SOUTH 06°47'57" WEST, 600.44 FEET TO A POINT; THENCE SOUTH 08°52'30" EAST, 279.77 FEET TO A POINT; THENCE SOUTH 19°07'41" EAST, 544.37 FEET TO A POINT, SAID POINT BEING THE SOUTHWESTERLY CORNER OF ELIZABETH MASON; THENCE ALONG THE SOUTHERLY LINES OF ELIZABETH MASON AFOREMENTIONED ABOVE, NEWKIRK STREET, AND RICHARD A. HOUSER, JR. AS DESCRIBED IN DEED BOOK 4317 AT PAGE 137, SOUTH 84°14'11" EAST, 637.64 FEET TO A POINT, SAID POINT BEING THE SOUTHEASTERLY CORNER OF RICHARD A. HOUSER, JR.; THENCE ALONG THE SOUTHERLY LINES OF CHARLES W. ROBINSON AS DESCRIBED IN DEED BOOK 2166 AT PAGE 355 AND DEED BOOK 2437 AT PAGE 175, SOUTH 84°13'08" EAST, 266.79 FEET TO A POINT, SAID POINT BEING THE SOUTHEASTERLY CORNER OF CHARLES W. ROBINSON; THENCE SOUTH 07°08'32" WEST, 1,062.41 FEET TO A POINT, SAID POINT BEING ON A LINE 200 FEET FROM AND PARALLEL WITH THE CENTERLINE OF THE RAILROAD SPUR TRACK; THENCE ALONG SAID PARALLEL LINE SOUTH 54°00'00" EAST, APPROXIMATELY 720 FEET TO A POINT, SAID POINT BEING IN OR NEAR THE CENTERLINE OF A BRANCH; SAID BRANCH BEING DESCRIBED ABOVE AS A TRIBUTARY OF DOBY CREEK; THENCE IN A NORTHEASTERLY DIRECTION, MEANDERING WITH THE CENTERLINE OF SAID BRANCH A DISTANCE OF APPROXIMATELY 300 FEET TO A POINT SAID POINT BEING THE SOUTHWESTERLY CORNER OF THE FIRST UNION NATIONAL BANK OF NORTH CAROLINA PROPERTY AS DESCRIBED IN DEED BOOK 7822 PAGE 949 AND DEED BOOK 7822 PAGE 939 SAID POINT ALSO BEING SITUATED ALONG THE EASTERLY MARGIN OF THE IBM PERIMETER ROAD; THENCE WITH THE WESTERLY PROPERTY LINE OF THE FIRST UNION NATIONAL BANK PROPERTY AND ALONG THE EASTERLY MARGIN OF THE IBM PERIMETER ROAD THE FOLLOWING 12 NEW CITY LIMIT COURSES: (1) NORTH 24°23'21" WEST A DISTANCE OF 60.77 FEET TO A POINT; (2) WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 3,854.72 FEET AN ARC DISTANCE OF 187.21 FEET TO A POINT, SAID ARC SUBTENDED BY A CHORD NORTH 25°46'49" WEST 187.19 FEET; (3) SOUTH 62°49'42" WEST A DISTANCE OF 5.00 FEET TO A POINT; (4) WITH THE ARC OF A CURRICULAR CURVE TO THE LEFT HAVING A RADIUS OF 3,894.72 FEET AN ARC DISTANCE OF 154.48 FEET TO A POINT; SAID ARC SUBTENDED BY A CHORD NORTH 28°19'17" WEST 154.46 FEET; (5) NORTH 29°28'15" WEST A DISTANCE OF 292.29 FEET TO A POINT; (6) WITH THE ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 686.20 FEET AN ARC DISTANCE OF 628.65 FEET TO A POINT, SAID ARC SUBTENDED BY A CHORD NORTH 03°13'31" WEST 606.90 FEET; (7) NORTH 23°01'12" EAST, A DISTANCE OF 857.49 FEET TO A POINT; (8) WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 962.94 FEET AN ARC DISTANCE OF 370.74 FEET TO A POINT, SAID ARC SUBTENDED BY A CHORD NORTH 11°59'25" EAST 368.46 FEET; (9) NORTH 00°57'38" EAST, A DISTANCE OF 251.98 FEET TO A POINT; (10) NORTH 02°13'28" WEST, A DISTANCE OF 275.25 FEET TO A POINT; (11) WITH THE ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 886.19 FEET, AN ARC DISTANCE OF 313.82 FEET TO A POINT SAID ARC SUBTENDED BY A CHORD, NORTH 07°55'14" EAST, 312.19 FEET, AND (12) NORTH 18°03'56" EAST, A DISTANCE OF 44.65 FEET TO A POINT SITUATED ON THE SOUTHERN RIGHT-OF-WAY MARGIN OF W. T. HARRIS BOULEVARD; THENCE WITH THE EXISTING CHARLOTTE CITY LIMITS

AS FOLLOWS: IN A WESTERLY DIRECTION WITH SAID RIGHT-OF-WAY MARGIN APPROXIMATELY 400 FEET TO A POINT, SAID POINT BEING 66.61 FEET LEFT OF AND NORMAL TO STATION 10+29.62, Y-LA; THENCE, IN A NORTHERLY DIRECTION 38.00 FEET TO A POINT, SAID POINT BEING 28.61 FEET LEFT OF AND NORMAL TO STATION 10+29.62; THENCE WITH THE EXISTING SOUTHERLY RIGHT-OF-WAY MARGIN OF MALLARD CREEK ROAD IN A WESTERLY DIRECTION APPROXIMATELY 180 FEET TO A POINT, SAID POINT ALSO BEING THE NORTHEASTERLY MOST CORNER OF PROPERTY AS DESCRIBED IN DEED BOOK 1969, PAGE 120; THENCE WITH SAID DEED, SOUTH 86°10' WEST, APPROXIMATELY 170 FEET TO A POINT, SAID POINT BEING THE NORTHEASTERLY MOST CORNER OF PROPERTY AS DESCRIBED IN DEED BOOK 1880, PAGE 139; THENCE WITH SAID DEED TWO COURSES AS FOLLOWS: (1) SOUTH 01°03' WEST, 200 FEET TO A POINT, (2) SOUTH 87°00' WEST, 100 FEET TO A POINT, SAID POINT BEING THE SOUTHWESTERLY MOST CORNER OF SAID PROPERTY, SAID POINT ALSO BEING LOCATED ON THE EASTERLY RIGHT-OF-WAY MARGIN OF NEWKIRK STREET; THENCE WITH DEED BOOK 2198, PAGE 163, CONTINUING ALONG NEWKIRK STREET, SOUTH 01°03' WEST, APPROXIMATELY 364.60 FEET TO A POINT, SAID POINT BEING THE SOUTHWESTERLY MOST CORNER OF PROPERTY DESCRIBED IN SAID DEED; THENCE WITH SAID DEED THREE COURSES AS FOLLOWS: (1) SOUTH 88°57' EAST, 225 FEET TO A POINT, (2) SOUTH 01°03' WEST, 175 FEET TO A POINT (3) NORTH 88°57' WEST, 255 FEET TO A POINT, SAID POINT BEING LOCATED ON THE EASTERLY RIGHT-OF-WAY MARGIN OF NEWKIRK STREET (SR 2496); THENCE, CROSSING SAID STREET APPROXIMATELY 60 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY MARGIN OF NEWKIRK STREET, SAID POINT ALSO BEING THE SOUTHEASTERLY MOST CORNER OF BLOCK 1, LOT 7 AS SHOWN ON RECORDED MAP BOOK 7, PAGE 381; THENCE WITH SAID MAP, NORTH 00°42'00" WEST, 105.00 FEET TO A POINT, SAID POINT BEING THE SOUTHEASTERLY MOST CORNER OF BLOCK 1, LOT 6 AS SHOWN ON SAID MAP; THENCE WITH SAID MAP TWO COURSES AS FOLLOWS: (1) SOUTH 89°18'00" WEST 202.60 FEET TO A POINT, (2) NORTH 04°33'00" WEST, 405.94 FEET TO A POINT, SAID POINT BEING THE NORTHWESTERLY MOST CORNER OF BLOCK 1, LOT 1 OF MAP BOOK 7, PAGE 381, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY MARGIN OF MALLARD CREEK ROAD; THENCE, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY MARGIN ON MALLARD CREEK ROAD IN A WESTERLY DIRECTION APPROXIMATELY 154.79 FEET TO A POINT, SAID POINT BEING THE NORTHEASTERLY MOST CORNER OF PROPERTY AS DESCRIBED IN DEED BOOK 4317, PAGE 139; THENCE WITH SAID DEED FOR THREE COURSES AS FOLLOWS: (1) SOUTH 09°15'40" EAST, 319.63 FEET TO A POINT, (2) SOUTH 02°21'07" WEST, 183.84 FEET TO A POINT, (3) SOUTH 87°23'55" WEST, 109.30 FEET TO A POINT, SAID POINT BEING THE MOST SOUTHWESTERLY CORNER OF SAID PROPERTY; THENCE WITH DEED BOOK 5155, PAGE 797, THREE COURSES AS FOLLOWS: (1) NORTH 05°39'32", WEST, 208.41 FEET TO A POINT, (2) NORTH 14°26'45" WEST, 234.56 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY MARGIN OF MALLARD CREEK ROAD (3) SOUTH 49°42'22" WEST, 523.71 FEET WITH SAID RIGHT-OF-WAY MARGIN TO THE POINT OF BEGINNING; CONTAINING APPROXIMATELY 75 ACRES.

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 Carmel 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

Raymond E. Stipp and wife, Gloria J. Stipp; Concord-Kannapolis Savings and Loan Association (now SouthTrust Bank), Beneficiary; Branch Banking and Trust Company, Beneficiary; Any Other Parties in Interest

Property Description

3,244.57 square feet for fee-simple; 43.08 square feet for a down-guy easement; 3,108.57 square feet for a temporary construction easement; and any additional property or interest as the City may determine to complete the project, as it relates to Tax Parcel No. 211-171-01.

Appraised Value

\$ 19,050.00 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, 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 12th day of September, 1994, the reference having been made in Minute Book 106 and recorded in full in Resolution Book 33, Page(s) 11-12.

WITNESS my hand and corporate seal of the City of Charlotte, North Carolina, this the 14th day of September, 1994.

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 North Mecklenburg Raw Water Line 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

J. Ernest Cook; Ruby H. Cook; Any Other Parties in Interest

Property Description

28,044.80 square feet for fee-simple; 0.72 acre for a temporary construction easement; and any additional property or interest as the City may determine to complete the project, as it relates to Tax Parcel No. 009-012-02.

Appraised Value

\$ 8,600.00 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, 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 12th day of September, 1994, the reference having been made in Minute Book 106 and recorded in full in Resolution Book 33, Page(s) 13-14.

WITNESS my hand and corporate seal of the City of Charlotte, North Carolina, this the 14th day of September, 1994.

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 North Mecklenburg Raw Water Line 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

J. Ernest Cook; Ruby H. Cook; Any Other Parties in Interest

Property Description

53,736.8 square feet for fee-simple; 1.24 acre for a temporary construction easement; and any additional property or interest as the City may determine to complete the project, as it relates to Tax Parcel No. 009-011-07.

Appraised Value

\$ 49,810.00 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, 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 12th day of September, 1994, the reference having been made in Minute Book 106 and recorded in full in Resolution Book 33, Page(s) 15-16.

WITNESS my hand and corporate seal of the City of Charlotte, North Carolina, this the 14th day of September, 1994.

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 Dedham Place Sanitary Sewer Right-of-Way 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

John R. Stump, Jr. and wife, Robyn Kistler Stump; First Citizens Bank and Trust Company, Beneficiary; Any Other Parties in Interest

Property Description

1,697 square feet for a permanent 15-foot sanitary sewer easement; 1,570 square feet for a temporary construction easement; and any additional property or interest as the City may determine to complete the project, as it relates to Tax Parcel No. 183-111-47.

Appraised Value

\$ 6,650.00 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, 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 12th day of September, 1994, the reference having been made in Minute Book 106 and recorded in full in Resolution Book 33, Page(s) 17-18.

WITNESS my hand and corporate seal of the City of Charlotte, North Carolina, this the 14th day of September, 1994.

Brenda R. Freeze, City Clerk

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

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, 600 East Fourth Street, in Charlotte, North Carolina, the regular place of meeting, at 7:00 p.m. on September 12, 1994.

Present: Mayor Richard Vinroot, presiding, and
Councilmembers Baker, Campbell, Cannon, Jackson, McCrory, Majeed,
Martin, Scarborough, Spencer and Wheeler and Reid

Absent: None

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

* * * * *

Mayor Vinroot announced that this was the date, hour and place fixed for the public hearing for the purpose of considering whether the City Council should approve and adopt a proposed plan of financing in an aggregate principal amount up to \$900,000, involving the entry by the City into an installment payment contract pursuant to G.S. § 160A-20, the proceeds of which would be used to finance various items of equipment, including without limitation fuel handling carts and related equipment, for use at the Charlotte/Douglas International Airport, which equipment will be initially owned by the City and all or a portion of which will be initially leased to USAir, which public hearing was announced in a notice published in The Charlotte Observer on August 26, 1994.

The City Council first ratified and approved the designation of the meeting as a public hearing on the proposed plan of financing, the call of the public hearing and the publication of said notice.

It was then announced that the City Council would immediately hear anyone who might wish to be heard on such matter.

No one appeared either in person or by attorney to be heard on such matter and the City Clerk announced that no written statement relating to such matter had been received by the office

of the City Clerk or by the Director of Finance except as follows:

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

Councilmember Wheeler then introduced the following resolution, a summary of which had been provided to each Councilmember, which was read by title and summarized by the City Attorney:

RESOLUTION APPROVING INSTALLMENT CONTRACT FINANCING FOR GENERAL GOVERNMENT EQUIPMENT AND AIRPORT EQUIPMENT IN AN AGGREGATE PRINCIPAL AMOUNT UP TO \$4,275,000 AND THE SALE OF CERTIFICATES OF PARTICIPATION THEREIN AND AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS IN CONNECTION THEREWITH

WHEREAS, by resolution adopted on June 27, 1994, the City Council (the "City Council") of the City of Charlotte (the "City") approved in principle installment contract financing for certain of the City's general government equipment requirements and airport equipment requirements (collectively, the "Equipment") in an aggregate principal amount up to \$4,275,000 and authorized the City staff to proceed with plans and to investigate and negotiate the selection and terms for such financing;

WHEREAS, various items of Equipment (collectively, the "Governmental Equipment") are to be used by various departments of the City for general governmental purposes;

WHEREAS, various items of Equipment, including without limitation fuel handling carts and related equipment (collectively, the "Airport Equipment"), are to be used at the Charlotte/Douglas International Airport (the "Airport"), located at 5501 Josh Birmingham Boulevard, Charlotte, North Carolina,

which Airport is owned by the City and is operated by the City for the use of the general public;

WHEREAS, the Airport Equipment will be initially owned by the City and all or a portion thereof will be initially leased to USAir;

WHEREAS, there are proposed to be separate installment contracts pursuant to G.S. § 160A-20 (and related trust agreements) with respect to the financing for the Governmental Equipment and for the Airport Equipment;

WHEREAS, on this day the City Council conducted a public hearing with respect to the proposed installment contract financing in an aggregate principal amount up to \$900,000 to finance the Airport Equipment;

WHEREAS, there have been available at this meeting forms of the following documents (the "Financing Documents") with respect to the financing for the Governmental Equipment and the financing for the Airport Equipment:

(1) with respect to the Governmental Equipment, an Installment Payment Contract, dated as of September 15, 1994 (the "1994D Contract"), between the City and New Charlotte Corporation (the "Corporation"), as counterparty, pursuant to which the Corporation will advance moneys to the City for the purchase of the Governmental Equipment and the City agrees to make periodic installment payments (the "1994D Installment Payments") to repay the moneys so advanced, with interest;

(2) with respect to the Governmental Equipment, a Trust Agreement, dated as of September 15, 1994 (the "1994D Trust Agreement"), between the Corporation and NationsBank of North Carolina, N.A., as trustee (the "1994D Trustee"), pursuant to which there are to be executed and delivered Certificates of Participation, Series 1994D (Governmental Equipment Project) (the "1994D Certificates") representing interests in rights to receive the 1994D Installment Payments under the 1994D Contract;

(3) with respect to the Airport Equipment, an Installment Payment Contract, dated as of September 15, 1994 (the "1994E Contract," together with the 1994D Contract, the "Contracts"), between the City and the Corporation, as counterparty, pursuant to which the Corporation will advance moneys to the City for the purchase of the Airport Equipment and the City agrees to make periodic installment payments (the "1994E Installment Payments") to repay the moneys so advanced, with interest;

(4) with respect to the Airport Equipment, a Trust Agreement, dated as of September 15, 1994 (the "1994E Trust Agreement," together with the 1994D Trust Agreement, the "Trust Agreements"), between the Corporation and NationsBank of North

Carolina, N.A., as trustee (the "1994E Trustee"), pursuant to which there are to be executed and delivered Certificates of Participation, Series 1994E (Airport Equipment Project) (the "1994E Certificates," together with the 1994D Certificates, the "Certificates") representing interests in rights to receive the 1994E Installment Payments under the 1994E Contract;

(5) Preliminary Official Statement to be dated on or about September 19, 1994 (the "Preliminary Official Statement") which, as supplemented with certain pricing information, is to be the Official Statement to be dated on or about September 29, 1994 (the "Official Statement"), pursuant to which the Certificates are to be offered and sold to the public;

(6) Contract of Purchase to be dated on or about September 29, 1994 (the "Purchase Contract") between NationsBanc Capital Markets, Inc., First Charlotte Company, Division of J.C. Bradford & Co., First Union Capital Markets Corp. and Interstate/Johnson Lane Corporation (collectively, the "Underwriters") and the Corporation, pursuant to which the Underwriters agree to purchase the Certificates for sale to the public;

(7) Letter of Representation to be dated on or about September 29, 1994 (the "Letter of Representation"), which is an exhibit to the Purchase Contract, from the City to the Underwriters regarding certain matters in connection with the financing and information about the City in the Official Statement;

WHEREAS, the obligations of the City to make Installment Payments and other payments pursuant to the Contracts shall constitute limited obligations of the City payable solely from currently budgeted appropriations of the City and shall not constitute a pledge of the faith and credit of the City within the meaning of any constitutional debt limitation;

WHEREAS, no deficiency judgment may be rendered against the City in any action for breach of a contractual obligation under the Contracts, and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contracts;

WHEREAS, as security for repayment of the moneys advanced to the City and the other obligations of the City under the 1994D Contract, the City will grant to the Corporation a security interest in the Governmental Equipment pursuant to the 1994D Contract which the Corporation will assign to the 1994D Trustee under the 1994D Trust Agreement;

WHEREAS, as security for repayment of the moneys advanced to the City and the other obligations of the City under the 1994E Contract, the City will grant to the Corporation a security

interest in the Airport Equipment pursuant to the 1994E Contract which the Corporation will assign to the 1994E Trustee under the 1994E Trust Agreement; and

WHEREAS, the City Council wants to approve the Financing Documents and to authorize other actions in connection therewith;

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

Section 1. All actions of the City to effectuate the proposed financing, including the selection of the Underwriters, are hereby ratified, approved and authorized pursuant to and in accordance with the transactions contemplated by the Financing Documents.

Section 2. The acquisition of the Governmental Equipment and the Airport Equipment and the financing thereof as provided in the Financing Documents and described in this Resolution and the agreements and documents referenced herein are hereby ratified and approved.

Section 3. The City Council hereby finds that (i) financing of the Equipment by installment contracts, under the circumstances, is preferable to bond issues due to time constraints and (ii) the proceeds of the financing will be used exclusively for the acquisition of the Equipment and the costs and expenses of such financing and for no other capital projects of the City.

Section 4. Each of the 1994D Contract, the 1994E Contract and the Letter of Representation is hereby approved in substantially the forms submitted to this meeting, and each of the Mayor or the City Manager and the City Clerk is hereby authorized and directed to execute and deliver each of those documents in the name and on behalf of the City, with such changes, insertions or omissions as the persons executing such documents may approve, their execution and delivery thereof to constitute conclusive evidence of such approval. The City Clerk is hereby directed to affix the seal of the City to each of said documents as may be appropriate and to attest to the same.

Section 5. Each of the 1994D Trust Agreement, the 1994E Trust Agreement and the Purchase Contract is hereby approved in substantially the form submitted to this meeting, with such changes, insertions or omissions as appropriate and as the officers of the City executing the respective Contracts may approve, the execution and delivery of the respective Contracts to constitute conclusive evidence of such approval.

Section 6. Each of the Preliminary Official Statement and the Official Statement in the form of the Preliminary Official Statement submitted to this meeting, is hereby approved in substantially such form, with such changes, insertions and omissions as appropriate, and the use thereof by the Underwriters in connection with the public offering and sale of each series of the Certificates is hereby authorized. Each of the Mayor or the City Manager is hereby authorized and directed to execute and deliver on behalf of the City the final Official Statement in substantially such form, with such changes, insertions and omissions as he may approve, the execution and delivery thereof to constitute conclusive evidence of such approval.

Section 7. Each of the Mayor, the City Manager and the Director of Finance are authorized to approve all details of the financing of the Governmental Equipment, including, without limitation, the amount advanced under the 1994D Contract (which shall not exceed \$3,375,000 and together with the amount advanced under the 1994E Contract shall not exceed \$4,275,000), the maturities, the principal amounts and the interest amounts of the 1994D Installment Payments (which annual principal amounts shall not exceed \$1,500,000 and which interest amounts shall not exceed 7.0% per annum on a true interest cost basis), the term of the 1994D Contract (which shall not be less than two years and shall not equal or exceed five years from its date), and the Underwriters' discount (exclusive of any original issue discount) (which shall not exceed 1.5%). Execution of the 1994D Contract by the Mayor or the City Manager shall conclusively evidence such approval of all such details of said financing.

Section 8. Each of the Mayor, the City Manager and the Director of Finance are authorized to approve all details of the financing of the Airport Equipment, including, without limitation, the amount advanced under the 1994E Contract (which shall not exceed \$900,000 and together with the amount advanced under the 1994D Contract shall not exceed \$4,275,000), the maturities, the principal amounts and the interest amounts of the 1994E Installment Payments (which annual principal amounts shall not exceed \$900,000 and which interest amounts shall not exceed 7.0% per annum on a true interest cost basis), the term of the 1994E Contract (which shall not be less than five months and shall not equal or exceed five years from its date), and the Underwriters' discount (exclusive of any original issue discount) (which shall not exceed 1.5%). Execution of the 1994E Contract by the Mayor or the City Manager shall conclusively evidence such approval of all such details of said financing.

Section 9. The Mayor, the City Clerk, the City Manager, the Director of Finance, the City Treasurer and the City Attorney are hereby authorized to take any and all such further action, including approval of modifications to the Financing Documents, and to execute and deliver for and on behalf of the City such other documents and certificates (including financing statements and appropriate tax certificates and agreements) as may be necessary or advisable to carry out the intent of this resolution and to effect the installment financing pursuant to the Contracts and the other Financing Documents. In addition, said officers are hereby authorized to cooperate with the Underwriters in preparing and filing such filings under state security or "blue sky" laws as the Underwriters may request and as the Mayor, the City Manager or the Finance Director shall determine.

Section 10. This Resolution shall become effective immediately upon its adoption.

Thereupon, upon motion of Councilmember Wheeler, seconded by Councilmember Martin, the foregoing resolution was adopted and passed by the following vote:

AYES: Baker, Campbell, Cannon, Jackson, McCrory, Majeed, Martin, Reid, Scarborough, Spencer 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 copy of so much of the recorded proceedings of the City Council of said City at a regular meeting held on September 12, 1994, as relates in any way to the holding of a public hearing and the authorization of an installment contract financing by said City, that all required notices of said meeting were given and that references regarding said proceedings are recorded in Minute Book No. 106 of said City Council, beginning at page and ending at page , and a full copy of the foregoing resolution is recorded in Resolution Book No. 33 of said City Council, beginning at page 19 and ending at page 26.

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, 600 East Fourth Street, 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., has been on file in the office of the City Clerk as of a date not less than seven days before the date of said meeting in accordance with G.S. § 143-318.12.

WITNESS my hand and the seal of said City, this 14th day of September, 1994.

City Clerk

(SEAL)

**JOINT RESOLUTION OF
THE CHARLOTTE CITY COUNCIL AND
THE MECKLENBURG COUNTY BOARD OF COMMISSIONERS
ADOPTING THE CHARGE FOR
THE CHARTER DRAFTING COMMITTEE**

WHEREAS, the Charlotte City Council and the Mecklenburg County Board of Commissioners created the Political Consolidation "Committee of Six"; and

WHEREAS, the Committee of Six, by Memorandum dated June 2, 1994, proposed 12 Consolidation Principles, including a Procedure and Schedule for City/County Consolidation, as set forth in said Memorandum; and

WHEREAS, on July 11, 1994, the Mecklenburg County Board of Commissioners adopted the Consolidation Principles and the Procedure and Schedule for City/County Consolidation as contained therein; and

WHEREAS, on July 25, 1994, the Charlotte City Council adopted the Consolidation Principles and the Procedure and Schedule for City/County Consolidation as contained therein; and

WHEREAS, the next step in the procedure for City/County consolidation is for the City Council, the Board of Commissioners, the Mayor, and the Chairman of the Board of Commissioners to name a 12-person "Charter Drafting Committee"; and

WHEREAS, the City Council and the Board of Commissioners have concluded that it would be appropriate to adopt a charge to guide the work of the Charter Drafting Committee; now, therefore,

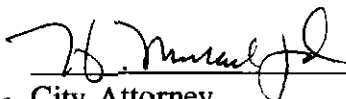
BE IT RESOLVED by the Charlotte City Council and the Mecklenburg County Board of Commissioners that the following shall be the charge for the "Charter Drafting Committee":

The Charter Drafting Committee, considering the applicable statutory and constitutional laws of the State of North Carolina, existing City charter, City and County special legislation, the 1971 Proposed Charter for the Consolidated Government of Charlotte and Mecklenburg County, any other charters of consolidated governments or information made available by the North Carolina Institute of Government or any other source that they may wish to consider, and drawing on the work of the City and County legal staffs as outlined in Procedure 3 of the Procedure and Schedule for City/County Consolidation, shall produce a Preliminary Charter consistent with the 12 Consolidation Principles set forth in the Committee of Six Memorandum dated June 2, 1994.

ADOPTED by the Charlotte City Council on the 12th day of September,
1994.

ADOPTED by the Mecklenburg County Board of Commissioners on the 7th day
of September, 1994.

APPROVED AS TO FORM:

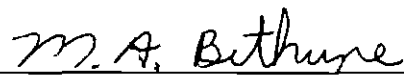


Dep. City Attorney

City Clerk

(SEAL)

APPROVED AS TO FORM:



County Attorney



Clerk to the Board of Commissioners

(SEAL)