

**RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE AN
UNNAMED ALLEY LYING TO THE WEST OF YADKIN AVENUE AND
TO THE NORTH OF MATHESON AVENUE IN THE CITY OF
CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA**

WHEREAS, MICHAEL D. HERNDON has filed a Petition to close all of an unnamed alley in the City of Charlotte; and

WHEREAS, said unnamed alley petitioned to be closed lies to the west of Yadkin Avenue and to the north of Matheson Avenue as is shown on 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 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 February 13, 1995, that it intends to close an unnamed alley lying to the west of Yadkin Avenue and to the north of Matheson Avenue, said alley (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 27th day of March, 1995, at CMGC, 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, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 13th day of February, 1995, the reference having been made in Minute Book 107 and recorded in full in Resolution Book 33, Page(s) 157-158.

WITNESS my hand and corporate seal of the City of Charlotte, North Carolina, this the 14th day of February, 1995.

Nancy S. Gilbert, Deputy City Clerk

TAXPAYERS' REFUND REQUESTS
MORE THAN \$100

<u>Name</u>	<u>Amount of Refund</u>
Capricorn Capital Group	\$1,000.69
Capricorn Capital Group	1,244.50
Volvo Finance	106.56
Food Lion Inc	138.39
Food Lion Inc	100.61
	<u>\$2,590.75</u>

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; 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

James P. DeMare and wife, Antoinette M. DeMare; Eric D. Levine, Trustee; Mayflower Mortgage Corporation (d/b/a Market Street Mortgage Corporation), Beneficiary; Any Other Parties in Interest

Property Description

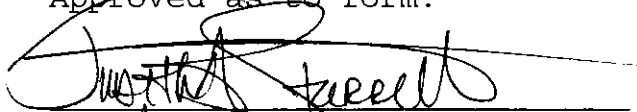
5,261.99 square feet for fee-simple; 40.28 square feet for a down-guy easement; 2,880.79 square feet for a temporary construction easement; and any additional property or interest as the City may determine to complete the project, as it relates to Tax Parcel No. 211-163-17.

Appraised Value

\$ 29,300.00 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:


Asst. City Attorney

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Nancy S. Gilbert, Deputy City Clerk