

A RESOLUTION AUTHORIZING TAXPAYERS' REFUND REQUEST

Reference is made to the schedule of "Taxpayers' Refund Request " 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 27th day of March, 1995 that those taxpayers listed on the schedule of "Taxpayers' Refund Requests" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

Approved as to form:



Assst. City Attorney

Read, approved, and adopted by the City Council of the City of Charlotte, North Carolina, in a regular session convened on the 27th day of March, 1995, the reference having been made in Minute Book 107, page(s) 182-183.

Brenda Freeze
City Clerk

TAXPAYERS' REFUND REQUESTS
MORE THAN \$100

<u>Name</u>	<u>Amount of Refund</u>
Charlotte Falls Assoc	\$ 2,564.49
Eagle Mountain Dev	2,871.63
Raintree Homeowners	359.04
Raintree Homeowners	13,389.75
Victory Christian Center	2,202.70
Crow-Klein-Miller #2	1,248.75
Precast Construction Products	222.39
	<u>\$22,858.75</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

COLIN M. WESTMORELAND and wife, JESSIE P. WESTMORELAND; JERONE C. HERRING, Trustee; BRANCH BANKING & TRUST COMPANY, Beneficiary; Any Other Parties in Interest

Property Description

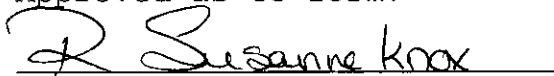
4,484.46 square feet for fee-simple; 4,701.81 square feet for permanent drainage easement; 7,236.80 square feet for temporary construction easement; and any additional property or interest as the City may determine to complete the project, as it relates to Tax Parcel No. 211-173-16.

Appraised Value

\$72,870.00 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

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 27th day of March, 1995 the reference having been made in Minute Book 107 and recorded in full in Resolution Book 33, Page(s) 184-185.

WITNESS my hand and corporate seal of the City of Charlotte, North Carolina, this the 27th day of March, 1995

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 Purser/Finchley Storm Drainage Project, Phase I; 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

WALTER C. COMER, III and spouse, if any; TROTTER & ALLAN CONSTRUCTION CO., INC.; GEORGE R. TROTTER, JR. and spouse, if any; PARKER WHEDON, Trustee; JAMES W. KISER, Trustee; JOHN S. PROCTOR, Trustee; ALLAN PROPERTIES, INC., Beneficiary; J. S. PROCTOR CO. PROFIT SHARING TRUST AND PENSION PLAN, Beneficiary; NCNB (now NATIONSBANK), Beneficiary; Any Other Parties in Interest

Property Description

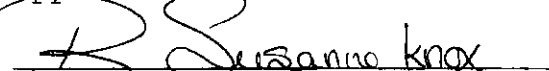
48,852 square feet for a permanent sanitary sewer easement; 18,022 square feet for temporary construction easement; and any additional property or interest as the City may determine to complete the project, as it relates to Tax Parcel Nos. 099-052-28; 099-051-04; 099-014-16; 099-014-11; 099-014-11; 099-014-27.

Appraised Value

\$0.00 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

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 27th day of March, 1995, the reference having been made in Minute Book 107 and recorded in full in Resolution Book 33, Page(s) 186-187.

WITNESS my hand and corporate seal of the City of Charlotte, North Carolina, this the 29th day of March, 1995.

Brenda R. Freeze, City Clerk

MAIL TO: SCOTT PLUMMER 90 CM6C-CDOT
600 E. 4TH ST
CHARLOTTE, NC
28202-2858

JUDITH A GIBSON REG OF DEEDS MECK NC
FILED FOR REGISTRATION 05/03/95 14:01
BK: 08135 PG: 0654/0655 #:0281 8.00

**RESOLUTION CLOSING 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, 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 an unnamed alley which calls for a public hearing on the question; and

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

WHEREAS, the public hearing was held on the 27th day of March, 1995, and City Council determined that the closing of said unnamed 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 March 27, 1995, that the Council hereby orders the closing of said 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 as described below:


EXHIBIT B (ATTACHED)

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 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 27th day of March, 1995, the reference having been made in Minute Book 107, page xx, and recorded in full in Resolution Book 33, page 188-189.

JCO/csb/2098/10-31-94

Brenda R. Freeze
Brenda R. Freeze
City Clerk


Lying and being in Charlotte Township, Mecklenburg County, North Carolina, and being more particularly described as follows:

Parcel A

To find the BEGINNING POINT, begin at an iron pipe located at the southwest corner of Lot 1 in Block 12 of the Pegram-Wadsworth Land Company property as same is shown on map thereof recorded in Map Book 230 at page 1 in the Mecklenburg Public Registry, and run thence, traversing Yadkin Avenue, N 75-55-08 W 45 feet to an iron in the west right-of-way of Yadkin Avenue, the point of BEGINNING; and run thence from said beginning point, with said margin of Yadkin Avenue, S 14-13 W 5 feet to a point in the center line of a ten foot alley; thence with the center line of said alley, N 75-47 W 119.59 feet to a point; thence N 48-14-10 W 10.81 feet to a point; thence with the north margin of the ten foot alley S 75-47 E 129.18 feet to the iron at the place of BEGINNING; containing 622 square feet and being shown on plat of survey by Andrew G. Zoutewelle dated October 3, 1994, and entitled "Physical Survey of Alleyway on Yadkin Avenue Charlotte, Mecklenburg County, N.C. for Michael D. Herndon."

Parcel B

To find the BEGINNING POINT, begin at an iron pipe located at the southwest corner of Lot 1 in Block 12 of the Pegram-Wadsworth Land Company property as same is shown on map thereof recorded in Map Book 230 at page 1 in the Mecklenburg Public Registry, and run thence, traversing Yadkin Avenue, N 75-55-08 W 45 feet to an iron in the west right-of-way of Yadkin Avenue; run thence with said margin of Yadkin Avenue, S 14-13 W 5 feet to a point in the center line of a ten foot alley, the point of BEGINNING; and run thence from said beginning point with the west margin of Yadkin Avenue, S 14-13 W 5 feet to an iron; thence with the south margin of the ten foot alley, N 75-47 W 110.01 feet to an iron; thence N 48-14-10 W 10.81 feet to a point in the center line of the ten foot alley; thence with the center line of said alley S 75-47 E 119.59 feet to the point of BEGINNING; containing 573 square feet and being shown on plat of survey by Andrew G. Zoutewelle dated October 3, 1994, and entitled "Physical Survey of Alleyway on Yadkin Avenue Charlotte, Mecklenburg County, N.C. for Michael D. Herndon."

MAIL TO: SCOTT PUTNAM
c/o CMGC-COOT
600 E. 4TH ST.
CHARLOTTE, NC
28202-2858

**RESOLUTION CLOSING PORTION OF ALLEYWAY
LOCATED PERPENDICULAR TO THE PLAZA AND WITHIN THE 1300
BLOCK OF THE PLAZA 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 the alley located perpendicular to The Plaza and within the 1300 block of The Plaza (the "Alley") which calls for a public hearing on the question; and

WHEREAS, the Petitioner has caused a copy of the Resolution of Intent to Close a portion of the Alley to be sent by registered or certified mail to all owners of property adjoining the Alley, and prominently posted a notice of the closing and public hearing in at least two places along the Alley, all as required by G.S. 160A-299; and

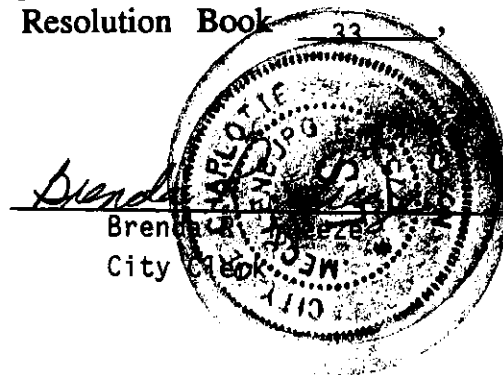
WHEREAS, the public hearing was held on the 27th day of March, 1995 and City Council determined that the closing of a portion of the Alley is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of 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 March 27, 1995 that the Council hereby orders the closing of a portion of the Alley in the City of Charlotte, Mecklenburg County, North Carolina as described on "Exhibit A" attached hereto and made a part hereof.

BE IT 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 sessions convened on the 27th day of March, 1995, the reference having been made in Minute Book 107, page xx, and recorded in full in Resolution Book 33, Page 190-192.



JUDITH A GIBSON REC OF DEEDS MECK NC
FILED FOR REGISTRATION 05/03/95 14:01
BK: 08135 PG: 0649/0651 #:0279 10:00

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"EXHIBIT A"

LEGAL DESCRIPTION - PARCEL A

BEING a portion of that 10 foot alley shown on map recorded in Map Book 3, Page 376 and the revised map of Chatham Land Companies Oakhust Lots recorded in Map Book 230, Page 244, both in the Mecklenburg County Public Registry and being more particularly described as follows:

BEGINNING at a point on the westerly 80 foot right-of-way margin of The Plaza, said beginning point being the southeasterly front corner of the property acquired by Plaza Centrai, LLC in deed recorded in Book 7925, Page 677 in the Mecklenburg County Public Registry (Lot 11 in Square 25 of the revised map of Chatham Land Companies Oakhust Lots as shown on a map thereof recorded in Map Book 230, Page 244 in the Mecklenburg County Public Registry), thence, from said beginning point with the northerly sideline of said alley and the southerly sideline of said Lot 11 in Square 25 N. 85-58-47 W. 149.80 feet to a point; thence, crossing said alley S. 14-39-23 W. 4.99 feet to a point in the center line of said alley; thence, with the center line of said alley S. 85-57-55 E. 29.80 feet to a point; thence, continuing across said alley S. 15-06-00 W. 5 feet to a point; thence, with the southerly sideline of said alley S. 85-57-04 E. 120.35 feet to a point on the westerly 80 foot right-of-way margin of The Plaza, said point being N. 12-50-02 E. 179.55 feet from the intersection of the westerly 80 foot right-of-way margin of The Plaza and the northerly right-of-way margin of Central Avenue; thence, with the westerly 80 foot right-of-way margin of The Plaza N. 12-50-02 E. 10 feet to the point or place of beginning and shown on a survey dated October 3, 1994 and revised January 30, 1995 entitled Exhibit Map of 10' Alley Off The Plaza prepared by Lucas-Forman Incorporated, Land Surveyors.

"EXHIBIT A"

LEGAL DESCRIPTION - PARCEL B

BEING a portion of that 10 foot alley shown on map recorded in Map Book 3, Page 376 and the revised map of Chatham Land Companies Oakhust Lots recorded in Map Book 230, Page 244, both in the Mecklenburg County Public Registry and being more particularly described as follows:

BEGINNING at a point on the southerly sideline of said alley, said point being the northeasterly rear corner of the property of Shirley J. Wensil (formerly, Shirley J. Rockman) acquired in deed recorded in Book 4496, Page 935 in the Mecklenburg County Registry; thence, from said beginning point with the southerly sideline of said alley N. 85-57-03 W. 29.76 feet to a point; thence, crossing said alley N. 14-39-23 E. 4.99 feet to a point on the center line of said alley; thence, with the center line of said alley S. 85-57-55 E. 29.80 feet to a point; thence, crossing said alley S. 15-06-00 W. 5 feet to the point of place of beginning as shown on a survey dated October 3, 1994 and revised January 30, 1995 entitled Exhibit Map of 10' Alley Off the Plaza prepared by Lucas-Forman Incorporated, Land Surveyors.

MAIL TO:
SCOTT PUTNAM
% CMGC - CDOT
600 E. 4TH ST.
CHARLOTTE, NC
28202-2858

JUDITH A GIBSON REG OF DEEDS MECK NC
FILED FOR REGISTRATION 05/03/95 14:01
BK: 08135 PG: 0652/0653 #:0280 8:00

RESOLUTION CLOSING HIGH AVENUE AND A PORTION
OF GREENWOOD AVENUE OFF HUTCHINSON-MCDONALD
ROAD IN THE CITY OF CHARLOTTE, COUNTY OF
MECKLENBURG, STATE OF 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 High Avenue and a
portion of Greenwood Avenue which calls for a public hearing on the
question; and

WHEREAS, the petitioner has caused a copy of the Resolution of
Intent to Close High Avenue and a portion of Greenwood Avenue to be
sent by registered or certified mail to all owners of property
adjoining the said streets, and prominently posted a notice of the
closing and public hearing in at least two place along Greenwood
Avenue and High Avenue, all as required by G.S. 160A-299; and

WHEREAS, the public hearing was held on the 27th day of
March, 1995, and City Council determined that the
closing of Greenwood Avenue and High Avenue 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
March 27, 1995, that the Council hereby orders
the closing of High Avenue and a portion of Greenwood Avenue in the
City of Charlotte, County of Mecklenburg, State of North Carolina
as described below:

BEING all that lot, piece, or parcel of land,
located in the City of Charlotte, County of Mecklenburg,
State of North Carolina, and being more particularly
described as follows:

BEGINNING at a new iron pin in the intersection of
the easterly margin of High Avenue, a 30 foot public
right of way (not opened) and the southerly margin of
Hutchinson-McDonald Road, a 60 foot public right of way;
thence with the easterly margin of High Avenue, S 1-39-24
W 394.97 feet to a point in the northerly margin of
Greenwood Avenue, a 30 foot public right of way (not
opened); thence with the northerly margin of Greenwood
Avenue, S 88-26-56 E 180.00 feet to a point in the
westerly line of the Mrs. C. W. Kinnamon property (now or
formerly) as same is referred to in Book 2841, at page
557, aforesaid Registry; thence with the westerly line of
the Kinnamon property, S 1-39-04 W 30.00 feet to a point
in the southerly margin of Greenwood Avenue; thence with
the southerly margin of Greenwood Avenue, N 88-26-56 W

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790.87 feet to a point in the easterly line of the Crescent Resources, Inc. property (now or formerly) as same is referred to in Book 6285, at page 472, aforesaid Registry; thence with the easterly margin of the Crescent Resources, Inc. property, N 12-16-08 E 30.53 feet to a point in the northerly margin of Greenwood Avenue; thence with the northerly margin of Greenwood Avenue, S 88-26-56 E 575.25 feet to a point in the westerly margin of High Avenue; thence with the westerly margin of High Avenue, N 1-39-24 E 394.97 feet to a new iron pin in the southerly margin of Hutchinson-McDonald Road; thence with the southerly margin of Hutchinson-McDonald Road, S 88-26-56 E 29.99 feet to THE POINT AND PLACE OF BEGINNING.

AND BEING all of High Avenue, and a portion of Greenwood Avenue, as same are shown on map of JENNINGS PLACE filed in Map Book 4, at page 39, aforesaid Registry; and being also that 0.8147 acre tract on that survey dated December 22, 1994 entitled "30' Streets to be Removed from Dedication" by R. B. Pharr, N.C.R.L.S., reference to said survey being hereby made.

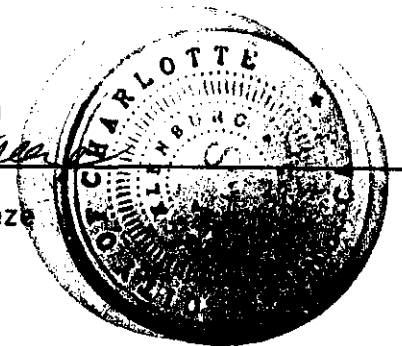
BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

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 27th day of March, 1995, the reference having been made in Minute Book 107, at page xx, and recorded in full in Resolution Book 33, at pages 193-194

Brenda R. Freeze

Brenda R. Freeze
City Clerk



2025 RELEASE UNDER E.O. 14176

A RESOLUTION TO OPPOSE LEGISLATION (HB220 and SB168) TO OUTLAW AMORTIZATION AS A MEANS FOR COMPENSATION FOR NON-CONFORMING BILLBOARDS AND SIGNS

WHEREAS the City of Charlotte entered into agreement with the local billboard industry eight years ago to allow them to earn income from their non-conforming signs for eight years as compensation for removing their signs (amortization); and

WHEREAS State and Federal courts have consistently ruled that amortization is a legal form of compensation for non-conforming billboards that conflict with local sign ordinances, and

WHEREAS local governments should have the authority to control local land use within their political boundaries; and,

WHEREAS proposed legislation titled Just Compensation for Taking of Outdoor Advertising (HB220 and SB168) has been introduced into the North Carolina General Assembly; and,

WHEREAS HB220 and SB168 would remove local government's authority to determine land use decisions which includes restricting non-conforming billboards through an amortization process.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Charlotte that the North Carolina General Assembly be requested to defeat HB220 and SB168 and to allow local governments to continue to determine what land use decisions are best for their local jurisdictions;

That further, the North Carolina General Assembly not penalize Charlotte by enacting legislation that would kill our local sign ordinance that would have already been in effect if the City had not agreed to give the billboard companies an extended period of time to amortize their non-conforming billboards.

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 27th day of March, 1995, the reference having been made in Minute Book 107 and recorded in full in Resolution Book 33, Page(s) 195-196.

WITNESS my hand and corporate seal of the City of Charlotte, North Carolina, this the 29th day of March, 1995.

Brenda R. Freeze, City Clerk

**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, the voters of the Town of Matthews approved a bond referendum in the amount of \$2,800,000 on November 8, 1994 for Sanitary Sewer Projects;

WHEREAS, a recommendation has been made by the Utilities Director to proceed with Matthews Sewer Bond Projects requested by the Town of Matthews;

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 27th day of March, 1995.

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 27th day of March, 1995, the reference having been made in Minute Book 107 and recorded in full in Resolution Book 33, Page(s) 197-198.

WITNESS my hand and corporate seal of the City of Charlotte, North Carolina, this the 29th day of March, 1995.

Brenda R. Freeze, City Clerk