

RESOLUTION DECLARING AN INTENT TO ABANDON AND
CLOSE SHADY HILLS CIRCLE LOCATED ON HIGHWAY 49
IN THE CITY OF CHARLOTTE,
MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, DAYTON HUDSON CORPORATION has filed a Petition to close SHADY HILLS CIRCLE in the City of Charlotte; and

WHEREAS, SHADY HILLS CIRCLE, petitioned to be closed, lies in between Highway 49 North and Carolyn Lane in the City of Charlotte, Mecklenburg County, North Carolina, as shown in 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; and

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.

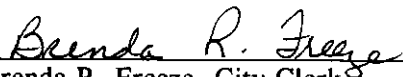
NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte, at its regularly scheduled session of May 28, 1996, that it intends to close SHADY HILLS CIRCLE lying between Highway 49 North and Carolyn Lane, said street (or portion thereof) being more particularly described on a map and 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 24th day of June, 1996, in the Meeting Chamber, 600 E. Fourth St., Charlotte, NC.

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 28th day of May, 1996, the reference having been made in Minute Book 109, and recorded in full in Resolution Book 34, Page(s) 179.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of May, 1996.


Brenda R. Freeze, City Clerk

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE AMENDING THE FIVE YEAR CAPITAL INVESTMENT PLAN FOR FISCAL YEARS 1996 TO 2000.

WHEREAS, the City of Charlotte recognizes the importance of developing long-range capital investment planning to maintain growth and vitality of the community; and

WHEREAS, the City of Charlotte continuously develops and reviews the policy and financial assumptions and impact of capital investment projects for the city; and

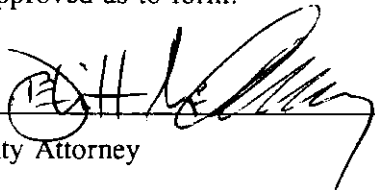
WHEREAS, the City of Charlotte has a five year Capital Investment Plan based on policy assumptions, so stated in the FY96-2000 Capital Investment Plan that balances the potential physical development planning with long-range financial capacity; and

WHEREAS, the City of Charlotte has determined a need to accelerate the Mallard Creek Wastewater Treatment Plant Expansion capital project by utilizing \$325,000 in available wastewater treatment plant improvement appropriations to begin conducting necessary engineering studies in Fiscal Year 1996.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte, in its session duly assembled, that it does hereby amend the Capital Investment Plan for fiscal years 1996 to 2000.

This 28th day of May, 1996.

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 28th day of May, 1996, the reference having been made in Minute Book 109, and recorded in full in Resolution Book 34, Page(s) 180.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of May, 1996.



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 **Beards Creek and Crooked Creek Trunks & Pump Station 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 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:

PROPERTY DESCRIPTION:

Amount necessary for the **Beards Creek and Crooked Creek Trunks & Pump Station Project**, estimated to be approximately 4,448.75 square feet for a sanitary sewer easement and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 215-171-31 said property currently owned by ROBERT J. SWIERSKI, and spouse, if any; SARAH B. RHYNE, Trustee; FIRST UNION NATIONAL BANK, Beneficiary; SOUTHERN BELL, Judgment Creditor; FORD MOTOR CREDIT COMPANY, Judgment Creditor; or the owners' successors-in-interest.

ESTIMATED JUST COMPENSATION:

Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

IT IS FURTHER RESOLVED that the estimated just compensation for 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.

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 28th day of May, 1996, the reference having been made in Minute Book 109, and recorded in full in Resolution Book 34, Page(s) 181.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of May, 1996.

Brenda R. Freeze
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 **Chipley/Fugate CIP 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 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:

PROPERTY DESCRIPTION:

Amount necessary for the **Chipley/Fugate CIP Project**, estimated to be approximately 900 square feet for a storm drainage easement and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 159-015-13, said property currently owned by O. THOMAS WAGGONER and wife, JANE L. WAGGONER; or the owners' successors-in-interest.

ESTIMATED JUST COMPENSATION:

Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

IT IS FURTHER RESOLVED that the estimated just compensation for 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.

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 28th day of May, 1996, the reference having been made in Minute Book 109, and recorded in full in Resolution Book 34, Page(s) 182.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of May, 1996.

Brenda R. Freeze
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 **Chipley/Fugate CIP 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 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:

PROPERTY DESCRIPTION:

Amount necessary for the **Chipley/Fugate CIP Project**, estimated to be approximately 740 square feet for a storm drainage easement and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 159-015-06, said property currently owned by O. THOMAS WAGGONER and wife, JANE L. WAGGONER; or the owners' successors-in-interest.

ESTIMATED JUST COMPENSATION:

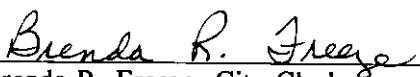
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

IT IS FURTHER RESOLVED that the estimated just compensation for 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.

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 28th day of May, 1996, the reference having been made in Minute Book 109, and recorded in full in Resolution Book 34, Page(s) 183.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of May, 1996.


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 **Holly Creek Subdivision 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 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:

PROPERTY DESCRIPTION:

Amount necessary for the **Holly Creek Subdivision Project**, estimated to be approximately 3,202.85 square feet for a sanitary sewer easement and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 025-202-39, said property currently owned by GERALD A. GURA and wife, GEORGETTE F. GURA; A. GRANT WHITNEY, JR.; Trustee; NATIONAL CITY MORTGAGE COMPANY, Beneficiary; ATLANTIC STATES FINANCIAL, INC., Trustee; COASTAL FEDERAL CREDIT UNION, Beneficiary; or the owners' successors-in-interest.

ESTIMATED JUST COMPENSATION:

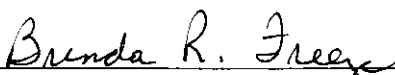
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

IT IS FURTHER RESOLVED that the estimated just compensation for 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.

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 28th day of May, 1996, the reference having been made in Minute Book 109, and recorded in full in Resolution Book 34, Page(s) 184.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of May, 1996.


Brenda R. Freeze, City Clerk

**RESOLUTION CLOSING a portion of GARRIS ROAD
LOCATED BETWEEN STACY BLVD.
STREET, AND ROCKFORD COURT
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 Garris Rd. 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 Garris Rd. to be sent by registered or certified mail to all owners of property adjoining the said street (or portion thereof), and prominently posted a notice of the closing and public hearing in at least two places along Garris Rd., all as required by G.S. 160A-299; and

WHEREAS, the public hearing was held on the 28th day of May, 1996, and the City Council determined that the closing of Garris Rd. 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 28, 1996, that the Council hereby orders the closing a portion of Garris Rd. in the City of Charlotte, Mecklenburg County North Carolina as described below:

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 28th day of May, 1996, the reference having been made in Minute Book 109 page , and recorded in full in Resolution Book 34, page(s) 185-187

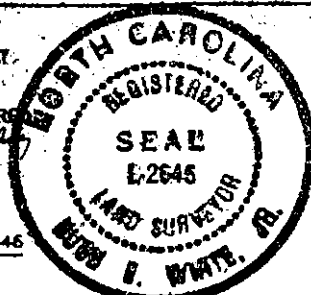
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of May, 1996.


Brenda R. Freeze, City Clerk

May 28, 1996

Resolution Book 34, Page 186

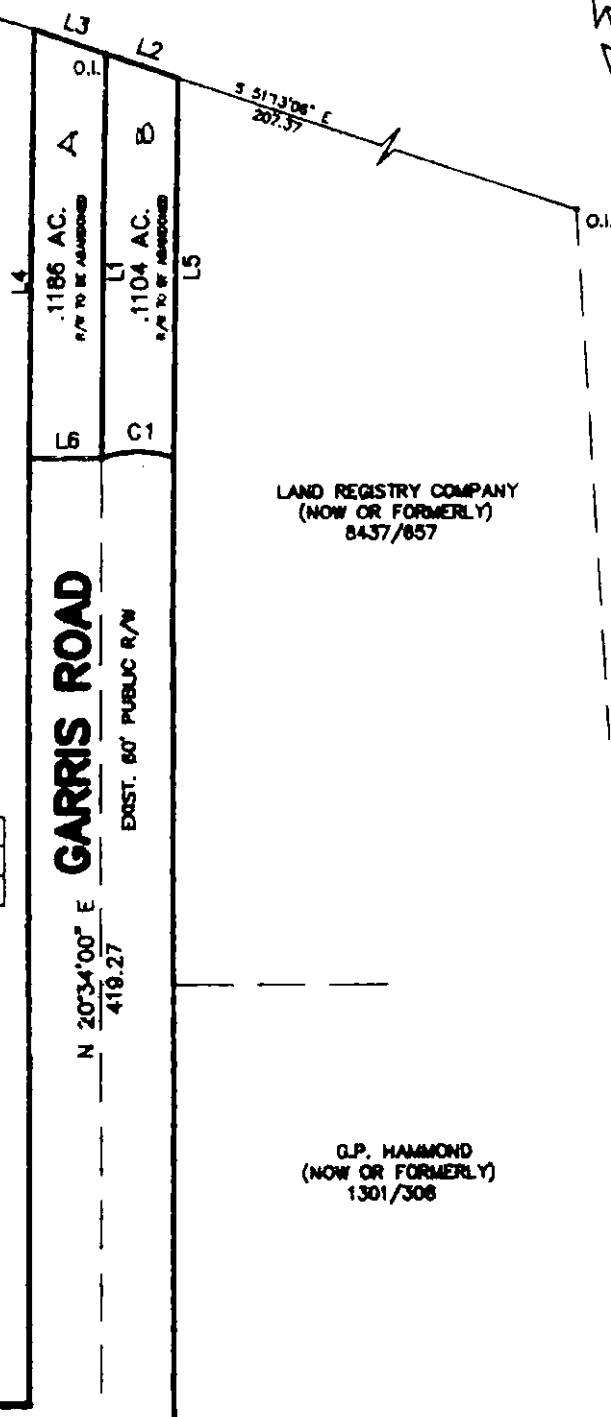
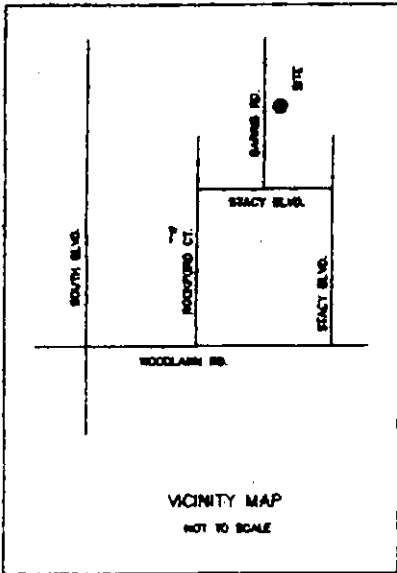
THE UNDERSIGNED SURVEYOR, BEING DULY SWORN, DEPOSES AND SAYS THAT THE PLAN UPON WHICH THIS CERTIFICATE APPEARS WAS PREPARED IN ACCORDANCE WITH GS. 47-30 AS AMENDED, IS IN ALL RESPECTS CORRECT ACCORDING TO THE BEST OF HIS KNOWLEDGE AND BELIEF, AND WAS PREPARED FROM AN ACTUAL SURVEY MADE BY HIM ON THE 13TH DAY OF February 1996, WITH MAXIMUM LINEAR ERROR OF CLOSURE OF 1:10,000, AND A MAXIMUM FIELD ERROR OF ANGULAR CLOSURE OF 7.5 SECOND PER ANGLE.



Hugh E. White, Jr.
HUGH E. WHITE, JR.

NCRLS / L-2645

CHARLOTTE FALLS ASSOC.
(NOW OR FORMERLY)
5579/0608



LAND REGISTRY COMPANY
(NOW OR FORMERLY)
8437/857

SIDNEY F. WASHAM
(NOW OR FORMERLY)
6044/0797

G.P. HAMMOND
(NOW OR FORMERLY)
1301/306

CURVE TABLE				
NUMBER		R=	L=	Ch:
C1	N 69°26'00" W	40.00	30.75	30.00

LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S 20°34'00" W	167.24
L2	N 51°13'06" W	31.58
L3	S 51°13'06" E	31.58
L4	N 20°34'00" E	177.11
L5	N 20°34'00" E	157.36
L6	N 69°26'00" W	30.00

STACY BLVD.
EXIST. 60' PUBLIC R/W

A R/W
ABANDONMENT SURVEY
OF

A PORTION OF GARRIS ROAD R/W
CHARLOTTE, N.C.

SCALE 1"=80'

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

SURVEYED FOR _____

MAP RECORDED IN BOOK _____ AT PAGE _____ DEED RECORDED BOOK 5679 PAGE 0608
DRAWN BY CW _____ FIELD WORK _____ FIELD BOOK # _____

CAROLINA SURVEYORS, INC.

P.O. BOX 267 • PINEVILLE, NORTH CAROLINA 28134-0267 • (704) 889-7601 • FAX: (704) 889-7614

LEGAL DESCRIPTION RIGHT-OF-WAY ABANDONMENT PARCEL A GARRIS ROAD

Beginning at a point in the centerline of Garris Road (existing 60' public R/W) said point located N 20-34-00 E 419.27 feet from the centerline intersection of Garris Road and Stacey Boulevard, said point of beginning also being the southeast corner of the parcel herein described; thence N 69-26-00 W 30.00 feet to a point in the western R/W of Garris Road; thence N 20-34-00 E 177.11 feet to a point; thence S 51-13-06 E 31.58 feet to an old iron in the centerline of Garris Road; thence with said centerline S 20-34-00 W 167.24 feet to the point and place of beginning. Containing 0.1186 acres as shown on a survey dated February 13, 1996 by Carolina Surveyors, Inc.

CAROLINA SURVEYORS, INC.

P.O. BOX 267 • PINEVILLE, NORTH CAROLINA 28134-0267 • (704) 889-7601 • FAX: (704) 889-7614

LEGAL DESCRIPTION RIGHT-OF-WAY ABANDONMENT PARCEL B GARRIS ROAD

Beginning at a point in the centerline of Garris Road (existing 60' public R/W) said point located N 20-34-00 E 419.27 feet from the centerline intersection of Garris Road and Stacey Boulevard, said point of beginning also being the southwest corner of the parcel herein described; thence N 20-34-00 E 167.24 feet to an old iron; thence S 51-13-06 E 31.58 feet to a point on the eastern R/W of Garris Road; thence with said eastern R/W of Garris Road S 20-34-00 W 157.36 feet to a point; thence with a circular curve to the left having a radius of 40.00 feet, an arc length of 30.75 feet (chord: N 69-26-00 W 30.00 feet) to the point and place of beginning. Containing 0.1104 acres as shown on a survey dated February 13, 1996 by Carolina Surveyors, Inc.