

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE A PORTION OF THE FORMER RIGHT-OF-WAY OF TYVOLA ROAD LOCATED NEAR THE NORTHEASTERLY CORNER OF TYVOLA ROAD AND NATIONS FORD ROAD IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, Feld Development Corporation (NC) has a filed a Petition to close a portion of the former right-of-way of Tyvola Road in the City of Charlotte; and

WHEREAS, said portion of the former right-of-way of Tyvola Road petitioned to be closed is located near the northeasterly corner of Tyvola Road and Nations Ford Road, as shown on the map marked "Exhibit A" and is more particularly described by metes and bounds on a document marked "Exhibit B", both of which are attached to the aforesaid Petition and 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 the 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 resolutions should 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 in 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            August 25, 1997, that it intends to close that portion of the former right-of-way of Tyvola Road located near the northeasterly corner of Tyvola Road and Nations Ford Road, said street being more particularly described on a map and by 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 13th day of October, 1997, at the CMGC Meeting Chamber, 600 East Fourth Street, 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 preceding the date affixed here for such hearing, as required by N.C.G.S. §160A-299.

UKWT: 31950-1

**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 25th day of August, 1997, the reference having been made in Minute Book 111, and recorded in full in Resolution Book 34, Page(s) 724.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2nd day of September, 1997.

Brenda R. Freeze

August 25, 1997  
Resolution Book 34, Page 725

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE A  
PORTION OF MURRAY STREET LOCATED NORTH OF OAKWOOD DRIVE IN  
THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, Robert D. Moore has filed a Petition to close a portion of Murray Street in the City of Charlotte; and

WHEREAS, the portion of Murray Street lies north of Oakwood Drive 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.

WHEREAS, the procedure for closing streets and alleys as outlined in North Carolina General Statutes, Section 160A-299, requires that Council first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said Statute further requires that the resolution shall be published once a week for two successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte, at its regularly scheduled session of August 25, 1997, that it intends to close a portion of Murray Street lying north of Oakwood Drive, 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 held at 7:00 p.m., on Monday, the 13th day of October, 1997, at the CMGC-Meeting Chamber, 600 East Fourth Street, Charlotte, NC.

The City Clerk is hereby directed to publish a copy of the 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 25th day of August, 1997, the reference having been made in Minute Book 111, and recorded in full in Resolution Book 34, Page(s) 725.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2nd day of September, 1997.

Brenda R. Freeze  
Brenda R. Freeze, City Clerk

August 25, 1997  
Resolution Book 34, Page 726

**RESOLUTION DECLARING AN INTENT TO ABANDON AND  
CLOSE FERNBROOK ROAD AND A 30-FOOT UNNAMED STREET  
LOCATED TO THE EAST OF WEST TYVOLA ROAD IN THE  
CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA**

WHEREAS, J. Donald Childress and Fred W. Klein, Jr. have filed a Petition to close Fernbrook Road and a 30-foot unnamed street in the City of Charlotte; and

WHEREAS, Fernbrook Road and a 30-foot unnamed street petitioned to be closed lie to the east of West Tyvola Road as shown in maps marked "Exhibit A" and "Exhibit A-1" and are more particularly described by metes and bounds in documents marked "Exhibit B" and "Exhibit B-1" all of which are available for inspection in the Office of the City Clerk, City Hall, Charlotte, North Carolina.

WHEREAS, the procedure for closing streets and alleys as outlined in North Carolina General Statutes, Section 160A-299, requires that Council first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said Statute further requires that the resolution shall be published once a week for two successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte, at its regularly scheduled session of August 25, 1997, that it intends to close Fernbrook Road and a 30-foot unnamed street being more particular described on maps and by metes and bounds descriptions 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 13th day of October, 1997, at the CMGC Meeting Chamber, 600 East Fourth Street, 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.

C#0156385.01

**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 25th day of August, 1997, the reference having been made in Minute Book 111, and recorded in full in Resolution Book 34, Page(s) 726.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2nd day of September, 1997.

Brenda R. Freeze  
Brenda R. Freeze, City Clerk

**A RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES**

Reference is made to the schedule of "Taxpayers and Refunds Requested" attached to the Docket for consideration of the City Council. On the basis of that schedule, which is incorporated herein, the following facts are found:

1. The City-County Tax Collector has collected certain taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time limits.
3. The amounts listed on the schedule were collected through either a clerical or assessor error.

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 25th day of August, 1997 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 25th day of August, 1997, the reference having been made in Minute Book 111, and recorded in full in Resolution Book 34, Page(s) 727-728.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of August, 1997.

  
Brenda R. Freeze, City Clerk

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

<u>Name</u>		<u>Amount of Refund</u>
	<u>Clerical Error</u>	
Wal Mart Stores Inc.		\$ 6,369.15
James P. Hamilton		121.12
Central Carolina Bank		152.33
Compounding Technology		2,000.00
Cross Sales and Engineering		2,000.00
E-Z Serve Convenience Stores, Inc.		5,389.44
	<u>Board of Equalization Review Adjustment</u>	
S. Atlantic Conference Assoc.		218.15
S. Atlantic Conference Assoc.		241.40
Kasco Enterprises Inc.		4,972.68
Kasco Enterprises		5,867.61
Pine Brook Center Ltd/EMS Ltd		3,126.41
Pine Brook Center Ltd/EMS Ltd		3,834.97
Total		<u>\$34,293.26</u>

ACTION A

RESOLUTION

EXTRACT FROM THE MINUTES OF A regular  
MEETING OF THE Charlotte City Council  
HELD ON August 25, 1997

The following resolution was introduced by Councilmember Reid  
seconded by Councilmember Wheeler, read in full, considered  
and adopted.

RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND  
RATIFYING THE EXECUTION OF THE GRANT AGREEMENTS FOR PROJECT  
NUMBERS 3-37-0012-29, 3-37-0012-30 BETWEEN THE UNITED STATES OF  
AMERICA AND THE CITY OF CHARLOTTE, NORTH CAROLINA

BE IT RESOLVED, by the CITY COUNCIL of  
THE CITY OF CHARLOTTE, NORTH CAROLINA

SECTION 1. That said City Council hereby  
authorizes, adopts, approves, accepts and ratifies the execution of  
Grant Agreements between the Federal Aviation Administration on  
behalf of the United States of America and  
the City of Charlotte, North Carolina

SECTION 2. That the Execution of said Grant Agreements in  
quadruplicate on behalf of said City Council  
by T. J. Orr, Aviation Director  
and the impression of the official seal of the City of Charlotte  
and the attestation by Brenda Freeze; City Clerk is  
hereby authorized, adopted, approved, accepted and ratified.

SECTION 3. That the Aviation Director is hereby  
authorized to execute payment requests under these Grant Agreements  
on behalf of said City of Charlotte.

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 25th day of August, 1997, the reference having been made in Minute Book 111, and recorded in full in Resolution Book 34, Page(s) 729.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of August, 1997.

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 **1995 SEWER LINES-MINT HILL 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 **1995 Sewer Lines-Mint Hill Project** and estimated to be approximately 24,390 square feet (0.5599 acre) for a 15-foot sanitary sewer easement and 36,498 square feet (0.8379 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. 137-043-13, said property currently owned by **C. B. BARBRE and wife, JO S. BARBRE; A. M. TROIANO, JR., Trustee; J. L. CARTER, JR., Beneficiary;** or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

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

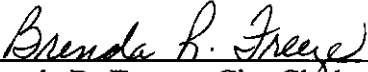
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

August 25, 1997  
Resolution Book 34, page 731

**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 25th day of August, 1997, the reference having been made in Minute Book 111, and recorded in full in Resolution Book 34, Page(s) 730-731.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of August, 1997.

  
\_\_\_\_\_  
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 **Seventh Street Boulevard 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 **Seventh Street Boulevard Project** and estimated to be approximately 2,671 square feet (0.0613 acre) for fee-simple; 986 square feet (0.0226 acre) for a permanent sidewalk easement; 1,655 square feet (0.0380 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. 080-024-11, said property currently owned by **BEATY REALTY COMPANY, LTD.**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

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

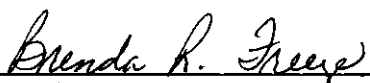
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

August 25, 1997  
Resolution Book 34, page 733

**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 25th day of August, 1997, the reference having been made in Minute Book 111, and recorded in full in Resolution Book 34, Page(s) 732-733.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of August, 1997.

  
\_\_\_\_\_  
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 **Seventh Street Boulevard 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 **Seventh Street Boulevard Project** and estimated to be approximately 654 square feet (0.0150 acre) for fee-simple and 618 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. 080-021-10, said property currently owned by **JAMES GREEN REA, SR. and spouse, if any; MILDRED L. REA and spouse, if any; HEIRS AT LAW OF HUGH CALVIN REA, if any; MARILU REA SORRELLS and husband, RONALD V. SORRELLS**; or the owners' successor-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.

August 25, 1997  
Resolution Book 34, page 735

**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 25th day of August, 1997, the reference having been made in Minute Book 111, and recorded in full in Resolution Book 34, Page(s) 734-735.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of August, 1997.

  
\_\_\_\_\_  
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 **Seventh Street Boulevard 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 **Seventh Street Boulevard Project** and estimated to be approximately 3,255 square feet (0.0747 acre) for fee-simple and 1,447 square feet (0.0332 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. 080-064-06, said property currently owned by **BEATY REALTY COMPANY, LTD.**, or the owners' successor-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.

August 25, 1997  
Resolution Book 34, page 737

**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 25th day of August, 1997, the reference having been made in Minute Book 111, and recorded in full in Resolution Book 34, Page(s) 736-737.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of August, 1997.

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

**RESOLUTION CLOSING AN ALLEY  
LOCATED BETWEEN 112-114 N. LAUREL AVE., 2420 VAIL AVE. & 2422  
VAIL AVE. TO THE N.E. AND 2401, 2407, 2409, 2411 & 2415 RANDOLPH  
ROAD TO THE S.W. 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 the subject 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 subject alley 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 North Laurel Avenue, all as required by G.S. 160A-299; and

**WHEREAS**, the public hearing was held on the 25th day of August, 1997, and City Council determined that the closing of an alley off Laurel Ave 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.

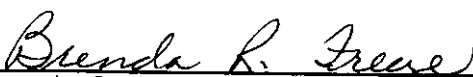
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of August 25, 1997, that the council hereby orders the closing of an alley off Laurel Avenue in the City of Charlotte, Mecklenburg County, North Carolina as described below:

Exhibits A and B

**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.

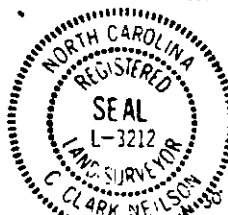
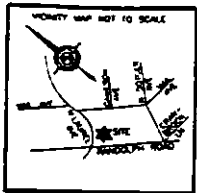
**CERTIFICATION**

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 25th day of August, 1997, the reference having been made in Minute Book 111, page \_\_\_\_\_, and recorded in full in Resolution Book 34, page 738-740.

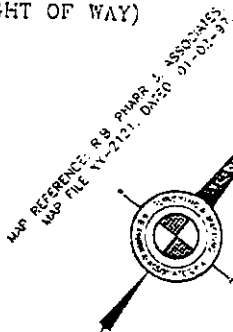
  
\_\_\_\_\_  
Brenda R. Freeze, City Clerk

THIS IS TO CERTIFY THAT ON THE 23rd DAY OF MAY 19 97 AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE 1800 (21 NCAC 56) AND THE ERROR OF CLOSURE FOR THIS PARCEL DOES NOT EXCEED ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

SIGNED C. Clark Neilson  
 R. B. PEARRE & ASSOCIATES, REGISTERED SURVEYORS  
 420 WINTHROP LANE  
 CHARLOTTE, N.C. 28204  
 TEL. (704) 376-2186



**NORTH LAUREL AVENUE**  
 (50' RIGHT OF WAY)



TO NEW MAIL AT SOUTHEAST INTERSECTION OF RANDOLPH ROAD & NORTH LAUREL AVENUE  
 S 54' 14" 1/2 W 150.67'  
 A.L. GREEN & CO., INC.  
 TAX NUMBER: 127-113-01  
 # 2401 RANDOLPH ROAD  
 PART OF LOT 10, BLOCK 2, MAP 230-67

SALLY BREWSTER & CINDY JAMES  
 TAX NUMBER: 127-113-02  
 # 2407 RANDOLPH ROAD  
 DEED: 6608-149  
 PART OF LOT 10, BLOCK 2, MAP 230-67

A.L. GREEN  
 TAX NUMBER: 127-113-24  
 # 114 N. LAUREL AVENUE  
 DEED: 8047-283  
 PART OF LOT 19, BLOCK 2, MAP 230-67  
 & LOT 20-C, BLOCK 2, MAP 230-67

R.G. HOMESLEY  
 TAX NUMBER: 127-113-03  
 # 2411 RANDOLPH ROAD  
 DEED: 6646-443  
 LOT 9, BLOCK 2, MAP 230-67

J.E. TODD  
 TAX NUMBER: 127-113-20  
 # 2418 VAIL AVENUE  
 DEED: 5824-839  
 LOT 18, BLOCK 2, MAP 230-67

A.L. GREEN & CO., INC.  
 TAX NUMBER: 127-113-04  
 # 2415 RANDOLPH ROAD  
 LOT 8, BLOCK 2, MAP 230-67

V.W. MCGILL  
 TAX NUMBER: 127-113-19  
 # 2422 VAIL AVENUE  
 LOT 17, BLOCK 2, MAP 230-67

J.M. ELLIOTT  
 TAX NUMBER: 127-113-05  
 # 2419 RANDOLPH ROAD  
 DEED: 4531-96  
 LOT 7, BLOCK 2, MAP 230-67

R.S. SMITHERMAN  
 TAX NUMBER: 127-113-18  
 # 2428 VAIL AVENUE  
 DEED: 7546-198  
 LOT 16, BLOCK 2, MAP 230-67

AREA TO BE ABANDONED  
 2,447 SF  
 0.0562 ACRES

SURVEY OF:  
 ABANDONMENT OF ALLEY

CHARLOTTE N.C.

THE PROPERTY OF SOUTHERN DEVELOPMENT PARTNERS, INC.

SCALE 1" = 30'  
 MAP BOOK 230 PAGE 67  
 MAP BOOK 967 PAGE 577

**FLOOD CERTIFICATION**  
 THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED FEBRUARY 28, 1982



Exhibit B

**Legal Description**

**BEGINNING** at a new iron pin in the northeasterly margin of N. Laurel Avenue (50-foot public right-of-way), said point being located from a nail at the southeast intersection of Randolph Road and N. Laurel Avenue N. 54-14-03 E. 150.67 feet to the point of **BEGINNING**, said point also being the northerly most corner of Lot 10, Block 2, College Heights as shown in Map Book 230, Page 67 of the Mecklenburg County Public Registry and runs thence with the northeasterly margin of N. Laurel Avenue N. 30-19-43 E. 11.21 feet to a new iron pin, said point being the northwest corner of Lot 20-C, Block 2, College Heights Revised as shown in Map Book 967, Page 577 of said Registry; thence with the common northeasterly margin of a 10-foot wide unnamed alley and the southwesterly lines of the aforesaid Lot 20-C, Lot 19, Lot 18 and Lot 17, Block 2, College Heights in two (2) courses and distances as follows: 1) S. 37-40-00 E. passing an existing iron pin at 0.57 feet, a total distance of 118.32 feet to an existing iron pin; 2) S. 37-35-20 E. passing an existing iron pin at 59.86 feet, a total distance of 120.18 feet to a point, said point being the southwest corner of the aforesaid Lot 17; thence a new line crossing the aforesaid alley S. 52-30-36 W. 10.23 feet to an existing iron pin, said point being the southeast corner of Lot 8, Block 2, College Heights as shown on Map Book 230, Page 67 of said Registry; thence with the common southwesterly line of the aforesaid 10 foot alley and the northeasterly lines of Lots 8, 9, and 10, Block 2 N. 37-40-00 W. 234.27 feet to the point and place of **BEGINNING**; containing 0.0562 acre or 2,447 square feet of land, all as shown on a map of survey prepared by R.B. Pharr & Associates, P.A. dated May 23, 1997.

**RESOLUTION CLOSING OLDE VILLAGE DRIVE  
LOCATED APPROXIMATELY 440 FEET TO THE NORTH OF THE  
INTERSECTION OF QUAIL HOLLOW ROAD AND CARMEL ROAD 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 Olde Village Drive which calls for a public hearing on the question; and

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

WHEREAS, the Petitioner will provide easements to Duke Power Company to maintain its facilities as shown on the map attached hereto and made a part hereof marked Exhibit A; and

WHEREAS, the public hearing was held on the 21<sup>st</sup> day of August, 1997, and City Council determined that the closing of Olde Village Drive located approximately 440 feet to the north of the intersection of Quail Hollow Road and Carmel Road 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 August 21, 1997, that the Council hereby orders the closing of Olde Village Drive located approximately 440 feet to the north of the intersection of Quail Hollow Road and Carmel Road in the City of Charlotte, Mecklenburg County, North Carolina as described below:

Lying and being in the City of Charlotte, County of Mecklenburg, State of North Carolina and described as follows:

TO GET TO THE BEGINNING POINT commence at the northeasterly corner of that certain 4.8612 acre Tract 2 described in Map Book 18 Page 97, Mecklenburg County Registry and running thence from said beginning point with the aforesaid property line S 27-30 W 180.8 feet to a point, thence S 40-51-50 W 9.88 feet to a point in the northerly margin of the right of way of Olde Village Drive, being THE POINT AND PLACE OF BEGINNING. Thence from said beginning point, running S 71-45 E 1.88 feet to a point, thence in a northeasterly direction 1.88 feet to a point, thence in a northeasterly direction along the arc of a circular curve to the left having a radius of 36.0 feet, an arc distance of 33.14 feet to a point; thence N 55-30 E 36.12 feet; thence in an easterly direction along the arc of a circular curve to the right having a radius of 118.0 feet, an arc distance of 155.21 feet to a point; thence S 49-08-10 E 33.95 feet to a point; thence in a northerly direction along the arc of a circular curve to the left having a radius of 20.0 feet, an arc distance of 31.42 feet to a point; thence S 40-51-50 W 127.0 feet to a point; thence in a northwesterly direction along the arc of a circular curve to the left having a radius of 20.0 feet, an arc distance of 31.42 feet to a point; thence N 49-08-10 W 39.95 feet to a point; thence in a southwesterly direction along the arc of a circular curve to the left having a radius of 31.0 feet, an arc distance of 40.78 feet to a point; thence S 55-30 W 36.12 feet to a point; thence in a westerly direction along the arc of a circular curve to the right having a radius of 123.0 feet, an arc distance of 113.24 feet to a point; thence N 71-45 W 37.18 feet to a point; thence in a northeasterly direction along the arc of a circular curve to the right having a radius of 1253.00 feet, an arc distance 46.76 feet to a point; thence N 40-51-50 E 47.12 feet to a point being the POINT AND PLACE OF BEGINNING;

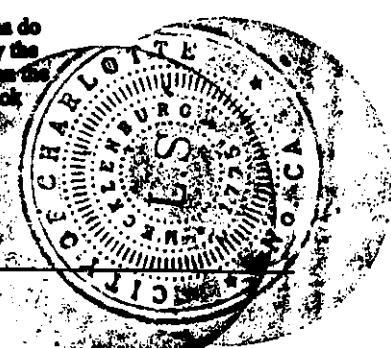
BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Registrar of Deeds for Mecklenburg County, North Carolina.

**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 25<sup>th</sup> day of AUGUST, 1997, the reference having been made in Minute Book III, page     , and recorded in full in Resolution Book 31, page 741-743.

*Brenda Freeze  
City of Charlotte - Box*

*Brenda R. Freeze*  
Brenda R. Freeze, City Clerk



BK: 09262 PG: 0238/0240 #:0231 10.00  
JUDITH A GIBSON REG OF DEEDS MECK NC  
FILED FOR REGISTRATION 09/22/97 12:333

August 25, 1997  
Resolution Book 34, Page 742

THIS SURVEY IS CERTIFIED TO ONLY THE PERSONS OR ENTITIES SHOWN IN THE TITLE BLOCK BELOW: THIS IS TO CERTIFY THAT THIS SURVEY IS BASED UPON MY BEST KNOWLEDGE, INFORMATION AND BELIEF. THIS SURVEY DOES NOT REFLECT A COMPLETE TITLE EXAMINATION. PRECISION IS GREATER THAN 1:10,000.

Quail Hollow

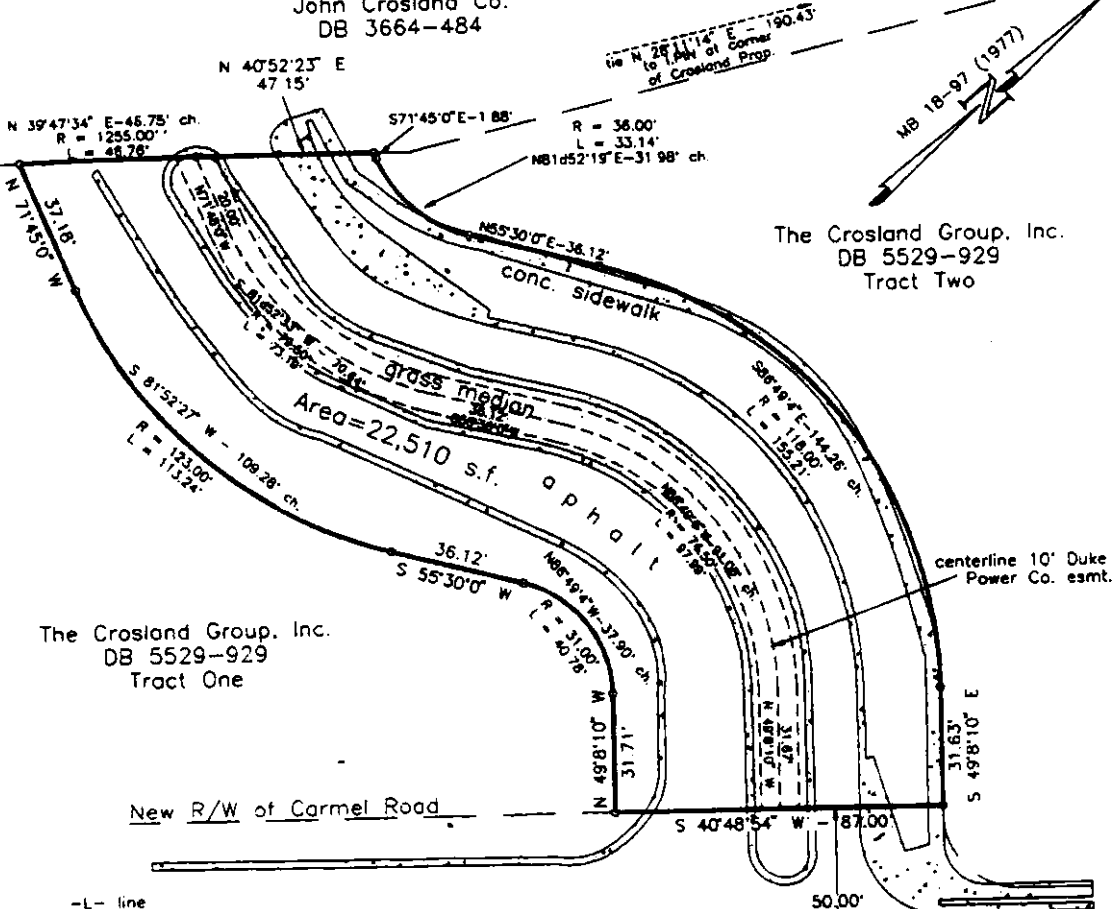
Olde Village Drive  
Carmel Rd.

**LEGEND**  
ch. chord  
L/R curve length & radius  
s.f. square feet (by coordinates)  
I.PIN iron survey stake  
conc concrete  
a/c air conditioner  
MB, DB record map and deed references  
light pole

*Andrew G. Zoutewelle*

**NOTE:**  
Easements in favor of Duke Power Company upon, under and across the entire property described above for access to and for the installation, maintenance, replacement and repair of equipment, electrical lines.

John Crosland Co.  
DB 3664-484



The Crosland Group, Inc.  
DB 5529-929  
Tract Two

The Crosland Group, Inc.  
DB 5529-929  
Tract One

New R/W of Carmel Road

-L- line  
(centerline of DOT R/W)

**Carmel Road**  
(100' Public R/W)

**EXHIBIT**  
A

Copyright 1997

PHYSICAL SURVEY OF  
OLDE VILLAGE DRIVE  
CHARLOTTE, MECKLENBURG COUNTY, NC  
FOR THE CROSLAND GROUP, INC.

DESCRIPTION TAKEN FROM DEED BOOK 3664-484 AND MAP BOOK 18 PAGE 97  
SCALE 1" = 40' MAY 2, 1997

ANDREW G. ZOUTEWELLE, L-3098  
1914 Brunswick Avenue Charlotte, NC 28207

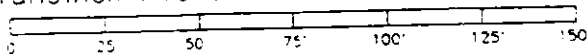
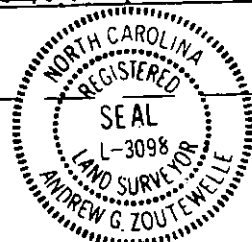


EXHIBIT B

Lying and being in the City of Charlotte, County of Mecklenburg, State of North Carolina and described as follows:

TO GET TO THE BEGINNING POINT commence at the northeasterly corner of that certain 4.8612 acre Tract 2 described in Map Book 18 Page 97, Mecklenburg County Registry and running thence from said beginning point with the aforesaid property line S 27-30 W 180.8 feet to a point, thence S 40-51-50 W 9.88 feet to a point in the northerly margin of the right of way of Olde Village Drive, being THE POINT AND PLACE OF BEGINNING. Thence from said beginning point, running S 71-45 E 1.88 feet to a point, thence in a northeasterly direction 1.88 feet to a point, thence in a northeasterly direction along the arc of a circular curve to the left having a radius of 36.0 feet, an arc distance of 33.14 feet to a point; thence N 55-30 E 36.12 feet; thence in an easterly direction along the arc of a circular curve to the right having a radius of 118.0 feet, an arc distance of 155.21 feet to a point; thence S 49-08-10 E 33.95 feet to a point; thence in a northerly direction along the arc of a circular curve to the left having a radius of 20.0 feet, an arc distance of 31.42 feet to point; thence S 40-51-50 W 127.0 feet to a point; thence in a northwesterly direction along the arc of a circular curve to the left having a radius of 20.0 feet, an arc distance of 31.42 feet to a point; thence N 49-08-10 W 39.95 feet to a point; thence in a southwesterly direction along the arc of a circular curve to the left having a radius of 31.0 feet, an arc distance of 40.78 feet to a point; thence S 55-30 W 36.12 feet to a point; thence in a westerly direction along the arc of a circular curve to the right having a radius of 123.0 feet, an arc distance of 113.24 feet to a point; thence N 71-45 W 37.18 feet to a point; thence in a northeasterly direction along the arc of a circular curve to the right having a radius of 1255.00 feet, an arc distance 46.76 feet to a point; thence N 40-51-50 E 47.12 feet to a point being the POINT AND PLACE OF BEGINNING;

CITY COUNCIL RESOLUTION  
DECLARING INTENT TO LEASE SPIRIT SQUARE TO  
THE NORTH CAROLINA PERFORMING ARTS CENTER  
AT CHARLOTTE

WHEREAS, by Lease Agreement dated June 1, 1976, Mecklenburg County leased the former First Baptist Church complex on North Tryon Street (Tax Parcel 080-023-04) (hereinafter "Spirit Square") to SSAC Corporation for 25 years ("Spirit Square Lease"); and

WHEREAS, in January of 1977 Mecklenburg county and the City of Charlotte entered into an agreement pursuant to which the County agreed to convey a one-half undivided interest in Spirit Square to the City if a City bond referendum in the spring of 1977 to obtain funds to renovate the Spirit Square property was successful; and

WHEREAS, the bond referendum was successful and the County did convey a one-half undivided interest to Spirit Square to the City by deed dated June 24, 1977; and

WHEREAS, SSAC Corporation, the current tenant of Spirit Square, has requested that the City and the County cancel the Spirit Square Lease so that the City and the County can enter into a new lease for Spirit Square with the North Carolina Performing Arts Center at Charlotte Foundation (hereinafter "PAC"); and

WHEREAS, SSAC Corporation has also offered to donate to the City and the County, as tenants in common, a lot at 112 East Seventh Street used by SSAC Corporation as part of the entrance for Spirit Square (Tax Parcel 080-023-13) (hereinafter "SSAC Corp. Lot"); and

WHEREAS, PAC has offered to lease Spirit Square and the SSAC Corp. Lot (the "Spirit Square Complex") from the City and the County under the following terms and conditions.

- I. Property to be Leased: The Spirit Square Complex consisting of Tax Parcels 080-023-04 & 080-023-13
- II. Term of Lease: Ten (10) years beginning September 1997

III. Special Conditions: PAC will pay rent of \$1.00 per year. The County must fund operations of the Spirit Square Complex for arts, arts and science education, and community use and service and auxiliary uses thereto, and fund routine maintenance of the Spirit Square Complex and the City must provide funding for the maintenance and repair of all structural portions of the Spirit Square Complex including the walls and the roof and all other replacements of a capital nature ("City Maintenance Obligations"). If the County does not provide funding to PAC for FY 99 at a level at least seven percent (7%) above the \$ 1,200,000 funding provided for FY 98 and increase funding for each future fiscal year during the term of the lease by at least the increase in the Consumer Price Index, PAC may terminate the lease. If the City does not fulfill its maintenance obligations spelled out in the agreement, PAC may terminate the lease. If PAC terminates the lease because of any failure on the part of the County or the City, the party at fault will be required to pay PAC \$45,000 for each year remaining on the ten (10) year term of the lease to reimburse PAC for the unamortized portion of the \$450,000 of improvements which PAC will be making to the Spirit Square Complex during FY98.

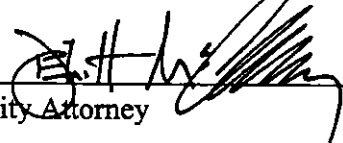
WHEREAS, pursuant to G.S. 160A-272, the Charlotte City Council has determined that Spirit Square and SSAC Corp. Lot will not be needed by the City for the ten (10) year term of the proposed lease; and

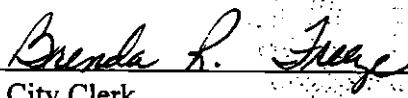
WHEREAS, pursuant to G.S. 160A-272, the City of Charlotte proposes to lease the Spirit Square Complex to PAC; now therefore, be it

RESOLVED that the City Council of the City of Charlotte proposes to accept the offer of SSAC Corporation to donate the SSAC Corp. Lot to the City of Charlotte and Mecklenburg County as tenants in common, to accept the offer of SSAC Corp. To cancel the Spirit Square Lease effective the date that Mecklenburg County and the City of Charlotte lease Spirit Square to the North Carolina Performing Arts Center at Charlotte Foundation (PAC) and to lease the Spirit Square Complex (Tax Parcels 080-023-04 and 080-023-13) to the North Carolina Performing Arts Center at Charlotte Foundation on the terms stated above; and directs that the City Manager to negotiate a final lease agreement for consideration by the Council at its September 8, 1997 meeting and directs that the City Clerk publish a notice of the Board's intent to approve the lease to PAC at the Board's September 8, 1997 meeting as required by law.

ADOPTED THE 25<sup>th</sup> day of AUGUST, 1997.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney


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



**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 25th day of August, 1997, the reference having been made in Minute Book 111, and recorded in full in Resolution Book 34, Page(s) 744-745.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2nd day of September, 1997.

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

August 25, 1997  
Resolution Book 34, Page 746

## RESOLUTION FOR MONETARY ASSISTANCE

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE TO  
APPEAL TO THE GOVERNOR OF THE STATE OF NORTH CAROLINA FOR  
MONETARY ASSISTANCE IN THE RELIEF OF THE CITIZENS OF CHARLOTTE  
AFFECTED BY THE FLOOD EVENT OF JULY 23, 1997.**

---

WHEREAS, on July 23, 1997 Charlotte North Carolina experienced the highest rainfall and flood levels ever recorded in Charlotte, Mecklenburg; and,

WHEREAS, the damage that occurred in Charlotte, Mecklenburg, although assessed at \$12 million by the Federal Emergency Management Administration, is estimated from direct reports from the citizens of Charlotte to exceed \$60 million; and,

WHEREAS, some citizens have experienced flood damages and losses to both homes and businesses, from which they may never recover financially without grants of assistance; and,

WHEREAS, the Small Business Administration Loan Program will only provide loans to affected citizens;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in its regular session duly assembled, to appeal to the Governor of the State of North Carolina for monetary assistance in the relief of the citizens of Charlotte affected by the flood event of July 23, 1997.

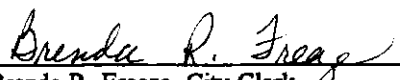
This 25th day of August, 1997

  
\_\_\_\_\_  
Mayor, City of Charlotte

### **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 25th day of August, 1997, the reference having been made in Minute Book 111, and recorded in full in Resolution Book 34, Page(s) 746.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of August, 1997.

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