

February 24, 1997
Resolution Book 34, Page 587

**RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE A
PORTION OF MACK STREET LOCATED EAST OF MORNINGSIDE ROAD
IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH
CAROLINA**

WHEREAS, Earl R. Stikeleather and Lisa A. Smith have filed a Petition to close a portion of Mack Street in the City of Charlotte; and

WHEREAS, a portion of Mack Street petitioned to be closed lies east of Morningside Road 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 February 24, 1997, that it intends to close a portion of Mack Street lying east of Morningside Road, said street (or portion thereof) being more particularly 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 24th day of March, 1997, in the CMGC, 600 E. 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.

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of February, 1997, the reference having been made in Minute Book 110, and recorded in full in Resolution Book 34, Page(s) 587.

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

Nancy S. Gilbert, Deputy City Clerk

February 24, 1997
Resolution Book 34, Page 588

**RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE A
PORTION OF RED OAK LANE LOCATED SOUTH OF QUAIL
HOLLOW/CARMEL ROADS IN THE CITY OF CHARLOTTE,
MECKLENBURG COUNTY, NORTH CAROLINA**

WHEREAS, Gloria C. Paumier has filed a Petition to close a portion of Red Oak Lane in the City of Charlotte; and

WHEREAS, a portion of Red Oak Lane petitioned to be closed lies south of Quail Hollow/Carmel Roads 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 on February 24, 1997, that it intends to close a portion of Red Oak Lane lying between said street (or portion thereof) being more particularly 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 24th day of March, 1997, in the CMGC, 600 E. 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.

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of February, 1997, the reference having been made in Minute Book 110, and recorded in full in Resolution Book 34, Page(s) 588.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 3rd day of March, 1997.

Nancy S. Gilbert, Deputy City Clerk

February 24, 1997
Resolution Book 34, Page 589

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

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

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

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

Section 1. That a public hearing on the question of annexation of the area described herein
will be held in the CMGC, 600 E. Fourth St.,
Charlotte, N. C., at 7:00 o'clock P. M., on the 24th day of March, 19 97.

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

See Exhibit A attached hereto and made a part hereof by reference.

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

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EXHIBIT A

PARCEL 1

Being all of Tract 2, located in Crab Orchard Township, Mecklenburg County, North Carolina, as shown on plat recorded in Map Book 24, at Page 364 of the Mecklenburg County Public Registry and being more specifically described as follows:

BEGINNING at a point in the southerly margin of the right-of-way of U.S. Highway No. 29 having N.C.G.S. Grid Coordinates N-581105.58 and E-1487768.56, which point is located South 48-43-10 West 351.06 feet from N.C.G.S. Grid Monument ("Woody") located at N.C.G.S. Grid Coordinates N-581337.15 and E-1488032.33 (combined grid factor 0.9998438, NAD (27)), and running thence in an easterly direction with the southerly margin of the right-of-way of U.S. Highway No. 29 (right-of-way as of May 1990) with the arc of a circular curve to the right having a radius of 5,415.69 feet, an arc distance of 514.72 feet (chord bearing and distance North 70-14-45 East 514.53 feet) to a set iron pin; thence in a southwesterly direction with the arc of a circular curve to the left having a radius of 29.00 feet, an arc distance of 49.11 feet (chord bearing and distance S 24-27-28 W 43.45 feet) to a set iron pin; thence South 24-03-10 East 27.31 feet to a set iron pin; thence South 24-03-10 East 29.76 feet to a set iron pin; thence in a southerly direction with the arc of a circular curve to the right having a radius of 607.96 feet, an arc distance of 267.57 feet (chord bearing and distance South 11-26-40 East 265.42 feet) to a set iron pin; thence South 01-09-50 West 715.74 feet to a point at or near the center of Mallard Creek; thence North 84-26-55 West 70.21 feet to a point at or near the center of Mallard Creek; thence North 01-09-50 East 710.37 feet to a set iron pin; thence in a northerly direction with the arc of a circular curve to the left having a radius of 537.96 feet, an arc distance of 236.76 feet (chord bearing and distance North 11-26-40 West 234.86 feet) to a set iron pin; thence North 24-03-10 West 61.21 feet to a set iron pin; thence in a northwesterly direction with the arc of a circular curve to the left having a radius of 39.00 feet, an arc distance of 30.36 feet (chord bearing and distance N 46-21-03 W 29.60 feet) to a set iron pin; thence in a southwesterly direction with the arc of a circular curve to the left having a radius of 5,405.69 feet, an arc distance of 174.44 feet (chord bearing and distance S 70-50-37 W 174.43 feet) to a set iron pin; thence, S 71-15-04 W 35.00 feet to a set iron pin; thence S 71-15-04 W 191.48 feet to the point and place of BEGINNING, containing 1.781 acres and being shown as Tract 2 on that map entitled "Revised Final Plat of: Charlotte Performing Arts Outdoor Pavilion Public R/W, Map One", prepared by Concord Engineering and Surveying, Inc., dated March 18, 1991, and recorded June 12, 1991, in Map Book 24, at Page 364 of the Mecklenburg County Public Registry.

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PARCEL 2

Being all of Tract 12, located in Crab Orchard Township, Mecklenburg County, North Carolina, as shown on plat recorded in Map Book 24, at Page 364 of the Mecklenburg County Public Registry and being more particularly described as follows:

COMMENCING at a concrete control monument located in the southern margin of the right-of-way of U.S. Highway 29 (public right-of-way varies), said concrete control monument being located S. 48-43-10 W. 351.06 feet from N.C.G.S. Grid Monument "Woody" N=581,337.15, E=1,488,132.33; thence, from said point of Commencement, with the arc of a circular curve to the right having a radius of 5415.69 feet, an arc distance of 514.72 feet, and chord bearing and distance N. 70-14-45 E. 514.53 feet to a concrete control monument located in the southern right-of-way of U.S. Highway 29, the point and place of BEGINNING; thence, from said point of BEGINNING continuing with the arc of a circular curve to the right having a radius of 5415.69 feet, the following three (3) courses and distances: 1) an arc distance of 24.83 feet (chord bearing and distance N. 73-05-59 E. 24.83 feet) to a set iron pin; 2) an arc distance of 40.00 feet (chord bearing and distance N. 73-26-34 E. 40.00 feet) to a set iron pin; and 3) an arc distance of 33.06 feet (chord bearing and distance N. 73-49-45 E. 33.06 feet) to a set iron pin located in the southern margin of the right-of-way of U.S. Highway 29; thence, leaving the margin of the right-of-way of U.S. Highway 29, with the arc of a circular curve to the left having a radius of 40.00 feet the following two (2) courses and distances: 1) an arc distance of 38.51 feet (chord bearing and distance of S. 46-25-12 W. 37.04 feet) to a set iron pin and 2) an arc distance of 12.34 feet (chord bearing and distance S. 10-00-00 W. 12.29 feet) to a set iron pin; thence S. 01-09-50 W. 342.06 feet to a set iron pin in the eastern margin of the right-of-way of Blockbuster Boulevard; thence with the eastern margin of the right-of-way of Blockbuster Boulevard the following four (4) courses and distances: (1) with the arc of a circular curve to the left having a radius of 607.96 feet, an arc distance of 267.57 feet, and chord bearing and distance of N. 11-26-40 W. 265.42 feet to a set iron pin; (2) N. 24-03-10 W. 29.76 feet to a set iron pin; (3) N. 24-03-10 W. 27.31 feet to a set iron pin; and 4) with the arc of a circular curve to the right having a radius of 29.00 feet, an arc distance of 49.11 feet, and chord bearing and distance of N. 24-27-28 E. 43.45 feet to a concrete control monument, the point and place of BEGINNING, containing 0.289 acres, more or less, and being further described as Tract 12 on the "Final Plat of Charlotte Performing Arts, Outdoor Pavilion Public R/W Map One" dated March 18, 1991, recorded in Map Book 24, at Page 364 in the Mecklenburg County Public Registry and prepared by Concord Engineering & Surveying, Inc.

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CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of February, 1997, the reference having been made in Minute Book 110, and recorded in full in Resolution Book 34, Page(s) 589-592.

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

Nancy S. Gilbert, Deputy 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 24th day of February, 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, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of February, 1997, the reference having been made in Minute Book 110, and recorded in full in Resolution Book 34, Page(s) 593-594.

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

Nancy S. Gilbert, Deputy City Clerk

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

<u>Name</u>	<u>Clerical Error</u>	<u>Amount of Refund</u>
Beths Hallmark Shop		\$ 175.75
Fitness Today of Charlotte Inc		202.54
Burgess Transport Inc		227.52
Burgess Transport Inc		652.49
Dolicis #538		157.34
Union Carbide Chemical		156.01
Union Carbide Chemical		216.36
Union Carbide Chemical		102.22
Subtle Impressions Inc		1,484.19
Subtle Impressions Inc		2,463.86
Subtle Impressions Inc		2,367.35
	Board of Equalization Review	
	<u>Penalty Adjustment</u>	
Southend Brewery & Smokehouse		333.82
Total		<u>\$8,539.45</u>

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Resolution Book 34, Page 595

**RESOLUTION RELATING TO PURCHASING COMPUTER NETWORK
INFRASTRUCTURE COMPONENTS AND EQUIPMENT THROUGH STATE TERM
CONTRACTS**

WHEREAS, the City Council of the City of Charlotte (the "City Council") has determined that is advisable and in the best interest of the City of Charlotte (the "City") to purchase computer network infrastructure components and equipment through state term contracts.

WHEREAS, on February 1, 1996, the State of North Carolina Department of Administration issued new rules permitting local governments to purchase from state term contracts with no further bidding through a "convenience clause" ; and

WHEREAS, it is the recommendation of the City Attorney's Office and the Business Support Services Department that purchases be permitted from state term contracts subject to budgetary approval, with no further bidding by City staff or award by City Council.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte, that purchases, subject to budgetary approval, may be made from state term contracts when the appropriate "convenience" clause is included in the contract without further award by City Council.

This resolution shall take effect upon its passage.

Approved this the 24th day of February, 1997.

Approved as to form:


ASST City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of February, 1997, the reference having been made in Minute Book 110, and recorded in full in Resolution Book 34, Page(s) 595.

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

Nancy S. Gilbert, Deputy City Clerk

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

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

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans for the improvement of US 74 (Independence Boulevard) from I-277 (Brookshire Freeway) to Briar Creek; and,

WHEREAS, said Department of Transportation and City of Charlotte entered into a Utility Agreement on the 14th day of February, 1995, for the relocation and adjustment of certain municipally-owned water and sewer lines located along said project; and,

WHEREAS, the Department of Transportation and the City of Charlotte now wish to enter into a Supplemental Agreement for (1) the installation of a fire protection system along said project at an estimated cost to the Municipality of \$85,992.00, and (2) to increase the estimated cost to the Municipality for the utility work covered in the Utility Agreement executed on the 14th day of February, 1995, from \$590,607.58 (cost based on preliminary engineering estimate) to \$850,403.10 (estimated cost based on actual bid prices); and,

WHEREAS, said Municipality agrees to reimburse the Department of Transportation for the cost of said additional work covered in this Supplemental Agreement, with reimbursement to be made in one lump-sum payment upon completion of all the utility work under this project.

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

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of February, 1997, the reference having been made in Minute Book 110, and recorded in full in Resolution Book 34, Page(s) 596-597.

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

Nancy S. Gilbert, Deputy City Clerk

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February 24, 1997
Resolution Book 34, page 598

**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 **FIRE STATION 31 LAND ACQUISITION 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 **FIRE STATION 31 LAND ACQUISITION PROJECT** and estimated to be approximately 189,486 square feet (4.35 ac.) and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 029-281-08, said property currently owned by **MURRELL R. STUBBS, JR. and wife, MARY H. STUBBS**; 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.

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CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of February, 1997, the reference having been made in Minute Book 110, and recorded in full in Resolution Book 34, Page(s) 598-599.

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

Nancy S. Gilbert, Deputy City Clerk