

January 13, 1997
Resolution Book 34, Page 500

AUTHORIZING RESOLUTION

**Applicant Seeking Permission to Apply For Section 5309 Funding,
Enter Into Agreement With The North Carolina Department of Transportation
And To Provide Necessary Assurances.**

A Motion was made by (name and title) Councilmember Wheeler and seconded by (name and title) Councilmember Majeed for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the U.S. Department of Transportation as authorized by Chapter 53 of Title 49, U.S.C. 5309 (formerly Section 3 of the Federal Transit Act of 1991, as amended) to provide for capital projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for capital projects; and

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation as the agency responsible for administering funds received through the Federal Transit Act of 1991; and

WHEREAS, (Applicant's name) the City of Charlotte, NC hereby assures and certifies that it will comply with the Federal Statutes, regulations, executive orders, the Section 5333(b) (formerly Section 13(c)) Labor Protection requirements, and all administrative requirements which relate to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Chapter 53 of Title 49, U.S.C. 5309.

NOW, THEREFORE, be it resolved that the (Authorized Official's title) * City Manager of (Name of Local Governing Body) the City of Charlotte, NC is hereby authorized to submit a grant application for funding under Chapter 53 of Title 49, U.S.C. 5309, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to procure capital assets.

I, (Certifying Official's Name) * Nancy S. Gilbert (Title) Deputy City Clerk, do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (Name of Governing Body) Charlotte City Council duly held on the 13th day of January, 1997, the reference having been made in Minute Book 110, and recorded in full in Resolution Book 34, Page(s) 500.
Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of January, 1997.

Signature of (Certifying Official)
City of Charlotte
Name of Local Governing Board

* Note that the official authorized to enter into the agreement CANNOT sign the resolution.

January 13, 1997
Resolution Book 34, page 501

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
AMENDING THE FIVE-YEAR CAPITAL INVESTMENT PLAN FOR FISCAL YEARS
1997 TO 2001.**

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

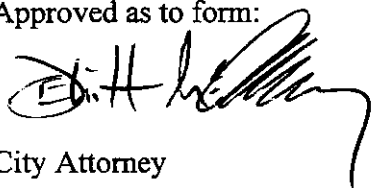
WHEREAS, the City of Charlotte continuously develops and reviews the policy, financial and planning assumptions and impacts of capital investment projects for the City; and

WHEREAS, the Transit Capital Investment Plan for fiscal years 1997 through 2001 has changed to include discretionary grant funding from the State for the replacement of seven buses.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte, in its regular session duly assembled, that it does hereby amend the Capital Investment Plan for fiscal years 1997 through 2001 to reflect the addition of a project entitled: Replacement of Seven Buses to the Transit Capital Investment Plan. Funding for the project totals \$1,750,000 and is appropriated (under a separate budget ordinance) in FY97.

This 13th day of January, 1997

Approved as to form:



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 13th day of January, 1997, the reference having been made in Minute Book 110, and recorded in full in Resolution Book 34, Page(s) 501.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of January, 1997.

Nancy S. Gilbert, Deputy City Clerk

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE THAT:

The right-of-way known as Ainsworth Street which appears on Mecklenburg County Tax Line Map Book 159, page 1, Block 11 dated March 1, 1995, is not part of the street plan adopted pursuant to North Carolina General Statutes, Section 136-66.2.

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 13th day of January, 1997, the reference having been made in Minute Book 110, and recorded in full in Resolution Book 34, Page(s) 502.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of January, 1997.

Nancy S. Gilbert, Deputy City Clerk

January 13, 1997
Resolution Book 34, Page 503

EXTRACT FROM MINUTES OF
MEETING OF THE CITY COUNCIL OF
THE CITY OF CHARLOTTE

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Meeting Chamber at the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, in Charlotte, North Carolina, the regular place of meeting, at 7:00 p.m. on January 13, 1997.

Present: Mayor Patrick McCrory presiding, and
Councilmembers Baker, Cannon, Greene, Jackson, Majeed, Reid, Rousso,
Scarborough, Sellers, Spencer, and Wheeler

Absent: None

Also Present: Pamela Syfert, City Manager, DeWitt McCarley, City
Attorney, and Nancy S. Gilbert, Deputy City Clerk

* * * * *

Councilmember Wheeler introduced the following resolution, a summary of which had been provided to each Councilmember, a copy of which was available with the City Clerk and which was read by title:

RESOLUTION APPROVING INSTALLMENT CONTRACT FINANCING FOR EQUIPMENT IN AN AGGREGATE PRINCIPAL AMOUNT UP TO \$4,630,000 AND THE SALE OF CERTIFICATES OF PARTICIPATION THEREIN AND AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS IN CONNECTION THEREWITH

WHEREAS, by resolution adopted on June 10, 1996, the City Council (the "City Council") of the City of Charlotte (the "City") approved in principle installment contract financing for certain of the City's general equipment requirements (the "Equipment") in an

aggregate principal amount up to \$6,000,000 and authorized the City staff to proceed with plans and to investigate and negotiate the selection and terms for such financing;

WHEREAS, there have been submitted to this meeting forms of the following documents (the "Financing Documents") with respect to the financing for the Equipment:

(1) Installment Payment Contract, to be dated as of January 15, 1997 (the "Contract"), between the City and New Charlotte Corporation (the "Corporation"), as counterparty, pursuant to which the Corporation will advance moneys to the City for the purchase of the Equipment and the City agrees to make periodic installment payments (the "Installment Payments") to repay the moneys so advanced, with interest;

(2) Trust Agreement, to be dated as of January 15, 1997 (the "Trust Agreement"), between the Corporation and First Union National Bank of North Carolina, as trustee (the "Trustee"), pursuant to which there are to be executed and delivered Certificates of Participation, Series 1997A (FY1997 Equipment Acquisition Project) (the "Certificates") representing interests in rights to receive the Installment Payments under the Contract;

(3) Preliminary Official Statement to be dated on or about January 14, 1997 (the "Preliminary Official Statement") which, as supplemented with certain pricing information, is to be the Official Statement to be dated on or about January 23, 1997 (the "Official Statement"), pursuant to which the Certificates are to be offered and sold to the public;

January 13, 1997
Resolution Book 34, Page 505

(4) Contract of Purchase to be dated on or about January 23, 1997 (the "Purchase Contract") between NationsBanc Capital Markets, Inc., First Union Capital Markets Corp., and Interstate/Johnson Lane Corporation (collectively, the "Underwriters") and the Corporation, pursuant to which the Underwriters agree to purchase the Certificates (except Certificates placed by the Placement Agent as defined below) for sale to the public;

(5) Letter of Representation to be dated on or about January 23, 1997 (the "Purchase Contract Letter of Representation"), which is an exhibit to the Purchase Contract, from the City to the Underwriters regarding certain matters in connection with the financing and information about the City in the Official Statement;

(6) Placement Agreement to be dated on or about the closing date (the "Placement Agreement") between NationsBank, N.A. (the "Placement Agent") and the Corporation, pursuant to which the Placement Agent agrees to act as agent of the Corporation in connection with the placement of a portion of the Certificates; and

(7) Letter of Representation to be dated on or about the closing date (the "Placement Agreement Letter of Representation"), which is an exhibit to the Placement Agreement, from the City to the Placement Agent regarding certain matters in connection with the financing and information about the City in the Official Statement;

WHEREAS, the obligations of the City to make Installment Payments and other payments pursuant to the Contract shall constitute limited obligations of the City payable solely from

currently budgeted appropriations of the City and shall not constitute a pledge of the faith and credit of the City within the meaning of any constitutional debt limitation;

WHEREAS, no deficiency judgment may be rendered against the City in any action for breach of a contractual obligation under the Contract, and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract;

WHEREAS, as security for repayment of the moneys advanced to the City and the other obligations of the City under the Contract, the City will grant to the Corporation a security interest in the Equipment pursuant to the Contract which the Corporation will assign to the Trustee under the Trust Agreement; and

WHEREAS, the City Council desires to approve the Financing Documents and to authorize other actions in connection therewith;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City, as follows:

Section 1. All actions of the City to effectuate the proposed financing, including the selection of the Underwriters and the Placement Agent, are hereby ratified, approved and authorized pursuant to and in accordance with the transactions contemplated by the Financing Documents.

Section 2. The acquisition of the Equipment, the financing thereof and the granting of security interests all as provided in the Financing Documents and described in this Resolution and the agreements and documents referenced herein are hereby ratified and approved.

January 13, 1997
Resolution Book 34, Page 507

Section 3. The City Council hereby finds and confirms that (i) financing of the Equipment by installment contract, under the circumstances, is preferable to a bond issue due to time constraints and (ii) the proceeds of the financing will be used exclusively for the acquisition of the Equipment and the costs and expenses of such financing and for no other capital projects of the City.

Section 4. Each of the Contract, the Purchase Contract Letter of Representation and the Placement Agreement Letter of Representation is hereby approved in substantially the form submitted to this meeting, and each of the Mayor or the City Manager is hereby authorized to execute and deliver each of those documents in the name and on behalf of the City, with such changes, insertions or omissions as the persons executing such documents may approve, their execution and delivery thereof to constitute conclusive evidence of such approval. The City Clerk is hereby authorized to affix the seal of the City to each of said documents as may be appropriate and to attest to the same.

Section 5. Each of the Trust Agreement (including the form of Certificate), the Purchase Contract and the Placement Agreement is hereby approved in substantially the form submitted to this meeting, with such changes, insertions or omissions as appropriate and as the officers of the City executing the Contract may approve, the execution and delivery of the Contract to constitute conclusive evidence of such approval.

January 13, 1997
Resolution Book 34, Page 508

Section 6. Each of the Preliminary Official Statement and the Official Statement in the form of the Preliminary Official Statement submitted to this meeting, is hereby approved in substantially such form, with such changes, insertions and omissions as appropriate, and the use thereof by the Underwriters and the Placement Agent in connection with the public offering and sale of the Certificates is hereby authorized. Each of the Mayor or the City Manager is hereby authorized to execute and deliver in the name and on behalf of the City the final Official Statement in substantially such form, with such changes, insertions and omissions as the person executing the final Official Statement may approve, the execution and delivery thereof to constitute conclusive evidence of such approval.

Section 7. Each of the Mayor, the City Manager and the Director of Finance are authorized to approve all details of the financing of the Equipment, including, without limitation, the amount advanced under the Contract (which shall not exceed \$4,630,000), the maturities, the principal amounts and the interest amounts of the Installment Payments (which annual principal amounts shall not exceed \$1,500,000 and which interest amounts (calculated with respect to the Certificates) shall not exceed 6.5% per annum on a true interest cost basis), the term of the Contract (which shall not be less than two years and shall not equal or exceed five years from its date), and the Placement Agent's fee and the Underwriters' discount (exclusive of any original issue discount) (each of

January 13, 1997
Resolution Book 34, Page 509

which shall not exceed 1.5% of the principal amount of the Certificates). Execution of the Contract by the Mayor or the City Manager shall conclusively evidence such approval of all such details of said financing.

Section 8. The Mayor, the City Manager, the Director of Finance, the City Treasurer and the City Attorney are hereby authorized to take any and all such further action, including approval of modifications to the Financing Documents, and to execute and deliver for and on behalf of the City such other documents and certificates (including, without limitation, agreements with securities depositories, financing statements, appropriate tax certificates and agreements and other documents and agreements (including repurchase agreements) relating to the investment of the proceeds from the execution and delivery of the Certificates) as they may deem necessary or advisable to carry out the intent of this resolution and to effect the installment financing pursuant to the Contract and the other Financing Documents. The City Clerk is hereby authorized to affix the seal of the City to such documents and certificates as may be appropriate and to attest to the same and to execute and deliver such certificates as may be needed. In addition, said officers are hereby authorized to cooperate with the Underwriters and the Placement Agent in preparing and filing such filings under state securities or "blue sky" laws (including special consents to service of process) as the Underwriters or the Placement Agent may request and as the

January 13, 1997
Resolution Book 34, Page 510

Mayor, the City Manager or the Director of Finance shall determine.

Section 9. This Resolution shall become effective immediately upon its adoption.

Thereupon, upon motion of Councilmember Wheeler, seconded by Councilmember Rouso, the foregoing resolution entitled "RESOLUTION APPROVING INSTALLMENT CONTRACT FINANCING FOR EQUIPMENT IN AN AGGREGATE PRINCIPAL AMOUNT UP TO \$4,630,000 AND THE SALE OF CERTIFICATES OF PARTICIPATION THEREIN AND AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS IN CONNECTION THEREWITH" was adopted and passed by the following vote:

AYES: Unanimous

_____.

NOES: _____

_____.

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the recorded proceedings of the City Council of said City at a regular meeting held on January 13, 1997, as relates in any way to the authorization of an installment contract financing by said City and that references regarding said proceedings are recorded in Minute Book No. 110 of said City Council, beginning at page and ending at page , and a full copy of the foregoing resolution is recorded in Resolution Book No. 34 of said City Council, beginning at page 503 and ending at page 511.

January 13, 1997
Resolution Book 34, Page 511

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said City Council, stating that regular meetings of said City Council are held (with certain exceptions not applicable to said meeting) at the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, in Charlotte, North Carolina, in the Conference Center on the first Monday of each month at 5:00 P.M. (workshop); and in the Meeting Chamber on the second Monday of each month at 7:00 P.M., the third Monday of each month at 6:00 P.M. (zoning), and the fourth Monday of each month at 7:00 P.M., has been on file in the office of the City Clerk as of a date not less than seven days before the date of said meeting in accordance with G.S. § 143-318.12.

WITNESS my hand and the seal of said City, this 14th day of January, 1997.

(SEAL)

Nancy S. Gilbert, Dep. City Clerk

January 13, 1997
Resolution Book 34, Page 512

**RESOLUTION RELATING TO PURCHASING MICROCOMPUTERS AND RELATED
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 microcomputers and related 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

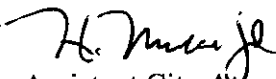
WHEREAS, it is the recommendation of the City Attorney's Office and Business Support Services Key Business that purchases be permitted from state term contracts subject to budgetary approval, with no further bidding by City staff or award by City Council.

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 13th day of January, 1997.

Approved as to form:


Assistant City Attorney
Senior Deputy

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 13th day of January, 1997, the reference having been made in Minute Book 110, and recorded in full in Resolution Book 34, Page(s) 512.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of January, 1997.

January 13, 1997
Resolution Book 34, Page 513

**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 **Duke Power/McGuire Sanitary Sewer Line 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 **Duke Power/McGuire Sanitary Sewer Line Project**; and estimated to be approximately 21,665.96 square feet (.50 ac.) for a 20-foot permanent sanitary sewer easement and a 15-foot 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. 013-111-02, said property currently owned by **EDGAR L. JUHAN and wife, EDNA C. JUHAN**, 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.

January 13, 1997
Resolution Book 34, Page 514

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 13th day of January, 1997, the reference having been made in Minute Book 110, and recorded in full in Resolution Book 34, Page(s) 513-514.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of January, 1997.

Nancy S. Gilbert, Deputy 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 **Duke Power/McGuire Sanitary Sewer Line 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 **Duke Power/McGuire Sanitary Sewer Line Project**; and estimated to be approximately 136,550.05 square feet (3.14 ac.) for a 20-foot permanent sanitary sewer easement and a 15-foot 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. 013-101-15 said property currently owned by **WALNUT CREEK FARM LIMITED PARTNERSHIP**; 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.

January 13, 1997
Resolution Book 34, Page 516

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 13th day of January, 1997, the reference having been made in Minute Book 110, and recorded in full in Resolution Book 34, Page(s) 515-516.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of January, 1997.

Nancy S. Gilbert, Deputy City Clerk

January 13, 1997
Resolution Book 34, Page 517

**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 **Duke Power/McGuire Sanitary Sewer Line 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 **Duke Power/McGuire Sanitary Sewer Line Project**; and estimated to be approximately 53,633.30 square feet (1.24 ac.) for a 20-foot permanent sanitary sewer easement and a 15-foot 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. 013-121-01 said property currently owned by **EDGAR L. JUHAN and wife, EDNA C. JUHAN**, 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.

January 13, 1997
Resolution Book 34, page 518

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 13th day of January, 1997, the reference having been made in Minute Book 110, and recorded in full in Resolution Book 34, Page(s) 517-518.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of January, 1997.

Nancy S. Gilbert, Deputy City Clerk

January 13, 1997
Resolution Book 34, Page 519

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 **Sidewalks-Eleven Thoroughfares-ATP 5 (North Tryon/Sugar Creek/The Plaza) 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 **Sidewalks-Eleven Thoroughfares-ATP 5 (North Tryon/Sugar Creek/The Plaza) Project**, estimated to be approximately 1,762.30 square feet (.04 acre) for permanent utility easement and 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. 093-031-15, said property currently owned by **ROBERT M. BYRNES and spouse, if any; NEIL V. DAVIS, Trustee; WEST STAR FINANCIAL CORPORATION, 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.

January 13, 1997
Resolution Book 34, Page 520

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 13th day of January, 1997, the reference having been made in Minute Book 110, and recorded in full in Resolution Book 34, Page(s) 519-520.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of January, 1997.

Nancy S. Gilbert, Deputy City Clerk

January 13, 1997
Resolution Book 34, Page 521

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 **Fourth/Kings/Third-Intersection Improvements 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 **Fourth/Kings/Third-Intersection Improvements Project**; and estimated to be approximately 42 square feet for a permanent down-guy wire easement; and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 125-106-21, said property currently owned by **COSTAS N. MELISSARIS; NICOLETTE C. MELISSARIS; GEORGE MacBAIN, IV, Trustee; REPUBLIC BANK AND TRUST COMPANY, Beneficiary; U. S. DEPARTMENT OF EDUCATION**; 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.

January 13, 1997
Resolution Book 34, page 522

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 13th day of January, 1997, the reference having been made in Minute Book 110, and recorded in full in Resolution Book 34, Page(s) 521-522.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of January, 1997.

Nancy S. Gilbert, Deputy City Clerk

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE TO APPROVE THE CONSOLIDATION OF THE OPERATIONS OF THE CHARLOTTE UPTOWN DEVELOPMENT CORPORATION AND THE CENTRAL CHARLOTTE DIVISION OF THE GREATER CHARLOTTE CHAMBER OF COMMERCE.

WHEREAS, the City Council of the City of Charlotte recognizes the common goals of the Charlotte Uptown Development Authority (CUDC) and the Central Charlotte Division (CCD) to further the economic prosperity of Uptown Charlotte; and

WHEREAS, the City Council of the City of Charlotte deems it desirable and in the best interest of all the citizens of Charlotte to consolidate the operations, personnel and assets of the CUDC and the CCD within the corporate structure of the CUDC; and

WHEREAS, in the context of the consolidation of the CUDC and the CCD, the CUDC Board of Directors has concluded that it would be advisable to amend the CUDC bylaws with respect to the number, qualifications and appointment of its Board of Directors; and

WHEREAS, according to the current CUDC bylaws, amendments to Article II of those bylaws require approval of the City Council of the City of Charlotte.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte, in its session duly assembled, that it does hereby approve the amended provisions of Article II of the CUDC bylaws with respect to the number, qualifications and appointment of the CUDC Board of Directors, as requested by the CUDC.

BE IT FURTHER RESOLVED, that the City Council of the City of Charlotte does hereby approve the appointment of the nominees for Directors of the CUDC, as shown on the Attachment entitled Board of Directors - List of Nominees, and in accordance with the amended bylaws of the CUDC.

BE IT FURTHER RESOLVED, that the City Council of the City of Charlotte does hereby assign to the CUDC each of the existing agreements between the CCD and the City of Charlotte which pertain to Municipal Service Districts 2 and 3 for Fiscal Year 1997, to expire on June 30, 1997.

This resolution shall take effect upon its passage.

Approved this 13th day of January, 1997.

Approved as to form:


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 13th day of January, 1997, the reference having been made in Minute Book 110, and recorded in full in Resolution Book 34, Page(s) 523.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of January, 1997.