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 March, 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 <u>24th</u> day of <u>March</u>, 1997, the reference having been made in Minute Book <u>110</u>, and recorded in full in Resolution Book <u>34</u>, Page(s) <u>601-602</u>.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of March, 1997.

March 24, 1997 Resolution Book 34, Page 602 TAXPAYERS AND REFUNDS REQUESTED

MORE THAN \$100

<u>Name</u>			Amount of Refund	
	<u>Clerical Error</u>			
Delta Air Lines Inc Union Carbide Chemical Union Carbide Chemical Union Carbide Chemical		\$	234.42 246.26 109.57 142.64	
Board of Equalization Review				
A-1 Professional Moving Honey Y Louis A-1 Professional Moving			430.51 284.23 236.23	
Illegal Purpose				
McDowell Investments LL Cothran Frank M Alltel Mobile Communicat Meissner David Jr Belk Thomas M Rickard William L Jr. & W	ons	2	571.66 227.44 133.82 120.06 3,153.71 110.64	
Total		<u>\$2</u>	<u>6,001.19</u>	

RESOLUTION AUTHORIZING THE CITY OF CHARLOTTE TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

A motion was made by <u>Councilmember Scarborough</u> and seconded by <u>Councilmember Wheeler</u> for adoption of the following resolution, and upon being put to a vote, was duly adopted.

WHEREAS, the City of Charlotte has requested the North Carolina Department of Transportation to assist in the funding of an assessment of the City's rideshare program;

WHEREAS, the City of Charlotte will provide 10 percent of the cost of the above described project;

NOW, THEREFORE, BE IT RESOLVED that the Director of Transportation is hereby authorized to enter into a contract with the Department of Transportation and execute all agreements and contracts with the North Carolina Department of Transportation, Public Transportation Division.

Approved as to form:

Lisa Graham

Assistant 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 <u>24th</u> day of <u>March</u>, 1997, the reference having been made in Minute Book <u>110</u>, and recorded in full in Resolution Book <u>34</u>, Page(s) <u>603</u>.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the <u>31st</u> day of <u>March</u>, 1997.

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 **Ronda Avenue Culverts Storm Drainage 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 Ronda Avenue Culverts Storm Drainage Project and estimated to be approximately 6,750 square feet (0.155 acre) for a permanent sanitary sewer easement and a permanent storm drainage easement; and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 189-191-15, said property currently owned by RANDALL W. BLITZ and wife, SHERI R. BLITZ; TIM, INC., Trustee; NATIONSBANK OF NORTH CAROLINA, N. A., Beneficiary; FRANK W. ERWIN, Substitute Trustee; R. KEITH JOHNSON, Bankruptcy Trustee; or the owners' successorin-interest.

ESTIMATED JUST COMPENSATION:

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

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 <u>24th</u> day of <u>March</u>, 1997, the reference having been made in Minute Book <u>110</u>, and recorded in full in Resolution Book <u>34</u>, Page(s) <u>604-605</u>.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the <u>31st</u> day of <u>March</u>, 1997.

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 Four Mile Creek Relief Sewer 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 Four Mile Creek Relief Sewer Project; and estimated to be approximately 30,974 square feet (.711 acre) for a 25-foot permanent sanitary sewer 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. 227-362-99, said property currently owned by WC&C, Inc., 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.

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 <u>24th</u> day of <u>March</u>, 1997, the reference having been made in Minute Book <u>110</u>, and recorded in full in Resolution Book <u>34</u>, Page(s) <u>606-607</u>.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of March, 1997.

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 Four Mile Creek Relief Sewer 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 Four Mile Creek Relief Sewer Project; and estimated to be approximately 29,685 square feet (.681 acre) for a 25-foot permanent sanitary sewer 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. 227-362-97, said property currently owned by WILLIAM W. WATERS and wife, LILL J. WATERS; PAVING EQUIPMENT OF THE CAROLINAS, INC., Judgment Creditor, 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.

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 <u>24th</u> day of <u>March</u>, 1997, the reference having been made in Minute Book <u>110</u>, and recorded in full in Resolution Book <u>34</u>, Page(s) <u>608-609</u>.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the <u>31st</u> day of <u>March</u>, 1997.

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 Four Mile Creek Relief Sewer 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 Four Mile Creek Relief Sewer Project; and estimated to be approximately 30,375 square feet (.697 acre) for a 25-foot permanent sanitary sewer 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. 227-061-20, said property currently owned by WILLIAM W. WATERS and wife, LILL J. WATERS, 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.

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 <u>24th</u> day of <u>March</u>, 1997, the reference having been made in Minute Book <u>110</u>, and recorded in full in Resolution Book<u>34</u>, Page(s) <u>610-611</u>.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of March, 1997.

RESOLUTION CLOSING A PORTION OF MACK STREET LOCATED EAST OF MORNINGSIDE KOAD 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 (name of street) which calls for a public hearing on the question; and

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to Close Mack Street 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 (name of street), all as required by G.S. 160A-299; and

WHEREAS, the petitioner has provided an easement to Duke Power Company to install, maintain, replace and repair their facilities as shown on the map marked Exhibit A attached hereto and made a part hereof.

WHEREAS, the public hearing was held on the 24th day of March , 19 97, and City Council determined that the closing of portion of Mack Street 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, at its regularly assembled meeting of $\frac{March 24}{0}$, 19 97, that the Council hereby orders the closing of Mack Street in the City of Charlotte, Mecklenburg County, North Carolina as described below:

(Metes-and-bounds Description)

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, Nancy S. Gilbert, ^{Dep}City Clerk of the City of Charlotte, North Carolina do hereby certify that the foregoing true and exact copy of a Resolution adopted by the City of the City of Charlotte, North Carolina, in regular sector Solvened on the 24th day of March , 19 been made in Minute Book 110, page and the reference having in Resolution Book 34 , page 642

Nancy S. Gall

Clerk

ORIGINAL DOCUMENT IS OF FOOR QUALITY

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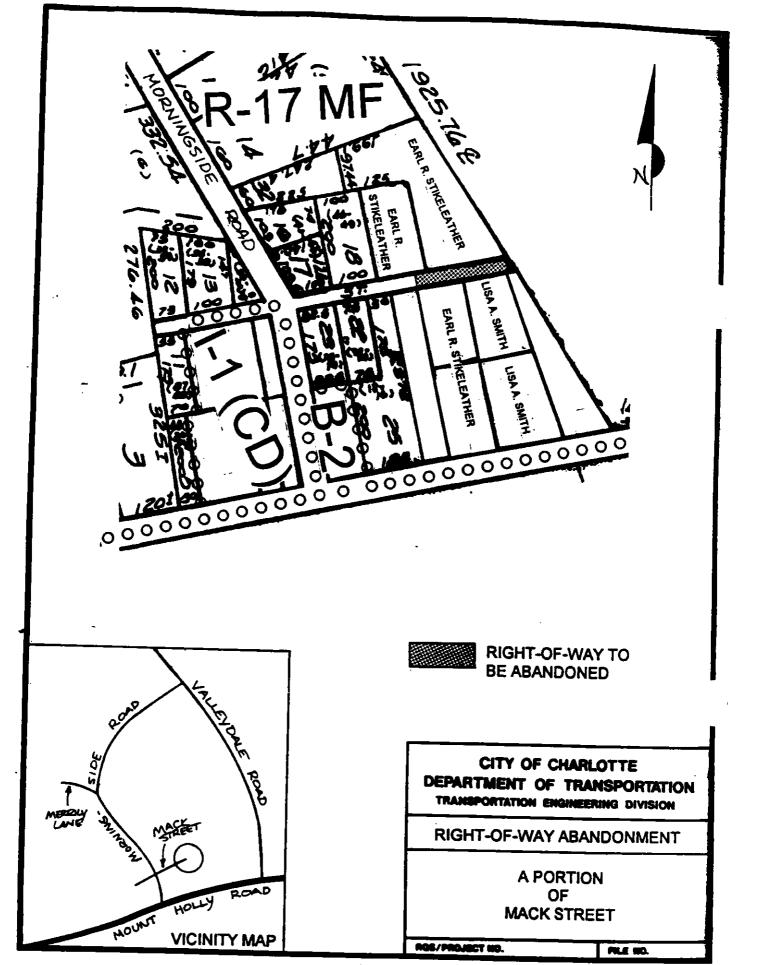
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EXHIBIT B

LEGAL DESCRIPTION

Beginning at a point in the southerly margin of Mack Street, said point being located NST OF AUXE 257.50 feet from the easterly margin of Morningside Drive and runs thence N.23°00'00" W 30.00 feet to apoint in the northerly margin of Mack Street, thence with the northerly margin of Mack Street N.67°00'00"E 202.50 feet total point, thence S.44°29'40"E 32.24 feet to a point in the southerly margin of Mack Street, then Ministrith the southerly margin of Mack Street S.67°00'00W 214.31 feet to the point of beginning.

March 24, 1997 Resolution Book 34, Page 614



> JUDITH FILED F RESOLUTION CLOSING A PORTION OF RED OAK LANE WEST OF CARMEL ROAD LOCATED SOUTH OF QUAIL HOLLOW/CARMEL ROADS IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA FOR

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to Close a portion of Red Oak Lane, which calls for a public hearing on the question; and

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to Close a portion of Red Oak Lane 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 Red Oak Lane, all as required by G.S. 160A-299; and

WHEREAS, the petitioner has provided an easement to Duke Power Company to install, maintain, replace, and repair their facilities as shown on the map marked Exhibit A attached hereto and made a part of hereof.

WHEREAS, the public of March hearing was 24th day of March , 19 97, and City Council determined that the closing of a portion of Red Oak Lane is not held the 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 Charlotte, at its regularly assembled meeting City of March 24 , 19 97, that the Council hereby orders the closing a portion of Red Oak Lane in the City of Charlotte, Mecklenburg of County, North Carolina as:

Show in a map marked "Exhibit A" and is more particularly described by metes and bounds in a document marked "Exhibit B" attached hereto and made a part thereof.

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, Nancy S. Gilbert, DepCity 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 and on the <u>24th</u> day of March 97 19 **ce** having been made in Minute Book 110, page full in Resolution Book 34 , page <u>615-618</u> 1

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Clerk

Nancy(S.

DRAWN BY AND RETURN TO CITY OF CHARLOTTE - BOX

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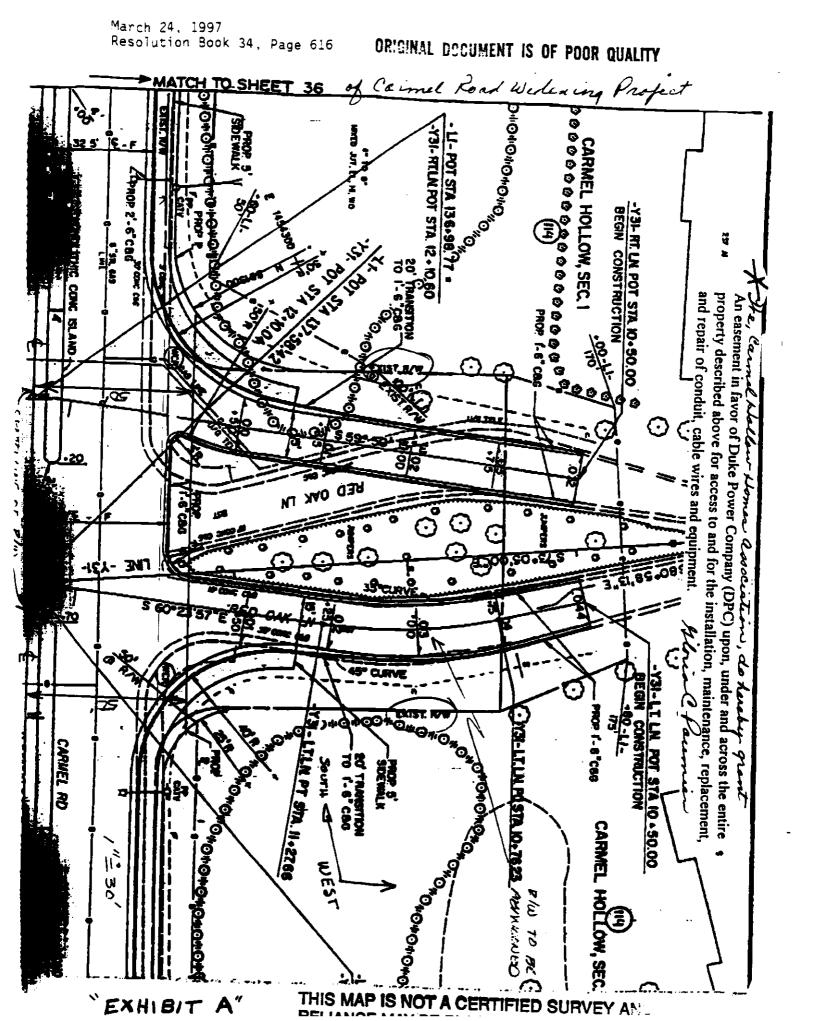
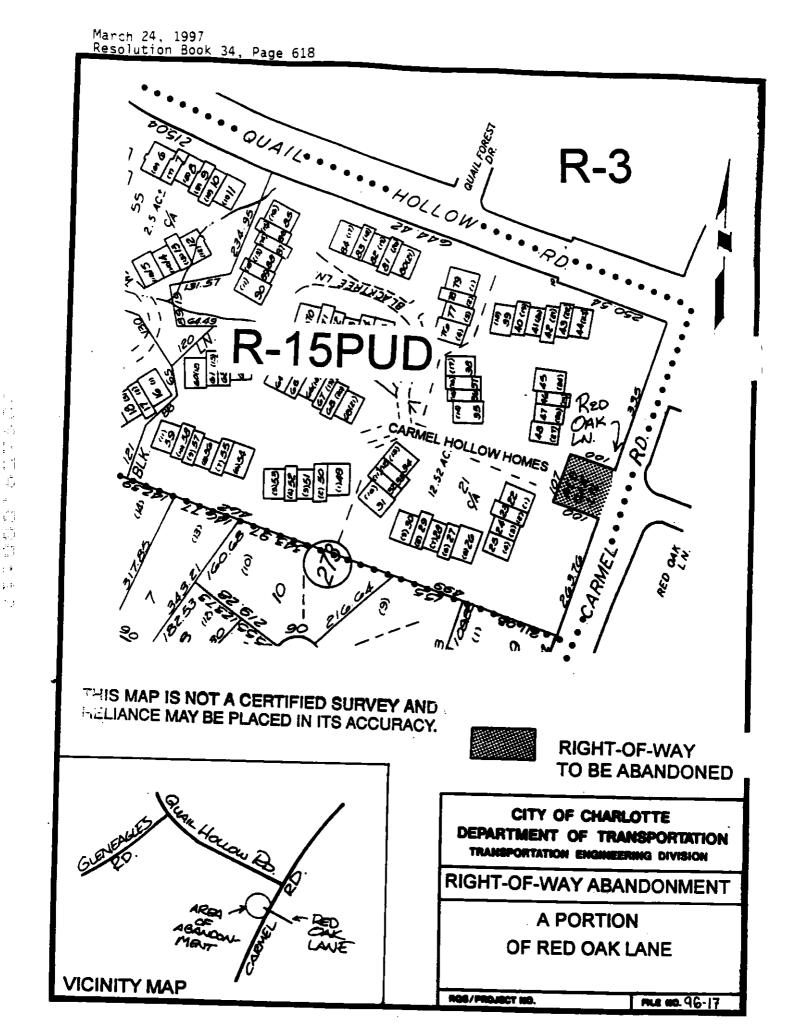


EXHIBIT B

LEGAL DESCRIPTION

Being all that certain tract or parcel of land lying, being and situate in the City of Charlotte, County of Mecklenburg and State of North Carolina, and being more particularly described as follows:

BEGINNING at a point located North 66-54-20 West 10.00 feet from a concrete monument located in the westerly margin of Carmel Road, which concrete monument is located South 23-05-40 West 335 feet from an existing iron in the southwest corner of the intersection of Quail Hollow Road and Carmel Road; thence from said beginning point North 66-54-20 West 90.00 feet to an existing iron; thence South 23-05-40 West 107.00 feet to an existing iron; thence South 66-54-20 East 90.00 feet to a point, which point is located North 66-54-20 West 10.00 feet from a concrete monument located in a westerly margin of Carmel Road; and thence North 23-05-40 East 107.00 feet to the point and place of BEGINNING; said tract being a portion of Red Oak Lane and containing 9,630 square feet, more or less; being a portion of a parcel shown on that certain plat entitled "Record Plat of Red Oak Lane, Property of John Crosland Company" dated March 1979 by Robert E. Rembert, N.C.R.L.S. A copy of a portion of such recorded plat highlighting the subject property is attached hereto as Exhibit A.



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RESOLUTION AUTHORIZING EXECUTION OF A GROUND LEASE AGREEMENT WITH MICHAEL JORDAN GOLF, INC. ON APPROXIMATELY 27 ACRES OF CITY OWNED PROPERTY (TAX PARCEL 167-061-01) AT THE CORNER OF HIGHWAY 49 AND TYVOLA ROAD FOR A TERM OF 16 YEARS AND 122 DAYS.

WHEREAS, the City acquired the property because of migrating methane gas from the City's old landfill site, now developed as Renaissance Park; and

WHEREAS, staff sought uses for the property requiring few building foundations to avoid trapping any methane gas. A golf driving range appears to be the best use for the property. A Request for Proposal was presented to ten golf company developers and real estate brokers. The Michael Jordan Golf Company, Inc. submitted the best overall proposal; and

WHEREAS, the proposal was reviewed and approved by the Privatization/Competition Advisory Committee's Asset Management Subcommittee and the City's Asset Management Team; and

WHEREAS, the City and Michael Jordan Golf, Inc. desire to enter into a ground lease agreement for a golf driving range with a clubhouse of at least 3,500 square feet with instructional area and golf shop featuring merchandise with the Michael Jordan logo and golf equipment, and a grill. The property would have approximately 60 driving stations and a miniature golf course; and

WHEREAS, the City would generate revenue on the property and believes that the proposed agreement will be in the best interest of the City and its citizens. General terms of the agreement are as follows:

- TERM: 16 years, 122 days. This includes a 122-day due diligence period during which time Lessor (the City) can cancel the lease.
- RENEWALS: Two five-year renewal options with right to cancel by the City with one year prior written notice.
- LEASE COMMENCEMENT: April 1, 1997.
- RENT COMMENCEMENT DATE: October 1, 1997 (122-day due diligence period and 60 days free rent).
- LEASE EXPIRATION: July 31, 2013.
- RENT: Base rent of \$3,000 per month plus a minimum of 1% of the gross receipts. The percentage rent increases as the facility's revenues increases.
- COMMUNITY PROGRAMS: The Michael Jordan Golf Company, Inc. proposal

included programs to teach the fundamentals of golf to "at risk" youth.

• PETITION FOR A DISTRICT PLAN AMENDMENT: The subject property will need to be rezoned from R-17-MF to B-2-CD. The City has filed a Petition for a District Plan Amendment and Lessee is preparing a Rezoning Application for the June 16, 1997, hearing. The Conditional Use zoning will permit Lessee to develop the property for use as a golf driving range including a clubhouse and miniature golf course.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that the Mayor of the City is hereby authorized and directed to execute and deliver, on behalf of the City, a Ground Lease Agreement between the City of Charlotte and Michael Jordan Golf, Inc.

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 <u>24th</u> day of <u>March</u>, 1997, the reference having been made in Minute Book <u>110</u>, and recorded in full in Resolution Book <u>34</u>, Page(s) <u>619-620</u>.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the <u>31st</u> day of <u>March</u>, 1997.

A RESOLUTION SUPPORTING THE RENOVATION AND EXPANSION OF THE INSTITUTE OF GOVERNMENT (KNAPP BUILDING)

WHEREAS the Institute of Government since 1931 has made important contributions to the good government and excellent financial management of the City of Charlotte and State of North Carolina by serving the City and entire state from its base in Chapel Hill; and

WHEREAS the Institute's building has been inadequate and outmoded for many years, which threatens its ability to maintain the highest quality of services for North Carolina's public officials; and

WHEREAS the 1994 General Assembly recognized the need for a renovated and expanded building by appropriating \$700,000 to plan necessary improvements and additions to the Institute of Government; and

WHEREAS the Institute has planned the necessary capital improvements that will enable it to provide Charlotte and North Carolina public officials with the latest and most efficient instructional technologies and a higher quality of service; and

WHEREAS the necessary improvements will include a teleconferencing classroom, a computer training room, increased classroom and office space, an expanded and accessible library, increased parking, improved dining facilities, and access for persons with disabilities; and

WHEREAS the planned capital project has been approved by the UNC-CH Board of Trustees and is rated as one of the University's highest capital priorities, and it also is a legislative priority for the UNC Board of Governors.

NOW THEREFORE, BE IT RESOLVED, THAT

By way of this resolution the Charlotte City Council fully and enthusiastically encourages the 1997 North Carolina General Assembly to appropriate \$16.1 million to fund this urgently needed capital renovation and expansion project.

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 <u>24th</u> day of <u>March</u>, 1997, the reference having been made in Minute Book <u>110</u>, and recorded in full in Resolution Book <u>34</u>, Page(s) <u>621</u>.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the <u>26th</u> day of <u>March</u>, 1997.