

November 10, 1997
Resolution Book 34, Page 807

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 10th day of November, 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 10th day of November, 1997, the reference having been made in Minute Book 111, and recorded in full in Resolution Book 34, Page(s) 807-808.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of November, 1997.


Brenda R. Freeze, CMC, City Clerk

November 10, 1997
Resolution Book 34, Page 808

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

<u>Name</u>		<u>Amount of Refund</u>
	<u>Clerical Error</u>	
Kayo Oil Co. %DuPont Co		\$ 313.08
Field Eva J.		819.00
I H Caffey Distributing Co Inc		116.09
Gordons Excavating Service		132.24
	<u>Board of Equalization Review Adjustment</u>	
S. Atlantic Conference Assoc.		104.14
G & T Charlotte Hotel Company		260.03
Total		<u>\$1,744.58</u>

November 10, 1997
Resolution Book 34, page 809

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 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 Project** and estimated to be approximately 12,201.41 square feet (0.28 acre) for a permanent storm water 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. 189-191-06, said property currently owned by **WILLIE J. ARD and spouse, if any**, 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.

November 10, 1997
Resolution Book 34, Page 810

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 10th day of November, 1997, the reference having been made in Minute Book 111, and recorded in full in Resolution Book 34, Page(s) 809-810.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of November, 1997.



Brenda R. Freeze, CMC, City Clerk

November 10, 1997
Resolution Book 34, Page 811

**RESOLUTION CLOSING CHARLES STREET LOCATED BETWEEN
TAX PARCEL NOS. 131-025-02 AND 131-024-05 AND TO
ABANDON AND CLOSE AN UNNAMED STREET LOCATED BETWEEN
TAX PARCEL NOS. 131-024-01 AND 131-071-01, BOTH
STREETS RUNNING FROM NORLAND 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 Charles Street and the said Unnamed Street running from Norland Road which calls for a public hearing on the question; and

WHEREAS, the petitioners have caused a copy of the Resolution of Intent to Close Charles Street and the said Unnamed Street to be sent by registered or certified mail to all owners of property adjoining the said streets (or portion thereof), and prominently posted a notice of the closing and public hearing in at least two places along Charles Street and the said unnamed street, all as required by G.S. 160A-299; and

WHEREAS, the public hearing was held on the 10th day of November, 1997, and City Council determined that the closing of Charles Street and the said unnamed 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, North Carolina at its regularly assembled meeting of November 10, 1997, that the Council hereby orders the closing of Charles Street and the said unnamed street running from Norland Road in the City of Charlotte, Mecklenburg County, North Carolina as described below:

Legal Description for Charles Street (Not Open)
Located between Tax Parcels No. 131-025-02 and 131-024-05
City of Charlotte, Mecklenburg County, North Carolina

Beginning at an existing iron pin located in the margin of Norland Road being the northwestern corner of a 2.329 acre parcel now or formally owned by IEC Acquisition Company (see Deed Book 8529, at Page 876 of the Mecklenburg County Public Registry) being Tax Parcel no. 131-025-02 and being the northeastern corner of the within described parcel, THE TRUE POINT OR PLACE OF BEGINNING; thence leaving the margin of Norland Road running with the boundary of the said property now or formally owned by IEC Acquisition Company, S.36-13-22 E. 319.19 feet to an existing iron pin; thence running with the boundary of Evergreen Cemetery now or formally owned by the City of Charlotte (see Deed Book 919, at Page 467 of the Mecklenburg County Public Registry), S.42-59-08 W. 39.90 feet to an existing iron pin; thence running with the boundary of property now or formally owned by SMS Catering Service, Inc. being Tax Parcel no. 131-024-05 (see Deed Book 4830, at Page 985 of the Mecklenburg

County Public Registry), N. 36-05-19 W. 320.37 feet to an existing iron pin in the margin of Norland Road; thence running with the margin of Norland Road, N. 44-29-15 E. 38.96 feet to THE TRUE POINT OR PLACE OF BEGINNING; and containing 0.2849 acres all as shown on a survey titled "Boundary Survey of Charles St. (not open) near 1800 Norland Road, Charlotte, North Carolina 28205," made by Klaus E. Kreuger, Registered Land Surveyor (Seal L-3808), dated June 10, 1997, to which survey specific reference is hereby made for a more particular description of the above described property.

Legal Description for Unnamed Street
Located between Tax Parcels No. 131-024-01 and 131-071-01
Running from Norland Road
City of Charlotte, Mecklenburg County, North Carolina


Beginning at a set iron pin in the margin of Norland Road which is the northwestern corner of Lot No. 1, Block 7, Cedar Hills Subdivision, being Tax Parcel no. 131-024-01 now or formally owned by SMS Catering Service, Inc. (see Deed book 8119, at Page 607 of the Mecklenburg County Public Registry) and being the northeastern corner of the within described property, THE TRUE POINT OR PLACE OF BEGINNING; thence leaving the margin of Norland Road and running with the said boundary of property now or formally known as SMS Catering Service, Inc., S. 35-50-06 E. 225.40 feet to an existing iron pin; thence running with Evergreen Cemetery now or formally owned by the City of Charlotte (see Deed Book 1133, at Page 195 of the Mecklenburg County Public Registry), S. 58-37-15 W. 40.01 feet to an existing iron pin; thence continuing with the boundary of Evergreen Cemetery, N. 35-48-25 W. 217.48 feet to an existing iron pin in the margin of Norland Road; thence running with the margin of Norland Road, N. 47-16-00 E. 40.07 feet to THE TRUE POINT OR PLACE OF BEGINNING; containing 0.2025 acres all as shown on a survey titled "Boundary Survey of Proposed Street (never built) by 1700 Norland Road, Charlotte, North Carolina 28205", made by Klaus E. Kreuger, Registered Land Surveyor (Seal L-3808), dated June 10, 1997, to which survey specific reference is hereby made for a more particular description of the above described property.

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 10th day of November, 1997, the reference having been made in Minute Book 111, page 34, and recorded in full in Resolution Book 34, page 811-816.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 10th day of November, 1997.



Brenda R. Freeze, City Clerk

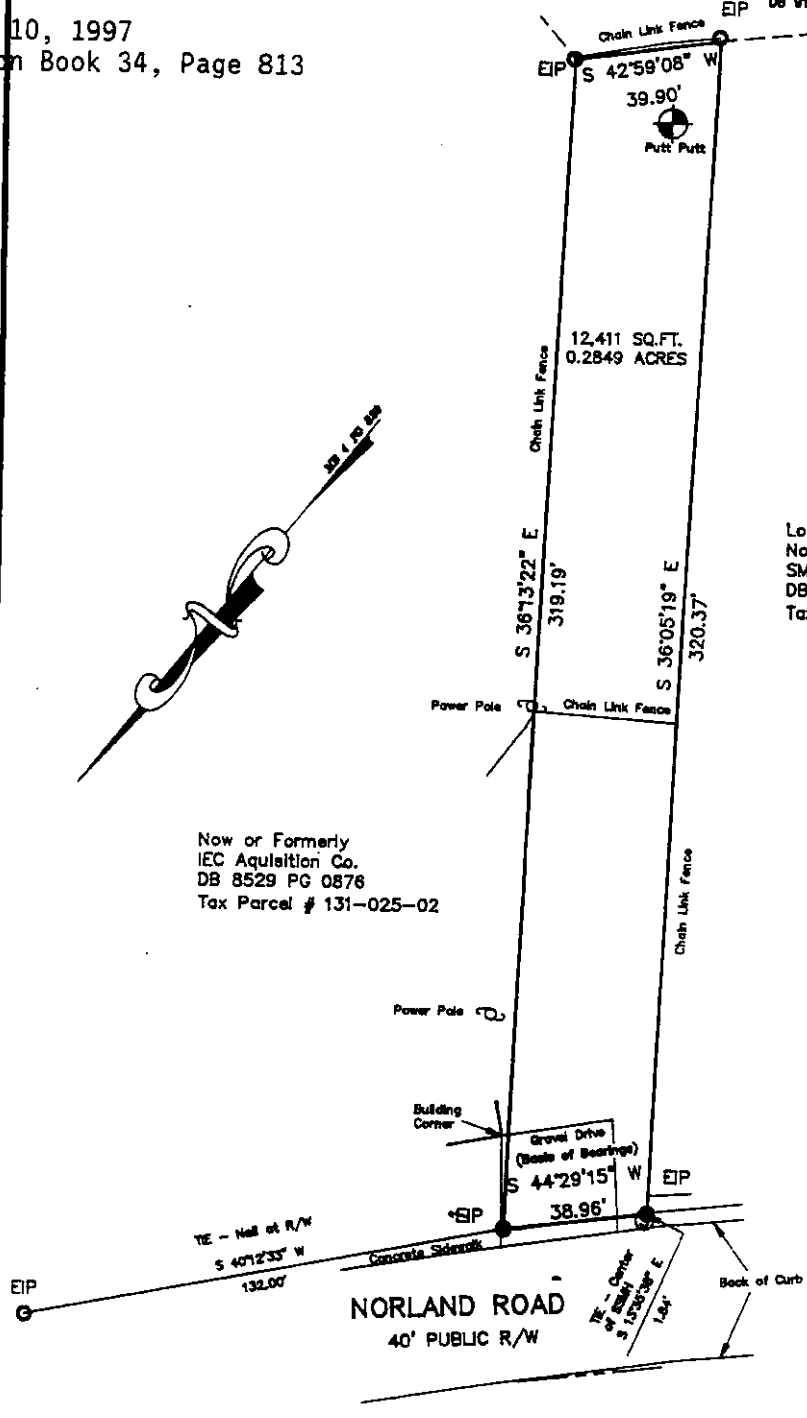
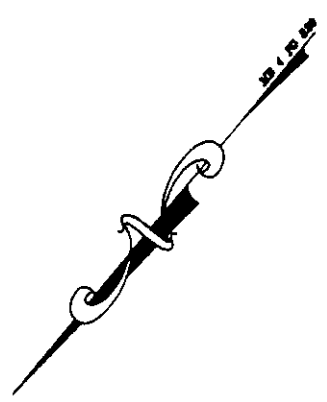
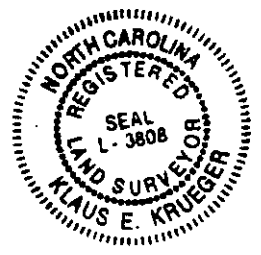


SURVEYING - PLANNING - MAPPING
 P.O. BOX 2727 (704) 388-8120
 HUNTERSVILLE, NC 28070 FAX (704) 388-8120
 © PINNACLE LAND SURVEYING, PA

Klaus E. Krueger
 KLAUS E. KRUEGER RLS L-3808

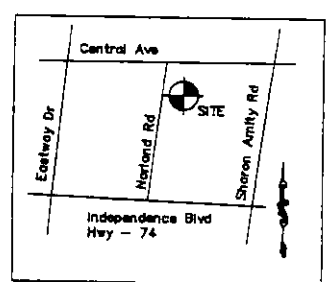
Evergreen Cemetery
 Now or Formerly
 City of Charlotte
 DB 811 PG 0487

November 10, 1997
 Resolution Book 34, Page 813



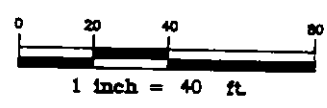
Lot 7 Block 7
 Now or Formerly
 SMS Catering Service Inc
 DB 4830 PG 0985
 Tax Parcel # 131-024-05

Now or Formerly
 IEC Acquisition Co.
 DB 8529 PG 0878
 Tax Parcel # 131-025-02



VICINITY MAP - Not to Scale

LEGEND	
BETRACK	---
EASEMENT	- - - -
PROPERTY LINE	—
LINE NOT SURVEYED	- - - -
FEATURE	---
RIGHT OF WAY	---
SET IRON PIN	○ SP
EXISTING IRON PIN	○ EP
CONCRETE MONUMENT	□ CCM
NO PIN SET	○ NPS



This survey is of an existing parcel of land.
 The Raw Error of Closure was better than 1:10,000.
 This property is not located within
 any special flood hazard area as
 shown on FIRI maps of this area
 (Panel 370159 0014 B) dated February 28, 1982

Boundary Survey of
 Charles St. (not open) near 1800 Norland Road
 CHARLOTTE, NORTH CAROLINA 28205
 CITY OF CHARLOTTE, MECKLENBURG COUNTY

Map Recorded in Map Book 4 Page 329
 Map of Cedar Hills - dated 12-28-1939



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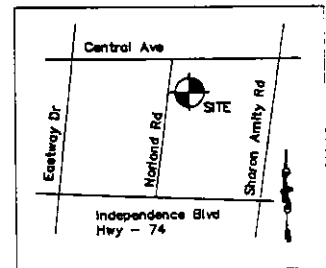
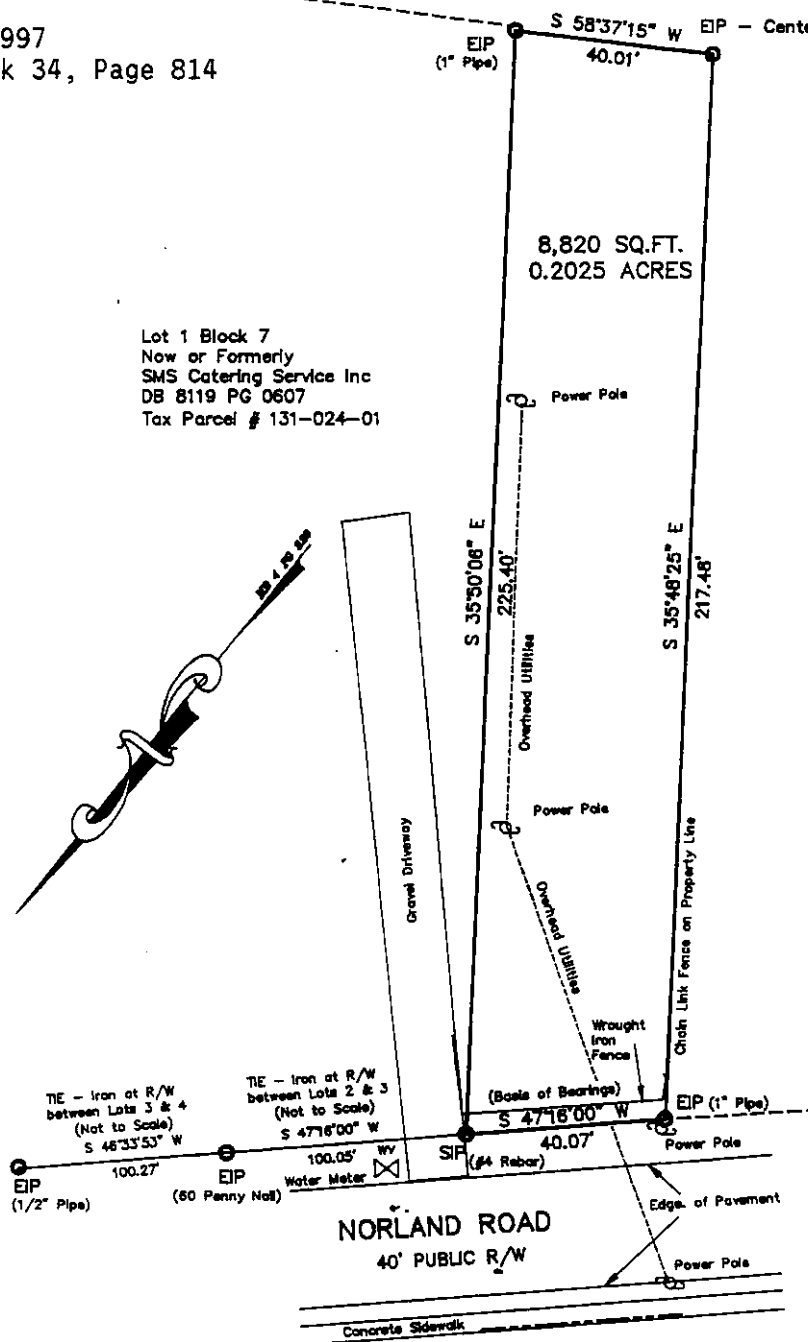
Klaus E. Krueger
 KLAUS E. KRUEGER RLS L-3808

November 10, 1997
 Resolution Book 34, Page 814

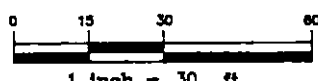


Lot 1 Block 7
 Now or Formerly
 SMS Catering Service Inc
 DB 8119 PG 0607
 Tax Parcel # 131-024-01

Evergreen Cemetery
 Now or Formerly
 City of Charlotte
 DB 1133 PG 0195



LEGEND	
SETBACK	-----
EASEMENT	-----
PROPERTY LINE	-----
LINE NOT SURVEYED	-----
FEATURE	-----
RIGHT OF WAY	-----
SET IRON PIN	○ SIP
EXISTING IRON PIN	○ EIP
CONCRETE MONUMENT	□ CCM
NO PIN SET	○ NPS



This survey is of an existing parcel of land.
 The Raw Error of Closure was better than 1:10,000.

This property is not located within
 any special flood hazard area as
 shown on FIRM maps of this area
 (Panel 370159 0014 B) dated February 28, 1982

DATE of:
 Survey 06/10/97
 Drawing 06/10/97
 Project: Misc Job No: 295A
 File: 1700norl.dwg
 Drawn by: KEK

Boundary Survey of
 Proposed Street (never built) by 1700 Norland Rd
 CHARLOTTE, NORTH CAROLINA 28205
 CITY of CHARLOTTE, MECKLENBURG COUNTY

Map Recorded in Map Book 4 Page 329
 Map of Cedar Hills - dated 12-28-1939

November 10, 1997
Resolution Book 34, Page 815

EXHIBIT B1

Legal Description for Charles Street (Not Open)
Located between Tax Parcels No. 131-025-02 and 131-024-05
City of Charlotte, Mecklenburg County, North Carolina

Beginning at an existing iron pin located in the margin of Norland Road being the northwestern corner of a 2.329 acre parcel now or formally owned by IEC Acquisition Company (see Deed Book 8529, at Page 876 of the Mecklenburg County Public Registry) being Tax Parcel no. 131-025-02 and being the northeastern corner of the within described parcel, THE TRUE POINT OR PLACE OF BEGINNING; thence leaving the margin of Norland Road running with the boundary of the said property now or formally owned by IEC Acquisition Company, S.36-13-22 E. 319.19 feet to an existing iron pin; thence running with the boundary of Evergreen Cemetery now or formally owned by the City of Charlotte (see Deed Book 919, at Page 467 of the Mecklenburg County Public Registry), S.42-59-08 W. 39.90 feet to an existing iron pin; thence running with the boundary of property now or formally owned by SMS Catering Service, Inc. being Tax Parcel no. 131-024-05 (see Deed Book 4830, at Page 985 of the Mecklenburg County Public Registry), N. 36-05-19 W. 320.37 feet to an existing iron pin in the margin of Norland Road; thence running with the margin of Norland Road, N. 44-29-15 E. 38.96 feet to THE TRUE POINT OR PLACE OF BEGINNING; and containing 0.2849 acres all as shown on a survey titled "Boundary Survey of Charles St. (not open) near 1800 Norland Road, Charlotte, North Carolina 28205," made by Klaus E. Kreuger, Registered Land Surveyor (Seal L-3808), dated June 10, 1997, to which survey specific reference is hereby made for a more particular description of the above described property.

November 10, 1997
Resolution Book 34, Page 816

EXHIBIT B2

**Legal Description for Unnamed Street
Located between Tax Parcels No. 131-024-01 and 131-071-01
Running from Norland Road
City of Charlotte, Mecklenburg County, North Carolina**

Beginning at a set iron pin in the margin of Norland Road which is the northwestern corner of Lot No. 1, Block 7, Cedar Hills Subdivision, being Tax Parcel no. 131-024-01 now or formally owned by SMS Catering Service, Inc. (see Deed book 8119, at Page 607 of the Mecklenburg County Public Registry) and being the northeastern corner of the within described property, **THE TRUE POINT OR PLACE OF BEGINNING**; thence leaving the margin of Norland Road and running with the said boundary of property now or formally known as SMS Catering Service, Inc., S. 35-50-06 E. 225.40 feet to an existing iron pin; thence running with Evergreen Cemetery now or formally owned by the City of Charlotte (see Deed Book 1133, at Page 195 of the Mecklenburg County Public Registry), S. 58-37-15 W. 40.01 feet to an existing iron pin; thence continuing with the boundary of Evergreen Cemetery, N. 35-48-25 W. 217.48 feet to an existing iron pin in the margin of Norland Road; thence running with the margin of Norland Road, N. 47-16-00 E. 40.07 feet to **THE TRUE POINT OR PLACE OF BEGINNING**; containing 0.2025 acres all as shown on a survey titled "Boundary Survey of Proposed Street (never built) by 1700 Norland Road, Charlotte, North Carolina 28205", made by Klaus E. Kreuger, Registered Land Surveyor (Seal L-3808), dated June 10, 1997, to which survey specific reference is hereby made for a more particular description of the above described property.

November 10, 1997
Resolution Book 34, Page 817

BK: 09401 PG: 0616/0619 #:0373 12.00
JUDITH A GIBSON REG OF DEEDS MECK NC
FILED FOR REGISTRATION 12/15/97 14:07

**RESOLUTION CLOSING RIGHT-OF-WAY
LOCATED BETWEEN 1501 LYON COURT AND
1429 LYON COURT IN THE CITY OF CHARLOTTE,
MECKLENBURG COUNTY, NORTH CAROLINA.**

WHEREAS, pursuant to the provisions of Chapter 160A - 299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close said right-of-way which calls for a public hearing on the question; and

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

WHEREAS, the petitioner will provide easements to Duke Power Company and BellSouth Telecommunications, Inc. to maintain their 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 10th day of November, 19 97, and City Council determined that the closing of said right-of-way 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 or egress to his or its property,

NOW, THEREFORE, BE IT RESOLVED by the City Council of Charlotte, North Carolina at its regularly assembled meeting of November 10, 19 97, that the Council hereby orders the closing of said right-of-way lying between 1501 Lyon Court and 1429 Lyon Court in the city of Charlotte, Mecklenburg County, North Carolina as described below:

**TOTAL AREA ABANDONED UNNAMED STREET RIGHT-OF-WAY
ADJOINING LYON COURT**

Beginning at a point on the westerly right-of-way of Lyon Court intersected by the right-of-way of unnamed street said point being 360 feet south of the intersection of the southwesterly right-of-way of Central Avenue and Lyon Court; thence from said beginning point in southerly direction along the said Lyon Court street right-of-way 40 feet to a point; thence in a westerly direction 209.68 feet to a point; thence in a northwesterly direction 40.7 feet to a point; thence in a easterly direction 217.23 feet to the point and place of beginning as recorded in Map Book 6, Page 403 of the Mecklenburg County Registry.

**UNNAMED ROAD RIGHT-OF-WAY ABANDONED TO TAX PARCEL
129-022-31**

Beginning at a point intersected by the western right-of-way line of Lyon Court with the

City of Charlotte
City of Charlotte - Box

November 10, 1997
Resolution Book 34, Page 818

unnamed street right-of-way said point being 360 feet south of the intersection of the southwesterly right-of-way of Central Avenue and Lyon Court; thence in a southerly direction 20 feet to a point; thence in a westerly direction 213.45 feet to a point; thence in a northerly direction 20.35 feet to a point on the right-of-way of said unnamed road right-of-way; thence in an easterly direction 217.23 feet along unnamed road right-of-way to the point and place of beginning.

UNNAMED ROAD RIGHT-OF-WAY ABANDONED TO TAX PARCEL
129-022-30

Beginning at a point on the westerly right-of-way line of Lyon Court intersected by the southerly right-of-way line of unnamed road of right-of-way said point being 400 feet south of the intersection of the southwesterly right-of-way of Central Avenue and Lyon Court; thence from said beginning point in a northerly direction continuing along Lyon Court right-of-way 20 feet to a point; thence in a westerly direction 213.45 feet to a point; thence in a southerly direction 20.35 feet to a point; thence in an easterly direction 209.68 feet to the point and place of beginning.

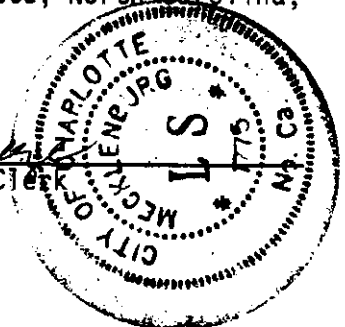
BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the offices of the Register of Deeds for Mecklenburg County, North Carolina.

CERTIFICATION

I, Brenda Freeze, City Clerk for 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 a regular session convened on the 10th day of November, 1997, the reference having been made in Minute Book 111, page , and recorded in full in Resolution Book 34, page 817-820

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 10th day of November, 1997.

Brenda R. Freeze
Brenda R. Freeze, City Clerk



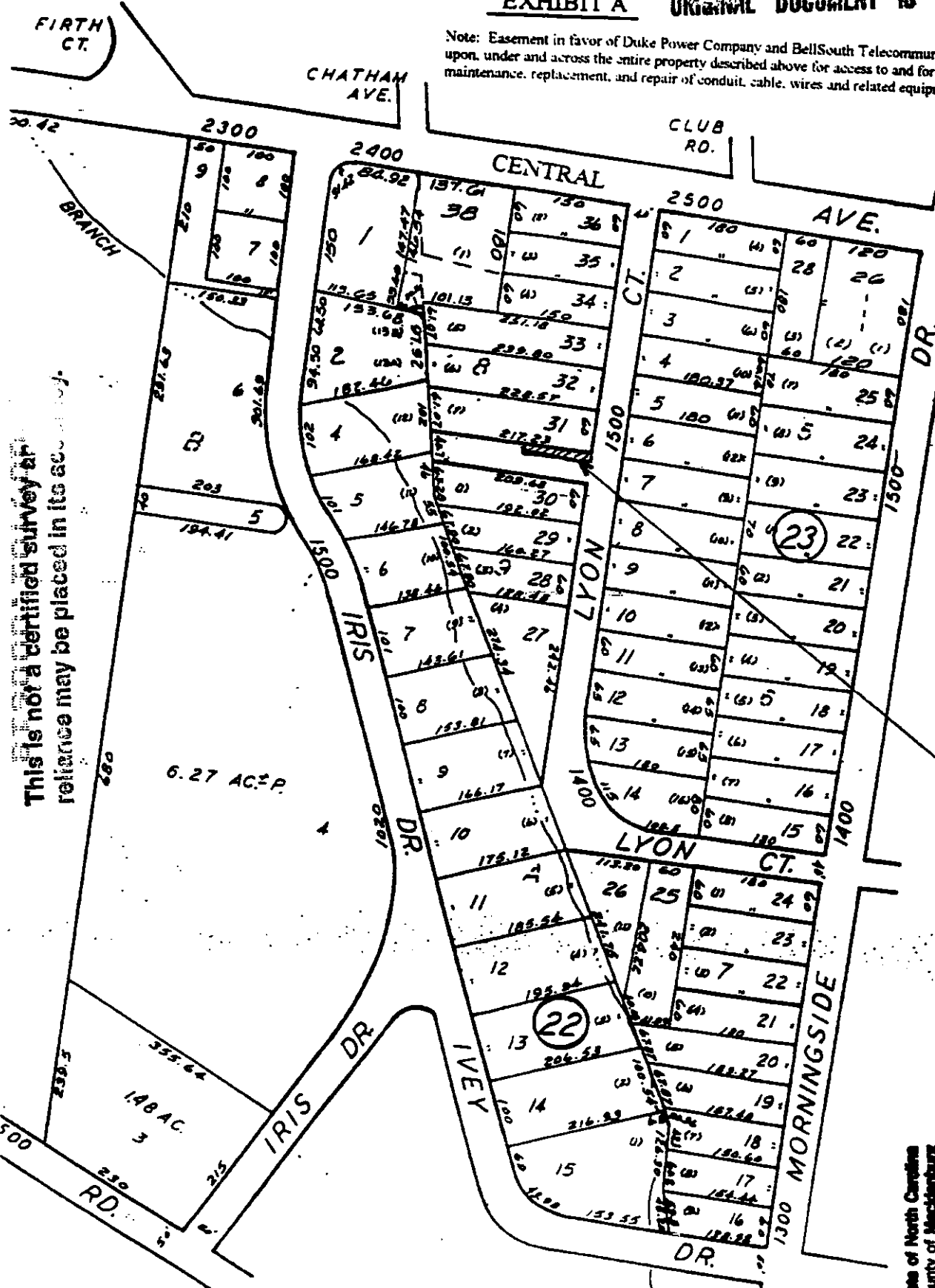
November 10, 1997

Resolution Book 34, Page 819

BK. 95

EXHIBIT A ORIGINAL DOCUMENT IS OF POOR QUALITY

Note: Easement in favor of Duke Power Company and BellSouth Telecommunications, Inc. upon, under and across the entire property described above for access to and for the installation, maintenance, replacement, and repair of conduit, cable, wires and related equipment.



This is not a certified survey or reference may be placed in its accuracy.

PG. 04

Duke Power Guy Easement 2' X 20'

State of North Carolina
County of Mecklenburg
I. Craig L. Long, Review Officer of Mecklenburg County,
certify that the map or plat to which this certification is
affixed meets all statutory requirements for recording.
Date 11/10/97
Review Officer

METES AND BOUNDS

EXHIBIT B

**TOTAL AREA ABANDONED UNNAMED STREET RIGHT-OF-WAY
ADJOINING LYON COURT**

Beginning at a point on the westerly right-of-way of Lyon Court intersected by the right-of-way of unnamed street said point being 360 feet south of the intersection of the southwesterly right-of-way of Central Avenue and Lyon Court; thence from said beginning point in southerly direction along the said Lyon Court street right-of-way 40 feet to a point; thence in a westerly direction 209.68 feet to a point; thence in a northwesterly direction 40.7 feet to a point; thence in a easterly direction 217.23 feet to the point and place of beginning as recorded in Map Book 6, Page 403 of the Mecklenburg County Registry.

**UNNAMED ROAD RIGHT-OF-WAY ABANDONED TO TAX PARCEL
129-022-31**

Beginning at a point intersected by the western right-of-way line of Lyon Court with the unnamed street right-of-way said point being 360 feet south of the intersection of the southwesterly right-of-way of Central Avenue and Lyon Court; thence in a southerly direction 20 feet to a point; thence in a westerly direction 213.45 feet to a point; thence in a northerly direction 20.35 feet to a point on the right-of-way of said unnamed road right-of-way; thence in an easterly direction 217.23 feet along unnamed road right-of-way to the point and place of beginning.

**UNNAMED ROAD RIGHT-OF-WAY ABANDONED TO TAX PARCEL
129-022-30**

Beginning at a point on the westerly right-of-way line of Lyon Court intersected by the southerly right-of-way line of unnamed road of right-of-way said point being 400 feet south of the intersection of the southwesterly right-of-way of Central Avenue and Lyon Court; thence from said beginning point in a northerly direction continuing along Lyon Court right-of-way 20 feet to a point; thence in a westerly direction 213.45 feet to a point; thence in a southerly direction 20.35 feet to a point; thence in an easterly direction 209.68 feet to the point and place of beginning.