

November 24, 1997  
Resolution Book 34, Page 824

### RESOLUTION

The following resolution was introduced, and Council Member Rouso moved that it be adopted. The motion was seconded by Council Member Scarborough, and, upon being put to a vote, the resolution was unanimously carried:

**WHEREAS**, the City of Charlotte proposes to perform certain work under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program, said work to consist of the reinspection and analysis of all public bridges on the Municipal Street System in the City of Charlotte; and

**WHEREAS**, the City of Charlotte proposes to enter into an agreement with the North Carolina Department of Transportation for said work wherein the City of Charlotte agrees to utilize a Consulting Engineering firm to reinspect, analyze, and prepare the necessary reports for all public bridges on the Municipal Street System in accordance with the National Bridge Inspection Standards; and

**WHEREAS**, under the proposed agreement the Federal Highway Administration through the Department of Transportation shall participate in the costs of the work to the extent of eighty (80) percent of actual costs subject to compliance with all applicable federal policy and procedural rules and regulations; and

**WHEREAS**, under the proposed agreement the Department of Transportation shall reimburse the City for those costs that are approved and paid by the Federal Highway Administration.

**NOW, THEREFORE BE IT RESOLVED** that the agreement for the hereinabove reference bridge inspection work is hereby formally approved by the City Council and the Director of Transportation and Clerk (or Manager) of this Municipality are hereby empowered to sign and execute the required agreement between the City of Charlotte and the Department of Transportation.

This Resolution was passed and adopted the 24th day of November, 19 97.  
I, Brenda R. Freeze, Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and correct copy of excerpts from the minutes of the City Council of this Municipality;

**WITNESS**, my hand and the official seal of the City of Charlotte on this the 26th day of November, 19 97.

SEAL OF MUNICIPALITY

Brenda R. Freeze  
CITY CLERK, Brenda R. Freeze, CMC

CITY OF CHARLOTTE  
NORTH CAROLINA

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**A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS  
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY**

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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 **6839 Olde Savannah Road Storm Water Maintenance 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 **6839 Olde Savannah Road Storm Water Maintenance Project** and estimated to be approximately 1,365 square feet (0.031 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. 109-303-49, said property currently owned by **LISA ANN PILATO and spouse, if any; SCOTT A. KORBIN, Trustee; INLAND MORTGAGE COMPANY, Beneficiary**; or the owners' successor-in-interest.

**ESTIMATED JUST COMPENSATION:**

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

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

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**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 24th day of November, 1997, the reference having been made in Minute Book 111, and recorded in full in Resolution Book 34, Page(s) 825-826.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26th day of November, 1997.

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

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EXTRACT FROM MINUTES OF  
MEETING OF CITY COUNCIL OF THE  
CITY OF CHARLOTTE, NORTH CAROLINA

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, Charlotte, North Carolina, the regular place of meeting, at 7:00 P.M. on November 24, 1997.

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

Absent: None

Also Present: Pam Syfert, City Manager, DeWitt McCarley, City Attorney, and Brenda R. Freeze, City Clerk

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Councilmember Scarborough 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 RELATING TO SPECIAL FACILITY  
REVENUE BOND FINANCING ON BEHALF OF US  
AIRWAYS, INC. (FORMERLY US AIR, INC.) IN A  
PRINCIPAL AMOUNT UP TO APPROXIMATELY  
\$125,000,000

WHEREAS, the City of Charlotte (the "Issuer") has heretofore issued \$67,000,000 Charlotte/Douglas International Airport Special Facility Revenue Bonds, Series 1987 and \$19,762,424.40

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Charlotte/Douglas International Airport Special Facility Revenue Bonds, Series 1988 (the "Prior Bonds"); and

WHEREAS, US Airways, Inc. (formerly US Air, Inc.), the current lessee of the special facilities financed by the Prior Bonds, has requested the City to issue special facility revenue bonds to (i) refinance the Prior Bonds and (ii) finance all or a portion of the cost of additional special facilities or improvements thereto to be leased to US Airways, Inc., with the payment of such special facility revenue bonds to be funded by US Airways, Inc. through the rental payments to be made for the special facilities under one or more special facility lease agreements or supplements thereto.

NOW, THEREFORE, BE IT RESOLVED, by the City Council (the "City Council") of the Issuer that the appropriate officers of the Issuer be, and they hereby are, authorized to take all necessary and appropriate actions related to the proposed issuance by the City of special facility revenue bonds in an estimated principal amount up to approximately \$125,000,000 to fund all or a portion of the cost of the proposals described above (including the financing of issuance and all other costs necessary in connection with such financing), including, without limitation, the development of all appropriate financing documents and special facility lease agreements to be adopted or approved by the City Council to effectuate the proposed financing and, if required, to seek the approval of the North Carolina Local Government Commission of such financing, to investigate and negotiate the selection and terms of such financing and to solicit bids or proposals or negotiate with underwriters in connection with such financing; and

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FURTHER RESOLVED, by the City Council that it is hereby determined that the issuance of the proposed special facility revenue bonds to refinance the Prior Bonds and to pay for all or a portion of additional special facilities or improvements thereto to be leased to US Airways, Inc., is necessary and expedient, that financing such proposal by special facility revenue bonds, under the circumstances, is preferable to any other type of bond issue, that the sums to fall due under the proposed special facility revenue bonds, the payment of which will be funded by US Airways, Inc., through rental payments to be made for the existing and additional special facilities under one or more special facility leases or supplements thereto, are adequate and not excessive for its purpose, that the debt management and the budgetary and fiscal management policies of the Issuer have been carried out in strict compliance with applicable law, that no increase in taxes will be necessary to meet the sums to fall due under such special facility revenue bonds as such bonds will not constitute or give rise to any pecuniary liability of the City or any charge against its general credit or taxing power and that the Issuer is not in default under any of its debt service obligations; and

FURTHER RESOLVED, by the City Council that the appropriate officers of the Issuer be, and they hereby are, authorized to publish any notices that may be required in connection with the proposed financing; and

FURTHER RESOLVED, by the City Council that the City Clerk is hereby authorized and directed to publish timely notice in accordance with the provisions of North Carolina General Statutes

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§160A-272 of the Issuer's intent to enter into one or more special facility lease agreements or supplements thereto with US Airways, Inc.; and

FURTHER RESOLVED, by the City Council that the appropriate officers of the Issuer be, and they hereby are, authorized and directed to do any and all things necessary, appropriate or convenient to carry into effect the foregoing resolutions, and any and all prior actions of such officers to such end are hereby ratified and approved; and

FURTHER RESOLVED, by the City Council that this resolution shall take effect upon its passage.

Upon motion of Councilmember Scarborough, seconded by Councilmember Wheeler, the foregoing resolution entitled: "RESOLUTION RELATING TO SPECIAL FACILITY REVENUE BOND FINANCING ON BEHALF OF US AIRWAYS, INC. (FORMERLY US AIR, INC.) IN A PRINCIPAL AMOUNT UP TO APPROXIMATELY \$125,000,000" was passed by the following vote:

Ayes: Unanimous - Baker, Cannon, Greene, Jackson, Majeed, Reid, Rousso, Scarborough, Sellers, Spencer, and Wheeler

Noes: None

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I, Brenda R. Freeze, \_\_\_\_\_ 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 November 24, 1997, as relates in any way to the passage of a resolution providing for

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special facility revenue bond financing on behalf of US Airways, Inc. (formerly US Air, Inc.) in a principal amount of up to approximately \$125,000,000 and that a reference regarding said proceedings is recorded in Minute Book No. 111 of the minutes 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 827 and ending at page 831.

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 26th day of November, 1997.

  
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City Clerk

Brenda R. Freeze, CMC

(SEAL)