

**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:

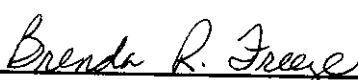
1. The City-County Tax Collector has collected certain taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time 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 8th day of February, 1998 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 9th day of February, 1998, the reference having been made in Minute Book 111, and recorded in full in Resolution Book 34, Page(s) 909-910.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of February, 1998.

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

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

<u>Name</u>		<u>Amount of Refund</u>
	<u>Clerical Error</u>	
Lowe Maude L.		\$ 171.72
Signature Flight Support Corp.		4,992.70
Signature Flight Support Corp.		4,070.24
Signature Flight Support Corp.		4,070.24
Signature Flight Support Corp.		4,070.24
Signature Flight Support Corp.		4,146.32
Signature Flight Support Corp.		2,847.15
Signature Flight Support Corp.		1,669.29
Signature Flight Support Corp.		1,669.29
Signature Flight Support Corp.		1,669.29
Signature Flight Support Corp.		1,700.49
Burger King		238.76
Burger King		143.51
Burger King		111.20
Zang Zhitong		583.84
Hall Monacue & w Annie J.		105.00
	<u>Board of Equalization Review Adjustment</u>	
C. L. Brown		1,762.95
Helms Louis M. Jr.		343.82
Rypien Mark Motorsports Inc.		388.69
Rypien Mark Motorsports Inc.		135.48
Total		<u>\$34,890.22</u>

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

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

**WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements within this Municipality under Project R-2420 B, Mecklenburg County, said plan consisting of the construction of the Graham Street Connector from Neal Road to east of I-85; and,**

**WHEREAS, said Department of Transportation and this Municipality propose to enter into an agreement for the above-captioned project whereby this Municipality agrees: (1) to effect the necessary adjustment of any utilities under franchise without cost to the Department of Transportation, and (2) to provide for the adjustment of any municipally-owned utilities, without cost to the Department of transportation, except that said Department will reimburse this Municipality in accordance with said Department's Municipally-Owned Utility Policy; and,**

**WHEREAS, the Department of Transportation agrees to acquire the right of way and construct the project in accordance with the approved project plans; and,**

**WHEREAS, the agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the for the regulation and movement of traffic on the project upon its completion.**

**NOW, THEREFORE, BE IT RESOLVED that Project R-2420 B, Mecklenburg County, is hereby formally approved by the City Council of the City of Charlotte and that the Director of the Charlotte Department of Transportation and Clerk of this Municipality are hereby empowered to sign and execute the agreement with the Department of Transportation.**

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 9th day of February, 1998, and the reference having been made in Minute Book 111, and recorded in full in Resolution Book 34, Page 911-912

WITNESS, my hand and the corporate seal of the City of Charlotte, North  
Carolina, this the 11th day of February, 1998.

(SEAL)

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

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 **1997 Annexation-Six Mile Creek East 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 **1997 Annexation-Six Mile Creek East Project** and estimated to be approximately 12,293.10 square feet (.282 acre) for a 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. 231-052-02, said property currently owned by **EDWARD OLIVER HENDRIX and wife, DIANA SULLIVAN HENDRIX; JERONE C. HERRING, Trustee; BRANCH BANKING AND TRUST COMPANY, Beneficiary; UNITED STATES DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE; Lienholder; WARREN L. TADLOCK, Trustee; UNITED STATES BANKRUPTCY COURT, WESTERN DISTRICT OF NORTH CAROLINA**, 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.

**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 9th day of February, 1998, the reference having been made in Minute Book 111, and recorded in full in Resolution Book 34, Page(s) 913-914.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of February, 1998.

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

**RESOLUTION CLOSING A PORTION OF HANOVER STREET LYING BETWEEN BAY STREET AND LABURNUM AVENUE IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA.**

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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 Hanover 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 a portion of Hanover Street to be sent by registered 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 said portion of Hanover Street, all as required by G.S. 160A-299; and

WHEREAS, the petitioner will provide an access easements to Duke Power Company, Piedmont Natural Gas Company and BellSouth Telecommunications, Inc. to maintain their facilities as shown on the attached map marked Exhibit A.

WHEREAS, the public hearing was held on the 9th day of February, 1998, and City Council determined that the closing of said portion of Hanover Street is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived or 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 February 9, 1998 that the Council hereby orders the closing of said portion of Hanover Street in the City of Charlotte, Mecklenburg County, North Carolina as described in a metes and bounds description marked "Exhibit B."

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

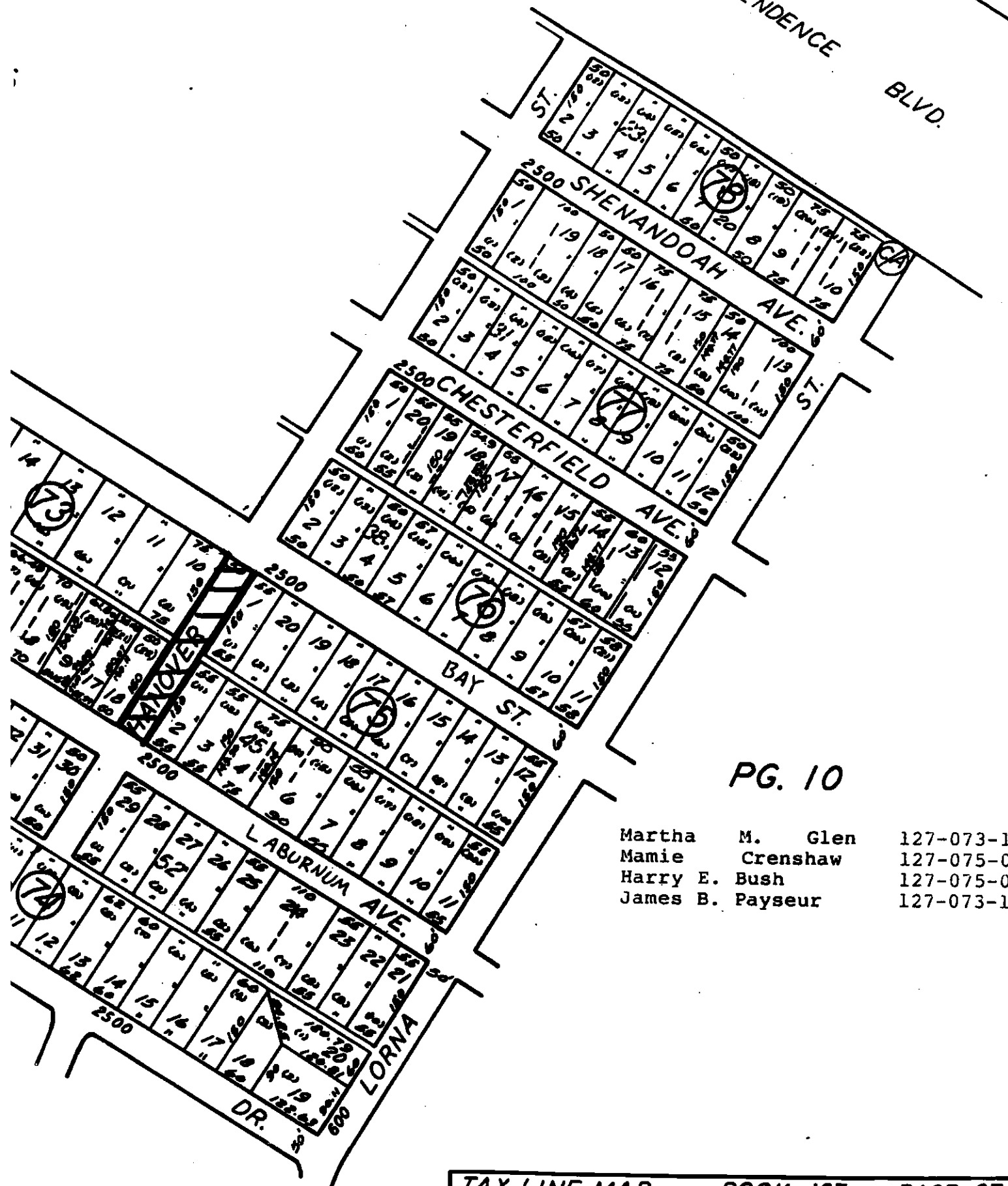
**CERTIFICATION**

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 9th day of February, 1998. The reference having been made in Minute Book 111, and recorded in full in Resolution Book 34, pages 915-917.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 18th day of February, 1998.

  
Brenda R. Freeze, CMC, City Clerk

E. INDEPENDENCE BLVD.



PG. 10

Martha M. Glen	127-073-18
Mamie Crenshaw	127-075-02
Harry E. Bush	127-075-01
James B. Payseur	127-073-10

TAX LINE MAP	BOOK 127	PAGE 07
MECKLENBURG COUNTY, NORTH CAROLINA		
REVISED 11-01-96	PE	SCALE 1"=200'

ONLY



Exhibit B

BEGINNING at a point in the southwesterly margin of Bay Street and the northwesterly margin of Hanover Street, point being also described as the northeasterly corner of lot 8, block 44 of Chantilly as recorded in map book 5 at page 217 in the Mecklenburg Public Registry. From said point of beginning; thence following the southwesterly margin of Bay Street and crossing Hanover Street S. 56-18 E. 50 feet to a point in the northwesterly corner of lot 1, block 45 of said map of Chantilly; thence S. 33-42 W. 312.5 feet to a point in the southwesterly corner of lot 11, block 45 of said map of Chantilly; thence following the northeasterly margin of Laburnum Avenue and crossing Hanover Street N. 56-18 W. 50 feet to a point in the southeasterly corner of lot 22, block 44 of Chantilly as recorded in map book 230 at page 249 in the Mecklenburg Public registry; thence N. 33-42 E. 312.5 feet to the POINT AND PLACE OF BEGINNING, containing that portion of Hanover Street located between Bay Street and Laburnum Avenue.

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 February 9, 1998.

Present: Mayor Pat McCrory presiding, and  
Councilmembers Autrey, Baker, Cannon, Jackson, Majeed, Reid,  
Rouso, Sellers, Spencer, and Wheeler

Absent: Greene

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

\* \* \* \* \*

Mayor McCrory announced that this was the date, hour and place fixed for the public hearing for the purpose of approving in an aggregate principal amount not to exceed \$110,000,000 for the purpose of providing funds, together with other available funds, to (a) refund its Charlotte/Douglas International Airport Special Facility Revenue Bonds, Series 1987 (Piedmont Aviation, Inc. Project), originally issued in the aggregate principal amount of \$67,000,000 (the "1987 Bonds"), (b) refund a portion of its Charlotte/Douglas International Airport Special Facility Revenue Bonds, Series 1988 (Piedmont Aviation, Inc. Project), originally issued in the aggregate principal amount

of \$19,762,424.40 (the "1988 Bonds"), (c) fund a portion of the costs of acquiring, constructing and equipping additional facilities to be located at the Charlotte/Douglas International Airport, including reimbursing the City and/or US Airways, Inc., as applicable, for certain advances related thereto, such additional facilities to to be leased to US Airways, Inc., (d) fund a portion of the interest accruing on the Bonds for the Project and (e) pay certain expenses incurred in connection with the authorization and issuance of the Bonds, all as described in the notice of public hearing that was published in The Charlotte Observer on January 25, 1998.

The City Council first ratified and approved the designation of the meeting as a public hearing on the proposed plan of financing, the call of the public hearing and publication of the aforementioned notice.

It was then announced that the City Council would immediately hear anyone who might wish to be heard on such matter.

No one appeared, either in person or by attorney, to be heard on such matter and the City Clerk announced that no written statement relating to such matter had been received by the office of the City Clerk or by the Director of Finance other than the following:

It was then announced that the public hearing was closed.

\* \* \* \* \*

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 SPECIAL FACILITY REVENUE BOND FINANCING ON BEHALF OF US AIRWAYS, INC. IN AN AGGREGATE PRINCIPAL AMOUNT UP TO \$100,000,000 AND AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS IN CONNECTION THEREWITH

WHEREAS, by resolution adopted on November 24, 1997, the City Council (the "City Council") of the City of Charlotte (the "City") approved in principle the issuance of up to \$125,000,000 aggregate principal amount of special facility revenue bonds to refinance certain outstanding special facility revenue bonds and finance all or a portion of the cost of additional special facilities or improvements thereto to be leased to US Airways, Inc. 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") relating to the proposed financing:

- (1) Series Resolution relating to the Series 1998 Bonds;
- (2) Special Facility Lease Agreement Supplement II, by and between the City and US Airways, Inc.;
- (3) Conforming amendments, consisting of a Second Amendment to 1987 Special Facility Lease Agreement and an Amendment to Supplemental Special Facility Lease Agreement;
- (4) Agreement for Purchase and Sale of Lease Improvements in the Special Facility at Charlotte/Douglas International Airport;

(5) Escrow Deposit Agreement between the City and First Union National Bank, Charlotte, North Carolina, as Escrow Agent;

(6) Bond Purchase Agreement, including exhibits attached thereto, by and between the City, the Local Government Commission of North Carolina, US Airways, Inc. and Merrill Lynch, Pierce, Fenner & Smith Incorporated, as representative of the Underwriters named therein; and

(7) Preliminary Official Statement which, as supplemented with certain pricing information, is to be the Official Statement, pursuant to which the bonds are to be offered and sold to the public;

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. The Series Resolution is hereby adopted and approved in substantially the form presented to this meeting, together with such changes, modifications and deletions as any of the Mayor, the City Manager or the Finance Director, with the advice of counsel, may deem necessary and appropriate; and execution and delivery of the special facility revenue bonds shall be conclusive evidence of the approval and authorization thereof by the City.

Section 2. The remaining Financing Documents are hereby approved in substantially the form presented to this meeting, together with such changes, modifications and deletions as any of the Mayor, the City Manager or the Finance Director, with

the advice of counsel, may deem necessary and appropriate; and execution (as applicable) and delivery thereof by any of the Mayor, the City Manager or the Finance Director, as applicable, shall be conclusive evidence of the approval and authorization thereof by the City.

Section 3. All actions of the City to effectuate the proposed financing, including the selection of the Underwriters named in the Bond Purchase Agreement, Wachovia Bank of North Carolina, N.A., as financial adviser to the City, Smith Helms Mulliss & Moore, L.L.P., as bond counsel to the City, Underwood Kinsey Warren & Tucker, P.A. as airport attorney and O'Melveny & Myers, LLP, as counsel to the Underwriters; are hereby ratified, approved and authorized pursuant to and in accordance with the transactions contemplated by the Financing Documents.

Section 4. The City Council hereby finds and confirms that (i) 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, (ii) financing such proposal by special facility revenue bonds, under the circumstances, is preferable to any other type of bond issue, (iii) 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, (iv) the proposed projects are feasible, (v) the debt management and the budgetary and fiscal management policies of the City have been carried out in strict compliance with applicable law, (vi) 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, (vii) the City is not in default under any of its debt service obligations, and (viii) the proposed special facility revenue bonds can be marketed at reasonable interest costs.

Section 5. Each of the Mayor, the City Manager and the Director of Finance are authorized to approve all details of the financing, including, without limitation, the final par amount of the Bonds (which shall not exceed \$100,000,000), the maturities, the principal amounts and the interest amounts of the bonds and the Underwriters' discount (exclusive of any original issue discount) (which shall not exceed the limits set forth in the Series Resolution). Execution of the bonds as provided in the Series Resolution shall conclusively evidence such approval of all such details of said financing.

Section 6. The Mayor, the City Manager, the Finance Director, the City Treasurer, the Aviation Director, the Airport Attorney, the City Attorney, the City Clerk and any Deputy City Clerk, or any of them or their deputies, are hereby authorized to take any and all such further action, and

to execute and deliver for and on behalf of the City such other documents and certificates as they may deem necessary or advisable to carry out the intent of this resolution and to effect the financing pursuant to the Series Resolution 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 in preparing and filing such filings under state securities or "blue sky" laws (including special consents to service of process) as the Underwriters may request and as the Mayor, the City Manager or the Director of Finance shall determine.

Section 7. All actions heretofore taken by the officers or other representatives of the City on behalf of the City in connection with the proposed issuance and sale of the special facility revenue bonds or any part thereof are hereby ratified, approved and confirmed in all respects.

Section 8. This Resolution shall become effective immediately upon its adoption.

Thereupon, upon motion of Councilmember Wheeler, seconded by Councilmember Rousso, the foregoing resolution entitled "RESOLUTION APPROVING SPECIAL FACILITY REVENUE BOND FINANCING ON BEHALF OF US AIRWAYS, INC. IN AN AGGREGATE PRINCIPAL AMOUNT UP TO \$100,000,000 AND AUTHORIZING THE EXECUTION



AND DELIVERY OF RELATED DOCUMENTS IN CONNECTION THEREWITH" was adopted and passed by the following vote:

AYES: Unanimous-(Autrey, Baker, Cannon, Jackson, Majeed,  
Reid, Rousso, Sellers, Spencer, and Wheeler)

NOES: None

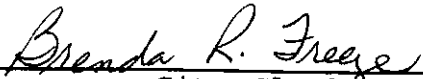
\* \* \* \* \*

I, Brenda R. Freeze, CMC 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 February 9, 1998, as relates in any way to the authorization of a special facility revenue bond financing on behalf of US Airways, Inc. by said City and that references regarding said proceedings are recorded in Minute Book No. 111 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 918 and ending at page 927.

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 11th day of  
February, 1998.

(SEAL)

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