

**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 13th day of December, 1999 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 13th day of December, 1999, the reference having been made in Minute Book 114, and recorded in full in Resolution Book 36, Page(s) 25-26

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of December, 1999.

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

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

<u>Name</u>	<u>Clerical Error</u>	<u>Amount of Refund</u>
GAB Robins North America, Inc		\$101.62

*[Handwritten signature]*  
City Attorney

A RESOLUTION, PURSUANT TO N.C.G.S. §160A-362, REQUESTING THAT THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY MAKE AN APPOINTMENT TO THE CITY OF CHARLOTTE'S ZONING BOARD OF ADJUSTMENT PURSUANT TO N.C.G.S. §160A-362.

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WHEREAS, the City of Charlotte is exercising its regulatory authority in certain extraterritorial areas, not to exceed one mile, in accordance with an Act in N.C. Session Laws-1991, Chapter 161; and

WHEREAS, N.C.G.S. §160A-362 provides that a board of county commissioners with jurisdiction over the area shall have the authority to appoint a person to the City of Charlotte's Zoning Board of Adjustment; and

WHEREAS, N.C.G.S. §160A-362 provides the statutory procedure for notice and public hearing for the Board of County Commissioners to make such a selection; and

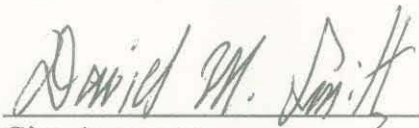
WHEREAS, N.C.G.S. §160A-362 provides that, if a board of county commissioners fails to make that appointment within ninety days after receiving a resolution from the City requesting that the appointment be made, the City Council may make the appointment; and

WHEREAS, the ordinance extending the City of Charlotte's regulatory authority in certain extraterritorial areas shall provide such a representative with equal rights, privileges, and duties with the other members of the City's Zoning Board of Adjustment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte requests that the Board of Commissioners of Mecklenburg County select a nominee to the City of Charlotte Zoning Board of Adjustment, pursuant to N.C.G.S. §160A-362, within ninety days after the receipt of this resolution.

BE IT FURTHER RESOLVED that the City Council shall appoint the nominee of the Board of Commissioners of Mecklenburg County, made pursuant to N.C.G.S. §160A-362.

Approved as to form:


*APX*  
  
City Attorney



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 13th day of December, 1999, the reference having been made in Minute Book 114, and recorded in full in Resolution Book 36, Page(s) 27-28

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of December, 1999.

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

**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 Autrey and seconded by  
(name and title) Councilmember Wheeler 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 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) City of Charlotte hereby assures and certifies  
that it will comply with the Federal Statutes, regulations, executive orders, the Section 5333(b)  
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) \* Director of Transportation of (Name  
of Local Governing Body) the City of Charlotte 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 Officials Name) \* Brenda R. Freeze (Title) 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 December, 1999.

Brenda R. Freeze, CMC  
Signature of Certifying Official  
Brenda R. Freeze, CMC, City Clerk  
Charlotte City Council  
Name of Local Governing Board

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

**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 13th day of December, 1999, the reference having been made in Minute Book 114, and recorded in full in Resolution Book 36, Page(s) 29-30

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of December, 1999.

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



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 **SEWER MAIN TO SERVE WALKER BRANCH OUTFALL 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 **SEWER MAIN TO SERVE WALKER BRANCH OUTFALL PROJECT** and estimated to be approximately **182,768 square feet (4.2 acre)** for a **permanent sanitary sewer easement and 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. 199-061-07, said property currently owned by **STEELE CREEK (1997) 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.

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 13th day of December, 1999, the reference having been made in Minute Book 114, and recorded in full in Resolution Book 36, Page(s) 31-32

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of December, 1999.

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





RESOLUTION CLOSING A PORTION OF EAST FIRST STREET BETWEEN SOUTH TRYON AND SOUTH COLLEGE STREETS 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 a portion of East First Street between South Tryon and South College Streets 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 East First Street between South Tryon and South College Streets to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

WHEREAS, the petitioner will provide an access easement to Charlotte-Mecklenburg Utilities, Charlotte-Mecklenburg Planning Commission, Piedmont Natural Gas Company, BellSouth Telecommunications, Inc. and Duke Power Company, to maintain their facilities as shown on the attached map marked Exhibit A.

WHEREAS, the public hearing was held on the 13th day of December, 1999, and City Council determined that the closing of the portion of East First Street between South Tryon and South College Streets 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 December 13, 1999, that the Council hereby orders the closing of the portion of East First Street between South Tryon and South College Streets in the City of Charlotte Mecklenburg County, North Carolina as shown in a map marked "Exhibit A" and is more particularly described by metes and bounds in a document marked "Exhibit B", both of which are attached hereto and made a part hereof. This action shall be effective on the date that the developer/petitioner obtains a grading permit for the First Union Commons development project. This approval shall be void if a grading permit is not obtained within 1 year from this date.

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 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 13th day of December, 1999, the reference having been made in Minute book 114, and recorded in full in resolution book 36, page(s) 33-25.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of December, 1999.

  
Brenda R. Freeze  
City Clerk

*Handwritten signature*

Drawn by: City of Charlotte  
Return to: City of Charlotte - Box

THIS IS TO CERTIFY THAT ON THE 27th DAY OF MAY 19 99 AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE .1600 (21 NCAC 56) AND THE ERROR OF CLOSURE FOR THIS PARCEL DOES NOT EXCEED ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

REVISED NOVEMBER 10, 1999 TO SHOW UTILITIES WITHIN R/W TO BE ABANDONED  
 REVISED NOVEMBER 12, 1999 TO EDIT EASEMENT NOTE & REMOVE UTILITIES.

SIGNED James P. Cameron  
 R. B. PHARR & ASSOCIATES, REGISTERED SURVEYORS  
 430 HARTWORME LANE  
 CHARLOTTE, N.C. 28204  
 TEL. (704) 378-2188

EXHIBIT A



SOUTH TRYON STREET  
 VARIABLE PUBLIC R/W

N 48° 39' 48" E  
 29.68'



- LEGEND
- E.T. - EXISTING TACK
  - E.N. - EXISTING NAIL
  - N.N. - NEW NAIL
  - E.I.R. - EXISTING IRON ROD
  - R/W - RIGHT OF WAY
  - PMH - DUKE POWER MANHOLE
  - UG - UNDERGROUND
  - FH - FIRE HYDRANTE
  - LP - LIGHT POLE
  - GV - GAS VALVE
  - WM - WATER METER
  - WV - WATER VALVE
  - TB - TELEPHONE BOX
  - SSMH - SANITARY SEWER MANHOLE
  - TEL - TELEPHONE
  - P.N.C. - PIEDMONT NATURAL GAS COMPANY

ST. PETER'S CATHOLIC CHURCH

425 SOUTH TRYON STREET, LLC  
 (DEED 9860-33)

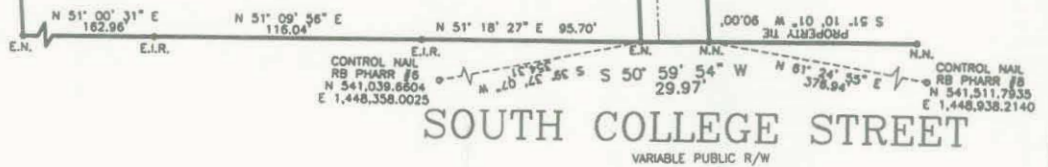
EAST STONEWALL STREET

EAST FIRST STREET  
 VARIABLE PUBLIC R/W TO BE ABANDONED

NOTE: DEDICATED AND CONVEYED BY RECORDATION OF THIS PLAT IS A UTILITY EASEMENT IN FAVOR OF CHARLOTTE-MECKLENBURG PLANNING COMMISSION, CHARLOTTE-MECKLENBURG UTILITIES, PIEDMONT NATURAL GAS COMPANY, BELL-SOUTH TELECOMMUNICATIONS, INC. AND DUKE POWER COMPANY, UPON, UNDER AND ACROSS THE ENTIRE AREA TO BE ABANDONED FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE AND REPAIR OF THEIR RESPECTIVE CONDUIT, CABLE, WIRES, SIDEWALK, SANITARY SEWER, WATER LINE, GAS MAINS AND RELATED EQUIPMENT.

AT SUCH TIME AS ANY EASEMENT HOLDER SHALL RECORD IN THE MECKLENBURG COUNTY PUBLIC REGISTRY AN INSTRUMENT ABANDONING ITS INTEREST IN SUCH UTILITY EASEMENT, SUCH PARTY'S INTEREST IN SAID UTILITY EASEMENT SHALL BE DEEMED TERMINATED.

AREA TO BE ABANDONED:  
 11,906 SQ.FT.  
 0.2733 AC.  
 UTILITY EASEMENT (SEE NOTE)



SOUTH COLLEGE STREET  
 VARIABLE PUBLIC R/W

SURVEY OF:  
 0.2733 ACRE PORTION OF EAST FIRST STREET TO BE REMOVED FROM DEDICATION

CHARLOTTE N.C.

PREPARED FOR FIRST UNION NATIONAL BANK

SCALE 1"=60'

MAP BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

DEED BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

FLOOD CERTIFICATION

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED FEBRUARY 26, 1982

SHANNON W. FRYE, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Shannon W. Frye  
 Review Officer  
 Date: 1/15/99

Drawn by: City of Charlotte  
 Return to: City of Charlotte - Box



EXHIBIT B

LEGAL DESCRIPTION OF  
RIGHT-OF-WAY TO BE ABANDONED

That certain tract or parcel of land situated, lying and being in the City of Charlotte, Mecklenburg County, North Carolina and being more particularly described as follows:

To find the true point and place of **BEGINNING**, commence at an existing nail located at the northeasterly intersection of South College Street and East Stonewall Street and run with the northwesterly margin of South College Street the following three (3) courses and distances: 1) North 51-00-31 East 162.96 feet to an existing iron rod; 2) North 51-09-56 East 116.04 feet to an existing iron rod; 3) North 51-18-27 East 95.70 feet to an existing nail at the northwesterly intersection of South College Street and East First Street, the true point and place of **BEGINNING**; and runs thence with the southwesterly margin of East First Street North 42-18-31 West 401.55 feet to an existing tack at the southwesterly intersection of East First Street and South Tryon Street; thence with the southeasterly margin of South Tryon Street North 48-39-48 East 29.68 feet to a new nail at the northeasterly intersection of South Tryon Street and East First Street; thence with the northeasterly margin of East First Street the following two (2) courses and distances: 1) South 42-11-50 East 150.02 feet to a new nail; 2) South 42-25-48 East 252.75 feet to a new nail at the northeasterly intersection of South College Street and East First Street; thence with the northwesterly margin of South College Street South 50-59-54 West 29.97 feet to the point and place of **BEGINNING**; containing 11,906 square feet or 0.2733 acre of land as shown on a survey prepared by R. B. Pharr & Associates, P.A. dated May 27, 1999, and last revised November 12, 1999.

LESS AND EXCEPTING an eight-foot wide pedestrian easement and an easement for utilities over and across the entire area to be abandoned, all as shown on the above referenced survey.



RESOLUTION CLOSING A PORTION OF AN ALLEYWAY IN BLOCK 12 OF CRESCENT HEIGHTS THAT RUNS PERPENDICULAR TO AND CONNECTS WITH NORTH CHASE STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA.

FOR REGISTRATION JUDITH R. GIBSON  
REGISTER OF DEEDS  
MECKLENBURG COUNTY, NC  
2000 JAN 12 10:15 AM  
BOOK: 11025 PAGE: 357-360 FEE: \$10.00  
INSTRUMENT #: 2000004175

WHEREAS, pursuant to the provisions of Chapter 160AA-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 an alleyway in block 12 of Crescent Heights that runs perpendicular to and connects with North Chase 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 the alleyway in block 12 of Crescent Heights to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

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

WHEREAS, the public hearing was held on the 13th day of December, 1999, and City Council determined that the closing of the portion of the alleyway in block 12 of Crescent Heights that runs perpendicular to and connects with North Chase 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 December 13, 1999, that the Council hereby orders the closing of the portion of the alleyway in block 12 of Crescent Heights that runs perpendicular to and connects with North Chase Street in the City of Charlotte Mecklenburg County, North Carolina as shown in a map marked "Exhibit A" and is more particularly described by metes and bounds in a document marked "Exhibit B", both of which are attached hereto and made a part hereof.

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.

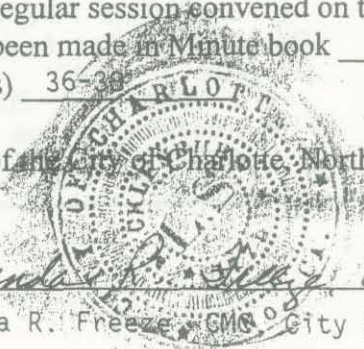
CERTIFICATION

I, Brenda 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 13th day of December, 1999, the reference having been made in Minute book 114, and recorded in full in resolution book 36, page(s) 36-38.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of December, 1999.

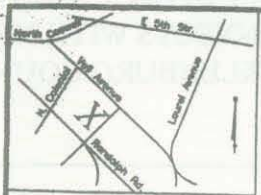
  
Brenda R. Freeze, City Clerk

Drawn by: City of Charlotte  
Return to: City of Charlotte - Box



*Handwritten initials*





THIS SURVEY IS CERTIFIED TO ONLY THE PERSONS OR ENTITIES SHOWN IN THE TITLE BLOCK BELOW. THIS IS TO CERTIFY THAT THIS SURVEY IS BASED UPON MY BEST KNOWLEDGE, INFORMATION AND BELIEF. THIS SURVEY DOES NOT REFLECT A COMPLETE TITLE EXAMINATION. PRECISION IS GREATER THAN 1:10,000.

**LEGEND**  
 ch. chord  
 L,R curve length & radius  
 s.f. square feet (by coordinates)  
 I.PIN iron survey stake  
 conc. concrete  
 a/c air conditioner  
 MB, DB record map and deed references

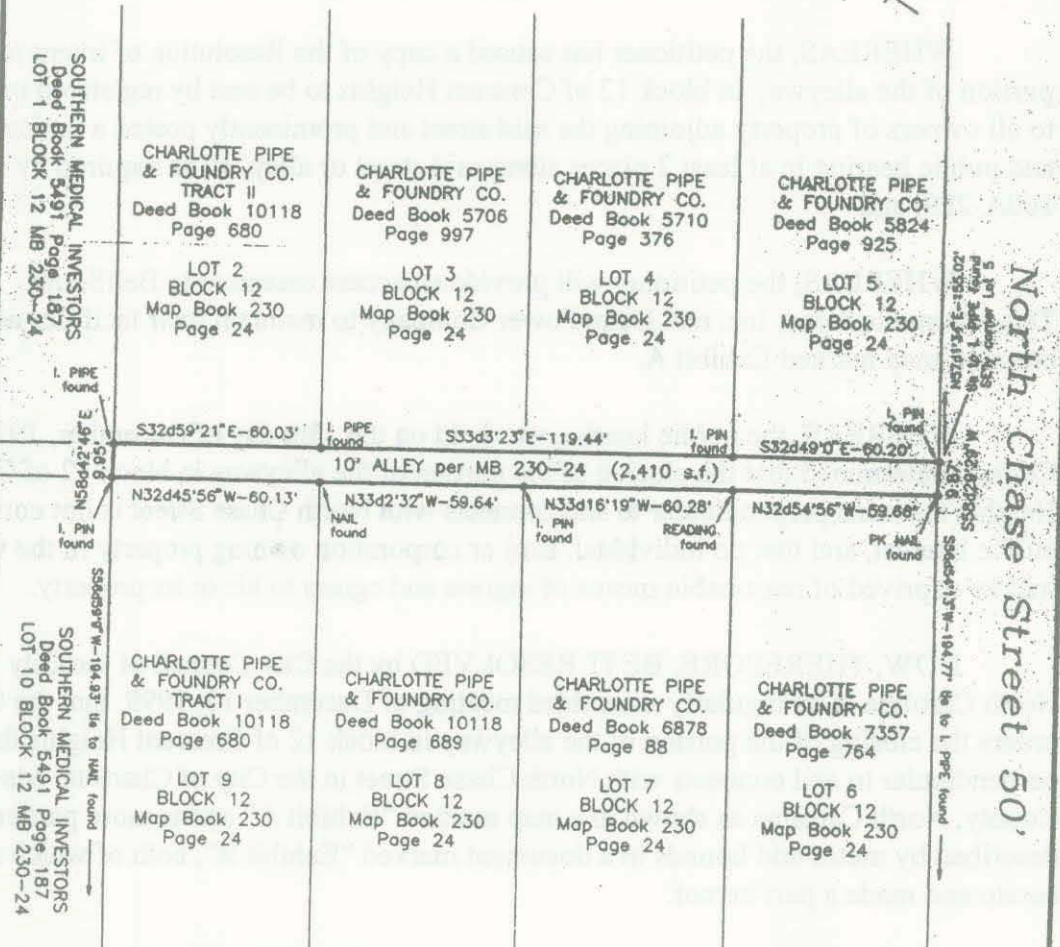
*AGZ*



SHANNON W. FRYE, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

*Shannon W. Frye*  
 Review Officer

6/5/99 Date



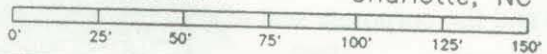
North Chase Street 50'

Note: The petitioner will provide a nonexclusive easement to BellSouth Telecommunications, Inc. and Duke Power Company over and across the real property surrounding the Alley in a location that will not interfere with, impair or prevent the use of certain improvements located on and to be constructed on such real property for the purpose of installing, maintaining, replacing and repairing BellSouth Telecommunications, Inc.'s and Duke Power Company's conduits, cables, wires and related facilities.

Copyright 1999

Revised 10-19-99 to note easements retained by Duke and BellSouth.

**PHYSICAL SURVEY OF**  
**ALLEY BLOCK 12 CRESCENT HEIGHTS**  
**CHARLOTTE, MECKLENBURG COUNTY, N.C.**  
**CHARLOTTE PIPE & FOUNDRY COMPANY**  
 Description taken from Map Book 230 Page 24  
 Scale 1" = 40' March 29, 1999  
**ANDREW G. ZOUTEWELLE, L-3098**  
 1914 Brunswick Avenue Charlotte, NC 28207



Drawn by: City of Charlotte  
 Return to: City of Charlotte - Box

Lying and being in the City of Charlotte, Mecklenburg County, North Carolina and being more particularly described as:

BEGINNING at an iron survey stake said stake being the intersection of the south westerly corner of Lot 5, Block 12 of Map Book 230, Page 24 and also being property of Charlotte Pipe & Foundry Co. as recorded in Deed Book 5824, Page 925 in the Mecklenburg Public Registry with the north westerly margin of North Chase Street, said iron survey stake being also located S 57-1-34 E 155.02 feet from an iron survey stake in the south easterly corner of Lot 5; thence from said Beginning Point S 58-29-29 W 9.87 feet to a pk nail; thence running with the property of Charlotte Pipe & Foundry Co. the following four (4) courses and distances: (1) N 32-54-56 W 59.66 feet to a point; (2) N 33-16-19 W 60.28 feet to an iron survey stake; (3) N 33-2-32 W 59.64 feet to a nail; and (4) N 32-45-56 W 60.13 feet to an iron survey stake; thence N 58-42-46 E 9.95 feet to an iron survey stake; thence running with the property of Charlotte Pipe & Foundry Co. the following three (3) courses and distances: (1) S 32-59-21 E 60.03 feet to an iron survey stake; (2) S 33-3-23 E 119.44 feet to an iron survey stake; and (3) S 32-49-0 E 60.20 feet to the Place and Point of Beginning; as shown on that survey entitled, "Physical Survey of Alley Block 12 Crescent Heights" by Andrew G. Zoutewelle, L-3098, dated March 29, 1999 and being 2,410 square feet.

**EXHIBIT**

B



RESOLUTION CLOSING A PORTION OF NORTH MYERS STREET BETWEEN EAST  
NINTH AND EAST ELEVENTH STREETS IN THE  
CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA.

FOR REGISTRATION JUDITH A. GIBSON  
REGISTER OF DEEDS  
MECKLENBURG COUNTY, NC  
2000 MAY 10 04:46 PM  
BOOK: 11276 PAGE: 435-440 FEE: \$14.00  
INSTRUMENT # 2000064906

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 North Myers Street between East Ninth and East Eleventh Streets 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 North Myers Street between East Ninth and East Eleventh Streets to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

WHEREAS, the public hearing was held on the 13th day of December, 1999, and City Council determined that the closing of the portion of North Myers Street between East Ninth and East Eleventh Streets 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 December 13, 1999, that the Council hereby orders the closing of the portion of North Myers Street between East Ninth and East Eleventh Streets in the City of Charlotte Mecklenburg County, North Carolina as shown in a map marked "Exhibit A" and is more particularly described by metes and bounds in a document marked "Exhibit B", both of which are attached hereto and made a part hereof.

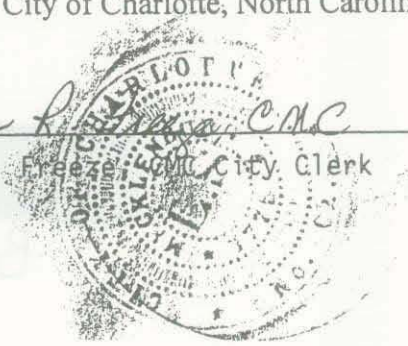
BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

CERTIFICATION

I, Brenda 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 13th day of December, 1999, the reference having been made in Minute book 114, and recorded in full in resolution book 36, page(s) 39-41 A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of December, 1999.

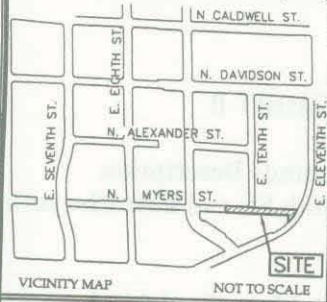
Brenda R. Freeze, C.M.C.  
Brenda R. Freeze, C.M.C. City Clerk



Drawn by: City of Charlotte  
Return to: City of Charlotte - Box

RAM





LEGEND

R/W	RIGHT-OF-WAY
MB	MAP BOOK
PG	PAGE
FIP	FOUND IRON PIPE
CP	CALCULATED POINT
SIP	SET IRON PIN
N/F	NOW OR FORMERLY
FPK	FOUND PK NAIL

BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON SHEETS 8 & 9 OF "BOUNDARY AND TOPOGRAPHIC SURVEY OF: FIRST WARD" SIGNED BY MICHAEL C. SAWHILL, PLS-3223 DATED JULY 21, 1997.

N/F NATIONSBANK CDC SPECIAL HOLDING COMPANY, INC.  
MB 6 PG 813 DB 8597 PG 616  
TAX # 080-112-04

TO BE ABANDONED NORTH MYERS STREET TRACT ONE  
4,942 SQ.FT.

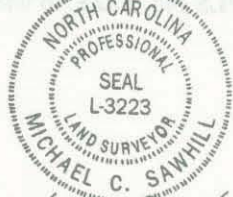
N/F CITY OF CHARLOTTE HOUSING AUTHORITY  
MB 6 PG 813 DB 2541 PG 205  
TAX # 080-113-01

TO BE ABANDONED NORTH MYERS STREET TRACT TWO  
7,348 SQ.FT.

N/F CITY OF CHARLOTTE  
MB 19 PG 336 DB 5416 PG 799  
TAX # 080-111-02

N/F CITY OF CHARLOTTE  
MB 19 PG 336 DB 3740 PG 114  
TAX # 080-111-03

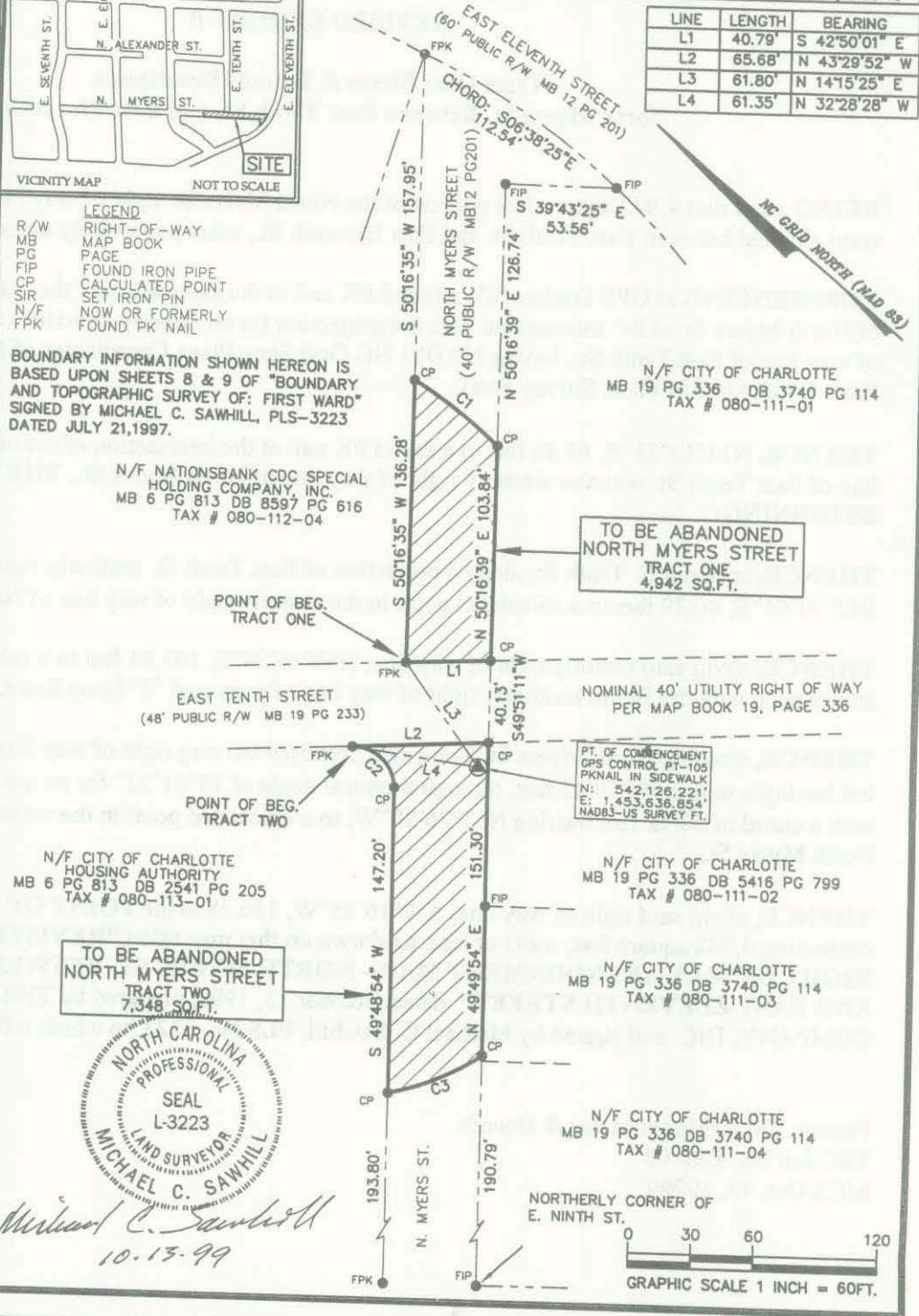
N/F CITY OF CHARLOTTE  
MB 19 PG 336 DB 3740 PG 114  
TAX # 080-111-04



*Michael C. Sawhill*  
10-13-99

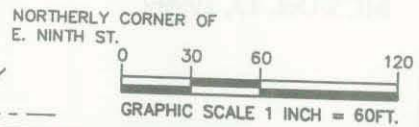
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA
C1	210.12'	50.85'	N53°26'20"W	50.72'	13°51'52"
C2	20.00'	31.26'	S02°53'50"W	28.17'	89°33'03"
C3	124.21'	49.10'	S63°01'53"E	48.78'	22°38'46"

LINE	LENGTH	BEARING
L1	40.79'	S 42°50'01" E
L2	65.68'	N 43°29'52" W
L3	61.80'	N 14°15'25" E
L4	61.35'	N 32°28'28" W



NOMINAL 40' UTILITY RIGHT OF WAY PER MAP BOOK 19, PAGE 336

PT. OF COMMENCEMENT  
GPS CONTROL PT-105  
PKNAIL IN SIDEWALK  
N: 542,126.221'  
E: 1,453,636.854'  
NAD83-US SURVEY FT.



I, SHANNON W. FRYE, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

*Shannon W. Frye*  
11/5/99  
Review Officer

REVISED EXHIBIT "A"  
RIGHT-OF-WAY ABANDONMENT MAP  
NORTH MYERS STREET  
BETWEEN EAST NINTH STREET  
AND EAST ELEVENTH STREET  
CITY OF CHARLOTTE  
MECKLENBURG COUNTY, NORTH CAROLINA

PROJECT NUMBER:	ESL03
SURVEYED BY:	
DRAWN BY:	TDC
CHECKED BY:	MCS
DRAWING SCALE:	1" = 60'
ISSUE DATE:	10/13/99
CAD FILE:	MYRSABAN.dwg (R14)

**THE SURVEY COMPANY, INC.**  
4105-C STUART ANDREW BLVD  
CHARLOTTE, NC 28217  
(704) 561-9970 OFFICE  
(704) 561-9972 FAX  
EMAIL: TSC198@AOL.COM

Drawn by: City of Charlotte  
Return to: City of Charlotte - Box

**REVISED EXHIBIT B**

**Tract One: Metes & Bounds Description  
North Myers St. Between East Tenth St. and East Eleventh St.**

**BEING** all of that 4,942 square foot portion of the North Myers St. right of way (40' wide public right of way) situated between East Tenth St. and East Eleventh St., more particularly described as follows:

**COMMENCING** at GPS Station 105, a found PK nail in the sidewalk near the easterly right of way line of North Myers St. at its' intersection with the projection (in an easterly direction) of the southerly right of way line of East Tenth St., having NAD83 NC Grid State Plane Coordinates of North: 542,126.221 and East: 1,453,636.854 (U.S. Survey Feet);

**THENCE**, N14°15'25"E, 61.80 feet to a found PK nail at the intersection of the northerly right of way line of East Tenth St. with the westerly right of way line of North Myers St., **THE POINT OF BEGINNING**;

**THENCE**, crossing E. Tenth St. along a projection of East Tenth St. northerly right of way line, S42°50'01"E, 40.79 feet to a calculated point in the easterly right of way line of North Myers St.;

**THENCE**, along said easterly right of way line, N50°16'39"E, 103.84 feet to a calculated point of intersection with the future southerly right of way line of proposed "J" Loop Road;

**THENCE**, crossing North Myers St. along said proposed curving right of way line, with a curve to the left having a radius of 210.12 feet, through a central angle of 13°51'52" for an arc length of 50.85 feet, with a chord of 50.72 feet bearing N53°26'20"W, to a calculated point in the westerly right of way line of North Myers St.;

**THENCE**, along said right of way line, S50°16'35"W, 136.28 to the **POINT OF BEGINNING** and containing 4,942 square feet, more or less, as shown on that map titled "**REVISED EXHIBIT A - RIGHT OF WAY ABANDONMENT MAP - NORTH MYERS ST. BETWEEN EAST NINTH ST. AND EAST ELEVENTH STREET**" dated October 13, 1999, prepared by THE SURVEY COMPANY, INC. and signed by Michael C. Sawhill, PLS No. 3223, to which reference is hereby made.

Fname: ESL03Myers Metes & Bounds  
TSC Job No: ESL 03  
MCS/Oct. 13, 19999

**Drawn by: City of Charlotte  
Return to: City of Charlotte - Box**



**REVISED EXHIBIT B**

**Tract Two: Metes & Bounds Description  
North Myers St. Between East Ninth St. and East Tenth St.**

**BEING** all of that 7,348 square foot portion of the North Myers St. right of way (40' wide public right of way) situated between East Ninth St. and a projection of the southerly right of way line of East Tenth St., more particularly described as follows:

**COMMENCING** at GPS Station 105, a found PK nail in the sidewalk near the easterly right of way line of North Myers St. at its' intersection with the projection (in an easterly direction) of the southerly right of way line of East Tenth St., having NAD83 NC Grid State Plane Coordinates of North: 542,126.221 and East: 1,453,636.854 (U.S. Survey Feet);

**THENCE**, N32°28'28"W, 61.35 feet to a found PK nail at in the southerly right of way line of East Tenth St., **THE POINT OF BEGINNING**;

**THENCE**, along the existing curving right of way connecting the southerly right of way line of East Tenth St. with the westerly right of way line of North Myers St., and with a curve to the right having a radius of 20.00 feet, through a central angle of 89°33'03" for an arc length of 31.26 feet, with a chord of 28.17 feet bearing S02°53'50"W, to a calculated point of tangency in the westerly right of way line of North Myers St.;

**THENCE**, along said westerly right of way line, S49° 48'54"W, 147.20 feet to a calculated point of intersection with the future northerly right of way line of proposed "J" Loop Road;

**THENCE**, crossing North Myers St. along said proposed curving right of way line, with a curve to the left having a radius of 124.21 feet, through a central angle of 22°38'46" for an arc length of 49.10 feet, with a chord of 48.78 feet bearing S63°01'53"E, to a calculated point in the easterly right of way line of North Myers St.;

**THENCE**, along said easterly right of way line, N49°49'54"E, 151.30 feet to its' intersection with the projection (in an easterly direction) of the southerly right of way line of East Tenth St.;

**THENCE**, crossing North Myers St. along said projected southerly right of way line, N43°29'52"W, 65.68 feet to the **POINT OF BEGINNING**, and containing 7,348 square feet, more or less, as shown on that map titled "**REVISED EXHIBIT A - RIGHT OF WAY ABANDONMENT MAP - NORTH MYERS ST. BETWEEN EAST NINTH ST. AND EAST ELEVENTH STREET**" dated October 13, 1999, prepared by THE SURVEY COMPANY, INC. and signed by Michael C. Sawhill, PLS No. 3223, to which reference is hereby made.

Drawn by: City of Charlotte  
Return to: City of Charlotte - Box

Fname: ESL03Myers Metes & Bounds  
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MCS/Oct. 13, 1999