

A RESOLUTION PROVIDING FOR PUBLIC HEARING
ON PETITIONS FOR ZONING CHANGES

WHEREAS, the City Council has received petitions for zoning changes, which petitions, numbered 99-53, 99-56, 99-80, 99-82, 99-86 and 99-89 through 99-104 are on record in the Office of the City Clerk, and

WHEREAS, the City Council deems it in the public interest that hearings be held on said petitions,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that public hearings will be held in the Meeting Chamber located in the Charlotte-Mecklenburg Government Center, Lobby Level, at 600 East Fourth Street beginning at six o'clock P.M. on Thursday the 23rd day of September, 1999 on petitions for zoning changes numbered 99-53, 99-56, 99-80, 99-82, 99-86 and 99-89 through 99-104

BE IT FURTHER RESOLVED that notice of said hearings be published as required by law.

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 19th day of July, 1999, the reference having been made in Minute Book 113, and recorded in full in Resolution Book 35, Page(s) 602.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of July, 1999.


Brenda R. Freeze, CMC, City Clerk

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 28th day of June, 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 19th day of July, 1999, the reference having been made in Minute Book 113, and recorded in full in Resolution Book 35, Page(s) 603-604.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of July, 1999.


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>
Capstead Mortgage		\$ 546.53
Russell Ernest G		702.80
Russell Ernest G		255.92
<u>Board of Equalization Review Adjustment</u>		
First Union Mortgage Corp		932.01
Spectrum Properties AAF MMLIC		5,319.98
Total		<u>\$7,757.24</u>

CERTIFICATION

I, Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of July, 1999, the reference having been made in House Book 35, and recorded in full in Resolution Book 35, page 604.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 19th day of July, 1999.


James A. Frazier, III, City Clerk

**RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE a portion of
Bannington Road** in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **FF Carmel Valley II, LLC** has filed a petition to close a portion of **Bannington Road** in the city of Charlotte; and

Whereas, the portion of Bannington Road to be closed lies at the northern portion of the cul-de-sac 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 available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina.

Whereas, the procedure for closing streets and alleys as outlined in North Carolina General Statutes, Section 160A-299, requires that City Council first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said statute further requires that the resolution shall be published once a week for two successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley and

Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of July 19, 1999, that it intends to close a **portion of Bannington Road** and that the said street (or portion thereof) being more particularly described on a map and by a metes and bounds description available for inspection in the City Clerk's office, and hereby calls a public hearing on the question to be held at 7:00pm on Monday, the 23rd day of August, 1999 in CMGC meeting chamber, 600 East 4th Street Charlotte North Carolina.

The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing as required by N.C.G.S. 160A-299.

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 19th day of July, 1999, the reference having been made in minute book 113, and recorded in full in Resolution Book 35, page(s) 605.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of July, 1999.


Brenda R. Freeze, CMC, City Clerk

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
AMENDING THE FIVE-YEAR CAPITAL INVESTMENT PLAN FOR FISCAL YEARS
1999 TO 2003.**

WHEREAS, the City of Charlotte recognizes the importance of developing long-range capital investment planning to maintain the growth and vitality of the community; and

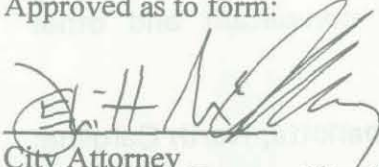
WHEREAS, the City of Charlotte continuously develops and reviews the policy, financial and planning assumptions and impacts of capital investment projects for the City; and

WHEREAS, the City of Charlotte has a five-year Capital Investment Plan based on policy assumptions, so stated in the FY1999-2003 Capital Investment Plan that balance the potential physical development planning with long-range financial capacity; and

WHEREAS, the City of Charlotte from time to time needs to amend the capital plan to correspond with changing conditions and opportunities.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte, in its regular session duly assembled, that it does hereby amend the Capital Investment Plan for fiscal years 1999 to 2003 incorporating the purchase of transit capital purchases of: 25 replacement buses (\$6,474,366) and the purchase of 100 bicycle racks (\$55,072).

Approved as to form:




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 19th day of July, 1999, the reference having been made in Minute Book 113, and recorded in full in Resolution Book 35, Page(s) 606.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of July, 1999.


Brenda R. Freeze, CMC, City Clerk

RESOLUTION

RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE U.S. DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR TRANSIT ASSISTANCE GRANTS UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED.

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation projects:

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs;

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provision of Title VI of Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Applicant that minority business enterprise be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant and other services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Charlotte, North Carolina:

1. That the City Manager is authorized to execute and file applications on behalf of the City of Charlotte with the U.S. Department of Transportation and North Carolina Department of Transportation, to aid in the financing of transit assistance projects.
2. That the City Manager is authorized to execute and file with such applications an assurance or any other document required by the U.S. Department of Transportation or the North Carolina Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.
3. That the Director of the Charlotte Department of Transportation is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application for the project.

4. That the City Manager or his designee is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.

5. That the City Manager is authorized to execute grant agreements and any amendments thereto on behalf of the City of Charlotte with the U.S. Department of Transportation and the North Carolina Department of Transportation for aid in the financing of the transit assistance projects.

CERTIFICATION

I, Brenda R. Freeze 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 19th day of July, 1999, the reference having been made in Minute Book 113, and recorded in full in Resolution Book 35, Page(s) 607-608

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of July, 1999.

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

Extract of Minutes of a regular meeting of the City Council of the City of Charlotte, North Carolina held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 6:00 p.m. on July 19, 1999.

* * *

A regular meeting of the City Council of the City of Charlotte, North Carolina (the "*City Council*") was held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 6:00 p.m. on July 19, 1999 (the "*Meeting*"), after proper notice, and was called to order by the Mayor, and upon the roll being called, the following members of the City Council answered present: Councilmembers Baker, Cannon, Greene,

Jackson, Majeed, Reid, Sellers, Spencer, and Wheeler

The following members of the City Council were absent: Councilmember Autrey

Also present: Pamela A. Syfert, City Manager, DeWitt McCarley, City Attorney,
and Brenda R. Freeze, City Clerk

Councilmember Cannon introduced the following resolution (the "*Resolution*"), a summary of which had been provided to each Council member, a copy of which was available with the City Clerk and which was read by title:

RESOLUTION OF THE CITY OF CHARLOTTE, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF STORMWATER SYSTEM REVENUE BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE CITY'S STORMWATER SYSTEM REVENUE BONDS, SERIES 1999; AND CERTAIN RELATED MATTERS.

WHEREAS, the City Council (the "*City Council*") of the City of Charlotte, North Carolina (the "*City*") hereby determines that it is necessary to improve its stormwater system (the "*Stormwater System*"), including but not limited to flood control projects, channel restoration and pollution control projects (the "*Project*") at an estimated cost not to exceed \$34,000,000;

WHEREAS, the City Council is considering the issuance of not to exceed \$34,000,000 Stormwater System Revenue Bonds, Series 1999 of the City (the "*1999 Bonds*") to finance the Project;

WHEREAS, the City Council wants to (A) retain Parker, Poe, Adams & Bernstein L.L.P. of Charlotte, North Carolina, as co-bond counsel, (B) retain Banc of America Securities LLC of Charlotte,

North Carolina; First Union Capital Markets Corp. of Charlotte, North Carolina; and Wachovia Securities, Inc. of Winston-Salem, North Carolina, as underwriters (the "*Underwriters*"); (C) approve the selection by the Underwriters of Smith Helms Mulliss & Moore, L.L.P. of Charlotte, North Carolina, as underwriters' counsel; (D) retain J. C. Bradford & Co. of Charlotte, North Carolina, and Porter, White and Company, Inc. of Birmingham, Alabama, as financial advisors; and (E) retain First Union National Bank of Charlotte, North Carolina, as trustee for the 1999 Bonds;; and

WHEREAS, the City Council wants the Director of Finance of the City to file with the Local Government Commission of North Carolina (the "*Commission*") an application for its approval of the 1999 Bonds, on a form prescribed by the Commission, and (i) request in such application that the Commission approve (A) the negotiation of the sale of the 1999 Bonds to Banc of America Securities LLC, First Union Capital Markets Corp., and Wachovia Securities, Inc., (B) the City's use of Parker, Poe, Adams & Bernstein L.L.P., as bond counsel for the City, (C) the Underwriters' use of Smith Helms Mulliss & Moore, L.L.P., as underwriters' counsel, (D) the City's use of J. C. Bradford & Co. and Porter, White and Company, Inc. as financial advisors and (E) the City's use of First Union National Bank, as trustee for the 1999 Bonds, and (ii) state in such application such facts and to attach thereto such exhibits in regard to the 1999 Bonds and to the City and its financial condition, as may be required by the Commission, and to take all other action necessary to the issuance of the 1999 Bonds.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AS FOLLOWS:

Section 1. That the 1999 Bonds are to be issued by the City for the purpose of providing funds (i) to finance the costs of the Project, (ii) to fund a debt service reserve fund or to purchase a surety bond in lieu thereof and (iii) to pay the costs of issuing the 1999 Bonds all as set out fully in the Preliminary Official Statement and other documents attached to the City's application to the Commission. The use of the proceeds of the 1999 Bonds, as described, is necessary in order to meet the expanding needs of the

users of the Stormwater System and to assure that the Stormwater System remains in full compliance with all state and federal requirements for the provision of stormwater system services.

Section 2. That (1) Parker, Poe, Adams & Bernstein L.L.P. shall hereby be retained to serve as bond counsel, (2) Banc of America Securities LLC, First Union Capital Markets Corp., and Wachovia Securities, Inc. shall hereby be retained to serve as underwriter, (3) the Underwriters's use of Smith Helms Mulliss & Moore, L.L.P. as underwriters' counsel shall hereby be approved, (4) First Union National Bank shall hereby be approved as trustee for the 1999 Bonds and (5) J. C. Bradford & Co. and Porter, White and Company, Inc. shall hereby be retained as financial advisor in connection with the issuance by the City of the 1999 Bonds.

Section 3. That the Director of Finance of the City with advice from the City Manager and bond counsel, is hereby authorized, directed and designated to file an application with the North Carolina Local Government Commission for its approval of the issuance of the 1999 Bonds.

Section 4. That the City Council finds and determines and asks the Commission to find and determine from the City's application and supporting documentation:

- (a) that the issuance of the 1999 Bonds is necessary or expedient;
- (b) that the not to exceed stated principal amount of the 1999 Bonds will be sufficient but is not excessive, when added to other moneys available to the Stormwater System, for the proposed Project;
- (c) that the Stormwater System as now constituted and as it will be constituted after the completion of the Project is feasible;
- (d) that the City's debt management procedure and policies are excellent; and
- (e) that the 1999 Bonds can be marketed at a reasonable interest cost to the City.

Section 5. That the Mayor, the City Manager and the Director of Finance are hereby authorized to do any and all other things necessary to complete the steps necessary for the issuance of the 1999 Bonds.

Section 6. That the City Council requests that the Commission sell the 1999 Bonds through negotiation to Banc of America Securities LLC, First Union Capital Markets Corp. and Wachovia Securities, Inc. on such terms as may be agreed on but at a true interest cost not exceeding 6.50%.

Section 7. That this Resolution shall become effective on the date of its adoption.

On motion of Councilmember Cannon, seconded by Councilmember Seifers, the foregoing resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF STORMWATER SYSTEM REVENUE BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE CITY'S STORMWATER SYSTEM REVENUE BONDS, SERIES 1999 AND CERTAIN RELATED MATTERS" was duly adopted by the following vote:

AYES: unanimous

NAYS: none

CITY OF CHARLOTTE, NORTH CAROLINA

[SEAL]

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

STATE OF NORTH CAROLINA)
)
CITY OF CHARLOTTE) ss:

The undersigned City Clerk of the City of Charlotte, North Carolina (the "City"), a municipal corporation, validly organized and existing under the Constitution and laws of the State of North Carolina, hereby certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the City Council of the City present and voting at a meeting duly called and held on July 19, 1999, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on the date hereof.

WITNESS the following signature and seal of the City, this 21st day of July, 1999.

Brenda R. Freeze, CMC

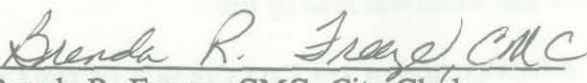
City Clerk, Brenda R. Freeze, CMC
City of Charlotte, North Carolina

(SEAL)

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 19th day of July, 1999, the reference having been made in Minute Book 113, and recorded in full in Resolution Book 35, Page(s) 609-613A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of July, 1999.


Brenda R. Freeze, CMC, City Clerk

Extract of Minutes of a regular meeting of the City Council of the City of Charlotte, North Carolina held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 6:00 p.m. on July 19, 1999.

* * *

A regular meeting of the City Council of the City of Charlotte, North Carolina (the "*City Council*") was held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 6:00 p.m. on July 19, 1999 (the "*Meeting*"), after proper notice, and was called to order by the Mayor, and upon the roll being called, the following members of the City Council answered present: Councilmembers Baker, Cannon, Greene,

Jackson, Majeed, Reid, Sellers, Spencer, and Wheeler

The following members of the City Council were absent: Councilmember Autrey

Also present: Pameia A. Syfert, City Manager, DeWitt McCarley, City Attorney,
and Brenda R. Freeze, City Clerk

Councilmember Cannon introduced the following resolution (the "*Resolution*"), a summary of which had been provided to each Council member, a copy of which was available with the City Clerk and which was read by title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF WATER AND SEWER SYSTEM REVENUE BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE CITY'S WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 1999 AND CERTAIN RELATED MATTERS.

WHEREAS, the City Council (the "*City Council*") of the City of Charlotte, North Carolina (the "*City*") hereby determines that it is necessary to improve its water and sanitary sewer systems (collectively, the "*Water and Sewer System*"), including, but not limited to, the extension of existing water and sewer lines and rehabilitation or replacement of others; construction of new water and sewer mains and outfalls; rehabilitation and upgrades of water and wastewater treatment plants; and acquisition of land (the "*Project*") at an estimated cost not to exceed \$77,500,000;

WHEREAS, the City Council is considering the issuance of not to exceed \$77,500,000 Water and Sewer System Revenue Bonds, Series 1999 of the City (the "*1999 Bonds*") to finance the Project;

WHEREAS, the City Council wants to (A) retain Parker, Poe, Adams & Bernstein L.L.P. of Charlotte, North Carolina, as bond counsel; (B) retain First Union Capital Markets Corp. of Charlotte, North Carolina and Wachovia Securities, Inc. of Winston-Salem, North Carolina shall hereby be retained to serve as underwriters (the "*Underwriters*") and Bank of America, N.A. of Charlotte, North Carolina as placement agent to the underwriters (the "*Placement Agent*"); (C) approve the selection by the Underwriters of Smith Helms Mulliss & Moore, L.L.P. of Charlotte, North Carolina, as underwriters' counsel and counsel to the Placement Agent; (D) retain J. C. Bradford & Co. of Charlotte, North Carolina and Porter, White and Company, Inc. of Birmingham, Alabama, as financial advisors; and (E) retain First Union National Bank of Charlotte, North Carolina, as trustee for the 1999 Bonds; and

WHEREAS, the City Council wants the Director of Finance of the City to file with the Local Government Commission of North Carolina (the "*Commission*") an application for its approval of the 1999 Bonds, on a form prescribed by the Commission, and (i) request in such application that the Commission approve (A) the negotiation of the sale of the 1999 Bonds to First Union Capital Markets Corp. and Wachovia Securities, Inc., (B) the City's use of Parker, Poe, Adams & Bernstein L.L.P., as bond counsel for the City, (C) the Underwriters' use of Smith Helms Mulliss & Moore, L.L.P., as underwriters' counsel, (D) the City's use of J. C. Bradford & Co. and Porter, White and Company, Inc. as financial advisors and (E) the City's use of First Union National Bank, as trustee for the 1999 Bonds, and (ii) state in such application such facts and to attach thereto such exhibits in regard to the 1999 Bonds and to the City and its financial condition, as may be required by the Commission, and to take all other action necessary to the issuance of the 1999 Bonds.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AS FOLLOWS:

Section 1. That the 1999 Bonds are to be issued by the City for the purpose of providing funds (i) to finance the costs of the Project and (ii) to pay the costs of issuing the 1999 Bonds all as set out fully

in the Preliminary Official Statement and other documents attached to the City's application to the Commission. The use of the proceeds of the 1999 Bonds, as described, is necessary in order to meet the expanding needs of the users of the Water and Sewer System and to assure that the Water and Sewer System remains in full compliance with all state and federal requirements for the provision of water and sanitary sewer services.

Section 2. That (1) Parker, Poe, Adams & Bernstein L.L.P. shall hereby be retained to serve as bond counsel, (2) First Union Capital Markets Corp. and Wachovia Securities, Inc. shall hereby be retained to serve as underwriters and Bank of America, N.A. as placement agent to the underwriters, (3) the Underwriters' use of Smith Helms Mulliss & Moore, L.L.P. as underwriters' counsel and counsel to the Placement Agent shall hereby be approved, (4) First Union National Bank shall hereby be approved as trustee for the 1999 Bonds and (5) J. C. Bradford & Co. and Porter, White and Company, Inc. shall hereby be retained as financial advisors in connection with the issuance by the City of the 1999 Bonds.

Section 3. That the Director of Finance of the City with advice from the City Manager and bond counsel, is hereby authorized, directed and designated to file an application with the North Carolina Local Government Commission for its approval of the issuance of the 1999 Bonds.

Section 4. That the City Council finds and determines and asks the Commission to find and determine from the City's application and supporting documentation:

- (a) that the issuance of the 1999 Bonds is necessary or expedient;
- (b) that the not to exceed stated principal amount of the 1999 Bonds will be sufficient but is not excessive, when added to other moneys available to the Water and Sewer System, for the proposed Project;
- (c) that the Water and Sewer System as now constituted and as it will be constituted after the completion of the Project is feasible;
- (d) that the City's debt management procedure and policies are excellent; and

(e) that the 1999 Bonds can be marketed at a reasonable interest cost to the City.

Section 5. That the Mayor, the City Manager and the Director of Finance are hereby authorized to do any and all other things necessary to complete the steps necessary for the issuance of the 1999 Bonds.

Section 6. That the City Council requests that the Commission sell the 1999 Bonds through negotiation to First Union Capital Markets Corp. and Wachovia Securities, Inc. on such terms as may be agreed on but at a true interest cost not exceeding 6.50%. The form and content of the Preliminary Official Statement with respect to the 1999 Bonds to be dated on or about August 5, 1999 are in all respects authorized, approved and confirmed, and the use of the Preliminary Official Statement by the Underwriters in connection with the sale of the 1999 Bonds is hereby in all respects authorized, approved and confirmed.

Section 7. That this Resolution shall become effective on the date of its adoption.

On motion of Councilmember Cannon, seconded by Councilmember Sellers, the foregoing resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF WATER AND SEWER SYSTEM REVENUE BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE CITY'S WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 1999 AND CERTAIN RELATED MATTERS" was duly adopted by the following vote:

AYES: unanimous

NAYS: none

CITY OF CHARLOTTE, NORTH CAROLINA

[SEAL]

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

STATE OF NORTH CAROLINA)
)
CITY OF CHARLOTTE) ss:

The undersigned City Clerk of the City of Charlotte, North Carolina (the "City"), a municipal corporation, validly organized and existing under the Constitution and laws of the State of North Carolina, hereby certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the City Council of the City present and voting at a meeting duly called and held on July 19, 1999, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on the date hereof.

WITNESS the following signature and seal of the City, this 21st day of July, 1999.

Brenda R. Freeze, CMC

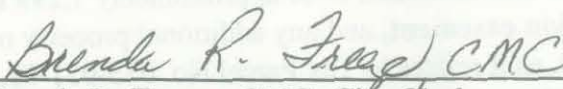
City Clerk, Brenda R. Freeze, CMC
City of Charlotte, North Carolina

(SEAL)

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 19th day of July, 1999, the reference having been made in Minute Book 113, and recorded in full in Resolution Book 35, Page(s) 614-618A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of July, 1999.


Brenda R. Freeze, CMC, City Clerk

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 **RAW WATER MAIN CATAWBA STATION TO RESERVOIRS 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 **RAW WATER MAIN CATAWBA STATION TO RESERVOIRS PROJECT** and estimated to be approximately **7,299 square feet (.1676 acre) for 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. 033-051-08, said property currently owned by **DAVID R. MOZELEY and wife, PHYLLIS S. MOZELEY**, 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 19th day of July, 1999, the reference having been made in Minute Book 113, and recorded in full in Resolution Book 35, Page(s) 619-620.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of July, 1999.


Brenda R. Freeze, CMC, City Clerk

RESOLUTION CLOSING A PORTION OF DUBARRY STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA.

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 DuBarry 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 DuBarry Street 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 19th day of July, 1999, and City Council determined that the closing of the portion of DuBarry 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 July 19, 1999, that the Council hereby orders the closing of the portion of DuBarry 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.

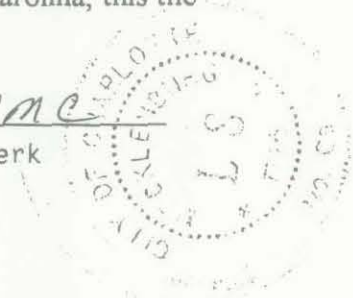
BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

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 19th day of July, 1999, the reference having been made in Minute book 113, and recorded in full in resolution book 35, page(s) 621-623.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of July, 1999.

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



- LEGEND**
- R/W RIGHT OF WAY
 - EIP EXIST. IRON PIPE
 - R/O REPUTED OWNER
 - EXIST. IRON REBAR
 - NEW IRON REBAR
 - ▲ CALCULATED POINT
 - M.H. MAN HOLE
 - BK/PG DEED BK & PG
 - P.D.E. PUBLIC DRAIN ESM. T.
 - M.B.L. MIN. BUILDING LINE
 - M. BK. MAP BOOK AND PAGE
 - O.P.L. OVERHEAD POWER LINE

LINE TABLE

L-1	N 69°36'24"	E, 15.11'
L-2	N 69°36'24"	E, 15.11'
L-3	S 72°14'34"	W, 15.13'
L-4	S 72°14'34"	W, 15.13'

WHITE STAR LIMITED PARTNERSHIP (R/O)
D. BK. 5529-PG. 015
TAX I.D. # 157-145-23

JOHN CAGLE (R/O)
D. BK. 5789-PG. 606
TAX I.D. # 157-151-08

0.283 ACRES
TOTAL
12,328.2 SQ. FT.

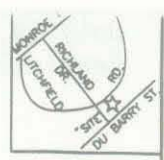
BARBEE INVESTMENT ASSOC. (R/O)
D. BK. 6571 - PG. 235
TAX I.D. # 157-151-07



TO LITCHFIELD RD. →

RICHLAND DRIVE

R/W LINE
N 69°53'34" E



VICINITY MAP
(NOT TO SCALE)



ERGUN YORUK (R/O)
D. BK. 9287 - PG. 36
TAX I.D. # 157-152-20
(SEE REF. # 1 BELOW)

"EXHIBIT A"

BILLY BEARD (R/O)
D. BK. 4958-PG. 485
TAX I.D. # 157-152-50

LOT 11
"AMITY COURT"
M. BK. 10 - PG. 265

LOT 10
TAX I.D. # 157-152-51

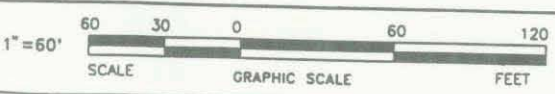
JAMES & EVELYN SLAUGHTER (R/O)
D. BK. 8602-PG. 658

REFERENCES-
1.- PREVIOUS MAP E: THIS OFFICE DATED 9-30-97.

"I HEREBY CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION ON THE 25th. DAY OF FEB., 1999; THAT THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:21,500 AND THAT THIS SURVEY AND PLAT COMPLIES WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA."

Jeff S. Hladun
JEFF S. HLADUN NCPLS #3143 DATE 7-26-99

NOTE: THIS PLAT DOES NOT MEET NCGS 47-30 STANDARDS AND IS NOT TO BE USED FOR RECORDATION PURPOSES.



SURVEY FOR PARTIAL STREET ABANDONMENT FOR:

DU BARRY STREET

**CITY OF CHARLOTTE
MECKLENBURG Co., No. CAROLINA**

OWNER CITY OF CHARLOTTE

JEFF HLADUN
LAND SURVEYING INC.
5848 LEBANON ROAD
MINT HILL, NC 28227
Ph. (704) 545-8583
FAX (704) 545-5188

FILE # 972568.00
DISK# 84 .DWG / .CRD
"972568A"
TAX I.D. NO. 157-152-
DRAWN BY: J.S.H.

"EXHIBIT B"

Legal Description

.....**BEGINNING** at an iron pipe in the southwesterly right-of-way line of DuBarry Street (unopened), where said right of way line intersects the southerly line of lands of John Cagle as described in Deed Bk. 5789 at Pg. 606, recorded in the Office of the Meck Co. Register of Deeds; (south-east property corner) and said point being located S. 20-23'-36" E., 149.80 feet from an iron pipe located at the intersection of the southerly right-of-way line of Richland Drive with the southwesterly right-of-way line of Du Barry Street;

Thence from said **BEGINNING** point and through Du Barry Street, N. 69-36'-24" E., 30.22 ft. to a point in the northeasterly right-of-way line of Du Barry St.; Thence S. 20-23'36" E., along the northeasterly right of way line of Du Barry Street, 408.60 ft to an iron rebar marking the end of said Street and also the south westerly corner of lands belonging to Ergun Yoruk as described in Deed Bk. 9287 at Page 36; and said point being located on the northerly line of "Amity Court" as described in Map Bk. 10 Pg. 265 recorded in said Meck. Co. Registry;

Thence S. 72-14'-34" W, along said tract line of "Amity Court", 30.26 feet to a new iron rebar located in the southwesterly right-of-way line of said Street, said point also marking a corner of lands belonging to Barbee Investment Assoc., as described in Deed Bk. 6571 at Pg. 235; Thence N 20-23'-36" W., along the southwesterly right-of-way line of said Du Barry Street, 407.21 feet to the point and place of **BEGINNING**; Said parcel of land containing 12,328.2 sq. ft. (0.283 acres). It being the intention of this instrument to describe the boundary lines of the portion of the unopened street known as Du Barry St., lying approximately 150 ft. south of Richland Drive, to its end, essentially having dimensions of approximately 30 ft. by 408 ft., and all as shown on a survey plat by Jeff S. Hladun, N C P L S, dated Feb.25, 1999.

Jeff S. Hladun

