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

Whereas, **CK LakePointe Corporate Center, LLC** has filed a petition to close **a portion of General Drive** in the city of Charlotte; and

Whereas, the portion of General Drive to be closed lies beginning approximately 3,454 feet south from the intersection of General Drive and South Tryon Street (NC49) continuing approximately 922 feet southwardly to the property line of Arrowood-Southern Company 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 it's 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 it's regularly scheduled session of June 11, 2001, that it intends to close a portion of General Drive 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 July, 2001 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, CMC, 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 11th day of June, 2001, the reference having been made in minute book 116, and recorded in full in Resolution Book 37, page(s) 117.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of June, 2001.

Brenda R. Freeze, CMC

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 **ASBURY AVENUE EXTENSION 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 **ASBURY AVENUE EXTENSION PROJECT**, and estimated to be approximately **7,500 square feet (.1722 acre) for fee-simple acquisition,** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 077-192-14, said property currently owned by **PHILIP PISCITELLI and wife, SUSAN W. PISCITELLI; Any Other Parties in Interest,** 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 11th day of June, 2001, the reference having been made in Minute Book 116, and recorded in full in Resolution Book 37, Page(s) 118-119.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of June, 2001.

Brenda R. Freeze, CMC

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 **ASBURY AVENUE EXTENSION 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 **ASBURY AVENUE EXTENSION PROJECT**, and estimated to be approximately **45,000 square feet (1.033 acre) for fee-simple acquisition,** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 077-192-06 and 077-192-16, said property currently owned by **PHILIP PISCITELLI and wife, SUSAN W. PISCITELLI; Any Other Parties in Interest,** 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 11th day of June, 2001, the reference having been made in Minute Book 116, and recorded in full in Resolution Book 37, Page(s) 120-121.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of June, 2001.

Brenda R. Freeze, CMC

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 **ASBURY AVENUE EXTENSION 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 **ASBURY AVENUE EXTENSION PROJECT**, and estimated to be approximately **15,000 square feet (.344 acre) for fee-simple acquisition,** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 077-195-11, said property currently owned by **ROBERT E. KUNKLEMAN and wife, KATHRYN L. KUNKLEMAN; Any Other Parties in Interest,** 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 11th day of June, 2001, the reference having been made in Minute Book 116, and recorded in full in Resolution Book 37, Page(s) 122-123.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of June, 2001.

Brenda R. Freeze, CMC

Brenda R. Freeze, CMC, City Clerk

RESOLUTION CLOSING A PORTION OF ACADEMY STREET 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 Academy 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 Academy 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 petitioner will provide an access easement to BellSouth Telecommunications, Inc. and Duke Power Company to maintain their proposed facilities as shown on the attached map marked Exhibit A.

WHEREAS, the public hearing was held on the 11th day of June, 2001, and City Council determined that the closing of a portion of Academy 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 June 11, 2001, that the Council hereby orders the closing of a portion of Academy 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 11th day of June, 2001, the reference having been made in Minute book 116, and recorded in full in resolution book 37, page(s) 124-129.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of June, 2001.

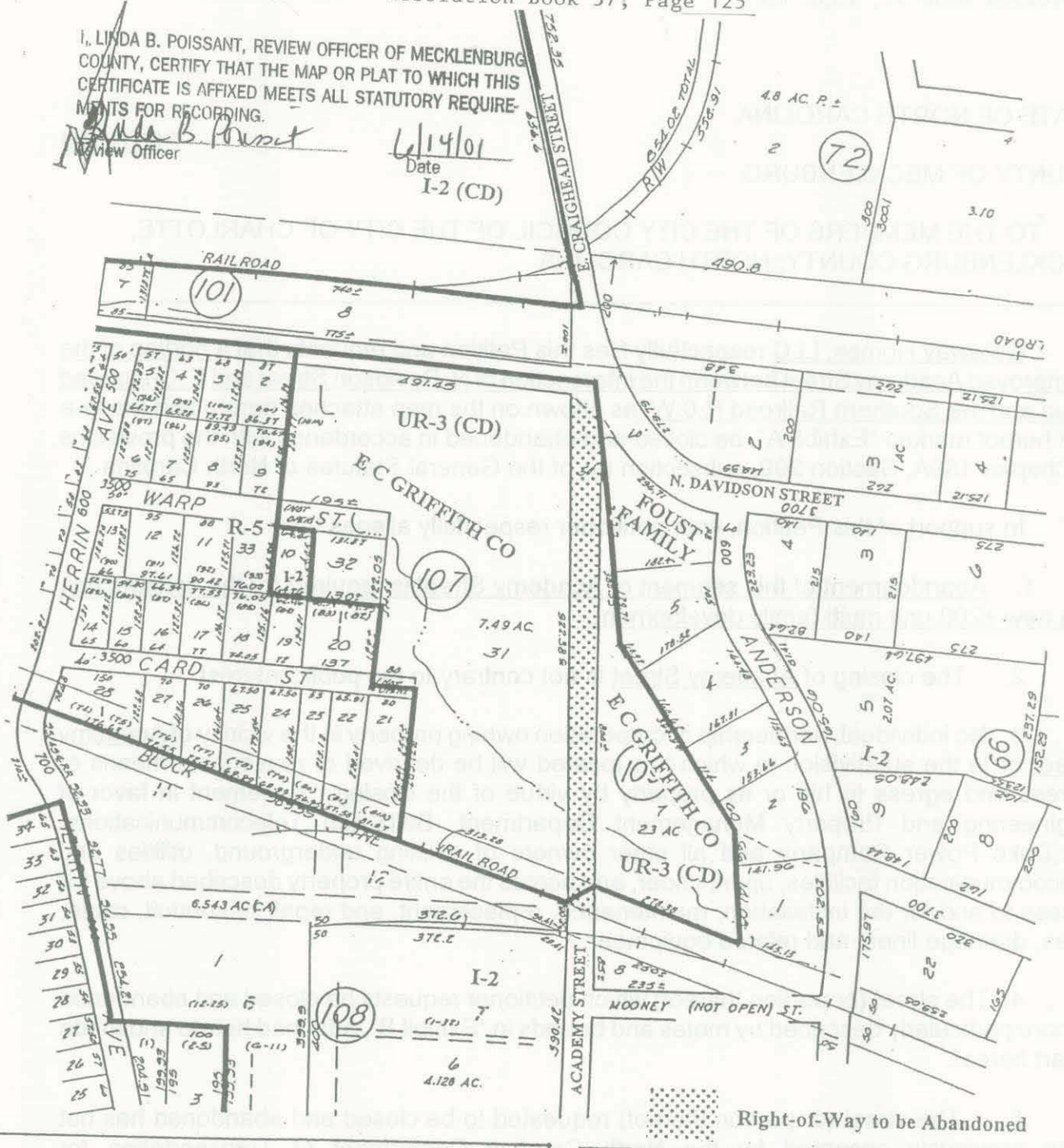
Brenda R. Freeze, CMC

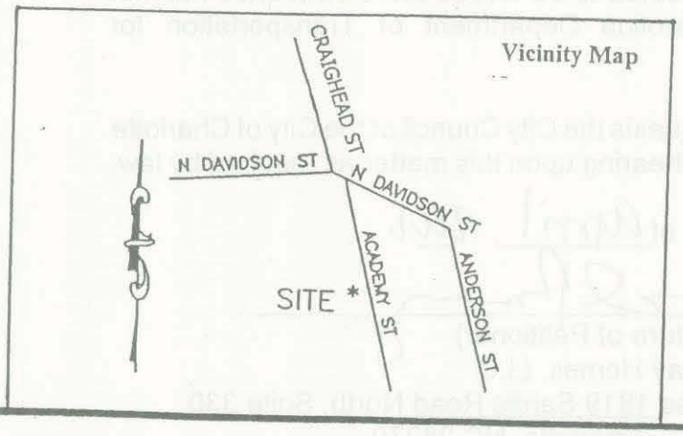
Brenda R. Freeze, CMC, City Clerk

I, LINDA B. POISSANT, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Linda B. Poissant
Review Officer

6/14/01
Date





CITY OF CHARLOTTE
DEPARTMENT OF TRANSPORTATION
TRANSPORTATION ENGINEERING DIVISION

Right-of-Way Abandonment Petition: 00-27

A PORTION OF
ACADEMY STREET

RQS/PROJECT NO. | FILE NO.

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

STATE OF NORTH CAROLINA

PETITION

COUNTY OF MECKLENBURG

TO THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

Gateway Homes, LLC respectfully files this Petition and requests that a portion of the unimproved Academy Street between the intersection of N. Davidson Street and E. Craighead Road and the Southern Railroad R.0.W. as shown on the map attached hereto and made a part hereof marked "Exhibit A", be closed and abandoned in accordance with the provisions of Chapter 160A, Section 299, subsection (a) of the General Statutes of North Carolina.

In support of this Petition, your petitioner respectfully alleges that:

1. Abandonment of this segment of Academy Street is required for the construction of a new ±200 unit multi-family development.

2. The closing of Academy Street is not contrary to the public interest.

3. No individual, partnership or corporation owning property in the vicinity of Academy Street or in the subdivision in which it is located will be deprived of reasonable means of ingress and egress to his or its property by virtue of the closing. Easement in favor of Engineering and Property Management Department, BellSouth Telecommunications, Inc.,Duke Power Company and all other owners of existing underground, utilities and telecommunication facilities, upon, under, and across the entire property described above for access to and for the installation, maintenance, replacement, and repair of conduit, cable, wires, drainage lines, and related equipment.

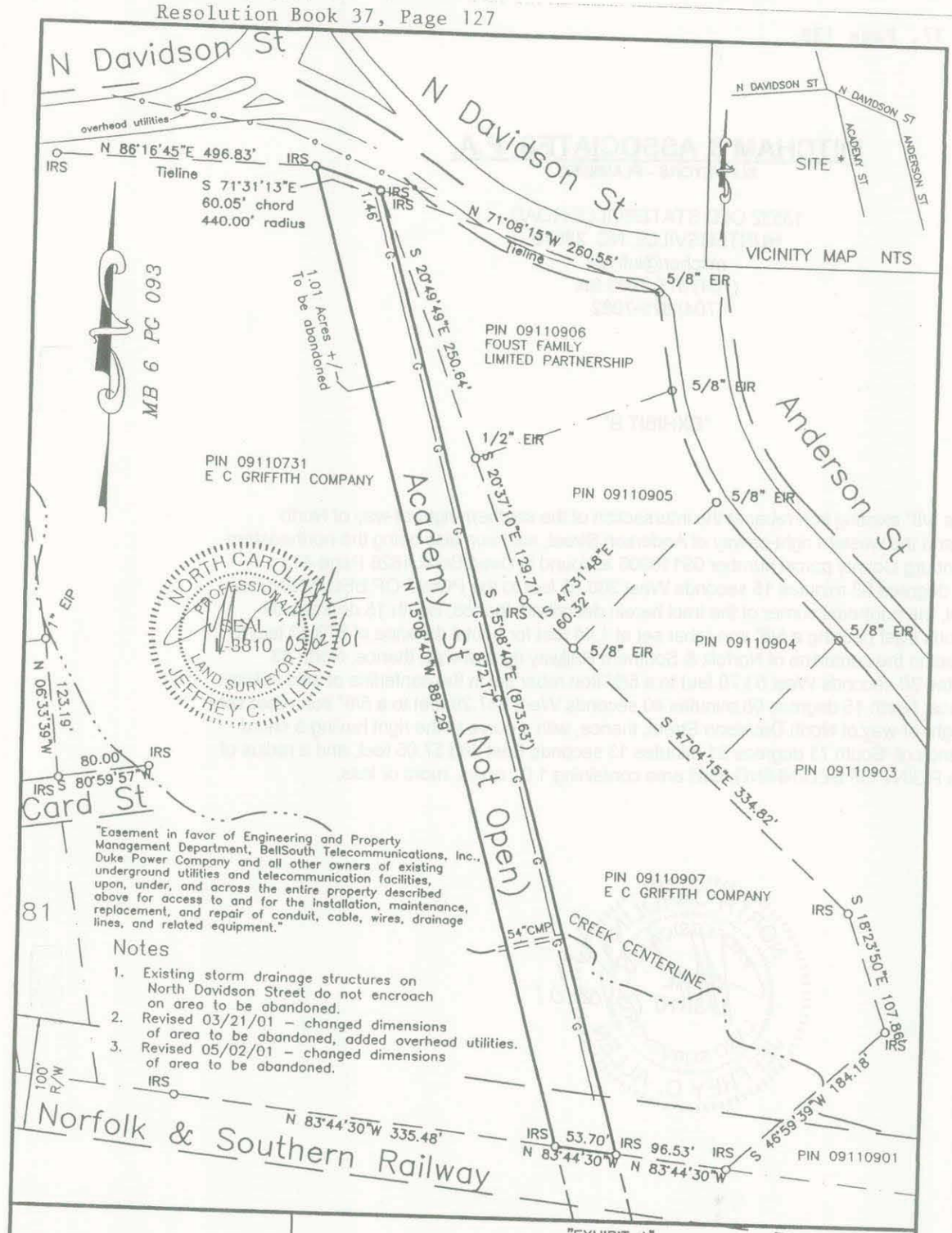
4. The street (or portion thereof) which petitioner requests be closed and abandoned is more particularly described by metes and bounds in "Exhibit B", attached hereto and made a part hereof.

5. The street (or portion thereof) requested to be closed and abandoned has not been previously accepted by the North Carolina Department of Transportation for maintenance.

WHEREFORE, petitioner respectfully requests the City Council of the City of Charlotte consider this Petition and set the time for public hearing upon this matter as required by law.

Respectfully submitted the 2nd day of April, 2001

(Signature of Petitioner)
Gateway Homes, LLC
Address 1819 Sardis Road North, Suite 330
Charlotte, NC 28270
Telephone Number 844-8846



LEGEND

EIR	5/8" EXISTING IRON REBAR
IRS	5/8" IRON REBAR SET
PKS	MASONRY NAIL SET
R/W	RIGHT-OF-WAY
EP	EDGE OF PAVEMENT
BC	BACK OF CURB
-G-	GASLINE
PIN	PARCEL IDENTIFICATION NUMBER
CMP	CORRUGATED METAL PIPE

NOTE
NO USGS OR NCGS MONUMENTS FOUND WITHIN 2000'.

JEFFREY C. ALLEN L-3810 N.C.

"EXHIBIT A"

RIGHT-OF-WAY ABANDONMENT

PART OF ACADEMY STREET
CHARLOTTE, NC

TOWNSHIP	COUNTY	STATE	DEED BOOK	PAGE
CHARLOTTE	MECKLENBURG	NC	P/O 1775	50

LOT	PHASE	MAP	MAP BOOK	PAGE
–	–	–	–	–

0 50' 100' 200'
SCALE : 1" = 100'

DATE	TAX I.D.	F.B.
12/06/00	AS NOTED	
JOB NO.	SURVEYED	DRAWN
005644	JB	JCA

MITCHAM & ASSOCIATES, P.A.
SURVEYORS – PLANNERS
13532 OLD STATESVILLE ROAD HUNTERSVILLE, N.C. 28078
(704) 875-7982 (704) 875-7983(FAX)

MITCHAM & ASSOCIATES, P.A.
SURVEYORS – PLANNERS

13532 OLD STATESVILLE ROAD
HUNTERSVILLE, NC 28078
mitchar@infi.net
(704) 875-7983 fax
(704) 875-7982

"EXHIBIT B"

Commencing at a 5/8" existing iron rebar at the intersection of the southern right-of-way of North Davidson Street and the western right-of-way of Anderson Street, said iron also being the northeastern corner of Mecklenburg County parcel number 09110906 as found in Deed Book 4826 Page 413; thence, North 71 degrees 08 minutes 15 seconds West 260.55 feet to the POINT OF BEGINNING, a 5/8" iron rebar set, the northeast corner of the tract herein described; thence, South 15 degrees 08 minutes 40 seconds East passing a 5/8" iron rebar set at 1.46 feet for a total distance of 873.63 feet to a 5/8" iron rebar set in the centerline of Norfolk & Southern Railway right-of-way; thence, North 83 degrees 44 minutes 30 seconds West 53.70 feet to a 5/8" iron rebar set in the centerline of said railway right-of-way; thence, North 15 degrees 08 minutes 40 seconds West 887.29 feet to a 5/8" iron rebar set at the southern right-of-way of North Davidson Street; thence, with a curve to the right having a chord bearing and distance of South 71 degrees 31 minutes 13 seconds East and 57.05 feet, and a radius of 440.00 feet to the POINT OF BEGINNING, said area containing 1.01 acres, more or less.

NORTH CAROLINA PROFESSIONAL SEAL L-3810 LAND SURVEYOR JEFFREY C. ALLEN 05/02/01

RIGHT-OF-WAY ABANDONMENT
AGREEMENT OF UNDERSTANDING

The following property owners have parcels that adjoin the public right-of-way of Academy Street. They hereby indicate, by signature that they agree with the proposal to abandon the right-of-way. They further understand that once abandoned, a portion of that right-of-way becomes their property. The owners will then be responsible for maintenance and any additional property taxes that may result from the increase in the size of their original parcel.

I understand the statement above and agree with the proposed abandonment.

Name/Address Property Owner	Signature	Tax Code Number
E. C. Griffith Company 1914 Brunswick Ave. Charlotte, NC 28207	James R. Griffith	#091-107-31 and #091-109-07
Foust Family Limited Partnership P. O. Box 14429 Augusta, GA 30919	Jack H. Foust pw	#091-109-06

73C126

RESOLUTION CLOSING A PORTION OF CUSTER STREET AND THREE ALLEYWAYS 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 Custer Street and three alleyways 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 Custer Street and three alleyways 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, Engineering and Property Management Department, BellSouth Telecommunications, Inc., Duke Power Company and Time Warner Cable to maintain their proposed facilities as shown on the attached maps marked Exhibit A,B,C, and D.

WHEREAS, the public hearing was held on the 11th day of June, 2001, and City Council determined that the closing of a portion of Custer Street and three alleyways 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 June 11, 2001, that the Council hereby orders the closing of a portion of Custer Street and three alleyways in the City of Charlotte Mecklenburg County, North Carolina as shown in the maps marked "Exhibit A,B,C, and D" and is more particularly described by metes and bounds in documents marked "Exhibit A1,B1,C1, and D1", 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

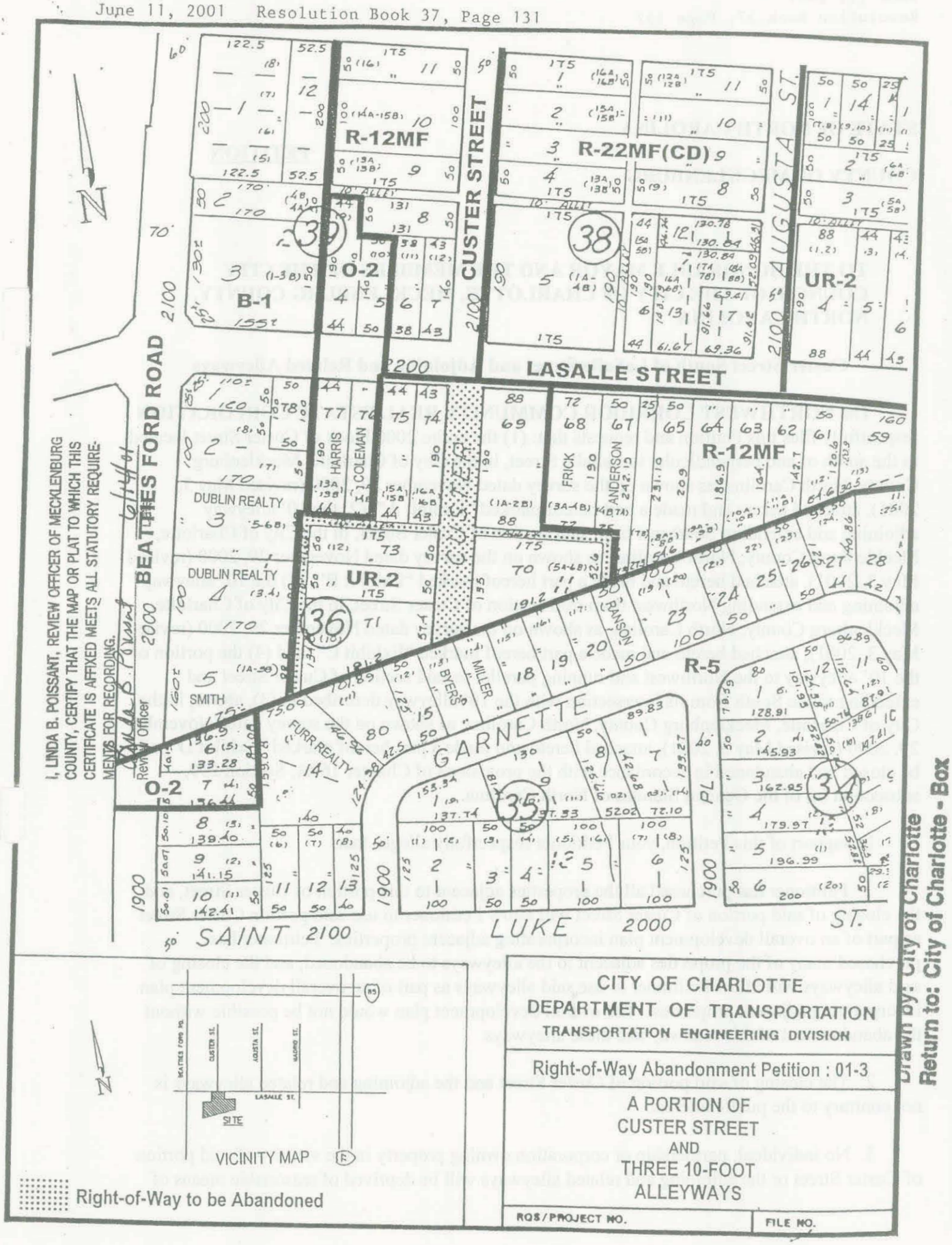
I, Brenda R. Freeze City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 11th day of June, 2001, the reference having been made in Minute book 116, and recorded in full in resolution book 37, page(s) 130-141.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of June, 2001.

Brenda R. Freeze, CMC

Brenda R. Freeze, CMC, City Clerk

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


R-12MF
R-22MF(CD)
CUSTER STREET
AUGUSTA ST.
LASALLE STREET
B-1
O-2
UR-2
BEATTIES FORD ROAD
DUBLIN REALTY
HARRIS
COLEMAN
FRICK
ANDERSON
SMITH
FURR REALTY
BYERS
MILLER
RANSON
GARNETTE
R-5
PL.
SAINT LUKE
ST.
39
38
36
35
34
I, LINDA B. POISSANT, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
Linda B. Poissant 6/14/01
Review Officer
Drawn by: City of Charlotte
Return to: City of Charlotte - Box
VICINITY MAP
SITE
Right-of-Way to be Abandoned
CITY OF CHARLOTTE
DEPARTMENT OF TRANSPORTATION
TRANSPORTATION ENGINEERING DIVISION
Right-of-Way Abandonment Petition : 01-3
A PORTION OF
CUSTER STREET
AND
THREE 10-FOOT
ALLEYWAYS
RQS/PROJECT NO.
FILE NO.

STATE OF NORTH CAROLINA

PETITION

COUNTY OF MECKLENBURG

TO THE HONORABLE MAYOR AND THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

Custer Street South of LaSalle Street and Adjoining and Related Alleyways

The **NORTHWEST CORRIDOR COMMUNITY REAL ESTATE CORPORATION** respectfully files this Petition and requests that: (1) the entire 2000 block of Custer Street located to the south of and perpendicular to LaSalle Street, in the City of Charlotte, Mecklenburg County, North Carolina, as shown on the survey dated November 29, 2000 (revised May 3, 2001), attached hereto and made a part hereof marked "Exhibit A"; (2) the 10' alleyway adjoining and extending Southeast from said section of Custer Street, in the City of Charlotte, Mecklenburg County, North Carolina, as shown on the survey dated November 29, 2000 (revised May 3, 2001), attached hereto and made a part hereof marked "Exhibit B"; (3) the 10' alleyway adjoining and extending Northwest from said section of Custer Street, in the City of Charlotte, Mecklenburg County, North Carolina, as shown on the survey dated November 29, 2000 (revised May 3, 2001), attached hereto and made a part hereof marked "Exhibit C"; and (4) the portion of the 10' alleyway to the Northwest and running parallel to said section of Custer Street and extending to the South from its intersection with the 10' alleyway described in (3), above, in the City of Charlotte, Mecklenburg County, North Carolina, as shown on the survey dated November 29, 2000 (revised May 3, 2001), attached hereto and made a part hereof marked "Exhibit D", all be closed and abandoned in accordance with the provisions of Chapter 160A, Section 299, subsection (a) of the General Statutes of North Carolina.

In support of this Petition, your Petitioner respectfully alleges that:

1. Petitioner has purchased all the properties adjacent to this portion of Custer Street, and the closing of said portion of Custer Street will allow Petitioner to use said portion Custer Street as part of an overall development plan incorporating adjacent properties. Petitioner has purchased many of the properties adjacent to the alleyways to be abandoned, and the closing of said alleyways will allow Petitioner to use said alleyways as part of an overall development plan incorporating adjacent properties. The overall development plan would not be possible without the abandonment of this roadway and these alleyways.

2. The closing of said portion of Custer Street and the adjoining and related alleyways is not contrary to the public interest.

3. No individual, partnership or corporation owning property in the vicinity of said portion of Custer Street or the adjoining and related alleyways will be deprived of reasonable means of

ingress and egress to his or its property by virtue of the closing. Petitioner shall provide an easement to Charlotte-Mecklenburg Utilities, Engineering and Property Management Department, Piedmont Natural Gas Company, BellSouth Telecommunications, Inc., Duke Power Company, Time Warner Cable and all other owners of existing underground utilities and telecommunications facilities to maintain their facilities as shown on the appropriate attached map(s) marked Exhibit A1 through D1. In the event any such utilities or telecommunications facilities are subsequently relocated, the above-described easement shall relocate as necessary to accommodate such relocated utilities or telecommunications facilities.

4. The portion of : (1) Custer Street which Petitioner requests be closed and abandoned is more particularly described by metes and bounds in "Exhibit A1", attached hereto and made a part hereof; (2) the 10' alleyway adjoining and extending Southeast from said section of Custer Street which Petitioner requests be closed and abandoned is more particularly described by metes and bounds in "Exhibit B1", attached hereto and made a part hereof; (3) the 10' alleyway adjoining and extending Northwest from said section of Custer Street which Petitioner requests be closed and abandoned is more particularly described by metes and bounds in "Exhibit C1", attached hereto and made a part hereof; (4) the portion of the 10' alleyway to the Northwest and running parallel to said section of Custer Street and extending to the South from its intersection with the 10' alleyway described in (3), above, which Petitioner requests be closed and abandoned is more particularly described by metes and bounds in "Exhibit D1", attached hereto and made a part hereof.

5. To the best of Petitioner's knowledge, the portion of Custer Street and the adjoining and related alleyways which Petitioner requests be closed and abandoned have not been previously accepted by the North Carolina Department of Transportation for maintenance.

WHEREFORE, Petitioner respectfully requests the City Council of the City of Charlotte to consider this Petition and set the time for public hearing upon this matter as required by law.

Respectfully submitted, this the 3rd day of May, 2001.

Northwest Corridor Community Real Estate Corporation

By: _____
Mark C. Cramer, Esq.

Its: Local Counsel for this Proceeding

Address: 1201 Greenwood Cliff, Suite 310, Charlotte, NC 28204

Telephone No.: 704-940-3171

June 11, 2001
Resolution Book 37, Page 134

Exhibit A

STATE OF NORTH CAROLINA
GASTON COUNTY

I certify that this map was drawn from an actual survey made under my supervision.
The unadjusted error of closure as calculated is 1': 10,000'+
Boundaries not surveyed, if any, are noted. Deed descriptions are recorded in Book AS, Page SHOWN.

Witness my hand and seal this 4 day of May 20 01.

Professional Land Surveyor

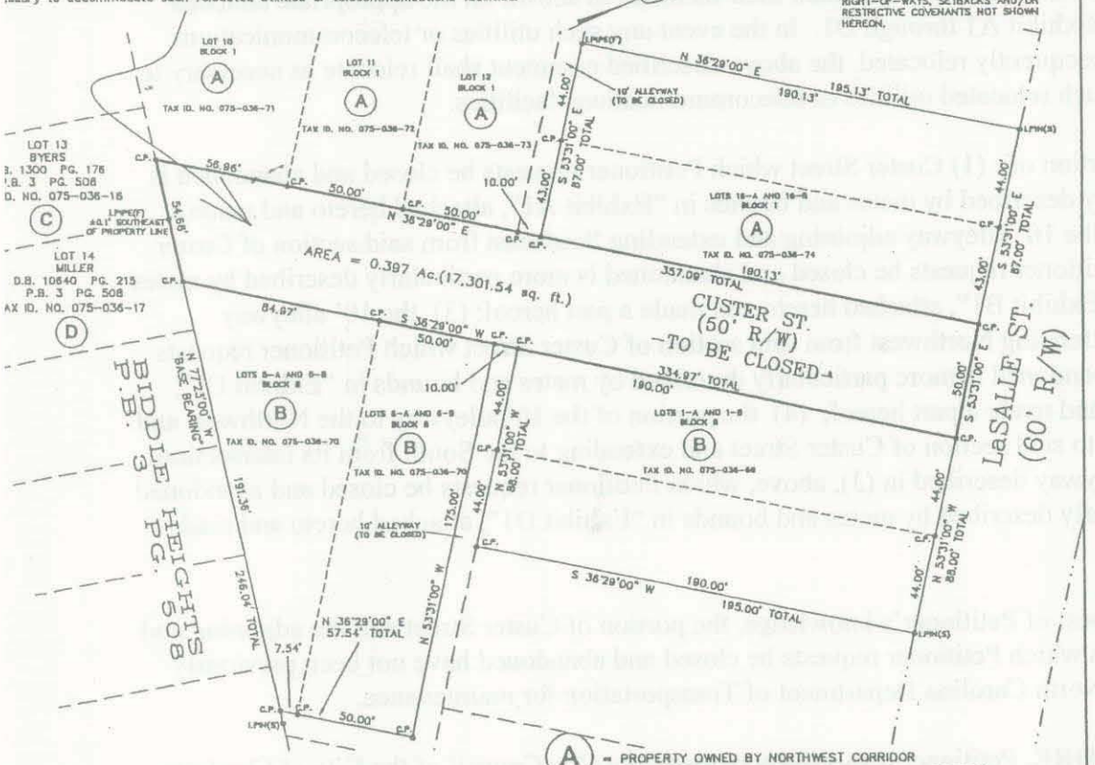
NORTH CAROLINA PROFESSIONAL SEAL L-1365 SURVEYOR RALD M. SOSEBEE

LOCATION MAP – NOT TO SCALE

NOTES: SURVEY MADE USING EXISTING PHYSICAL EVIDENCE FOUND AT TIME OF SURVEY.

SUBJECT PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED EASEMENTS, RIGHT-OF-WAYS, SETBACKS AND/OR RESTRICTIVE COVENANTS NOT SHOWN HEREON.

ument in favor of Charlotte-Mecklenburg Utilities, Engineering and Property agement Department, Piedmont Natural Gas Company, BellSouth communications, Inc., Duke Power Company, Time Warner Cable and all other ers of existing underground utilities and telecommunications facilities, upon, under, across the entire property described above for access to and for the installation, ntenance, replacement, and repair of conduit, cable, wires, drainage lines, water lines, sewer lines, mains and related equipment. In the event any such utilities or telecommunications ities are subsequently relocated, the above-described easement shall relocate as essary to accommodate such relocated utilities or telecommunications facilities.



DRAWING REVISED MAY 3, 2001 TO INCLUDE UTILITIES EASEMENT NOTE

EGEND
NES SURVEYED
NES NOT SURVEYED
LL CORNERS ARE AS NOTED
.T.S. NOT TO SCALE
.P. CALCULATED POINT
VERHEAD UTILITY LINES
TILITY POLE
ETAL FENCE
OODEN FENCE
EWER MANHOLE
BSL – MINIMUM BUILDING SETBACK LINE

A = PROPERTY OWNED BY NORTHWEST CORRIDOR COMMUNITY DEVELOPMENT, P.O. BOX 28 – JOHNSON C. SMITH UNIVERSITY, CHARLOTTE, NC 28216. D.B. 10974 PG. 761, P.B. 3 PG. 288.

B = PROPERTY OWNED BY NORTHWEST CORRIDOR COMMUNITY DEVELOPMENT, P.O. BOX 28 – JOHNSON C. SMITH UNIVERSITY, CHARLOTTE, NC 28216. D.B. 10974 PG. 744, P.B. 3 PG. 288.

C = PROPERTY OWNED BY WILLIAM SYLVESTER BYERS 1927 GARNETTE PLACE CHARLOTTE, NC 28216

D = PROPERTY OWNED BY CALVIN MILLER & RUTHIE MAE GASTON 1935 GARNETTE PLACE CHARLOTTE, NC 28216

CAROLINAS DESIGN GROUP,PLLC
CIVIL ENGINEERING • LAND SURVEYING • LAND PLANNING
405 S. Marietta Street Gastonia, NC 28052
Phone: 704-854-9328 • 704-864-9007 • Fax 704-865-8798

GRAPHIC SCALE
60 30 0 60 120
SCALE IN FEET

BOUNDARY SURVEY
OF
PORTION OF CUSTER ST. TO BE CLOSED

SCALE: 1" = 60' CHARLOTTE TOWNSHIP, MECKLENBURG COUNTY, NC DATE: NOV. 29, 2000
*REVISED MAY 3, 2001

PROPERTY TO BE ACQUIRED BY:

MAP RECORDED IN BOOK AT PAGE DEED RECORDED IN BOOK PAGE
BOOK NO. D/C CADD # LASALLE-CUSTER-3MAY2001 DRAWN BY: WSN TAX ID NO.

I, LINDA B. POISSANT, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

6/14/01
Date

Review Officer

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

Legal Description
for Custer Street Closing
Exhibit A1

Beginning at a point located at the southeast corner of the intersection of LaSalle Street and Custer Street and running thence from said point of beginning along the eastern most right of way for Custer Street S 36°29'00'' W for a distance of 334.97' to a point located in the rear Lot line of Lot 14 of the Biddle Heights subdivision as recorded in Plat Book 3 page 508 in the Mecklenburg County Register of Deeds, thence turning and running along the rear Lot lines for Lot 14 and 13 of Biddle Heights subdivision N 77°23'00'' W for a distance of 54.68' to a point at the south eastern most corner of Lot 10, block "1" as recorded in Plat Book 3 page 288 in the Mecklenburg County Register of Deeds, thence along the western most right of way for Custer Street N 36°29'00'' E for a distance of 357.09' to a point located at the northwest intersection of LaSalle Street and Custer Street thence S 53°31'00' E 50.00' to the point and place of beginning. Said tract containing 0.397 acres according to a survey prepared by Carolinas Design Group, PLLC. Said survey is dated November 29, 2000, revised May 3, 2001 and is entitled "Boundary Survey of Portion of Custer Street to be closed".

NORTH CAROLINA PROFESSIONAL SEAL L-3657 LAND SURVEYOR GERALD M. SOSEBEE

Exhibit B

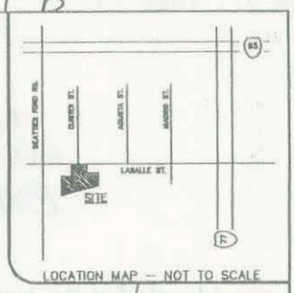
STATE OF NORTH CAROLINA
GASTON COUNTY

I certify that this map was drawn from an actual survey made under my supervision.
The unadjusted error of closure as calculated is 1': 10,000'+
Boundaries not surveyed, if any, are noted. Deed descriptions are recorded in Book AS, Page SHOWN.

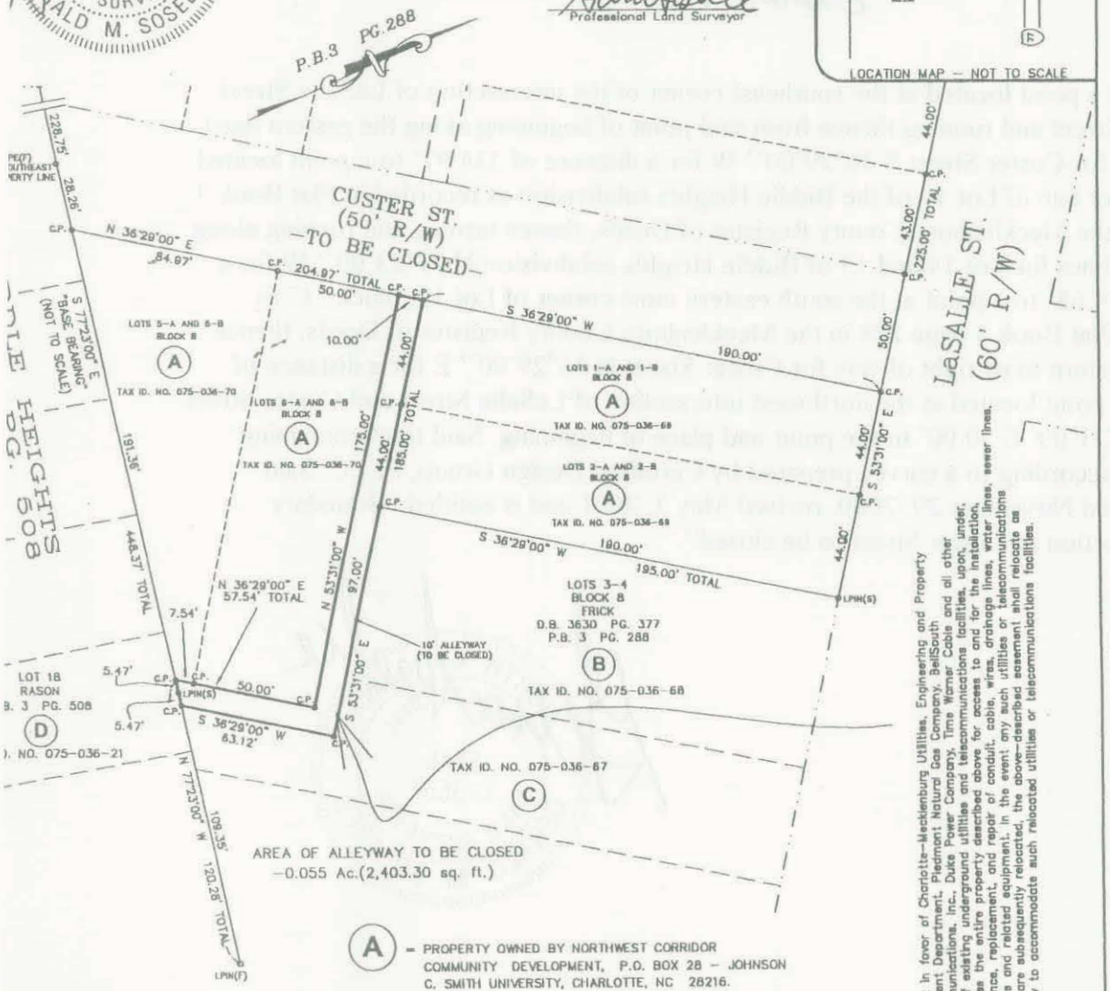
Witness my hand and seal this 4 day of May, 2001.

Professional Land Surveyor

NORTH CAROLINA PROFESSIONAL SEAL 5647 LAND SURVEYOR GERALD M. SOSEBEE



LOCATION MAP – NOT TO SCALE



Easement in favor of Charlotte-Mecklenburg Utilities, Engineering and Property Management Department, Piedmont Natural Gas Company, BellSouth Telecommunications, Inc., Duke Power Company, Time Warner Cable and all other owners of existing underground utilities and telecommunications facilities, upon, under, and across the entire property described above for access to and for the installation, maintenance, replacement, and repair of conduit, cable, wires, drainage lines, water lines, sewer lines, gas mains and related equipment. In the event any such utilities or telecommunications facilities are subsequently relocated, the above-described easement shall relocate as necessary to accommodate such relocated utilities or telecommunications facilities.

(A) = PROPERTY OWNED BY NORTHWEST CORRIDOR COMMUNITY DEVELOPMENT, P.O. BOX 28 – JOHNSON C. SMITH UNIVERSITY, CHARLOTTE, NC 28216. D.B. 10974 PG. 744, P.B. 3 PG. 288.

(B) = PROPERTY OWNED BY DEWEY A. FRICK 2136 CARMEL RD. CHARLOTTE, NC 28211

(C) = PROPERTY OWNED BY GEORGE ANDERSON 1229 BERRY RIDGE RD. CHARLOTTE, NC 28270

(D) = PROPERTY OWNED BY FRANCIS E. RASON 1947 GARNETTE PLACE CHARLOTTE, NC 28216

* DRAWING REVISED MAY 3, 2001 TO INCLUDE UTILITIES EASEMENT NOTE

NOTES: SURVEY MADE USING EXISTING PHYSICAL EVIDENCE FOUND AT TIME OF SURVEY.

SUBJECT PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED EASEMENTS, RIGHT-OF-WAYS, SETBACKS AND/OR RESTRICTIVE COVENANTS NOT SHOWN HEREON.

LEGEND
LINES SURVEYED
LINES NOT SURVEYED
ALL CORNERS ARE AS NOTED O
N.T.S. NOT TO SCALE
C.P. CALCULATED POINT
OVERHEAD UTILITY LINES
UTILITY POLE
METAL FENCE
WOODEN FENCE
SEWER MANHOLE (S)
MBSL – MINIMUM BUILDING SETBACK LINE

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GRAPHIC SCALE
60 30 0 60 120
SCALE IN FEET

BOUNDARY SURVEY
OF
ALLEY TO BE CLOSED SOUTHEAST OF CUSTER ST.

SCALE: 1" = 60' CHARLOTTE TOWNSHIP, MECKLENBURG COUNTY, NC DATE: NOV. 29, 2000
*REVISED MAY 3, 2001

PROPERTY TO BE ACQUIRED BY:

MAP RECORDED IN BOOK AT PAGE DEED RECORDED IN BOOK PAGE
BOOK NO. D/C CADD # LASALLE-EAST ALLEY-3MAY2001 DRAWN BY: WSN TAX ID NO.

Legal Description
for Alleyway Closing
Southeast of Custer Street

Exhibit B-L

Beginning at a point located in the eastern right of way for Custer Street, said point being S 36°29'00" W - 190.00' from a point located at the southeast intersection of Custer Street and LaSalle Street and running thence from said point of beginning S 53°31'00" E - 185.00' to a point, thence S 36°29'00" W - 63.12' to a point located in the rear Lot line of Lot 18 of the Biddle Heights Subdivision as recorded in Plat Book 3 page 508 in the Mecklenburg County Register of Deeds, thence along the rear Lot line of Lot 18 N 77°23'00" W - 10.94' to a point located in the rear Lot line of Lot 18, thence along the rear Lot line of Lots 5A, 5B, and Lots 6A, 6B as recorded in Plat Book 3 page 288 N 36°29'00" E - 57.54' to a point at the north eastern most corner of Lots 6A and 6B, thence along the northern line of Lots 6A and 6B N 53°31'00" W - 175.00' to a point located in the eastern right of way for Custer Street, thence N 36°29'00" E - 10.00' to the point and place of beginning. Said tract containing 0.055 acres according to a survey prepared by Carolinas Design Group, PLLC. Said survey is dated November 29, 2000, revised May 3, 2001 entitled "Boundary Survey of Alley to be closed Southeast of Custer Street".

NORTH CAROLINA PROFESSIONAL SEAL L-3657 LAND SURVEYOR GERALD M. SOSEBEE

Exhibit C

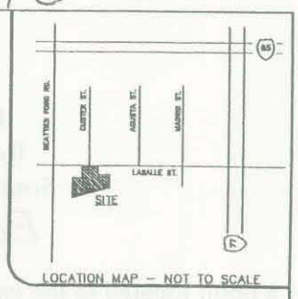
NORTH CAROLINA PROFESSIONAL SEAL L-3657 LAND SURVEYOR GERALD M. SOSEBEE

STATE OF NORTH CAROLINA
GASTON COUNTY

I certify that this map was drawn from an actual survey made under my supervision.
The unadjusted error of closure as calculated is 1': 10,000'+
Boundaries not surveyed, if any, are noted. Deed descriptions are recorded in Book AS, Page SHOWN.

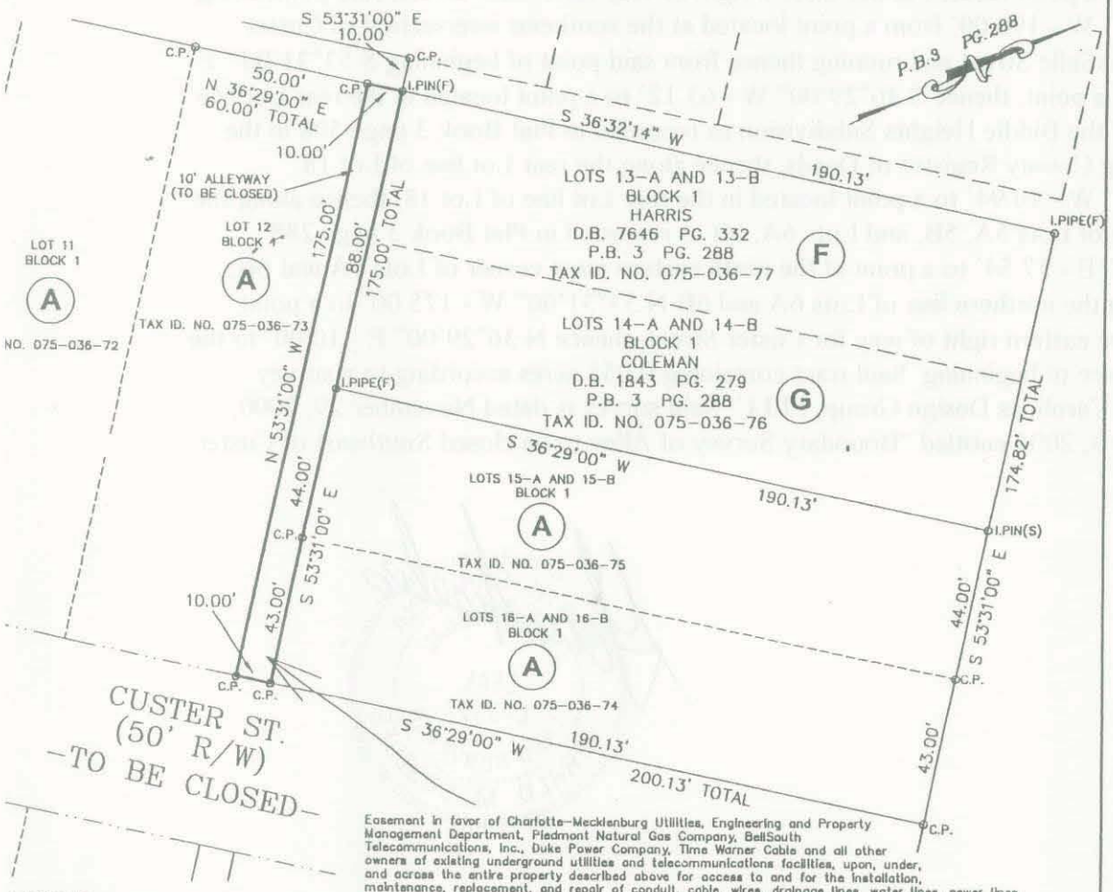
Witness my hand and seal this 4 day of May, 2001.

Professional Land Surveyor



AREA OF PORTION OF ALLEY TO BE CLOSED=0.040 Ac. (1,750.00 sq. ft.)

* DRAWING REVISED MAY 3, 2001 TO INCLUDE UTILITIES EASEMENT NOTE



Easement in favor of Charlotte-Mecklenburg Utilities, Engineering and Property Management Department, Piedmont Natural Gas Company, BellSouth Telecommunications, Inc., Duke Power Company, Time Warner Cable and all other owners of existing underground utilities and telecommunications facilities, upon, under, and across the entire property described above for access to and for the installation, maintenance, replacement, and repair of conduit, cable, wires, drainage lines, water lines, sewer lines, gas mains and related equipment. In the event any such utilities or telecommunications facilities are subsequently relocated, the above-described easement shall relocate as necessary to accommodate such relocated utilities or telecommunications facilities.

LEGEND

LINES SURVEYED
LINES NOT SURVEYED
ALL CORNERS ARE AS NOTED O
N.T.S. NOT TO SCALE
C.P. CALCULATED POINT
OVERHEAD UTILITY LINES
UTILITY POLE
METAL FENCE
WOODEN FENCE
SEWER MANHOLE (S)
MBSL – MINIMUM BUILDING SETBACK LINE

(A) = PROPERTY OWNED BY NORTHWEST CORRIDOR COMMUNITY DEVELOPMENT, P.O. BOX 28 – JOHNSON C. SMITH UNIVERSITY, CHARLOTTE, NC 28216. D.B. 10974 PG. 761, P.B. 3 PG. 288.

(F) = PROPERTY OWNED BY THOMAS E. HARRIS 2213 LaSALLE ST. CHARLOTTE, NC 28216

(G) = PROPERTY OWNED BY MARY C. COLEMAN 2209 LaSALLE ST. CHARLOTTE, NC 28216

NOTES: SURVEY MADE USING EXISTING PHYSICAL EVIDENCE FOUND AT TIME OF SURVEY.

SUBJECT PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED EASEMENTS, RIGHT-OF-WAYS, SETBACKS AND/OR RESTRICTIVE COVENANTS NOT SHOWN HEREON.

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Phone: 704-854-9328 • 704-864-9007 • Fax 704-865-8796

GRAPHIC SCALE
40 20 0 40 80
SCALE IN FEET

BOUNDARY SURVEY
OF
PORTION OF ALLEY TO BE CLOSED NORTHWEST OF CUSTER ST.

SCALE: 1" = 40' CHARLOTTE TOWNSHIP, MECKLENBURG COUNTY, NC DATE: NOV. 29, 2000

PROPERTY TO BE ACQUIRED BY: *REVISED MAY 3, 2001

MAP RECORDED IN BOOK AT PAGE DEED RECORDED IN BOOK PAGE
BOOK NO. D/C CADD # LASALLE-WEST ALLEY-3MAY2001 DRAWN BY: WSN TAX ID NO.

Legal Description
for Alleyway to be closed
Northwest of Custer Street

Exhibit C 1

Beginning at a point located in the western right of way for Custer Street, said point being S 36°29'00'' W - 190.13' from a point located at the southwest intersection of Custer Street and LaSalle Street and running thence from said point of beginning S 36°29'00'' W - 10.00' to a point located at the north eastern most corner of Lot 12, Block "1" as recorded in Plat Book 3 page 288 in the Mecklenburg County Register of Deeds, thence along the northern most line of Lot 12 Block "1" N 53°31'00" W - 175.00' to a point located at the northwestern most corner of Lot 12 Block "1", thence turning and crossing alley N 36° 29' 00" E - 10.00' to an iron pin found at the southwest corner of Lots 13A and 13B Block "1", thence along the rear Lot line of Lots 13A-16A and 13B-16B, S 53°31'00" E - 175.00' to the point and place of beginning. Said tract containing 0.040 acres according to a survey prepared by Carolinas Design Group, PLLC. Said survey is dated November 29, 2000, revised May 3, 2001 and is entitled "Boundary Survey of Portion of Alley to be closed Northwest of Custer Street".

NORTH CAROLINA PROFESSIONAL SEAL L-3657 LAND SURVEYOR GERALD M. SOSEBEE

Exhibit D

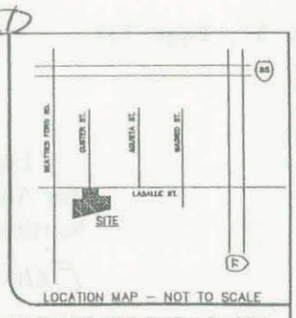
NORTH CAROLINA PROFESSIONAL SEAL L-3657 LAND SURVEYOR GERALD M. SOSEBEE

STATE OF NORTH CAROLINA
GASTON COUNTY

I certify that this map was drawn from an actual survey made under my supervision.
The unadjusted error of closure as calculated is 1': 10,000'+.
Boundaries not surveyed, if any, are noted. Deed descriptions are recorded in Book AS, Page SHOWN.

Witness my hand and seal this 4 day of May, 2001.

Professional Land Surveyor

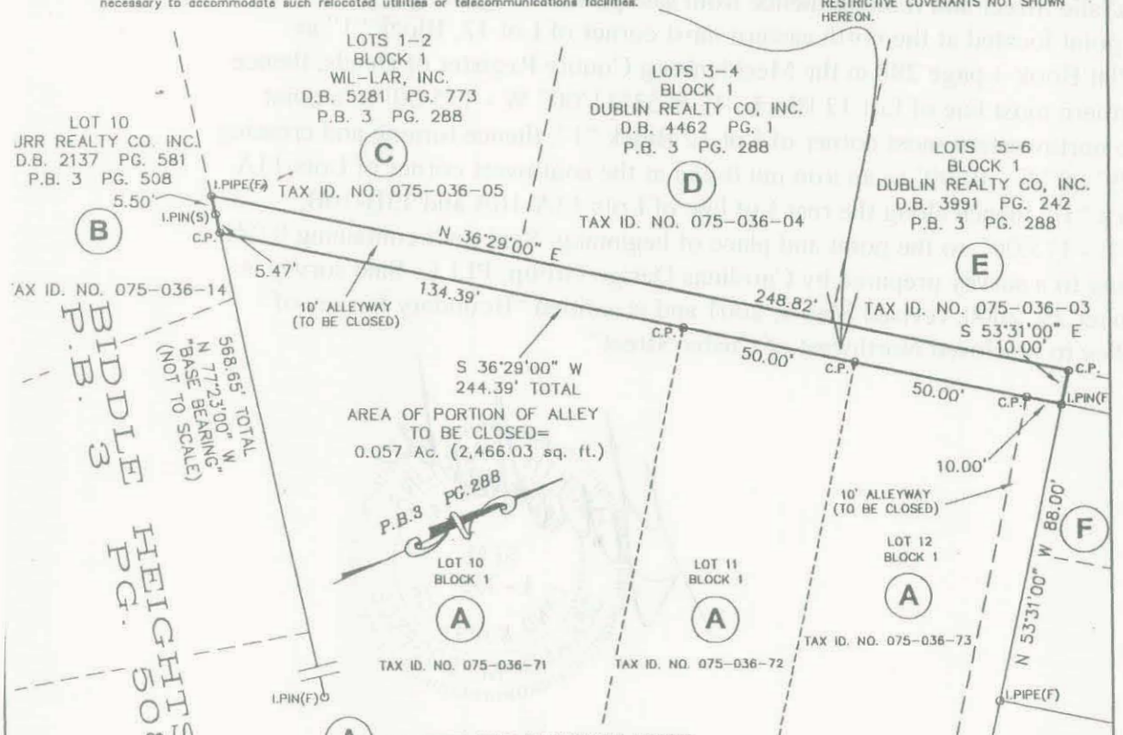


LOCATION MAP – NOT TO SCALE

Easement in favor of Charlotte-Mecklenburg Utilities, Engineering and Property Management Department, Piedmont Natural Gas Company, BellSouth Telecommunications, Inc., Duke Power Company, Time Warner Cable and all other owners of existing underground utilities and telecommunications facilities, upon, under, and across the entire property described above for access to and for the installation, maintenance, replacement, and repair of conduit, cable, wires, drainage lines, water lines, sewer lines, gas mains and related equipment. In the event any such utilities or telecommunications facilities are subsequently relocated, the above-described easement shall relocate as necessary to accommodate such relocated utilities or telecommunications facilities.

NOTES: SURVEY MADE USING EXISTING PHYSICAL EVIDENCE FOUND AT TIME OF SURVEY.

SUBJECT PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED EASEMENTS, RIGHT-OF-WAYS, SETBACKS AND/OR RESTRICTIVE COVENANTS NOT SHOWN HEREON.



A = PROPERTY OWNED BY NORTHWEST CORRIDOR COMMUNITY DEVELOPMENT, P.O. BOX 28 – JOHNSON C. SMITH UNIVERSITY, CHARLOTTE, NC 28216. D.B. 10974 PG. 761, P.B. 3 PG. 288.

B = PROPERTY OWNED BY FURR REALTY CO. INC. 2621 TUCKASEEGEE RD. CHARLOTTE, NC 28208

C = PROPERTY OWNED BY QUILLIE SMITH C/O SOL LEVINE OF LEVINE & LEVINE 301 S. McDOWELL ST. SUITE 602 CHARLOTTE, NC 28204

D = PROPERTY OWNED BY DUBLIN REALTY CO. INC. 3139 DUBLIN RD. CHARLOTTE, NC 28208

E = PROPERTY OWNED BY DUBLIN REALTY CO. INC. 3139 DUBLIN RD. CHARLOTTE, NC 28208

F = PROPERTY OWNED BY THOMAS E. HARRIS 2213 LaSALLE ST. CHARLOTTE, NC 28216 SPECIFICALLY: LOTS 13-A AND 13-B BLOCK 1 D.B. 7646 PG. 332 P.B. 3 PG. 288 TAX ID. NO. 075-036-77

LEGEND

LINES SURVEYED
LINES NOT SURVEYED
ALL CORNERS ARE AS NOTED O
N.T.S. NOT TO SCALE
C.P. CALCULATED POINT
OVERHEAD UTILITY LINES
UTILITY POLE
METAL FENCE
WOODEN FENCE
SEWER MANHOLE (S)
MBSL – MINIMUM BUILDING SETBACK LINE

* DRAWING REVISED MAY 3, 2001 TO INCLUDE UTILITIES EASEMENT NOTE

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GRAPHIC SCALE
40 20 0 40 80
SCALE IN FEET

BOUNDARY SURVEY
OF
PORTION OF ALLEY TO BE CLOSED NORTHWEST OF CUSTER ST.

SCALE: 1" = 40' CHARLOTTE TOWNSHIP, MECKLENBURG COUNTY, NC DATE: NOV. 29, 2000
*REVISED MAY 3, 2001

PROPERTY TO BE ACQUIRED BY:

MAP RECORDED IN BOOK AT PAGE DEED RECORDED IN BOOK PAGE
BOOK NO. D/C CADD # LASALLE-WEST ALLEY-3MAY2001 DRAWN BY: WSN TAX ID NO.

Legal Description
for Alleyway Closing
Northwest of Custer Street

Exhibit D 2

Beginning at an iron pipe found at the south eastern most corner of Lots 1 & 2 Block "1" as recorded in the Mecklenburg County Register of Deeds in Plat Book 3 page 288 and running thence from said point of beginning along the rear lot lines of Lot 1 - 6 Block "1" N 36°29'00" E - 248.82' to a point, thence turning and crossing alley way S 53° 31' 00" E - 10.00' to an iron pin found at the south western most corner of Lots 1 & 2 Block "1" as recorded in the Mecklenburg County Register of Deeds in Plat Book 3 page 288, thence turning and crossing another alley way and running with the western most lines for Lots 10, 11, and 12 Block "1" as shown in Plat Book 3 page 288 S 36°29'00" W - 244.39' to a point in the rear lot line of Lot 10 of Plat Book 3 page 508, thence turning and running N 77° 23' 00" W - 10.97' to the point and place of beginning. Said tract containing 0.057 acres according to a survey prepared by Carolinas Design Group, PLLC. Said survey is dated November 29, 2000, Revised May 3, 2001 entitled "Boundary Survey of Alley to be closed Northwest of Custer Street".

NORTH CAROLINA PROFESSIONAL SEAL L-3657 LAND SURVEYOR GERALD M. SOSEBEE