

**A RESOLUTION AUTHORIZING THE REFUND OF PROPERTY 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:

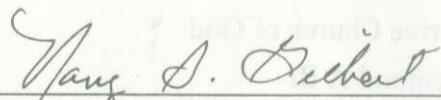
1. The City-County Tax Collector has collected property taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time 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 11th day of February, 2002 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, Nancy S. Gilbert, Deputy 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 February, 2001, the reference having been made in Minute Book 117 and recorded in full in Resolution Book 37 at Page(s) 566-567.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of February, 2001.

  
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Nancy S. Gilbert, Deputy City Clerk

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

<u>Name</u>	<u>Amount of Refund</u>
	<u>Clerical Error</u>
CAP Gemini Ernst & Young US	\$ 381.06
Central Carolina Bank	101.85
Central Carolina Bank	1,933.99
Central Carolina Bank	128.08
McAlpine Partnership	337.20
Sardis-Monroe Road Investors	3,244.00
Sardis-Monroe Road Investors	1,175.33
Sardis Cut Corp	1,438.94
McAlpines LLC The	1,723.27
MLC Group	185.06
CLG Inc	254.45
First Citizens Bank & Trust	256.71
Fisher-Anderson, L.C.	210.07
Baikowski International	2,393.80
Baikowski International	1,129.71
Adams Jackson L.	270.42
Chase Manhattan Mortgage	475.11
Stonehaven Homeowners Assoc	124.42
Stonehaven Homeowners Assoc	122.39
Homecoming Financial Network	364.73
Taylor Kyle Wilson	127.40
Eastway Drive Church of God	128.89
Eastway Drive Church of God	460.42
Young Raymond A III	392.70
Young Raymond A III	207.07
Young Raymond A III	261.66
Young Raymond A III	261.66
Young Raymond A III	396.90
Total	\$18,487.29

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE a portion of South Gardner Avenue in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, Carolina Paper Board Corporation, Division of Caraustar has filed a petition to close a portion of South Gardner Avenue in the city of Charlotte; and

Whereas, the portion of South Gardner Avenue to be closed lies beginning approximately 200 feet from Chamberlain Avenue and continuing southwardly approximately 345 feet to its terminus as shown in the 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 February 11, 2002, that it intends to close a portion of South Gardner Avenue 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 25th day of March, 2002 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, Nancy S. Gilbert, Deputy 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 February, 2002, the reference having been made in Minute Book 117, and recorded in full in Resolution Book 37, Pages 568.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13<sup>th</sup> day of February, 2002.

  
Nancy S. Gilbert, CMC, Deputy City Clerk

February 11, 2002  
Resolution Book 37, Page 569

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION  
OF ANNEXATION PURSUANT TO G.S. 160A-31

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

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

Section I. A public hearing on the question of annexation of the area described herein will be held at the Charlotte-Mecklenburg Government Center Meeting Chamber, 600 E. Fourth Street, Charlotte, N.C. at 7:00 p.m. on April 8, 2002.

Section 2. The area proposed for annexation is described below:

BEGINNING at an iron found in the southeastern margin of the proposed 100 foot right-of-way of Providence Road West (S.R. 3626) said point being the following two courses and distances from a one-half inch existing iron pin, tie reference: (1) S 30-30-28 E 28.68 feet to a pk nail and (2) S 22-00-51 E 52.02 feet to an iron; said beginning point being also located in the northwesterly boundary line of that property owned (now or formerly) by Duke Power Company as described in that instrument recorded in Deed Book 5944, Page 990, Mecklenburg County Public Registry (the "Duke Power Property") and per Boundary Line Agreement dated September 11, 1996, referenced in that instrument recorded in Deed Book 8741, Page 718; running thence with a boundary line of the Duke Power Property the following two courses and distances: (1) S 22-00-51 E 428.45 feet to a one-inch existing iron rod and (2) N 57-15-38 E 121.42 feet to a one-inch existing iron rod; thence with a boundary line of that certain property owned (now or formerly) by Cellco Partnership as described in that instrument recorded in Deed Book 8741, Page 718, aforesaid registry, S 54-50-44 E 453.56 feet to an existing iron rod; thence a new line S 18-21-02 W 875.76 feet to an iron; thence a new line N 75-51-10 W 390.98 feet to a concrete monument control corner; thence a new line N 27-02-16 W 1122.74 feet to an iron in the southeastern margin of the Providence Road West right-of-way; thence with the southeastern margin of the Providence Road right-of-way N 63-46-58 E 117.41 feet to an iron; thence a new line S 27-02-16 E 300.00 feet to an iron; thence a new line N 64-55-59 E 363.11 feet to an iron; thence N 22-00-51 W 344.43 feet to an iron located in the southeastern margin of the Providence Road West right-of-way; thence with the southeastern margin of the Providence Road West

right-of-way N 51-57-32 E 114.45 feet to an iron; the point and place of BEGINNING and containing 17.614 acres and being known as Tract B as shown on that certain survey entitled "Ballantyne Record Plat Fire Station and Elementary School Sites" recorded in Map Book 29 at Page 53 of the Mecklenburg County Public Registry, prepared by Mary A. Fisher, RLS L-3015, Delta Land Services, Inc., dated January 23, 1998, last revised February 16, 1998, reference to said survey is hereby made for a more particular description.

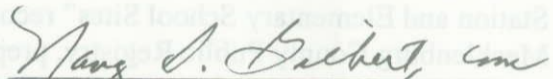
Together with Grantors' right and interest, if any, in the portion of the right-of-way of Providence Road West which fronts Tract B and is located between the centerline and the southeastern margin of said right-of-way.

Section 3. Notice of the public hearing shall be published in The Charlotte Observer, a newspaper having general circulation in the City of Charlotte, at least ten (10) days prior to the date of the public hearing.

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy 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 February, 2002, the reference having been made in Minute Book 117, and recorded in full in Resolution Book 37 at Pages 569-570.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13<sup>th</sup> day of February, 2002.

  
Nancy S. Gilbert, CMC, Deputy City Clerk

RESOLUTION STATING THE INTENT OF THE CITY OF CHARLOTTE  
TO ANNEX PROPERTY OWNED BY THE CITY WHICH IS CONTIGUOUS  
TO THE EXISTING MUNICIPAL BOUNDARIES

BE IT RESOLVED by the City Council of the City of Charlotte that:

Section 1. It is the intent of the City Council, pursuant to G.S. 160A-31, to annex the property described in Section 2, which is owned by the City of Charlotte.

Section 2. The legal description of the property is as follows:

BEGINNING at an iron found in the southeastern margin of the proposed 100 foot right-of-way of Providence Road West (S.R. 3626) said point being the following three (3) courses and distances from a one-half inch existing iron pin, tie reference: (1) S 30-30-28 E 28.68 feet to a pk nail; (2) S 22-00 -51 E 52.02 feet to an iron; and (3) S 51-57-32 W 114.45 feet to the Point and Place of Beginning, thence a new line S 22-00 -51 E 344.43 feet to a point; thence a new line S 64-55-59 W 363.11 feet to a point; thence a new line N 27-02-16 W 300.00 feet to a point in the southeastern margin of the proposed 100 foot right-of-way of Providence Road West; thence with the aforesaid margin of Providence Road West the following three (3) courses and distances: (1) N 63-46-58 E 89.28 feet to a point; (2) with the arc of a circular curve to the left having a radius of 1257.17 feet, an arc length of 259.43 feet, said arc being subtended by a chord having a bearing and distance of N 57-52-15 E 258.97 feet to an iron; and (3) N 51-57 -32 E 46.70 feet to an iron, the point and place of BEGINNING and containing 2.709 acres more or less, and shown as Tract A, all as shown on that certain survey entitled "Record Plat Fire Station and Elementary School Sites" recorded in Map Book 29 at Page 53 of the Mecklenburg County Public Registry, prepared by Mary A. Fisher, RLS L-3015, Delta Land Services, Inc., dated January 23, 1998, last revised February 16, 1998, reference to said survey is hereby made for a more particular description.

Together with Grantors' right and interest, if any, in the portion of the right of way of Providence Road West which fronts Tracts A and is located between the centerline and the southeastern margin of said right of way.

Section 3. The property described in Section 2 is contiguous to the current municipal boundaries.

Section 4. A public hearing on the question of annexation of the property will be held at the Charlotte-Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, NC at 7:00 p.m. on April 8, 2002.

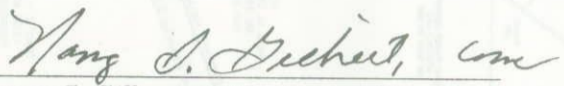
February 11, 2002  
Resolution Book 37, Page 572

Section 5. Notice of the public hearing shall be published once in The Charlotte Observer, a newspaper having general circulation in the City of Charlotte, at least ten (10) days prior to the date of the public hearing.

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 February, 2002, the reference having been made in Minute Book 117, and recorded in full in Resolution Book 37 at Pages 571-573.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13<sup>th</sup> day of February, 2002.

  
Nancy S. Gilbert, CMC, Deputy City Clerk





**RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON FEBRUARY 11, 2002**

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

WHEREAS, In coordination with the South Park Campus Task Force improvement project and the Charlotte-Mecklenburg Board of Education (CMBE) construction of a new Selwyn Elementary School, the City plans to build a left-turn lane on Runnymede Lane (a State maintained road) at Colony Road, and resurface Runnymede Lane from Colony Road to Sharon Road; and,

WHEREAS, The North Carolina Department of Transportation (NCDOT) will be providing up to \$170,000 for this project; and,

WHEREAS, The Municipal Agreement provides for the City to perform all work for the project with the NCDOT reimbursing a portion of the cost up to \$170,000; and, the total project cost is estimated to be \$600,000, with CMBE contributing up to \$200,000 and right-of-way.

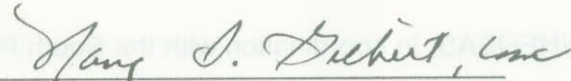
NOW, THEREFORE, BE IT RESOLVED that the Municipal Agreement between the North Carolina Department of Transportation and the City of Charlotte Department of Transportation, is hereby formally approved by the City Council of the City of Charlotte and the Director of Transportation and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

RESOLUTION PASSED BY THE CITY COUNCIL

OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON FEBRUARY 11, 2002  
**CERTIFICATION**

I, Nancy S. Gilbert, Deputy 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 February, 2002, the reference having been made in Minute Book 117, and recorded in full in Resolution Book 37, Pages 574-575.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of February, 2002.

  
Nancy S. Gilbert, CMC, Deputy City Clerk

*[Faint, mirrored text from the reverse side of the page, including phrases like 'WHEREAS', 'NOW THEREFORE', and 'Department of Transportation']*

RESOLUTION

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Whereas, the City of Charlotte ("City") owns certain items of personal property that have become surplus for its current needs; and

Whereas, N.C.G.S. Section 160A-267 permits the City to sell such property by private sale, upon authorization of City Council at a regular meeting and notice to the public; and

Whereas, the City Council is convened in a regular meeting.

Therefore, the City Council resolves that:

1. The Council authorizes the Aviation Director to sell by private sale the following items of surplus personal property:

Used Furniture

2 gray desks  
folding tables  
3 end tables  
6 black plastic trash cans  
2 book shelves  
file cabinets, black  
1 foyer table  
3 occasional tables  
orange rolling chairs  
gold rolling chairs  
plain paper fax  
4 corkboard message boards  
file trays  
staplers, scissors, staple remover shark

Metal storage racks

2. The City Clerk shall publish a notice summarizing this resolution, and no sale may be executed pursuant to this resolution until at least 10 days after the day the notice is published.

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy 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 February, 2002, the reference having been made in Minute Book 117, and recorded in full in Resolution Book 37, Pages 576-577.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13<sup>th</sup> day of February, 2002.

  
Nancy S. Gilbert, CMC, Deputy City Clerk

*(Faint, mirrored text from the reverse side of the page, including phrases like 'The Council authorizes the Aviation Director to sell by private sale the following items of surplus personal property:', 'Lead Furniture', '2 gray desks', '1000 chairs', '1 black plastic trash can', '2 book shelves', '100 chairs, black', '1 paper table', '4 occasional tables', 'orange rolling chairs', 'gold rolling chairs', 'plain paper box', '4 cardboard message boards', 'file trays', 'metal storage racks', and 'The City Clerk shall publish a notice containing this resolution, and no sale may be executed pursuant to this resolution until at least 10 days after the day the notice is published.')'*

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 **2001 ANNEXATION REAMES ROAD AREA**; 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 **2001 ANNEXATION REAMES ROAD AREA** and estimated to be approximately **17,186 square feet (0.395 acre) for 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. 025-042-08 said property currently owned **EARNHARDT EQUIPMENT INC., Charles B. Merryman, Jr. Trustee for Elizabeth P. Davis and 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, Nancy S. Gilbert, Deputy 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 February, 2002, the reference having been made in Minute Book 117, and recorded in full in Resolution Book 37 at Page 578.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13<sup>th</sup> day of February, 2002.

  
Nancy S. Gilbert, CMC, Deputy 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 **GRAHAM STREET AT NORRIS AVENUE INTERSECTION IMPROVEMENTS**; 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 **GRAHAM STREET AT NORRIS AVENUE INTERSECTION IMPROVEMENTS** and estimated to be approximately **938 square feet (0.022 acre) for Temporary Construction Easement and Permanent Utility Easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 077-091-05 said property currently owned by **McCoy Moretz Heirs (Lenior-Rhyne College, Appalachian State Teachers College, Pearle M. Armstrong, Louise Moretz Casey, John C. Craddock, Jr., Nancy Mess Browder, Virginia Williams McDowell, William C. Williams, Jr.) and 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, Nancy S. Gilbert, Deputy 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 February, 2002, the reference having been made in Minute Book 117, and recorded in full in Resolution Book 37 at Page 579.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13<sup>th</sup> day of February, 2002.

  
Nancy S. Gilbert, CMC, Deputy 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 **OLD STATESVILLE ROAD WIDENING**; 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 **OLD STATESVILLE ROAD WIDENING** and estimated to be approximately **8,424 square feet (0.19 acre) for Temporary Construction Easement and Permanent Utility Easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No 043-222-01 said property currently owned by **Robin Smith Properties, James S. Bryant Trustee for First Citizens Bank and Trust and 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, Nancy S. Gilbert, Deputy 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 February, 2002, the reference having been made in Minute Book 117, and recorded in full in Resolution Book 37 at Page 580.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13<sup>th</sup> day of February, 2002.

  
Nancy S. Gilbert, CMC, Deputy 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 **NORTH TRYON SIDEWALK**; 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 **NORTH TRYON SIDEWALK** and estimated to be approximately **2,252 square feet (0.05 acre) for Temporary Construction Easement and Permanent Utility Easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No089-203-02 said property currently owned by **Narendrakumar N. Patel and First State Service Corp Trustee for South Trust Bank 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, Nancy S. Gilbert, Deputy 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 February, 2002, the reference having been made in Minute Book 117, and recorded in full in Resolution Book 37 at Page 581.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13<sup>th</sup> day of February, 2002.

  
Nancy S. Gilbert, CMC, Deputy 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 **ANNEXATION HUCKS ROAD AREA, REAMS ROAD**; 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 **ANNEXATION HUCKS ROAD AREA, REAMS ROAD** and estimated to be approximately **40,164 square feet (0.922 acre)** for **Temporary Construction Easement and Permanent Utility Easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No 027-191-12 and 027-191-10 said property currently owned **K. B. GODLEY, II, LLC and any Other Parties in Interest**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

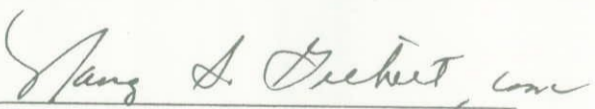
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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, Nancy S. Gilbert, Deputy 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 February, 2002, the reference having been made in Minute Book 117, and recorded in full in Resolution Book 37 at Page 582.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13<sup>th</sup> day of February, 2002.

  
Nancy S. Gilbert, CMC, Deputy 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 **CENTRAL AVENUE STREETScape 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 **CENTRAL AVENUE STREETScape PROJECT** and estimated to be approximately **3,087 square feet (0.071 acre) for 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. 101-161-16 said property currently owned **Hang Di Ly and wife Binh Dang Tue and 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, Nancy S. Gilbert, Deputy 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 February, 2002, the reference having been made in Minute Book 117, and recorded in full in Resolution Book 37 at Page 583.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13<sup>th</sup> day of February, 2002.

  
Nancy S. Gilbert, CMC, Deputy City Clerk

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

**WHEREAS**, the City Council for the City of Charlotte finds as a fact that it is necessary to acquire certain real property as indicated below, for Airport purposes pursuant to the Charlotte/Douglas International Airport Master Plan; and

**WHEREAS**, the City in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owner regarding just compensation, and, therefore, has been unable to negotiate a purchase price; and

**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, utilizing the procedures of Article 9 of Chapter 136 of the North Carolina General Statutes as authorized by 7.81 of the Charter of the City of Charlotte, and otherwise under the authority and procedures of the laws of the State of North Carolina.

Parties in Interest

Robert D. Hefner (1/2 undivided interest)  
Angela Diane Hefner Sherrill (1/8 undivided interest)  
Charles David Hefner (1/8 undivided interest)  
Robert Christopher Hefner (1/8 undivided interest)  
Kurt Ray Hefner (1/8 undivided interest)  
Duke Power Company, Easements  
Department of Transportation, Easements  
City-County Tax Collector

Property description

BEGINNING at a point in the center line of Walker's Ferry Road near an old iron in the road, being a common corner of the Lillian May Parsons and Erma M. Jenkins properties; thence S 69-28 E. 283 feet to an iron; thence S. 7-44 W. 162.6 feet to a fence post; thence S. 31-29 E. 173 feet to an iron; thence S. 43-25 W. 321.1 feet to an iron; thence N. 33-30 W. 489 feet to a point in the center line of Walker's Ferry Road; thence with the said center line of Walker's Ferry Road two calls: (1) N. 37-55 E. 92.3 feet; (2) N. 31-46 E. 188.8 feet to the point or place of beginning.

Appraised Value

\$80,400 or such other amount as may be subsequently determined pursuant to applicable City, FAA or other Federal Regulations.

IT IS FURTHER RESOLVED that the appraised value of 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, Nancy S. Gilbert, Deputy 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 February, 2002, the reference having been made in Minute Book 117, and recorded in full in Resolution Book 37, Pages 584-585.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of February, 2002.

  
Nancy S. Gilbert, CMC, Deputy City Clerk

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

**WHEREAS**, the City Council for the City of Charlotte finds as a fact that it is necessary to acquire certain real property as indicated below, for Airport purposes pursuant to the Charlotte/Douglas International Airport Master Plan; and

**WHEREAS**, the City in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owner regarding just compensation, and, therefore, has been unable to negotiate a purchase price; and

**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, utilizing the procedures of Article 9 of Chapter 136 of the North Carolina General Statutes as authorized by 7.81 of the Charter of the City of Charlotte, and otherwise under the authority and procedures of the laws of the State of North Carolina.

Parties in Interest

Thomas H. Ertel, fee  
Candice Ertel Marital  
William D. Elder, Trustee  
First Citizens Bank & Trust Company, Beneficiary  
City-County Tax Collector

Property description

BEGINNING at an iron in the right-of-way of Wallace Neal Road (SR#1196)(right-of-way 60 feet in width)said iron being located N. 82-20-12 E. 20 feet from a point in the centerline of Wallace Neal Road, said point marking the southeasterly corner of the property acquired by Ellie K. Bass, by deed recorded in Book 2941 at page 207 in the Mecklenburg County Public Registry; thence with the line of Ellie K. Bass (now or formerly) two (2) courses and distances as follows: (1) N. 82-20-12 E. 380 feet to an iron; and (2) S. 14-30 E. 100 feet to an iron; thence N. 82-20-12 E. 175.68 feet to an axle; thence N. 82-31 E. 647.05 feet to a stone; thence N. 1-49-16 W. 218.71 feet to an axle; thence S. 88-38-10 W. 1063.69 feet to a point; thence S. 73-36-50 W. 225.22 feet to a point in the centerline of Wallace Neal Road (SR#1196); thence with the centerline of Wallace Neal Road (SR#1196) N. 14-30 W. 200 feet to a point the aforementioned southeast corner of the property of Ellie K. Bass; thence N. 82-20-12 E. 20 feet to the point and place of BEGINNING, said tract containing 7.1 acres and being designated as Tract 1 on that certain plat of physical survey dated October 13, 1980 prepared by Leo J. Zoutewelle, NCRLS.

BEING in all respects the same property conveyed to Thomas H. Ertel and wife, Andrea L. Ertel by deed of James R. Taylor dated October 13, 1980 and recorded in Book 4362 at Page 183 in the Mecklenburg County Public Registry.

Appraised Value

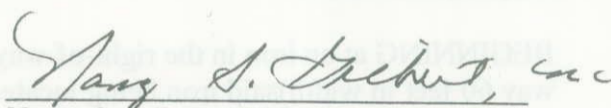
\$650,000 or such other amount as may be subsequently determined pursuant to applicable City, FAA or other Federal Regulations.

IT IS FURTHER RESOLVED that the appraised value of 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, Nancy S. Gilbert, Deputy 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 February, 2002, the reference having been made in Minute Book 117, and recorded in full in Resolution Book 37, Pages 586-587.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13<sup>th</sup> day of February, 2002.

  
Nancy S. Gilbert, CMC, Deputy City Clerk

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE AND THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY EXPRESSING INTEREST IN DEVELOPING JOINTLY A PARK AND ARENA IN THE CENTER CITY**

WHEREAS, the City of Charlotte, Mecklenburg County and the business community are committed to the long-term preservation and enhancement of the economic viability of the Center City; and

WHEREAS, the City of Charlotte, Mecklenburg County and the business community recognize that the preservation of open space, increased retail and residential opportunities and investments to support and enhance the hospitality industry are crucial to the long-term economic viability of the center city; and

WHEREAS, Mecklenburg County has committed to develop a park in Third Ward; and

WHEREAS, the City of Charlotte is considering five sites on which to construct a new arena, including a site in Third Ward; and

WHEREAS, with respect to the Third Ward site the City of Charlotte's stated preference for the relocation of Graham Street is for an alignment that leaves the eastern side of the arena contiguous with the western edge of the park, and;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte and the Board of Commissioners of the County of Mecklenburg, in regular sessions duly assembled, that, should the Third Ward site emerge as the preferred site for a new arena, each commits to the following:


1. Development of a park by Mecklenburg County between Mint Street, Fourth Street, Second Street and a relocated Graham Street;
2. Construction of an arena by the City of Charlotte between Mint Street, Fourth Street, Second Street, and a minimum set-back of 140 feet from the easternmost portion of the railroad right-of-way;
3. Agreement between the City of Charlotte and Mecklenburg County to work cooperatively with the arena architects once the major tenant is secured with a goal of full functionality for the arena and a park of at least six acres in size;
4. The City of Charlotte (represented by the Intergovernmental Relations Committee) and Mecklenburg County will convene a joint team comprised of city and county staff, elected officials and the arena architect to complete a review of development schemes within 30 days, including determining whether the arena could be placed closer to the railroad right-of-way than 140 feet;
5. The City of Charlotte will purchase the land necessary for the footprint and staging area of the arena from Mecklenburg County at a pro rata share of the cost paid by Mecklenburg County or lease the land from Mecklenburg County;
6. The City of Charlotte will finance the cost of necessary infrastructure improvements for construction of the arena, although funding for improvements benefiting the State of North Carolina or the federal government will be sought from those entities; however, financial completion of the project is not dependent on that funding;
7. Mecklenburg County will finance the cost of infrastructure improvements necessary for development of the park, although funding for improvements benefiting the State of North Carolina or the federal government will be sought from those entities; however, financial completion of the project is not dependent on that funding.

See Resolution Book 37, Page 633 for the amended resolution, approved on 3/4/02.

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy 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 February, 2002, the reference having been made in Minute Book 117, and recorded in full in Resolution Book 37, Pages 588-589.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13<sup>th</sup> day of February, 2002.

  
Nancy S. Gilbert, CMC, Deputy City Clerk



**EXTRACTS FROM MINUTES OF CITY COUNCIL**

A Regular Meeting of the City Council of the City of Charlotte, North Carolina was duly held in the Meeting Chamber at the Charlotte-Mecklenburg Government Center in Charlotte, North Carolina, the regular place of meeting, at 7:00 P.M. on February 11, 2002.

Members Present: Councilmembers Cannon, Carter, Cogdell, Graham, Lochman,  
Mumford, Spencer, Tabor, Wheeler, and White

Members Absent: Councilmember Mitchell

Also Present: \_\_\_\_\_

\* \* \* \* \*

Councilmember Spencer introduced the following order, a summary of which had been provided to each Councilmember, which was read by title:

**RESOLUTION ADOPTING THE BOND ORDER AUTHORIZING THE ISSUANCE OF  
WATER AND SEWER SYSTEM REVENUE BONDS AND VARIABLE RATE  
WATER AND SEWER SYSTEM REVENUE AND REVENUE REFUNDING BONDS  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA IN THE AGGREGATE  
PRINCIPAL AMOUNT NOT TO EXCEED \$325,000,000**

*WHEREAS*, the City of Charlotte, North Carolina (the "City") is authorized by The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 *et seq.* (the "Act") to issue, subject to the approval of the Local Government Commission of North Carolina (the "LGC"), at one time or from time to time, revenue bonds and revenue refunding bonds of the City for the purposes as specified in the Act; and

*WHEREAS*, the City has previously issued under the terms of the General Trust Indenture dated as of November 1, 1996 between the City and First Union National Bank of North Carolina, the successor to which is First Union National Bank, as trustee, (the "Trustee"), as amended by Series Indenture, Number 2 dated as of August 15, 1999 between the Issuer and the Trustee (the "General Indenture"), its Water and Sewer System Revenue Bonds in the aggregate principal amount of \$364,375,000, of which \$361,150,000 remains outstanding;

*WHEREAS*, the City has further determined to issue its Water and Sewer System Revenue Bonds, Series 2002A (the "2002A Bonds") and its Variable Rate Water and Sewer System Revenue and Revenue Refunding Bonds, Series 2002B (the "2002B Bonds" and together with the 2002A Bonds, the "2002

Bonds") in an aggregate principal amount not to exceed \$325,000,000 to provide funds to (1) finance the capital costs of improvements to the water and sanitary sewer systems of the City (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 for the Water and Sewer System and (2) refund in advance of their maturity the City's Water and Sewer System Revenue Bonds, Series 1999 maturing on or after June 1, 2010 (the "Refunded 1999 Bonds") and the City's Water and Sewer System Revenue Bonds, Series 2000 maturing on or after June 1, 2011 (the "Refunded 2000 Bonds" and collectively with the Refunded 1999 Bonds, the "Refunded Bonds");

WHEREAS, the City will issue the 2002 Bonds under the General Indenture and Series Indenture, Number 5 dated as of February 1, 2002 (the "Series Indenture") among the City, the Trustee and Branch Banking and Trust Company, as co-trustee; and

WHEREAS, the City and the LGC have arranged for the sale of the 2002A Bonds to Banc of America Securities LLC, First Union National Bank, acting through its municipal securities dealer under the trade name Wachovia Securities, a division of First Union National Bank and a subsidiary of Wachovia Corporation, Scott & Stringfellow Inc., trading as BB&T Capital Markets, and Salomon Smith Barney Inc. (the "2002A Underwriters") under the terms of a Bond Purchase Agreement to be dated on or about February 28, 2002 (the "2002A Purchase Contract"); and

WHEREAS, the City and the LGC have arranged for the sale of the 2002B Bonds to Banc of America Securities LLC (the "2002B Underwriter") under the terms of a Bond Purchase Agreement to be dated on or about March 12, 2002 (the "2002B Purchase Contract"); and

WHEREAS, an application has been filed with the Secretary of the LGC requesting LGC approval of the 2002 Bonds as required by the Act, and the Secretary has notified the City Council (the "City Council") of the City that the application has been approved by the LGC.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Charlotte, North Carolina, as follows:

**Section 1.** In order to raise the money required to finance the capital costs of improvements to 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 for the Water and Sewer System and to refund the Refunded Bonds, in addition to any funds which may be made available for such purpose from any other source, the 2002 Bonds are hereby authorized and shall be issued pursuant to the Act.

**Section 2.** The aggregate principal amount of the 2002 Bonds authorized by this order shall not exceed \$325,000,000. The 2002 Bonds hereby authorized shall be special obligations of the City, secured by and paid solely from the proceeds thereof or from revenues, income, receipts and other money received or accrued by or on behalf of the City from or in connection with the operation of the City's Water and Sewer System.

**Section 3.** The issuance of the 2002 Bonds by the City, in substantially the form to be set forth in the Series Indenture, be and the same hereby is in all respects approved and confirmed. The form and content of the 2002 Bonds and the provisions of the Series Indenture with respect to the 2002 Bonds

(including without limitation the maturity dates and rates of interest) shall be approved and confirmed in a subsequent resolution of the City Council.

The principal of, premium, if any, and interest on the 2002 Bonds shall not be payable from the general funds of the City, nor shall they constitute a legal or equitable pledge, charge, lien or encumbrance upon any of its property or upon any of its income, receipts or revenues except the funds which are pledged under the Indentures. Neither the credit nor the taxing power of the State of North Carolina or the City are pledged for the payment of the principal of, premium, if any, or interest on the 2002 Bonds, and no holder of the 2002 Bonds has the right to compel the exercise of the taxing power by the State of North Carolina or the City or the forfeiture of any of its property in connection with any default thereon.

*Section 4.* The 2002A Bonds shall be sold to the 2002A Underwriters under the terms of the 2002A Purchase Contract and the 2002B Bonds shall be sold to the 2002B Underwriter under the terms of the 2002B Purchase Contract, as each shall be approved in a subsequent resolution of the City Council.

*Section 5.* The proceeds from the sale of the 2002 Bonds shall be deposited in accordance with the Series Indenture.

*Section 6.* If any one or more of the agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof or of the 2002 Bonds authorized hereunder.

*Section 7.* All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

*Section 8.* This Bond Order shall take effect immediately on its adoption and pursuant to §159-88 of the General Statutes of North Carolina, as amended, need not be published or subjected to any procedural requirements governing the adoption of ordinances or resolutions by the City Council other than the procedures set out in the Act.

Upon motion of Councilmember Spencer, seconded by Councilmember Cannon, the foregoing resolution entitled: **“RESOLUTION ADOPTING THE BOND ORDER AUTHORIZING THE ISSUANCE OF WATER AND SEWER SYSTEM REVENUE BONDS AND VARIABLE RATE WATER AND SEWER SYSTEM REVENUE AND REVENUE REFUNDING BONDS OF THE CITY OF CHARLOTTE, NORTH CAROLINA IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$325,000,000”** was adopted by the following vote:

AYES: Unanimous  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

including without limitation the maturity dates and rates of interest shall be approved and confirmed in a subsequent resolution of the City Council.

**NAYS:** The principal of premium, if any, and interest on the 2002 Bonds shall not be paid in the general fund of the City, but shall first constitute a legal or equitable charge, lien or security upon any of its property or upon any of its income, assets or revenues except the funds which are pledged under the indentures. Further the credit on the sinking power of the State of North Carolina or the City are pledged for the payment of the principal of premium, if any, or interest on the 2002 Bonds, and no holder of the 2002 Bonds has the right to compel the exercise of the sinking power by the State of North Carolina or the City or the failure of any of its property to constitute a charge with any default thereon.

Section 4. The 2002A Bonds shall be sold to the BNSF Indenture under the terms of the BNSF Purchase Contract and the 2002B Bonds shall be sold to the BNSF Indenture under the terms of the BNSF Purchase Contract. **PASSED, ADOPTED AND APPROVED** this 11th day of February, 2002.

Section 5. The proceeds from the sale of the 2002 Bonds shall be deposited in accordance with the terms of the indentures.

Section 6. If any part or parts of the agreement or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of public law, through any express prohibition, or against public policy, or shall for any reason whatsoever be held invalid, then such agreement, agreement or provision shall be null and void and shall be deemed separable from the remaining agreement and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof or of the 2002 Bonds authorized hereunder.

Section 7. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby repealed and repealed.

Section 8. The Board of Directors shall take effect immediately on its adoption and passage on 2/11/02 of the General Statutes of North Carolina, as amended, and may be published or republished in any procedural requirements governing the adoption of resolutions or resolutions by the City Council when the procedures set out in the Act.

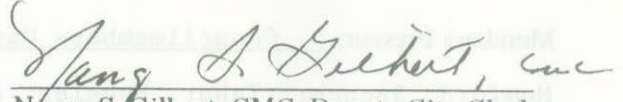
This motion of Councilmember \_\_\_\_\_ seconded by Councilmember \_\_\_\_\_ was adopted by the Board of Directors of the City of Charlotte, North Carolina, on this 11th day of February, 2002, at the following vote:

AYES:	_____
	_____
	_____
	_____

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy 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 February, 2002, the reference having been made in Minute Book 117, and recorded in full in Resolution Book 37, Pages 590-594.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13<sup>th</sup> day of February, 2002.

  
Nancy S. Gilbert, CMC, Deputy City Clerk

\_\_\_\_\_  
Member At-Large (Councilmember Mitchell)

\_\_\_\_\_  
Also Present

\_\_\_\_\_  
Councilmember \_\_\_\_\_ introduced the following resolution, a copy of which has been provided to each Councilmember, which was read by title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AUTHORIZING THE APPROVAL, EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF CITY OF CHARLOTTE, NORTH CAROLINA WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2002A AND CITY OF CHARLOTTE, NORTH CAROLINA WATER AND SEWER SYSTEM REVENUE AND REVENUE MATURING BONDS, SERIES 2002B; PROVIDING FOR THE SALE OF THE BONDS; SETTING FORTH THE TERMS AND CONDITIONS UNDER WHICH THE BONDS ARE TO BE ISSUED AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE BONDS.

WHEREAS, the City of Charlotte, North Carolina (the "City") is authorized by the State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-40 et seq. (the "Act"), to issue, subject to the approval of the Local Government Commission of North Carolina, at one time or from time to time revenue bonds and revenue maturing bonds of the City for the purposes as specified in the Act; and

WHEREAS, the City has previously issued under the terms of the General Trust Indenture dated as of November 1, 1995 between the City and First Union National Bank of North Carolina, the successor to which is First Union National Bank, as trustee, (the "Trustee"), as amended by Series Indenture, Number 2 dated as of August 12, 1999 between the Trustee and the Trustee (the "Series Indenture"), its Water and Sewer System Revenue Bonds in the aggregate principal amount of \$264,775,000, of which \$261,150,000 remains outstanding;

**EXTRACTS FROM MINUTES OF CITY COUNCIL**

A Regular Meeting of the City Council of the City of Charlotte, North Carolina was duly held in the Meeting Chamber at the Charlotte-Mecklenburg Government Center in Charlotte, North Carolina, the regular place of meeting, at 7:00 P.M. on February 11, 2002.

Members Present: Councilmembers Cannon, Carter, Cogdell, Graham, Lochman,  
Mumford, Spencer, Tabor, Wheeler, and White

Members Absent: Councilmember Mitchell

Also Present: \_\_\_\_\_

\* \* \* \* \*

Councilmember Spencer introduced the following resolution, a summary of which had been provided to each Councilmember, which was read by title:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AUTHORIZING THE APPROVAL, EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF CITY OF CHARLOTTE, NORTH CAROLINA WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2002A AND CITY OF CHARLOTTE, NORTH CAROLINA VARIABLE RATE WATER AND SEWER SYSTEM REVENUE AND REVENUE REFUNDING BONDS, SERIES 2002B; PROVIDING FOR THE SALE OF THE BONDS; SETTING FORTH THE TERMS AND CONDITIONS UPON WHICH THE BONDS ARE TO BE ISSUED; AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE BONDS.**

*WHEREAS*, the City of Charlotte, North Carolina (the "City") is authorized by The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 et seq. (the "Act"), to issue, subject to the approval of the Local Government Commission of North Carolina, at one time or from time to time revenue bonds and revenue refunding bonds of the City for the purposes as specified in the Act; and

*WHEREAS*, the City has previously issued under the terms of the General Trust Indenture dated as of November 1, 1996 between the City and First Union National Bank of North Carolina, the successor to which is First Union National Bank, as trustee, (the "Trustee"), as amended by Series Indenture, Number 2 dated as of August 15, 1999 between the Issuer and the Trustee (the "General Indenture"), its Water and Sewer System Revenue Bonds in the aggregate principal amount of \$364,375,000, of which \$361,150,000 remains outstanding;

*WHEREAS*, the City has further determined to issue its Water and Sewer System Revenue Bonds, Series 2002A (the "2002A Bonds") and its Variable Rate Water and Sewer System Revenue and Revenue Refunding Bonds, Series 2002B (the "2002B Bonds" and together with the 2002A Bonds, the "2002 Bonds") in an aggregate principal amount not to exceed \$325,000,000 to provide funds to (1) finance the capital costs of improvements to the water and sanitary sewer systems of the City (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 for the Water and Sewer System (the "Project") and (2) refund in advance of their maturity the City's Water and Sewer System Revenue Bonds, Series 1999 maturing on or after June 1, 2010 (the "Refunded 1999 Bonds") and the City's Water and Sewer System Revenue Bonds, Series 2000 maturing on or after June 1, 2011 (the "Refunded 2000 Bonds" and collectively with the Refunded 1999 Bonds, the "Refunded Bonds"), all as described in the Bond Order of the City adopted on February 11, 2002;

*WHEREAS*, the City will issue the 2002 Bonds under the General Indenture and Series Indenture, Number 5 dated as of February 1, 2002 (the "Series Indenture") among the City, the Trustee and Branch Banking and Trust Company, as co-trustee (the "Co-Trustee"); and

*WHEREAS*, the City desires to execute and deliver a Bond Purchase Agreement to be dated on or about February 28, 2002 (the "2002A Purchase Contract") among the City, the Local Government Commission of North Carolina (the "Commission") and Banc of America Securities LLC, First Union National Bank, acting through its municipal securities dealer under the trade name Wachovia Securities, a division of First Union National Bank and a subsidiary of Wachovia Corporation, Scott & Stringfellow Inc., trading as BB&T Capital Markets, and Salomon Smith Barney Inc. (the "2002A Underwriters"), pursuant to which the City and the Commission will sell the 2002A Bonds to the 2002A Underwriters in accordance with the terms and conditions set forth therein; and

*WHEREAS*, the City desires to execute and deliver a Bond Purchase Agreement to be dated on or about March 12, 2002 (the "2002B Purchase Contract" and together with the 2002A Purchase Contract, the "Purchase Contracts") among the City, the Commission and Banc of America Securities LLC (the "2002B Underwriter"), pursuant to which the City and the Commission will sell the 2002B Bonds to the 2002B Underwriter in accordance with the terms and conditions set forth therein; and

*WHEREAS*, copies of the forms of the following documents relating to the transactions described above have been filed with the City:

1. the Series Indenture;
2. the Purchase Contracts;
3. the Escrow Agreement dated as of February 1, 2002 (the "Escrow Agreement") between the City and First Union National Bank, as escrow agent, with respect to the refunding of the Refunded Bonds;

4. the Standby Bond Purchase Agreement dated as of February 1, 2002 (the "Standby Agreement") among the City, First Union National Bank, as liquidity provider for the 2002B Bonds, and the Co-Trustee;
5. the Remarketing and Interest Services Agreement dated as of February 1, 2002 (the "Remarketing Agreement") between the City and Banc of America Securities LLC, as remarketing agent for the 2002B Bonds;
6. the Master Agreement to be dated the date of execution thereof, between the City and a financial institution to be selected by the City, including all schedules and annexes thereto and all transactions entered into thereunder and when amended or supplemented, such supplement as amended or supplemented (the "Swap Agreement"), relating to the 2002B Bonds;
7. the Preliminary Official Statement to be dated on or about February 18, 2002 (the "2002A Preliminary Official Statement") with respect to the 2002A Bonds; and
8. the Official Statement to be dated on or about March 5, 2002 (the "2002B Official Statement") with respect to the 2002B Bonds;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA DOES RESOLVE AS FOLLOWS:**

**Section 1.** That the issuance of the 2002 Bonds by the City in the principal amount not to exceed \$325,000,000, in substantially the form and content set forth in the Series Indenture, subject to appropriate insertions and revisions in order to comply with the provisions of the General Indenture and the Series Indenture, be and the same hereby are in all respects approved and confirmed, and the form and content of the 2002 Bonds set forth in the Series Indenture be and the same hereby are in all respects approved and confirmed, and the provisions of the General Indenture and the Series Indenture with respect to the 2002 Bonds (including without limitation the maturity dates and rates of interest) be and the same hereby are approved and confirmed and are incorporated herein by reference.

The 2002 Bonds shall be special obligations of the City. The principal of, premium, if any, and interest on the 2002 Bonds shall not be payable from the general funds of the City, nor shall they constitute a legal or equitable pledge, charge, lien or encumbrance upon any of its property or upon any of its income, receipts or revenues except the funds which are pledged under the General Indenture and the Series Indenture. Neither the credit nor the taxing power of the State of North Carolina or the City are pledged for the payment of the principal of, premium, if any, or interest on the 2002 Bonds, and no holder of 2002 Bonds has the right to compel the exercise of the taxing power by the State of North Carolina or the City or the forfeiture of any of its property in connection with any default thereon.

**Section 2.** That the form and content of the Series Indenture and the exhibits thereto be and the same hereby are in all respects approved and confirmed, and the Mayor, the City Manager and City Clerk of the City, or their respective designees, be and they hereby are authorized, empowered and directed to execute and deliver the Series Indenture for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the



City, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions therein, and that from and after the execution and delivery of the Series Indenture, the Mayor, the City Manager, the Director of Finance and City Clerk of the City, or their respective designees, are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Series Indenture as executed. The Trustee is hereby appointed as Registrar and Paying Agent thereunder.

**Section 3.** That the 2002A Bonds shall be sold to the 2002A Underwriters pursuant to the terms of the 2002A Purchase Contract and the 2002B Bonds shall be sold to the 2002B Underwriter pursuant to the terms of the 2002B Purchase Contract. The form and content of each of the Purchase Contracts is in all respect approved and confirmed, and the Mayor, the City Manager or the Director of Finance of the City, or their respective designees, are hereby authorized, empowered and directed to execute and deliver each of the Purchase Contracts for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City, but with such changes, modifications, additions or deletions therein as shall to him or her seem necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of his or her approval of any and all such changes, modifications, additions or deletions therein, and that from and after the execution and delivery of the Purchase Contracts, the Mayor, the City Manager and the Director of Finance of the City, or their respective designees, are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Purchase Contracts as executed.

**Section 4.** The form and content of the Escrow Agreement and the exhibits thereto, the Standby Agreement, the Remarketing Agreement and the Swap Agreement be and the same hereby are in all respects approved and confirmed, and the Mayor, the City Manager, the Director of Finance and City Clerk of the City be and they hereby are authorized, empowered, and directed to execute and deliver the Escrow Agreement, the Standby Agreement, the Remarketing Agreement and the Swap Agreement for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of his or her approval of any and all such changes, modifications, additions or deletions therein, and that from and after the execution and delivery of the Escrow Agreement, the Standby Agreement, the Remarketing Agreement and the Swap Agreement, the Mayor, the City Manager, the Director of Finance and City Clerk of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Escrow Agreement, the Standby Agreement, the Remarketing Agreement and the Swap Agreement as executed.

**Section 5.** That the City Manager and the Director of Finance are hereby authorized to execute and deliver the Swap Agreement (with one or more Confirmations related thereto) in conjunction with the 2002B Bonds at a fixed interest rate payable by the City not to exceed 4.75%.

**Section 6.** The form and content of the 2002A Preliminary Official Statement and the 2002B Official Statement are in all respects authorized, approved and confirmed, and the use of the 2002A Preliminary Official Statement and the Official Statement to be dated on or about

February 28, 2002 (the "2002A Official Statement") by the 2002A Underwriters in connection with the sale of the 2002A Bonds and the use of the 2002B Official Statement by the 2002B Underwriter in connection with the sale of the 2002B Bonds is hereby in all respects authorized, approved and confirmed. The Mayor, the City Manager or Director of Finance of the City is authorized to execute the 2002A Official Statement and the 2002B Official Statement on behalf of the City.

**Section 7.** The City Manager or Director of Finance of the City is hereby authorized to execute a no-arbitrage certificate in order to comply with Section 148 of the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder.

**Section 8.** No stipulation, obligation or agreement herein contained or contained in the 2002 Bonds, the General Indenture, the Series Indenture, the Purchase Contracts, the Escrow Agreement, the Standby Agreement, the Remarketing Agreement and the Swap Agreement or any other instrument related to the issuance of the 2002 Bonds shall be deemed to be a stipulation, obligation or agreement of any officer, agent or employee of the City in his or her individual capacity, and no such officer, agent or employee shall be personally liable on the 2002 Bonds or be subject to personal liability or accountability by reason of the issuance thereof.

**Section 9.** The Mayor, the City Manager, the Director of Finance and the City Clerk of the City, or their respective designees, are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate in order to consummate the transactions contemplated by (a) this Resolution and the Bond Order, (b) the General Indenture, (c) the Series Indenture, (d) the Purchase Contracts, (e) the Escrow Agreement, (f) the Standby Agreement, (g) the Remarketing Agreement and (h) the Swap Agreement; except that none of the above shall be authorized or empowered to do anything or execute any document which is in contravention, in any way, of (1) the specific provisions of this Resolution or the Bond Order, (2) the specific provisions of the General Indenture or the Series Indenture, (3) the specific provisions of the Purchase Contracts, the Escrow Agreement, the Standby Agreement, the Remarketing Agreement and the Swap Agreement, (4) any agreement to which the City is bound, (5) any rule or regulation of the City or (6) any applicable law, statute, ordinance, rule or regulation of the United States of America or the State of North Carolina.

**Section 10.** The Mayor, the City Manager, the Director of Finance and the City Clerk of the City, or their respective designees, are hereby authorized and directed to prepare and furnish, when the 2002 Bonds are issued, certified copies of all the proceedings and records of the Board relating to the 2002 Bonds, and such other affidavits, certificates and documents as may be required to show the facts relating to the legality and marketability of the 2002 Bonds as such facts appear on the books and records in such party's custody and control or as otherwise known to them; and all such certified copies, certificates, affidavits and documents, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained therein.

**Section 11.** All acts and doings of the Mayor, the City Manager, the Director of Finance and the City Clerk of the City, and their respective designees, that are in conformity with the purposes and intents of this Resolution and in the furtherance of the issuance of the 2002 Bonds and the execution, delivery and performance of the Series Indenture and the Purchase Contracts shall be, and the same hereby are, in all respects approved and confirmed.

**Section 12.** If any one or more of the agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof or of the 2002 Bonds authorized hereunder.

**Section 13.** All resolutions or parts thereof of the Board in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

**Section 14.** This Resolution shall take effect upon its adoption.

Upon motion of Councilmember Spencer, seconded by Councilmember Cannon, the foregoing order entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AUTHORIZING THE APPROVAL, EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF CITY OF CHARLOTTE, NORTH CAROLINA WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2002A AND CITY OF CHARLOTTE, NORTH CAROLINA VARIABLE RATE WATER AND SEWER SYSTEM REVENUE AND REVENUE REFUNDING BONDS, SERIES 2002B; PROVIDING FOR THE SALE OF THE BONDS; SETTING FORTH THE TERMS AND CONDITIONS UPON WHICH THE BONDS ARE TO BE ISSUED; AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE BONDS" was adopted by the following vote:

AYES: Unanimous

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NAYS: \_\_\_\_\_

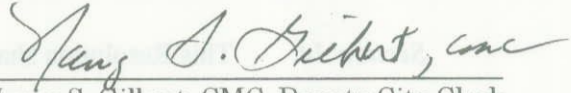
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*PASSED, ADOPTED AND APPROVED* this 11th day of February, 2002.

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy 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 February, 2002, the reference having been made in Minute Book 117, and recorded in full in Resolution Book 37, Pages 595-601.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13<sup>th</sup> day of February, 2002.

  
Nancy S. Gilbert, CMC, Deputy City Clerk

AYES: \_\_\_\_\_  
\_\_\_\_\_

NAYS: \_\_\_\_\_  
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PASSED, ADOPTED AND APPROVED this 13th day of February, 2002.