

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

Whereas, Macedonia Baptist Church has filed a petition to close **a portion of
Brownstone Street** in the City of Charlotte; and

Whereas, the portion of Brownstone Street to be closed lies from Hateras Avenue continuing north approximately 500 feet to its terminus at LaSalle Street 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 November 11, 2002 that it intends to close a portion of Brownstone Street and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 9th day of December, 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, 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 November, 2002, the reference having been made in Minute Book 118, and recorded in full in Resolution Book 38, Page 80.

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


Brenda R. Freeze, CMC, City Clerk

A RESOLUTION AUTHORIZING THE CITY OF CHARLOTTE TO PETITION THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO TRANSFER SEVEN (7) STREETS FROM STATE MAINTENANCE TO CITY OF CHARLOTTE MAINTENANCE AND ONE (1) STREET FROM CITY OF CHARLOTTE MAINTENANCE TO STATE MAINTENANCE EFFECTIVE DECEMBER 15, 2002.

WHEREAS, the City of Charlotte Department of Transportation has reviewed the maintenance requirements of the following street segments:

NCDOT Street ABANDONED to the City of Charlotte

<u>Div.</u>	<u>County</u>	<u>Municipality</u>	<u>Road</u>	<u>Street</u>	<u>Termini Length</u>
10	Mecklenburg	Charlotte	SR 2820	Hickory Grove Rd. (W. T. Harris Blvd. to Pence Road)	0.32 mi
10	Mecklenburg	Charlotte	SR 3150	Idlewild Rd. (Drifter Dr. to Oak Dr.)	0.67 mi
10	Mecklenburg	Charlotte	SR 2475	Prosperity Church Rd. (Dearmon Rd. to Eastfield Rd.)	1.36 mi
10	Mecklenburg	Charlotte	SR 4922	Earlham Ct. (Castlebay Dr. to End)	0.05 mi
10	Mecklenburg	Charlotte	SR 4923	Egerton Dr. (Castlebay Dr. to Fairbridge Rd.)	0.06 mi
10	Mecklenburg	Charlotte	SR 4924	Fairbridge Rd. (0.07 miles west of Egerton Dr to End)	0.13 mi
10	Mecklenburg	Charlotte	SR 3600	Sharon Road (Sharon View Rd. to Runnymede Ln.)	1.79 mi

WHEREAS, the City Department of Transportation believes the transfer of maintenance responsibility of the above described street segments from the North Carolina Department of Transportation to the City of Charlotte to be in the best interest of the citizens of the area and the community as a whole; and

WHEREAS, subject to the North Carolina Department of Transportation's acceptance, the street segments should be added to maintenance by the City of Charlotte, effective December 15, 2002; and

WHEREAS, the North Carolina Department of Transportation has reviewed the maintenance requirements of the following street segment:

City of Charlotte Street ABANDONED to NCDOT

<u>Div.</u>	<u>County</u>	<u>Municipality</u>	<u>Road</u>	<u>Street</u>	<u>Termini Length</u>
10	Mecklenburg	Charlotte		Margaret Wallace Rd. (Idlewild Rd. to Olde Creek Trail)	1.03 mi

WHEREAS, the City Department of Transportation believes the transfer of maintenance responsibility of the above described street segment from the City of Charlotte to the North Carolina Department of Transportation to be in the best interest of the citizens of the area and the community as a whole; and

WHEREAS, subject to the North Carolina Department of Transportation's acceptance, the street segment should be added to maintenance by the NCDOT, effective December 15, 2002.

NOW, THEREFORE, BE IT RESOLVED BY THE CHARLOTTE CITY COUNCIL THAT:

- (1) The City of Charlotte will petition the North Carolina Department of Transportation to delete from the State Road System the following street segments:

<u>Div.</u>	<u>County</u>	<u>Municipality</u>	<u>Road</u>	<u>Street</u>	<u>Termini Length</u>
10	Mecklenburg	Charlotte	SR 2820	Hickory Grove Rd. (W. T. Harris Blvd. to Pence Road)	0.32 mi
10	Mecklenburg	Charlotte	SR 3150	Idlewild Rd. (Drifter Dr. to Oak Dr.)	0.67 mi
10	Mecklenburg	Charlotte	SR 2475	Prosperity Church Rd. (Dearmon Rd. to Eastfield Rd.)	1.36 mi
10	Mecklenburg	Charlotte	SR 4922	Earlham Ct. (Castlebay Dr. to End)	0.05 mi
10	Mecklenburg	Charlotte	SR 4923	Egerton Dr. (Castlebay Dr. to Fairbridge Rd.)	0.06 mi
10	Mecklenburg	Charlotte	SR 4924	Fairbridge Rd. (0.07 miles west of Egerton Dr to End)	0.13 mi
10	Mecklenburg	Charlotte	SR 3600	Sharon Road (Sharon View Rd. to Runnymede Ln.)	1.79 mi

- (2) The above-described street segments will be added to the maintenance responsibility of the City of Charlotte and will become effective on October 15, 2002, subject to approval by the North Carolina Board of Transportation.
- (3) The City of Charlotte will abandon the following street segment:

<u>Div.</u>	<u>County</u>	<u>Municipality</u>	<u>Road</u>	<u>Street</u>	<u>Termini Length</u>
10	Mecklenburg	Charlotte		Margaret Wallace Rd. (Idlewild Rd. to Olde Creek Trail)	1.03 mi

- (4) The above-described street segment will be added to the maintenance responsibility of the NCDOT and will become effective on October 15, 2002, subject to approval by the North Carolina Board of Transportation.

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 November, 2002, the reference having been made in Minute Book 118, and recorded in full in Resolution Book 38, Pages 81-83.

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


Brenda R. Freeze, CMC, 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

Tract 1

MD Union Properties of North Carolina, Inc.	Fee
T.C. Collins, Jr.	Trustee under Deed of Trust
Southern Life Insurance Co.	Beneficiary under Deed of Trust
Kenneth R. Downs	Trustee under Deed of Trust
United Carolina Bank	Beneficiary under Deed of Trust
James P. McGowan	Trustee under Deed of Trust
Temin Automotive Air Control, Inc.	Beneficiary in Deeds of Trust (originally given to UCB)
James W. Kiser	Trustee under Deed of Trust
Bank of America	Beneficiary in Deeds of Trust and Assignment of Lessor's Interest in Leases, Rents and Profits
Spruillco Ltd.	Trustee under Deed of Trust
Jack W. Williams and Joyce Williams	Beneficiary under Deed of Trust
Southeast Air Control, Inc.	Tenant
G.R.T. Company, Inc.	Lessor in lease agreement
RBE Company (partnership)	Lessee in lease agreement
Branch Bank & Trust, as successor to Bank of Charlotte	Trustee under Trust Deed for Water System
Southern Bell	Easement
Southern Public Utilities Com.	Easement

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Duke Power Co.
City/County Tax Collector

Easements
ad valorem taxes

Tract II

MD Union Properties of North Carolina, Inc.
James W. Kiser
Bank of America

Fee
Trustee under Deed of Trust
Beneficiary in Deeds of Trust and
Assignment of Lessor's Interest in
Leases, Rents and Profits

Spruillco Ltd.
Jack W. Williams and Joyce Williams,
MD Union Corp.
Southeast Air Control, Inc.
G.R.T. Company, Inc.
RBE Company (partnership)
Branch Bank & Trust, as successor
to Bank of Charlotte

Trustee under Deed of Trust
Beneficiary under Deed of Trust
Beneficiary under Deed of Trust
Tenant
Lessor in lease agreement
Lessee in lease agreement
Trustee under Trust Deed for Water
System

Southern Bell
Southern Public Utilities Com.
Duke Power Co.
City/County Tax Collector

Easement
Easement
Easements
ad valorem taxes

Tract III

M.D. Union Properties of North Carolina, Inc.
Spruillco Ltd.
Jack W. Williams and Joyce Williams
MD Union Corp.
Branch Bank & Trust, as successor
to Bank of Charlotte
Southern Bell
Southern Public Utilities Com.
Duke Power Co.
City/County Tax Collector

Fee
Trustee under Deed of Trust
Beneficiary under Deed of Trust
Beneficiary under Deed of Trust
Trustee under Trust Deed for Water
System
Easement
Easement
Easements
ad valorem taxes

Property description

Tract I

BEGINNING at an iron located at the intersection of the northeasterly margin of the 60 foot right-of-way of Frosch Road and the northwesterly margin of the 60 foot right-of-way of Rupp Road; thence from said beginning point with the northeasterly right-of-way margin of Frosch Road (1) North 67-46-30 West 169.98 feet to an iron and (2) North 67-52-44 West 100 feet to an iron in the line of Lot 4 in Block C of Star Unity Industrial Park as shown on a map thereof recorded in the Map Book 12 at Page 79 in the Mecklenburg County Public Registry; thence with the dividing line between Lots 3 and 4 in Block C North 21-56-10 East 389.00 feet to an iron in the line of the property conveyed to Susie G. McGee by deed recorded in Book 1446 at Page 89 in the Mecklenburg County Public Registry; thence with the line of Susie G. McGee (now or formerly) North 75-43-48 East 124.00 feet to an iron located in the dividing line between Lots 1, 2 and 3 in Block C of Star Unity Industrial Park; thence with the dividing line between Lots 1 and 3 and Block C of Star Unity Industrial Park South 21-56-10 West 212.97 feet to a point; thence North 68-18-15 East 180.46 feet to a point; thence South 03-40-50 East 200.15 feet to a point in the northwesterly right-of-way margin of Rupp Road; thence with the northwesterly right-of-way margin of Rupp Road (1) following the arc of a circular curve to the left having a radius of 153.72 feet, an arc distance of 123.99 feet to a point, and (2) South 22-13-30 West 83.29 feet to the point and place of BEGINNING. Said tract containing 2.31 acres as shown on that certain plat of physical and topographical survey dated March 22, 1990, last revised May 29, 1990, prepared by Samuel P. Malone, Jr.

Tract II

BEGINNING at an iron in the northwesterly margin of the 60 foot right-of-way of Rupp Road, said iron marking the southwesterly corner of the property conveyed to Analox Roll Co., Inc. by deed recorded in Book 4986, at Page 774, in the Mecklenburg County Public Registry; thence from said beginning point with the northwesterly right-of-way margin of Rupp Road in a southwesterly direction along the arc of a circular curve to the left having a radius of 153.72 feet, an arc distance of 19.51 feet to a point in the line of the property conveyed to Jack W. Williams by deed recorded in the Book 4909 at Page 348, in said Registry; thence with the

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line of Jack W. Williams (now or formerly) (1) North 03-40-50 West 200.25 feet to a point, and (2) South 68-18-15 West 180.46 feet to a point which is a common corner of Lots 1,2 and 3 in Block C of Star Unity Industrial Park, as shown on a map recorded in Map Book 12 at Page 79 in said Registry; thence with the common dividing line between Lots 1 and 3 in Block C North 21-56-10 East 212.97 feet to an iron in the line of property conveyed to Susie G. McGee by deed recorded in Book 1446, at Page 89 in said registry; thence with the line of Susie G. McGee (now or formerly) North 75-41-43 East 100.92 feet to an iron in the line of Analox Roll Co., Inc. (now or formerly); thence with the line of Analox Roll Co., Inc. (now or formerly) South 03-32-57 East 350.00 feet to the point and place of BEGINNING. Said tract containing 0.61 acres as shown on that certain plat of physical and topographical survey dated March 22, 1990. Last revised May 29, 1990, prepared by Samuel P. Malone, Jr.

The foregoing property is a portion of Lot 1 in Block C of Star Unity Industrial Park, as shown on a map thereof recorded in Map Book 12 at Page 79 in the Mecklenburg County Public Registry.

Tract III

Beginning at an iron in the southwesterly margin of the terminating cul-de-sac of the right-of-way of Frosch Road, said iron marking the common front corner of Lots 18 and 19 in Block A of Star Unity Industrial Park, as shown of a map thereof recorded in Map Book 12 at Page 79 in the Mecklenburg County Public Registry; thence with the common dividing line between Lots 18 and 19 in Block A, South 56-18-31 West 204.02 feet to an iron in the property conveyed to Kahala Corp. by deed recorded in Book 1971 at page 229 in the Mecklenburg County Public Registry; thence with the line of Kahala Corp. (now or formerly) (1) North 67-55-29 West 109.9 feet to an iron, and (2) North 66-40-11 West 114.37 feet to an iron in the line of property conveyed to Susie G. McGee by deed recorded in Book 1446 at Page 89 in said Registry; thence with the line of Susie G. McGee (nor or formerly) b North 75-45-53 East 418.46 feet to an iron in the right-of-way margin of the terminating cul-de-sac of Frosch Road; thence with the right-of-way margin of Frosch Road in a southerly direction following the arc of a circular curve to the left having a radius of 50.00 feet, an arc distance of 95.52 feet to the point and place of BEGINNING, said tract containing .73 acre as shown on that certain plat of physical topographical survey dated March 22, 1990, last revised May 21, 1990, prepared by Samuel P. Malone, Jr.

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The foregoing property is all of Lot 19 in Block A of Star Unity Industrial Park, as shown on a map thereof recorded in Map Book 12 at Page 79 in the Mecklenburg County Public Registry.

Appraised Value

\$1,125,000 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, CMC, 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 November, 2002, and the reference having been made in Minute Book 118 and recorded in full in Resolution Book 38, Pages 84 through 85c.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of November, 2002


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 **OLD STATESVILLE ROAD WIDENING 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 **OLD STATESVILLE ROAD WIDENING PROJECT** and estimated to be approximately **17,082 square feet (0.392 acre) of Fee-Simple, Permanent Utility 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. 043-222-02, said property currently owned by **CHIP IN, LLC; TIM, INC., Trustee; BANK OF AMERICA (Successor in interest to NationsBank, N. A.), Beneficiary; UNITED STATES SMALL BUSINESS ADMINISTRATION, Beneficiary (Assignee of former owner and holder of Deed of Trust Centralina Development Corporation, Inc.); 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, 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 November, 2002, the reference having been made in Minute Book 118, and recorded in full in Resolution Book 38, Page 86.

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


Brenda R. Freeze, CMC, City Clerk