

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE **Earle Street, Lloyd Street, Edwin Street, Person Street and 20 feet of Oaklawn Avenue** in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **Charlotte Housing Authority** has filed a petition to close **Earle Street, Lloyd Street, Edwin Street, Person Street and 20 feet of Oaklawn Avenue** in the City of Charlotte; and

Whereas, the streets to be abandoned lie within the Oaklawn Community.
Earle Street: Beginning from Oaklawn Avenue continuing approximately 862 feet northeastwardly to its terminus at Lloyd Street. **Lloyd Street:** Beginning from Oaklawn Avenue continuing approximately 840 feet northwestwardly to its terminus at Earle Street, **Person Street:** Beginning from Peaceful Way continuing approximately 278 feet eastwardly to its terminus at Edwin Street, **Edwin Street:** Beginning from Oaklawn Avenue continuing approximately 887 feet north to its terminus at Person Street, **20 feet of Oaklawn Avenue:** Beginning from McCall Street continuing approximately 1,610 feet to its terminus at the eastwardly property line of Selwyn Park as shown in the map marked "Exhibit A-1 through A-5" and is more particularly described by metes and bounds in a document marked "Exhibit B-1 through B-5" 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 December 8, 2003 that it intends to close Earle Street, Lloyd Street, Edwin Street, Person Street and 20 feet of Oaklawn Avenue 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 12th day of January, 2004 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 8th day of December, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 665-666.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of December, 2003.



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 **SOUTH CORRIDOR LIGHT RAIL TRANSIT 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 **SOUTH CORRIDOR LIGHT RAIL TRANSIT PROJECT** and estimated to be approximately **76,877 square feet (1.765 acre) of fee-simple**, and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 169-011-11, said property currently owned by **WILLIAM ARTHUR MYERS, JR., Trustee under Trust dated June 10, 1993 for THE WILLIAM ARTHUR MYERS, JR. REVOCABLE TRUST and LUCY S. MYERS, Trustee under Trust dated June 10, 1993 for THE LUCY S. MYERS REVOCABLE TRUST; HAJOCA CORPORATION, Lessee; 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 8th day of December, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 667.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of December, 2003.



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 **SOUTH CORRIDOR LIGHT RAIL TRANSIT 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 **SOUTH CORRIDOR LIGHT RAIL TRANSIT PROJECT** and estimated to be approximately **43,160 square feet (.991 acre) of fee-simple**, and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 205-211-05 and Tax Parcel No. 205-211-06, said property currently owned by **H. R. AUTON and spouse, if any; 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 8th day of December, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 668.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of December, 2003.



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 **COMMONWEALTH/MORNINGSIDE STORM DRAINAGE IMPROVEMENTS 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 **COMMONWEALTH/MORNINGSIDE STORM DRAINAGE IMPROVEMENTS PROJECT** and estimated to be approximately **12,830 square feet (.295 acre) for permanent drainage 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. 129-075-07, said property currently owned by **D. L. PHILLIPS INVESTMENT BUILDERS, 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, 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 8th day of December, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 669.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of December, 2003.



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 **SOUTH TRANSMISSION MAIN-CONTRACT 4 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 **SOUTH TRANSMISSION MAIN-CONTRACT 4 PROJECT** and estimated to be approximately **7,733 square feet (.178 acre) for permanent 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. 221-181-10, said property currently owned by **RICHARD I. MCHENRY, Agent; 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 8th day of December, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 670.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of December, 2003.



Nancy S. Gilbert, CMC, Deputy City Clerk

RESOLUTION CLOSING A PORTION OF RIGHT-OF-WAY AT THE INTERSECTION OF ROMANY ROAD AND HARDING PLACE IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close a portion of right-of-way at the intersection of Romany Road and Harding Place which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close a portion of right-of-way at the intersection of Romany Road and Harding Place to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

WHEREAS, the public hearing was held on the 8th day of December, 2003 and City Council determined that the closing of a portion of right-of-way at the intersection of Romany Road and Harding Place is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of December 8, 2003, that the Council hereby orders the closing of a portion of right-of-way at the intersection of Romany Road and Harding Place in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A", and is more particularly described by metes and bounds in document marked "Exhibit B", both of which are attached hereto and made a part hereof.

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

CERTIFICATION

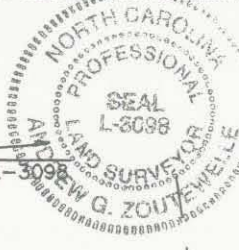
I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of December, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 671-673.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of December, 2003.



Nancy S. Gilbert, CMC, Deputy City Clerk

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



Andrew G. Zoutewelle, PLS L-3098

10-29-2003
Date



Abandonment Area
1,404 S.F.

The Charlotte-Mecklenburg
Hospital Authority
Deed Book 5388 Pg. 471
Tax I.D. 153-011-14

Romany Rd.
N 65°12'51" W 575.39' tie to P.K. Nail Fnd. at int. of E'y. & N'y. R/W margin Romany Rd.
(50' Public R/W)
M.B. 332 Pgs. 464, 528

N 70°14'53" W 69.14'

S 44°51'00" W 69.14'

(31.79')
I. Pin Found (9.39')
I. Pipe Found (56.0')

The Charlotte-Mecklenburg
Hospital Authority
Deed Book 6306 Pg. 245
Tax I.D. 153-011-31

The Charlotte-Mecklenburg
Hospital Authority
Deed Book 6829 Pg. 441
Tax I.D. 153-012-14

LEGEND

ch.	chord
L,R	curve length & radius
s.f.	square feet (by coordinates)
I.PIN	iron survey stake
conc.	concrete
a/c	air conditioner
MB, DB	record map and deed references
IPF	iron pipe found
IPS	iron pipe set
⊙	sanitary sewer manhole
⊕	water valve
-SS-	sanitary sewer line
-W-	water line

General Notes

- 1.) Romany Road is shown on plats recorded in Map Book 332 Pgs. 464 and 528. Harding Place is recorded in Map Book 332 Page 528 and Map Book 3 Page 543.
- 2.) Utilities shown hereon have been located based on CMUD Customer Service maps, markings provided by the NC ONE Utility Locating Service and field observations of surface structures. Additional utilities may exist. Contractors should contact the NC ONE CALL Utility Locating Service at 1-800-632-4949 before any excavation or digging is begun.

CURVE TABLE

NUMBER	RADIUS	LENGTH	Ch. BEARING	Ch. DISTANCE
C1	180.00'	118.84'	N 77°18'07" E	116.69'



Scale 1" = 60'
 ANDREW G. ZOUTEWELLE, L-3098
 Telephone 704-372-9444
 1418 E. Fifth St. Charlotte, NC 28204

A.G. ZOUTEWELLE
SURVEYORS
 1418 East Fifth St. Charlotte, NC 28204

The Charlotte-Mecklenburg
Hospital Authority
Deed Book 5042 Pg. 199
Tax I.D. 153-011-14

Harding Place
 existing R/W
 See M.B. 3 Pg. 543, M.B. 332 Pg. 528

East Morehead St.
 Public R/W Varies from 80' (See MB 332-90)
 Major Thoroughfare

REVISED 10-28-03

EXHIBIT A

RIGHT OF WAY ABANDONMENT SURVEY
 PROPERTY AT INTERSECTION OF
 HARDING PLACE AND ROMANY ROAD
 for CHARLOTTE-MECKLENBURG HOSPITAL AUTHORITY
 Scale 1" = 60' August 08, 2003

Exhibit B
Legal Description
Portions of Harding Place & Romany Road

Being all that certain tract or parcel of land located within the City of Charlotte, Mecklenburg County, North Carolina, and being known as a portion of Romany Road and a portion of Harding Place as recorded in Map Book 332 Pages 464 and 528 and Map Book 3 Page 543 of the Mecklenburg County Registry and more particularly described as follows:

COMMENCING at a P.K. nail found at the intersection of the easterly right of way margin of Kenilworth Avenue (having a variable right of way) and the northerly right of way margin of Romany Road (50' right of way) and running thence along a Tie Line bearing South 65 degrees 12 minutes 51 seconds East 575.39 feet to an iron pipe set on the existing southerly right of way margin of Romany Road, said iron pipe set being the true point and place of BEGINNING; thence along the arc of a circular curve to the left having a radius of 180.00 feet an arc length of 118.84 feet (chord bearing North 77 degrees 18 minutes 07 seconds East 116.69 feet) to an iron pipe set on the existing easterly right of way margin of Harding Place; thence along the existing easterly right of way margin of Harding Place, South 44 degrees 51 minutes 06 seconds West 69.14 feet to an iron pipe set at the intersection of the existing easterly right of way margin of Harding Place and the existing southerly right of way margin of Romany Road; thence with the existing southerly right of way margin of Romany Road North 70 degrees 14 minutes 53 seconds West 69.14 feet to an iron pipe set, the point and place of BEGINNING, containing 1,404 square feet (or 0.0022 acre), more or less, as shown on a survey by A.G. Zoutewelle, P.A. dated August 08, 2003, revised October 28, 2003.

RESOLUTION AUTHORIZING THE CONVEYANCE OF THE OLD BUS
GARAGE SITE, PLUS .031 ACRES OF ABANDONED RIGHT OF WAY TO ARENA
HOLDINGS, LLC

WHEREAS, the City of Charlotte owns +/-4.2 acres of land commonly known as the Old Bus Garage site and more particularly identified as being all or portions of Tax Parcel Nos. 080-041-05 and 080-041-07, plus .031 acres lying in the former right of way of East Tenth Street (the "Property") and located in Charlotte, Mecklenburg County, North Carolina; and

WHEREAS, Bank of America, Wachovia and the City of Charlotte entered into an Memorandum of Agreement on January 15, 2003 wherein Wachovia and Bank of America agreed to offer to purchase certain real estate assets from the City of Charlotte in order to facilitate the construction of a multi-purpose sports and entertainment facility to be located in uptown Charlotte; and

WHEREAS, Bank of America and Wachovia, through Arena Holdings, LLC, has submitted a Contract to purchase the Property for Eight Million Dollars (\$8,000,000.00); and

WHEREAS, the Charlotte City Council has determined that the sale of this property is in furtherance of its Council adopted Economic Development Strategic Plan in that the sale of the property will provide funds to facilitate the construction of a multi-purpose sports and entertainment facility to be located in the uptown area; and

WHEREAS, notice of the proposed transaction was advertised at least ten days prior to the adoption of this Resolution.

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Charlotte, pursuant to Section 8.22(d) of the City of Charlotte Charter, that it hereby authorizes the sale of the above referenced Property to Arena Holdings, LLC for Eight Million Dollars and pursuant to the other terms as advertised and it further authorizes the City Manager for the City of Charlotte to execute all documents necessary for the conveyance of the Property to Arena Holdings, LLC.

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 8th day of December, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 674-675.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of December, 2003.

A handwritten signature in blue ink, appearing to read "Nancy S. Gilbert, CMC". The signature is written in a cursive style with a large initial "N".

Nancy S. Gilbert, CMC, Deputy City Clerk