

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

Whereas, Insurance Auto Auctions, Inc. has filed a petition to close **a portion of Ella Street** in the City of Charlotte; and

Whereas, the portion of Ella Street to be closed lies beginning at the intersection of Starita Road continuing north approximately 756 feet to its terminus at the property line of Shufords Salvage 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 statue 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 24, 2003 that it intends to close a portion of Ella 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 24th day of March, 2003 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 24th day of February, 2003, the reference having been made in Minute Book 119, and recorded in full in Resolution Book 38 at Page 214.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26th day of February, 2003.


Nancy S. Gilbert, CMC, Deputy City Clerk

**COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF CHARLOTTE, NORTH CAROLINA**

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, the North Carolina Department of Transportation has prepared and adopted plans for the construction of I-77 from I-85 to North of future I-485 (Charlotte Outer Loop) in Charlotte; and,

WHEREAS, said Department of Transportation and the City of Charlotte propose to enter into an agreement whereby said Department will include in its construction contract provisions for certain utility work to be performed by the Department's design-build contractor; and,

WHEREAS, the Municipality agrees to reimburse the Department of Transportation for the entire cost of the water line work, with reimbursement to be made in one final payment upon completion of the work.

NOW, THEREFORE, BE IT RESOLVED that Project I-3311 A, Mecklenburg County, is hereby formally approved by the City Council of the City of Charlotte and that the Director of Transportation and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

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 24th day of February, 2003, the reference having been made in Minute Book 119, and recorded in full in Resolution Book 38 at Page 215.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26th day of February, 2003.



Nancy S. Gilbert, CMC, Deputy City Clerk

**RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON FEBRUARY 24, 2003**

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, the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements within this Municipality under Project 2.102132, Mecklenburg County, said plans consisting of maintenance of I-277 (John Belk Freeway and Brookshire Freeway) from the westbound ramp of US 74 to Independence Boulevard at 7th Street (Independence flyover bridge) and I-77 from the railroad bridge south of Wilkinson Boulevard to the pedestrian bridge south of I-85; and,

WHEREAS, the Department and the Municipality now wish to amend the Agreement as follows:

- (1)(B) Landscape maintenance of all existing landscaping prior to March 1, 2001.
- (3) The Department and Municipality reserve the right to cancel this Agreement with a thirty (30) day written notice to the opposite party.
- (4) Maintenance work under this Agreement shall have commenced on July 1, 2000. This agreement shall remain in effect for a period of two (2) years ending July 1, 2002. The Department shall pay the Municipality fifty percent (50%) of the actual cost up to a maximum reimbursement amount of \$248,750.00.

WHEREAS, the parties now wish to supplement the aforementioned Agreement whereby Paragraph 4 (1) is added as follows:

4. (A) At the end of the two-year period, upon written mutual consent, this agreement shall continue as written, with the understanding that the Department of the Municipality reserves the right to cancel this Agreement with a thirty (30) day written notice to the opposite party. The Municipality's Director of Transportation is authorized to give the requisite notice for the Municipality to extend or terminate this Agreement. If the Municipality does not desire to continue the mowing service described in this agreement, the Municipality and the Department shall re-negotiate the fee, if applicable.

NOW, THEREFORE, BE IT RESOLVED that Project 2.102132, Mecklenburg County, is hereby formally approved by the City Council of the Municipality of Charlotte and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

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 24th day of February, 2003, the reference having been made in Minute Book 119, and recorded in full in Resolution Book 38 at Pages 216-217.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26th day of February, 2003.


Nancy S. Gilbert, CMC, Deputy City Clerk

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31
Peachtree Hills Phase II**

WHEREAS, a petition requesting annexation of the area described herein has been received; 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 in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, N.C. at 7:00 p.m. on March 24, 2003.

Section 2. The area proposed for annexation is described as follows:

EXHIBIT A

To locate the point and place of Beginning, begin at a set iron rod being NC State Plane Coordinates (NAD 83) N=567,575,4157 E=1,437,850,4001 and being the southwestern corner of Dean A. & Hazel Robbins (now or formerly), see Deed Book 5446 at Page 746; thence along and with the line of Dean A. & Hazel Robbins N 68-03-06 E 257.30 feet to an existing iron rebar being the southwestern corner of Glenn A. & Karen Dedrick (now or formerly), see Deed Book 5168 Page 718; thence along and with the line of Glenn A. & Karen Dedrick N 67-52-29 E 19.36 feet to a set iron rod, being the POINT AND PLACE OR BEGINNING; thence continuing with the line of Glenn A. & Karen Dedrick the following two calls (1) N 67-52-29 E 162.94 feet to an existing iron rebar; (2) N 00-09-14 E 65.20 feet to a set pk nail in the right-of-way of Beam Lake Drive; thence with the Haddock line, see Deed Book 6294 Page 15, S 43-32-02 E 64.95 feet to a set iron rod, being the southwestern corner of Pamela B. Haddock (now or formerly), see Deed Book 6294 at Page 15, thence with the line of Pamela B. Haddock the following two calls; (1) N 68-02-10 E 16.12 feet to a .75" pipe; (2) N 68-09-57 E 215.06 feet to a ½" pipe, being the southwestern corner of Edward Gale Robinson (now or formerly), see Deed Book 5373 page 445; thence with the line of Edward Gale Robinson N 68-09-11 E 71.70 feet to an existing iron pin, being the northwestern corner of John G. Cloer (now or formerly), see Deed Book 4734 Page 533; thence with the line of John G. Cloer S 00-31-21-E 1016.82 feet to a 1" pipe, being the easternmost corner of Charles Thomas Pressley, Jr. (now or formerly), see Deed Book 5890 at Page 548; thence with the line of Charles Thomas Pressley, Jr., N 45-50-58 W 809.73 feet to a set iron rod; thence with a new line the following ten calls, (1) N 67-00-04 E 170.36 feet to a set iron rod; (2) N 73-31-34 E 65.26 feet to a set iron rod; (3) N 16-07-28 W 7.99 feet to a set iron rod; (4) N 73-52-32

E 123.00 feet to a set iron rod; (5) thence N 16-11-10 W 142.43 feet to a set iron rod; (6) thence with a curve to the right having a radius of 20 feet, an arc distance of 36.86 feet and chord bearing S 34-40-24 W a chord distance of 31.86 feet to a set iron rod; (7) thence S 87-28-33 W 101.80 feet to a set iron rod; (8) thence with a curve to the left having a radius of 190 feet, an arc of 21.11 feet a chord bearing S 84-17-33 W a chord distance of 21.10 feet to a set iron rod; (9) thence S 81-06-33 W 45.70 feet to a set iron rod; (10) thence N 22-07-31 W 39.67 feet to a set iron rod, being the point and place of BEGINNING and being 6.9561 acres as shown on that plat dated January 13, 1999, prepared by East Coast Surveyors, P.A. entitled "Subdivision Boundary & Physical Survey of 5331 Beam Lake Dr."

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 24th day of February, 2003, the reference having been made in Minute Book 119, and recorded in full in Resolution Book 38 at Pages 218-219.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26th day of February, 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 **PROSPERITY CHURCH ROAD WIDENING-PH. II 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 **PROSPERITY CHURCH ROAD WIDENING-PH. II PROJECT**, and estimated to be approximately **7,790 square feet (0.179 acre) as fee-simple, 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. 029-361-09, said property currently owned by **WEC99J-51,LLC; CHICAGO TITLE INSURANCE COMPANY, Trustee; FIRST SECURITY BANK, N. A., Beneficiary; CVS MALLARD CREEK CHARLOTTE, INC., 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 24th day of February, 2003, the reference having been made in Minute Book 119, and recorded in full in Resolution Book 38 at Page 220.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26th day of February, 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 **CENTRAL AVENUE STREETScape-PH. III 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-PH. III PROJECT** and estimated to be approximately **5,980 square feet (0.137 acre) as 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 Nos. 139-052-07 and 129-052-08, said property currently owned by **LIEN MY CHAU QUACH and spouse, if any; VAN MY NGO and spouse, if any; TAM MY CHAU 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 24th day of February, 2003, the reference having been made in Minute Book 119, and recorded in full in Resolution Book 38 at Page 221.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26th day of February, 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 **CENTRAL AVENUE STREETScape-PH. III 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-PH. III PROJECT** and estimated to be approximately **510 square feet (0.012 acre) as 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. 095-102-26, said property currently owned by **WILLIAM RICHARD FOSTER, JR.; EMILY B. FOSTER; JOHN BOTHWELL FOSTER; MARTHA S. FOSTER; MARY CAROL FOSTER WHITNEY; A. GRANT WHITNEY, JR., and Any Other Parties in Interest**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

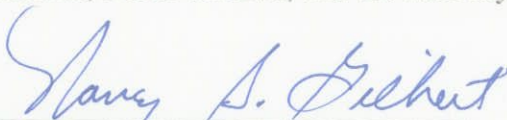
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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 24th day of February, 2003, the reference having been made in Minute Book 119, and recorded in full in Resolution Book 38 at Page 222.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26th day of February, 2003.


Nancy S. Gilbert, CMC, Deputy City Clerk

RESOLUTION CLOSING A PORTION OF LELA AVENUE, HEATHCLIFF STREET AND AN UNNAMED STREET OFF OF WOODRUFF 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 Lela Avenue, Heathcliff Street, and an Unnamed Street off of Woodruff 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 Lela Avenue, Heathcliff Street, and an Unnamed Street off of Woodruff 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 petitioner will provide an access easement Charlotte-Mecklenburg Utilities, BellSouth Telecommunications, Inc., Duke Power Company and all other owners of existing underground telecommunication facilities to maintain their facilities as shown on the attached map marked Exhibit A.

WHEREAS, the public hearing was held on the 24th day of February, 2003 and City Council determined that the closing of a portion of Lela Avenue, Heathcliff Street, and an Unnamed Street off of Woodruff 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 February 24, 2003, that the Council hereby orders the closing of a portion of Lela Avenue, Heathcliff Street, and an Unnamed Street off of Woodruff 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. This action shall be effective on the date that the developer/petitioner obtains a plan approval from the Charlotte-Mecklenburg Planning Commission and the right-of-way for the realignment portion of the unnamed street off Woodruff Place is conveyed/recorded. This abandonment approval shall be void if the plan approval is not obtained within 1 year from this date.

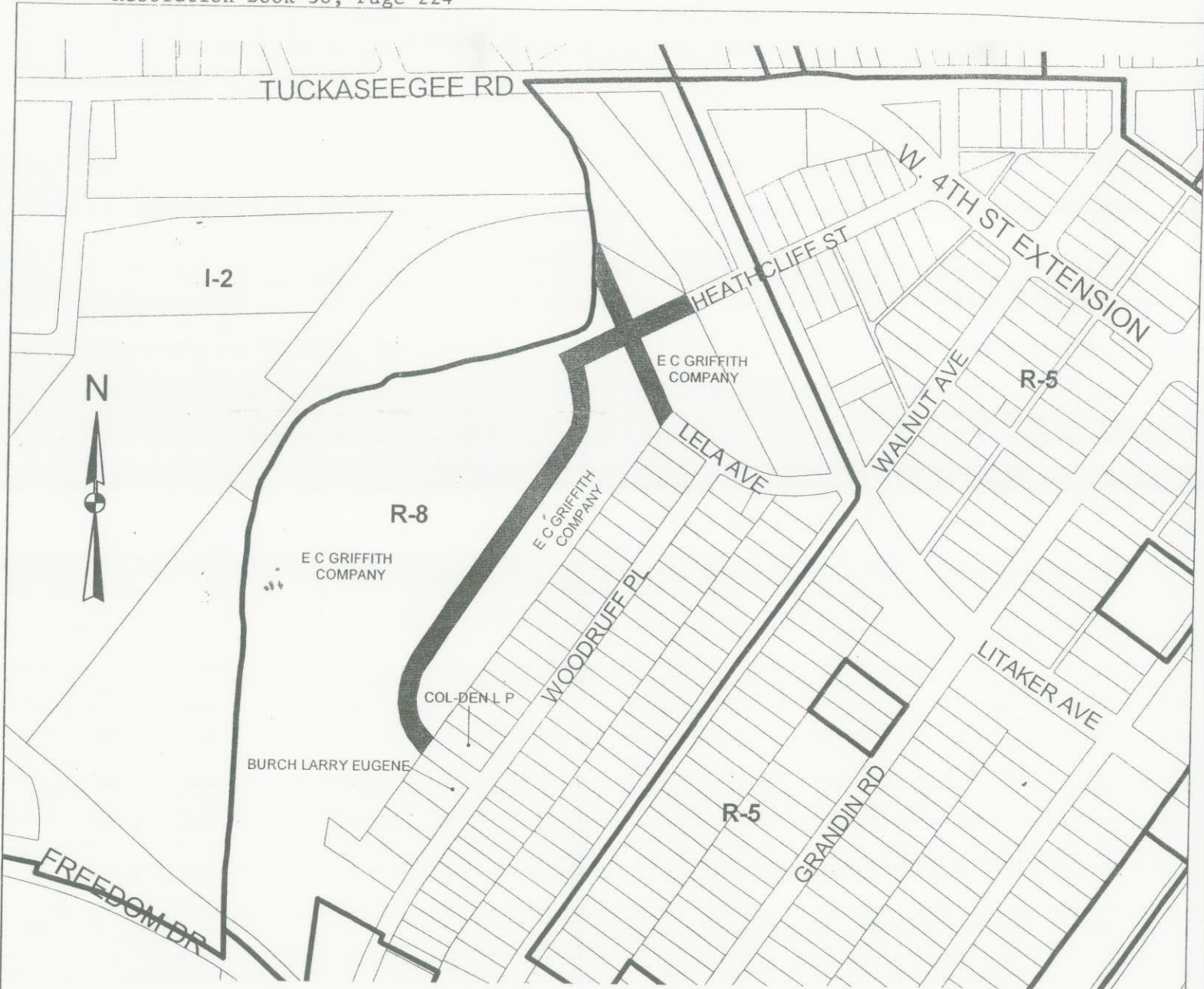
BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.


CERTIFICATION

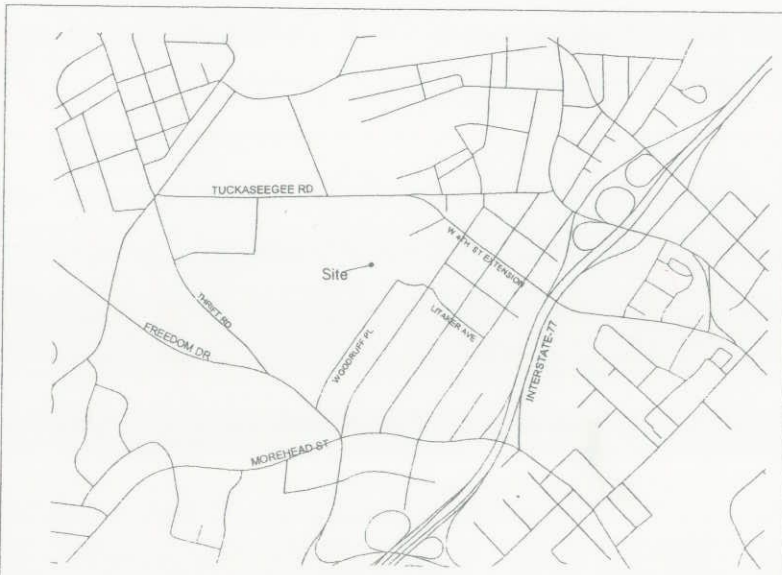
I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of February, 2003, the reference having been made in Minute Book 119, and recorded in full in Resolution Book 38 at Pages 223-227.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26th day of February, 2003.


Nancy S. Gilbert, CMC, Deputy City Clerk



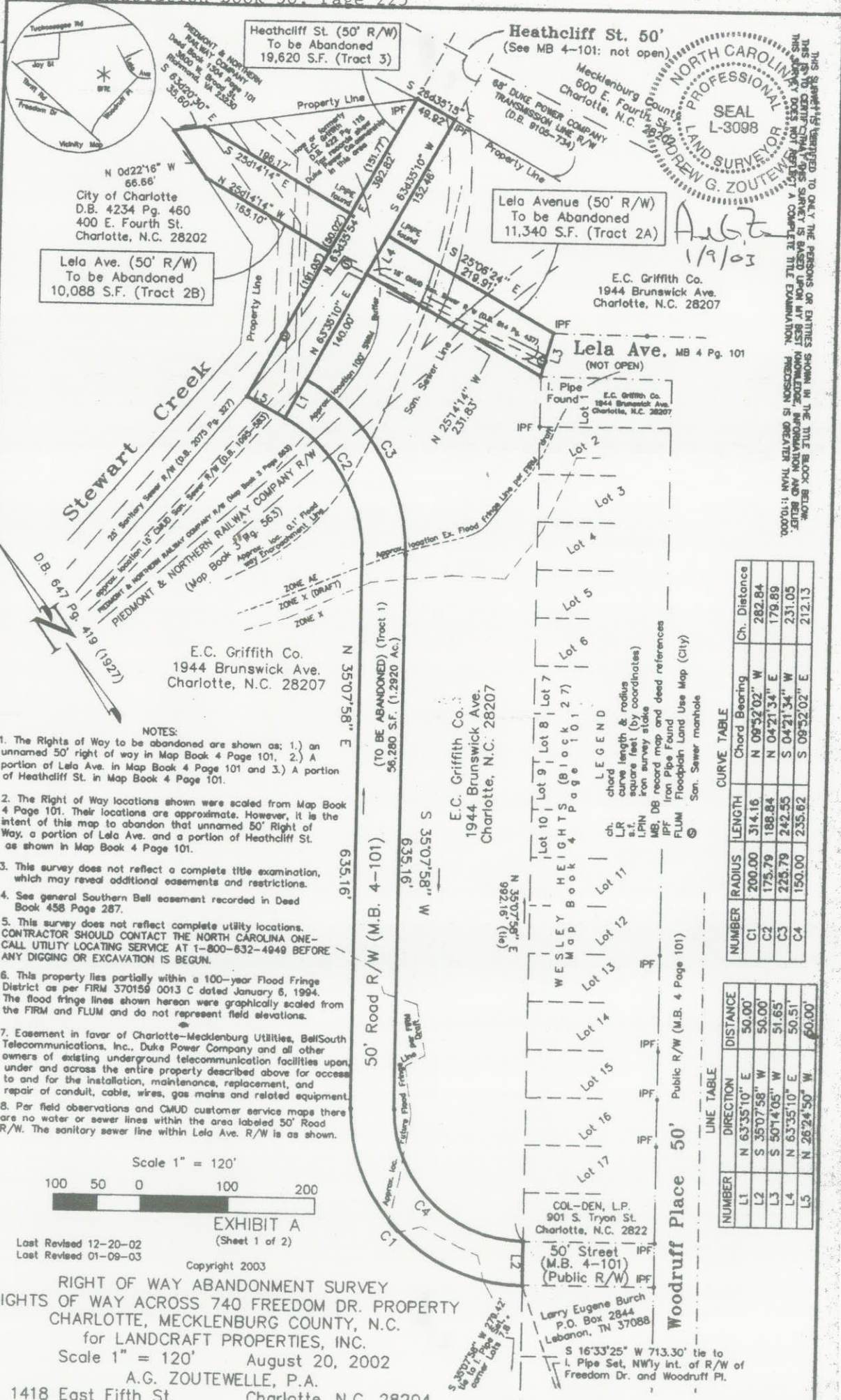
 Right-of-Way to be Abandoned



CITY OF CHARLOTTE
DEPARTMENT OF TRANSPORTATION
Development Services Division

Right-of-Way Abandonment Petition : 02- 11

Portion of Lela Avenue,
Heathcliff Street, and
an Unnamed Street



NORTH CAROLINA
 PROFESSIONAL
 SEAL
 L-3098
 BREW G. ZOUTEWELLE

THIS SURVEY IS LIMITED TO ONLY THE PERSONS OR ENTITIES SHOWN IN THE TITLE BLOCK BELOW.
 THIS IS NOT A COMPLETE TITLE EXAMINATION. PRECISION IS GREATER THAN 1:10,000.

City of Charlotte
 D.B. 4234 Pg. 460
 400 E. Fourth St.
 Charlotte, N.C. 28202

Lela Avenue (50' R/W)
 To be Abandoned
 11,340 S.F. (Tract 2A)

E.C. Griffith Co.
 1944 Brunswick Ave.
 Charlotte, N.C. 28207

Lela Ave. MB 4 Pg. 101
 (NOT OPEN)

E.C. Griffith Co.
 1944 Brunswick Ave.
 Charlotte, N.C. 28207

E.C. Griffith Co.
 1944 Brunswick Ave.
 Charlotte, N.C. 28207

E.C. Griffith Co.
 1944 Brunswick Ave.
 Charlotte, N.C. 28207

WESLEY HEIGHTS
 (Block 27)
 Map Book 4 Page 101

COL-DEN, L.P.
 901 S. Tryon St.
 Charlotte, N.C. 28222

Larry Eugene Burch
 P.O. Box 2844
 Lebanon, TN 37088

CURVE TABLE

NUMBER	RADIUS	LENGTH	Chord Bearing	Ch. Distance
C1	200.00	314.16	N 09°52'02" W	282.84
C2	175.79	188.84	N 04°21'34" E	179.89
C3	225.79	242.55	S 04°21'34" W	231.05
C4	150.00	235.62	S 09°52'02" E	212.12

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	N 63°35'10" E	50.00'
L2	S 35°07'58" W	50.00'
L3	S 50°14'05" W	51.65'
L4	N 63°35'10" E	50.51'
L5	N 26°24'50" W	60.00'

LEGEND
 ch. chord length & radius
 LR curve length & radius
 s.f. square feet (by coordinates)
 IPIN iron survey stake
 MB, DB record map and deed references
 IPF Iron Pipe Found
 FLUM Floodplain Land Use Map (City)
 S.S. San. Sewer manhole

- NOTES:
- The Rights of Way to be abandoned are shown as: 1.) an unnamed 50' right of way in Map Book 4 Page 101, 2.) A portion of Lela Ave. in Map Book 4 Page 101 and 3.) A portion of Heathcliff St. in Map Book 4 Page 101.
 - The Right of Way locations shown were scaled from Map Book 4 Page 101. Their locations are approximate. However, it is the intent of this map to abandon that unnamed 50' Right of Way, a portion of Lela Ave. and a portion of Heathcliff St. as shown in Map Book 4 Page 101.
 - This survey does not reflect a complete title examination, which may reveal additional easements and restrictions.
 - See general Southern Bell easement recorded in Deed Book 458 Page 287.
 - This survey does not reflect complete utility locations. CONTRACTOR SHOULD CONTACT THE NORTH CAROLINA ONE-CALL UTILITY LOCATING SERVICE AT 1-800-632-4949 BEFORE ANY DIGGING OR EXCAVATION IS BEGUN.
 - This property lies partially within a 100-year Flood Fringe District as per FIRM 370159 0013 C dated January 6, 1994. The flood fringe lines shown hereon were graphically scaled from the FIRM and FLUM and do not represent field elevations.
 - Easement in favor of Charlotte-Mecklenburg Utilities, BellSouth Telecommunications, Inc., Duke Power Company and all other owners of existing underground telecommunication facilities upon and across the entire property described above for access to and for the installation, maintenance, replacement, and repair of conduit, cables, wires, gas mains and related equipment.
 - Per field observations and CMUD customer service maps there are no water or sewer lines within the area labeled 50' Road R/W. The sanitary sewer line within Lela Ave. R/W is as shown.

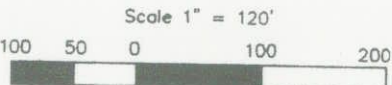


EXHIBIT A
 (Sheet 1 of 2)

Last Revised 12-20-02
 Last Revised 01-09-03

Copyright 2003

RIGHT OF WAY ABANDONMENT SURVEY
 RIGHTS OF WAY ACROSS 740 FREEDOM DR. PROPERTY
 CHARLOTTE, MECKLENBURG COUNTY, N.C.
 for LANDCRAFT PROPERTIES, INC.

Scale 1" = 120' August 20, 2002
 A.G. ZOUTEWELLE, P.A.

1418 East Fifth St. Charlotte, N.C. 28204

EXHIBIT B, SHEET 2 OF 2

Written Description

Tract 1

Being a parcel of land located and lying in the City of Charlotte, Mecklenburg County, N.C. and more particularly described as follows;

BEGINNING at a point at the northwestern corner of L.E. Burch property as described in Deed Book 6273 Page 873, Mecklenburg County Registry, said point standing N 16°33'25" W 713.30 feet from an iron pipe set at the intersection of the northerly right of way of Freedom Drive and the westerly right of way of Woodruff Place; thence from said point and place of beginning and crossing the property of E.C. Griffith Company as recorded in Deed Book 422 Page 115 the following seven courses and distances: (1) along the arc of a curve to the right having a radius of 200.00 feet an arc length of 314.16 feet (chord bearing N 09°52'02" W 282.84') to a point; (2) N 35°07'58" E 635.16 feet to a point; (3) along the arc of a curve to the left having a radius of 175.79 feet an arc length of 188.84 feet (chord bearing N 04°21'34" E 179.89 feet) to a point at the southernmost terminus of the eastern right of way of Heathcliff St. (unopened 50 foot public R/W); (4) thence with the eastern right of way margin of Heathcliff Street N 63°35'10" E 50.00 feet to a point; (5) leaving said margin of Heathcliff Street along the arc of a curve to the right having a radius of 225.79 feet an arc length of 242.55 feet (chord bearing S 04°21'34" W 231.05 feet) to a point; (6) S 35°07'58" W 635.16 feet to a point; (7) along the arc of a curve to the left having a radius of 150.00 feet an arc length of 235.62 feet (chord bearing S 09°52'02" E 212.13 feet) to a point at the northwesterly corner of Lot 18, Block 27 Wesley Heights as recorded in Map Book 4 Page 101 Mecklenburg County Registry; thence along the westerly line of Lot 18, Block 27 Wesley Heights S 35°07'58" W 50.00 feet to the point and place of beginning, containing 1.2920 acres, more or less.

Written Description

Tract 2A

Being a parcel of land located and lying in the City of Charlotte, Mecklenburg County, N.C. and more particularly described as follows;

BEGINNING at a point at the intersection of the southern right of way margin of Heathcliff Street and the western right of way margin of Lela Avenue, said point standing N 63°35'10" E 140.00 feet from the terminus of the fourth call of the above-described Tract 1; thence from said BEGINNING point crossing the property of E.C. Griffith Company property as recorded in Deed Book 422 Page 115 the following four (4) courses and distances: (1) along the southern right of way margin of Heathcliff Street N 63°35'10" E 50.51 feet to an iron pipe found; thence leaving Heathcliff Street and running (2) S 25°06'24" E 219.91 feet to an iron pipe found on the northern right of way margin of Lela Avenue; (3) crossing Lela Avenue S 50°14'05" W 51.65 feet to an iron pipe found at the northeast corner of Lot 1, Block 27 Wesley Heights as shown and described in Map Book 4 Page 101, Mecklenburg County Registry and (4) N 25°14'14" W 231.83 feet to the point and place of BEGINNING, containing 0.2605 acres, more or less.

Written Description

Tract 3

Being a parcel of land located and lying in the City of Charlotte, Mecklenburg County, N.C. and more particularly described as follows;

BEGINNING at a point at the intersection of the southern right of way margin of Heathcliff Street and the western right of way margin of Lela Avenue, said point standing N 63°35'10" E 140.00 feet from the terminus of the fourth call of the above-described Tract 1; thence from said BEGINNING point crossing the property of E.C. Griffith Company property as recorded in Deed Book 422 Page 115 the following seven (7) courses and distances: (1) along (1) S 63°35'10" W 140.00 feet to a point at the terminus of an unnamed 50' Right of Way as shown and described in Map Book 4 Page 101; (2) S 63°35'10" W 50.00 feet to a point at the southwesterly terminus of an unnamed 50' Right of Way; (3) N 26°24'50" W 50.00 feet to a point; (4) N 63°35'54" E 392.82 feet to an iron pipe found in the line of Mecklenburg County property as recorded in Deed Book 9105 Page 734; (5) with the line of Mecklenburg County S 26°35'15" E 49.92 feet to an iron pipe found; (6) S 63°35'10" W 152.46 feet to an iron pipe found and (7) S 63°35'10" W 50.51 feet to the point and place of BEGINNING, containing 0.4504 acres, more or less.

Written Description

Tract 2B

Being a parcel of land located and lying in the City of Charlotte, Mecklenburg County, N.C. and more particularly described as follows;

Beginning at a point at the intersection of the western right of way of Heathcliff Street and the southern right of way of Lela Avenue, said point standing N 63°35'54" E 191.03 feet from the terminus of the third call of the above described Tract 3; thence crossing the lands of E.C. Griffith Company as recorded in Deed Book 422 Page 115 the following five (5) courses and distances: (1) N 25°14'14" W 165.10 feet to a point in the centerline of Stewart Creek in the line of the property of the City of Charlotte as recorded in Deed Book 4234 Page 460; (2) with the centerline of Stewart Creek and the City of Charlotte property N 00°22'16" W 66.66 feet to a point, corner of Piedmont and Northern Railway Company as recorded in Deed Book 1304 Page 101; (3) with the line of Piedmont and Northern Railway Company S 63°20'30" E 35.60 feet to a point; (4) S 25°14'14" E 196.17 feet to an iron pipe found in the western right of way of Heathcliff Street; and (5) with the western right of way of Heathcliff St. S 63°35'54" W 50.02 feet to the point and place of BEGINNING, containing 0.2316 acres, more or less.

STATE OF NORTH CAROLINA

PETITION

COUNTY OF MECKLENBURG

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

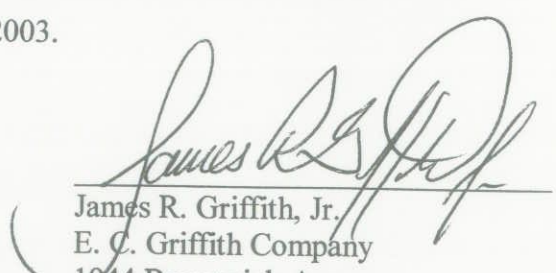
The E.C. Griffith Company respectfully files this Petition and request that a portion of an unnamed street, a portion of Lela Avenue and Heathcliff Street, all recorded in Map Book 4-101 but never constructed, lying off Woodruff Place in the Wesley Heights neighborhood as shown on the map attached hereto and made a part hereof marked "Exhibit A", be closed and abandoned in accordance with the provisions of Chapter 160A, Section 299, subsection (a) of the General Statutes of North Carolina.

In support of this Petition, your petitioner respectfully alleges that

1. The road location is being abandoned in order to locate a new road for a new subdivision.
2. The closing of the unnamed street is not contrary to the public interest.
3. No individual, partnership or corporation owning property in the vicinity of the unnamed street, or in the subdivision in which it is located will be deprived of reasonable means of ingress and egress to his or its property by virtue of the closing. Petitioner will provide an easement to Charlotte-Mecklenburg Utilities, BellSouth Telecommunications, Inc., Duke Power Company and all other owners of existing underground telecommunication facilities to maintain their facilities as shown on the attached map marked Exhibit A.
4. The street (or portion thereof) which petitioner requests be closed and abandoned is more particularly described by metes and bounds in "Exhibit B", attached hereto and made a part thereof.
5. The street (or portion thereof) requested to be closed and abandoned has not been previously accepted by the North Carolina Department of Transportation for maintenance.

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

Respectively submitted the 10th day of January 2003.



James R. Griffith, Jr.
E. C. Griffith Company
1944 Brunswick Avenue
Charlotte, NC 28207
(704) 332-7173