

**RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE a portion of 10<sup>th</sup> Street alleyway** in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **The City of Charlotte** has filed a petition to close **a portion of 10<sup>th</sup> Street alleyway** in the City of Charlotte; and

Whereas, the portion of 10<sup>th</sup> Street alleyway to be closed lies beginning approximately 206 feet from North Brevard Street continuing approximately 138 feet northwestwardly to its terminus at the property line of a parcel owned by the City of Charlotte 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 October 27, 2003 that it intends to close a portion of 10<sup>th</sup> Street alleyway 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 24<sup>th</sup> day of November, 2003 in CMGC meeting chamber, 600 East 4<sup>th</sup> 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 27th day of October, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 595.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of October, 2003.

  
Brenda R. Freeze, CMC, City Clerk

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 27<sup>th</sup> day of October, 2003 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, 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 27th day of October, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 596-597.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of October, 2003.

  
Brenda R. Freeze, CMC, City Clerk

PROPERTY TAX  
TAXPAYERS AND REFUNDS REQUESTED MORE THAN  
\$100  
(Clerical Error)

<u>NAME</u>	<u>AMOUNT OF REFUND</u>
Mary Aline Killough	\$173.56
Helen C Shull	316.05
Vern Helms, Jr.	281.19
Wells Fargo Home Mortgage	380.00
Wells Fargo Home Mortgage	380.00
Wells Fargo Home Mortgage	450.00
Wells Fargo Home Mortgage	450.00
Wells Fargo Home Mortgage	450.00
Novant Health Inc.	671.31
Novant Health Inc.	671.31
Washburn Graphics Inc.	22,129.38
Chase	174.60
Chase	181.60
Chase	176.06
Chase	181.60
Chase	181.60
First Union	511.74
Larry M. & Barbara Kepley	444.02
Gracie C. Chambers	133.07
Hillcrest Baptist Church	700.64
TOTAL	<u>29,037.73</u>



A RESOLUTION AUTHORIZING THE REFUND OF  
CERTAIN BUSINESS PRIVILEGE LICENSES

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 certain 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 27<sup>th</sup> day of October, 2003 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, 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 27th day of October, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 598-599.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of October, 2003.

  
Brenda R. Freeze, CMC, City Clerk

BUSINESS PRIVILEGE LICENSE  
REFUNDS REQUESTED

<u>Name</u>	<u>Amount of Refund</u>
Big Lots	\$ 1571.50
TNT Roofing	142.44
Le Peep Restaurant	96.50
CitiFinancial, Inc	500.00
Guiding Shepherd, Inc	103.21
Distinctive Designs by Doering	10.00
Victoria's Secret Stores, Inc	499.83
Kelly Asphalt Paving	57.58
Molly Maid	125.00
Marriott Charlotte City Cntr	1419.81
A H Income Tax & Service	277.32
Boudreauz's Iron Shop	17.46
Donaldson Filtration Solutions	25.14
Express Tax & Consulting	25.00
Ballantyne Restaurant	483.65
Crossland Furniture Restoration	52.40
Enovation Graphic Systems	472.12
Flamingo Family Restaurant	302.97
Foodmart Plus	207.50
Hooters of Charlotte, Inc	2,895.27
McDonald's Corporation	3,697.25
P J J D Enterprises Inc	922.06
Vantage Lincoln Mercury	2,055.00
Harris Teeter	84.00
Lift South, Inc	100.00
Northern Tool & Equipment	247.93
Slavic Treasures, USA, LLC	19.20
Total	<u>\$16,410.14</u>

Extract of Minutes of a regular meeting of the City Council of the City of Charlotte, North Carolina held in the Meeting Chamber at the Charlotte-Mecklenburg County Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on October 27, 2003.

\* \* \*

A regular meeting of the City Council of the City of Charlotte, North Carolina (the "*City Council*") was held in the Meeting Chamber at the Charlotte-Mecklenburg County Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on October 27, 2003 (the "*Meeting*"), after proper notice, and was called to order by the Mayor, and upon the roll being called, the following members of the City Council answered present: Mayor McCrory, Councilmembers Cannon, Carter, Graham, Lochman, Mitchell, Mumford, Spencer, Tabor, Wheeler and White.

The following members of the City Council were absent: Councilmember Cogdell

Also present: City Manager Syfert, City Attorney McCarley and City Clerk Freeze

Councilmember Cannon introduced the following resolution (the "*Resolution*"), a summary of which had been provided to each Council member:

**RESOLUTION OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT PURCHASE CONTRACT, DIRECTING A PUBLIC HEARING BE HELD AND THE PUBLICATION OF NOTICE WITH RESPECT THERETO AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO**

**WHEREAS**, the City of Charlotte, North Carolina (the "*City*") is a duly and regularly created, organized and validly existing municipal corporation of the State of North Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "*State*");

**WHEREAS**, the City has the power, pursuant to the North Carolina General Statutes, to (1) purchase real and personal property, (2) enter into installment purchase contracts to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

**WHEREAS**, the City Council of the City of Charlotte, North Carolina (the "*City Council*"), hereby determines that it is in the best interests of the City to enter into (a) an Installment Purchase Contract dated as of December 1, 2003 (the "*Contract*") with New Charlotte Corporation (the "*Corporation*") to finance (1) the acquisition of buses (the "*Buses*"), (2) the construction and equipping of a new transit maintenance facility (the "*New Maintenance Facility*"), (3) the renovation of the existing maintenance facility (the "*Existing Maintenance Facility*" and, collectively with the New Maintenance Facility, the "*Maintenance Facilities*"), (4) the acquisition of certain land for the South Corridor (the "*Land*" and collectively with the Buses and the Maintenance Facilities, the "*Project*"), (5) a portion of the installment payments designated and paid as interest under the Contract and (6) costs related to the execution and delivery of the Contract; and (b) a Deed of Trust and Security Agreement dated as of December 1, 2003 (the "*Deed of Trust*") from the City to the deed of trust trustee named therein to



provide a security interest in the Maintenance Facilities and the real property on which the Maintenance Facilities are located (the "Sites");

**WHEREAS**, the City hereby determines that the acquisition of the Project is essential to the City's proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the Project will provide an essential use and will permit the City to carry out public functions that it is authorized by law to perform; and that entering into the Contract is necessary and expedient for the City by virtue of the findings presented herein;

**WHEREAS**, the City hereby determines that the Contract allows the City to purchase the Project and take title thereto at a favorable interest rate currently available in the financial marketplace and upon terms advantageous to the City;

**WHEREAS**, the City hereby determines that the cost of the acquisition of the Project exceeds the total amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the City in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

**WHEREAS**, although the cost of financing the Project pursuant to the Contract is expected to exceed the cost of financing the Project pursuant to a bond financing for the same undertaking, the City hereby determines that the cost of the Project pursuant to the Contract and the obligations of the City thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of acquiring, constructing, improving and equipping the Project; and (3) insufficient revenues are produced by the Project so as to permit a revenue bond financing;

**WHEREAS**, the City hereby determines that the estimated cost of financing the acquisition of the Project pursuant to the Contract reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles;

**WHEREAS**, the City does not anticipate future property tax increases solely to pay installment payments falling due under the Contract in any fiscal year during the term of the Contract and such payments are adequate and not excessive for their purpose;

**WHEREAS**, Parker Poe Adams & Bernstein L.L.P., as special counsel ("*Special Counsel*"), will render an opinion to the effect that entering into the Contract and the transactions contemplated thereby are authorized by law;

**WHEREAS**, no deficiency judgment may be rendered against the City in any action for its breach of the Contract, and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract;

**WHEREAS**, the City is not in default under any of its debt service obligations;

**WHEREAS**, the City's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the City has conformed with generally accepted accounting principles as applied to governmental units in preparing its Annual Budget Ordinance;

**WHEREAS**, past audit reports of the City indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the City has not been censured by the Local Government Commission of North Carolina (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies;

**WHEREAS**, a public hearing on the Contract with respect to the financing of the Project after publication of a notice with respect to such public hearing must be held and approval of the LGC with respect to entering the Contract must be received;

**WHEREAS**, the City hereby determines that all findings, conclusions and determinations of the City in this Resolution are subject to modification or affirmation after all interested parties have been afforded the opportunity to present their comments at a public hearing regarding the execution and delivery of the Contract and the Deed of Trust and the acquisition of the Project to be financed thereby.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AS FOLLOWS:**

**Section 1. Authorization to Negotiate Contract and Deed of Trust.** That the City Manager and the Director of Finance, with advice from the City Attorney and Special Counsel, are hereby authorized and directed to proceed and negotiate on behalf of the City for the financing of the Project for a principal amount not to exceed \$90,000,000 under the Contract to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina and to provide in connection with the Contract, as security for the City's obligations thereunder, the Deed of Trust conveying a lien and security interest in the Maintenance Facilities and the Sites as may be required by the entity, or its assigns, providing the funds to the City under the Contract.

**Section 2. Application to LGC.** That the Director of Finance or his designee is hereby directed to file with the LGC an application for its approval of the Contract and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the City and its financial condition as may be required by the LGC.

**Section 3. Direction to Retain Special Counsel and Financial Advisor.** That the City Manager and the Director of Finance, with advice from the City Attorney, are hereby authorized and directed to retain the assistance of Parker Poe Adams & Bernstein L.L.P., Charlotte, North Carolina, as Special Counsel, and the City Manager and the Director of Finance are authorized to retain Sterne, Agee & Leach, Inc., Charlotte, North Carolina to serve as financial advisor.

**Section 4. Public Hearing.** That a public hearing (the "Public Hearing") shall be conducted by the City Council on November 10, 2003 at 7:00 p.m., or as soon thereafter as practicable, in the Meeting Chamber, Charlotte-Mecklenburg County Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, concerning the Contract, the Deed of Trust, the proposed financing of the Project and any other transactions contemplated therein and associated therewith.

**Section 5. Notice of Public Hearing.** That the City Clerk is hereby directed to cause a notice of the Public Hearing, in the form attached hereto as Exhibit A, to be published once in a qualified newspaper of general circulation within the City no fewer than 10 days prior to the Public Hearing.

**Section 6. Repealer.** That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.





**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 October 27, 2003.

Members Present: Councilmember Cannon, Carter, Graham, Lockman, Mitchell, Mumford, Spencer, Tabor, Wheeler and White

Members Absent: Councilmember Cogdell

Also Present: City Manager Syfert, City Attorney McCarley and City Clerk Freeze

\* \* \* \* \*

Councilmember Wheeler 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 A STANDBY BOND PURCHASE AGREEMENT IN CONNECTION WITH THE CITY OF CHARLOTTE, NORTH CAROLINA VARIABLE RATE AIRPORT REFUNDING REVENUE BONDS, SERIES 1993; AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE STANDBY BOND PURCHASE AGREEMENT.**

*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 \$107,900,000 aggregate principal amount of the City's Variable Rate Airport Refunding Revenue Bonds, Series 1993 (the "Bonds"), of which \$83,800,000 is currently outstanding, under the terms of (1) the Bond Order adopted by the City Council of the City on November 18, 1985 (the "Bond Order"), as supplemented by the First Supplemental Bond Order adopted by the City Council of the City on June 8, 1992 (the "First Supplemental Bond Order") and (2) the Series Resolution adopted by the City Council of the City on June 8, 1992 (the "Series Resolution");

*WHEREAS*, the City desires to execute and deliver a Standby Bond Purchase Agreement to be dated on or about November [ ], 2003 (the "2003 Standby Agreement") between the City and and AIG Liquidity Corp. (the "Standby Purchaser"), pursuant to which the Standby Purchaser will agree to purchase Bonds from time to time in accordance with the terms thereof, to replace the standby bond purchase agreement currently in effect; and



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

1. the 2003 Standby Agreement; and
2. the Supplement dated on or about November [ ], 2003 (the "2003 Supplement") to the Official Statement dated June 18, 1993 (the "1993 Official Statement") with respect to the Bonds;

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

**Section 1.** The form and content of the 2003 Standby 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 2003 Standby 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 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 2003 Standby 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 2003 Standby Agreement as executed.

**Section 2.** The form and content of the 2003 Supplement are in all respects authorized, approved and confirmed, and the use of 2003 Supplement 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 2003 Supplement on behalf of the City.

**Section 3.** 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 the 2003 Standby Agreement; except that none of the above is 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 2003 Standby Agreement, (2) any agreement to which the City is bound, (3) any rule or regulation of the City or (4) any applicable law, statute, ordinance, rule or regulation of the United States of America or the State of North Carolina.

**Section 4.** 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 execution, delivery and performance of the 2003 Standby Agreement shall be, and the same hereby are, in all respects approved and confirmed.

**Section 5.** If any one or more of the agreements or provisions herein contained is 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 for any reason whatsoever is held invalid, then such covenants, agreements or provisions are null and void and deemed to be separable from the

remaining agreements and provisions and in no way will affect the validity of any of the other agreements and provisions hereof.

**Section 6.** 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 7.** This Resolution is effective on its adoption.

Upon motion of Councilmember Wheeler, 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 A STANDBY BOND PURCHASE AGREEMENT IN CONNECTION WITH THE CITY OF CHARLOTTE, NORTH CAROLINA VARIABLE RATE AIRPORT REFUNDING REVENUE BONDS, SERIES 1993; AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE STANDBY BOND PURCHASE AGREEMENT" was adopted by the following vote:

Unanimous

..

*PASSED, ADOPTED AND APPROVED* this 27<sup>th</sup> day of October, 2003.

STATE OF NORTH CAROLINA            )  
  )        ss:  
CITY OF CHARLOTTE                    )

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 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AUTHORIZING THE APPROVAL, EXECUTION AND DELIVERY OF A STANDBY BOND PURCHASE AGREEMENT IN CONNECTION WITH THE CITY OF CHARLOTTE, NORTH CAROLINA VARIABLE RATE AIRPORT REFUNDING REVENUE BONDS, SERIES 1993; AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE STANDBY BOND PURCHASE AGREEMENT" adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 27<sup>th</sup> day of October, 2003, the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 604-606.

**WITNESS** my hand and the seal of the City of Charlotte, North Carolina, this the 31st day of October, 2003.

[SEAL]

  
Brenda R. Freeze, CMC, City Clerk



**RESOLUTION ADOPTING GUIDELINES FOR MUTUAL  
ASSISTANCE WITH NORTH CAROLINA STATE LAW  
ENFORCEMENT AGENCIES**

WHEREAS, pursuant to statutory amendments adopted by the 1981 General Assembly of North Carolina, the governing body of the city or county may adopt appropriate guidelines for the provision of mutual assistance between municipal law enforcement agencies and state law enforcement agencies, such authority being codified as Chapter 160A, Section 288.2, of the General Statutes of North Carolina;

WHEREAS, pursuant to said law, the law enforcement assistance authorized to be rendered includes allowing officers to work temporarily with officers of a requesting agency (including in an undercover capacity) and lending equipment and supplies;

WHEREAS, pursuant to said law, the provision of mutual assistance must be in accordance with guidelines officially adopted by this City Council;

WHEREAS, it is deemed in the best interest of the City of Charlotte to adopt a reasonable policy and guidelines whereby reciprocal law enforcement assistance can be both rendered to and obtained from other North Carolina state law enforcement agencies.

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

1. That the Chief of Police is hereby authorized to enter into mutual assistance arrangements with North Carolina state law enforcement agencies, provided that the head of the requesting state law enforcement agency requests such assistance in writing.

2. That the Chief of Police is hereby authorized to permit officers of the Charlotte-Mecklenburg Police Department to work temporarily with officers of such requesting agency, including in an undercover capacity, and, to that extent, to lend equipment and supplies.

3. While working with the requesting agency, the Charlotte-Mecklenburg police officer shall have the same jurisdiction, powers, rights, privileges and immunities (including those relating to the defense of civil actions and payment of judgments) as the officers of the requesting agency.

4. The Chief of Police is hereby further authorized to request such mutual assistance from other law enforcement agencies in accordance with such reasonable arrangements, terms and conditions as may be agreed upon between or among the respective heads of the law enforcement agencies.

APPROVED AS TO FORM:

*Deputy* Mark H. Merrill  
City Attorney

**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 27th day of October, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 607-608.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of October, 2003.

Brenda R. Freeze, CMC  
Brenda R. Freeze, CMC, 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 and the City of Charlotte propose to make certain street and highway improvements within the Municipality under said project; said plans to consist of reconstruction the intersection of NC 27 (Mt. Holly Road) and SR 1666 (Mt. Holly-Huntersville Road), installation of a fully actuated traffic signal and relocation of utilities at said intersection in Mecklenburg County; and,

WHEREAS, said agreement provides for the Municipality to prepare the environmental and/or planning document, including any environmental permits, and the plans, contractor specifications and estimates (PS&E package), administer the contract and supervise project construction, and acquire any necessary right of way; and,

WHEREAS, the Department shall be responsible for the adjustment and relocation of all utilities in conflict with the Project; and,

WHEREAS, said agreement further provides for the Department of Transportation to reimburse the Municipality a lump sum amount of \$225,000 toward the total cost of the project.

NOW, THEREFORE, BE IT RESOLVED that said project is hereby formally approved by the City Council of the City 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.

NOW, THEREFORE, BE IT RESOLVED that WBS Element 36680, Mecklenburg County, is hereby formally approved by the City Council of the City 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, 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 27th day of October, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 609.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of October, 2003.

Brenda R. Freeze, CMC  
Brenda R. Freeze, CMC, City Clerk

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

**WHEREAS**, the City Council 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.

<u>Parties in Interest</u>	<u>Nature of Interest</u>
Edward Osborne Hudson, Jr.	Fee
Thomas Freeman Hudson, Sr. Revocable Trust U/A DTD 7/18/90	Fee
Duke Power	Easement
Postal Telegraph-Cable Company	Easement
Piedmont Natural Gas	Judgment of confirmation
Southern Public Utilities Company	Easement
American Telephone & Telegraph Co.	Easement
City/County Tax Collector	Ad valorem taxes
Judgment creditors of record	Judgment liens

Property description

Being all of Tract No. 5 as described in that deed recorded at Book 3908, Page 386 of the Mecklenburg County Registry and being more particularly described as follows:



COMMENCING at a new iron rod, the southeast corner of the intersection of the rights-of-way for the Interstate 485 and Dixie River Road (S.R. 1184) said corner also being the northwesterly corner of the land conveyed by a deed recorded at Book 5066, Page 367 of the Mecklenburg Public Registry; thence S 05 01' 20" W 541.62 feet to a ¾" existing iron pipe; thence S 07 26' 17" E 651.60 feet to an existing metal monument; thence S 07 24' 26" E 58.33 feet to a ¾" existing iron pipe, the true point and place of BEGINNING; thence S 89 47' 50" E 546.79 feet to ¾" existing iron pipe, said line being the boundary line between this said Tract 5 and Tracts 11 and 12 all as shown on that plat recorded at Map Book 7, Page 845 of the Mecklenburg Public Registry; thence S 21 34' 38" E 740.42 feet to an existing iron pipe, said line being the boundary line between Tract 5 and Tract 6 of the afore referenced plat; thence S 71 34' 08" W 690.36 feet to a ¾" existing iron pipe, said line being the boundary line between Tract 5 and Tract 3 of the afore referenced plat; hence N 11 16' 39" W 432.25 feet to a stone, said line being the boundary line between Tract 5 of the afore referenced plat and that property conveyed by a deed recorded at Book 2891, Page 583 of the Mecklenburg Public Registry; thence with the boundary line between Tract 5 of the afore referenced plat and that property conveyed by a deed recorded at Book 6876, Page 886 of the Mecklenburg County Registry N 09 18' 37" W 491.75 feet to the point and place of BEGINNING. This description is based on the survey by R.B. Pharr & Associates, P.A., File No. W-2540, dated 3/9/00, last revised 8/25/00, and entitled "Survey for the Charlotte/Douglas International Airport Re: Dixie River Road and Dixie Road" to which reference is hereby made.

Appraised Value

\$675,000 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, 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 27th day of October, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 610-611.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of October, 2003.

  
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

Nature of Interest

Ronald G. Overcash	Fee
Southern Public Utilities Company	Easement
Postal Telegraph and Cable Co.	Easements
Piedmont Natural Gas Co.	Easement
City/County Tax Collector	Taxes

Property description

Lying and being in Berryhill Township of Mecklenburg County, North Carolina on Garrison Road (SR 1148) and Being Lot Number Four (4) as shown on a survey of Rick Willis, R.L.S. dated July 20, 1985, and being more fully described as follows:

BEGINNING at an iron pin located North 64-54-03 East 1000.17 feet from the iron pin identified as the "Actual Point or Place of Beginning" in that certain Deed recorded in Deed Book 5046, page 279 in the Mecklenburg County Registry (the point of Beginning herein being the Northeasterly corner of the property conveyed to Carmel Span Development Co. by the aforesaid Deed and runs thence South 25-00-41 East 121.65 feet to a point located in or near the centerline of Garrison Road (SR 1148); thence in five (5) calls along and near the centerline of Garrison Road as follows: First, South 02-11-59 West 48.86 feet to a point; thence Second, South 03-06-26 West 89.50 feet to a point; thence, Third, South 09-29-22 West 63.22 feet to a point; thence Fourth, South 21-37-04 West 64.18 feet to a point; thence Fifth, South 40-53-52 West 79.89 feet to a point; thence North 37-08-55 West 29.57 feet to a new iron pin in the Northerly margin of the right of way of Garrison Road; thence North 37-08-55 West 351.32 feet to a new iron pin; thence North 64-54-03 East 300.00 feet to the point or place of BEGINNING containing 1.773 acres, more or less.

Appraised Value

\$100,000 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, 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 27th day of October, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 612-613.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of October, 2003.

  
\_\_\_\_\_  
Brenda R. Freeze, CMC, City Clerk

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

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **FOXCROFT/FERNCLIFF STORM WATER CIP 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 **FOXCROFT/FERNCLIFF STORM WATER CIP PROJECT** and estimated to be approximately **618 square feet (.014 acre) of permanent drainage 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. 181-133-05, said property currently owned by **STARLING REID and wife, DEANNA S. REID; A. GRANT WHITNEY, Trustee; NATIONAL CITY MORTGAGE CO., Beneficiary;**  
**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 27th day of October, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 614.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of October, 2003.

  
Brenda R. Freeze, CMC, City Clerk



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

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **HEATHER LANE BICYCLE FACILITY**; 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 **HEATHER LANE BICYCLE FACILITY** and estimated to be approximately **16,610 square feet (.381 acre) of 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. 175-181-01 said property currently owned by **PARK ROAD SHOPPING CENTER, INC.; 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 27th day of October, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 615.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of October, 2003.

  
Brenda R. Freeze, CMC, City Clerk

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

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **EASTFIELD VILLAGE 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 **EASTFIELD VILLAGE PROJECT** and estimated to be approximately **13,732 square feet (.315 acre) in fee-simple** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 027-084-02, said property currently owned by **FULL MOON OF UNION COUNTY, LLC (a/k/a Full Moon of Union, LLC); SANJAY V. MISTRY, Trustee; CABARRUS BANK & TRUST COMPANY, Beneficiary; 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 27th day of October, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 616.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of October, 2003.

  
Brenda R. Freeze, CMC, City Clerk

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

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **EASTFIELD VILLAGE 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 **EASTFIELD VILLAGE PROJECT** and estimated to be approximately **5,353 square feet (.123 acre) in fee-simple** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 027-084-01, said property currently owned by **FULL MOON OF UNION COUNTY, LLC (a/k/a Full Moon of Union, LLC); SANJAY V. MISTRY, Trustee; CABARRUS BANK & TRUST COMPANY, Beneficiary; 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 27th day of October, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 617.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of October, 2003.

  
Brenda R. Freeze, CMC, City Clerk



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

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **STATESVILLE AVENUE 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 **STATESVILLE AVENUE WIDENING PROJECT** and estimated to be approximately **10,454 square feet (0.240 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. 077-054-01, said property currently owned by **COLONIAL FIXTURE MANUFACTURING COMPANY; CITY OF CHARLOTTE NEIGHBORHOOD DEVELOPMENT DEPARTMENT, Lienholder; 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 27th day of October, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 618.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of October, 2003.

  
Brenda R. Freeze, CMC, City Clerk

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

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **NEIGHBORHOOD IMPROVEMENT: HERRINWOOD 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 **NEIGHBORHOOD IMPROVEMENT: HERRINWOOD PROJECT** and estimated to be approximately **2,453 square feet (.056 acre) of 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. 093-034-08, said property currently owned by **KATHY R. BILES and spouse, if any; PHILIP A. LAGROSSO, Trustee; HSBC MORTGAGE CORPORATION (USA), Beneficiary; 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 27th day of October, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 619.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of October, 2003.

  
Brenda R. Freeze, CMC, City Clerk



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

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **NEIGHBORHOOD IMPROVEMENT: HERRINWOOD 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 **NEIGHBORHOOD IMPROVEMENT: HERRINWOOD PROJECT** and estimated to be **1,011 square feet (.023 acre) of 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. 093-061-75 and 093-061-76, said property currently owned by **GARY D. ASLIN and wife, PATRICIA A. ASLIN; BATTLE, WINSLOW, SCOTT AND WILEY, PA, Trustee; UNITED FEDERAL SAVINGS AND LOAN, Beneficiary; 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 27th day of October, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 620.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of October, 2003.

  
Brenda R. Freeze, CMC, City Clerk



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

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **HARLEE/STAFFORD REALIGNMENT 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 **HARLEE/STAFFORD REALIGNMENT PROJECT** and estimated to be **25,752 square feet (.591 acre) of right-of-way 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. 061-265-01, said property currently owned by **OLD DOMINION FREIGHT LINE, INC.; WALTER RAND, III, Trustee, CHRYSLER FINANCIAL CORPORATION, Beneficiary; 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 27th day of October, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 621.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of October, 2003.

  
Brenda R. Freeze, CMC, City Clerk

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

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

WHEREAS, the North Carolina Department of Transportation and the City of Charlotte propose to make certain street and highway improvements within the Municipality under said project; said plans to consist of the pavement rehabilitation and reconstruction of SR 3998 (South Boulevard) from I-277 to Clanton Road and South Boulevard from Scaleybark Road to SR 3814 (Woodlawn Road), including milling existing roadway, base repair, spot curb and gutter repair, overlay with 1.5 inches of ACSC Type S9.5 and paint markings in Charlotte; and,

WHEREAS, said agreement provides for the Municipality to prepare the environmental and/or planning document, including any environmental permits, and the plans, contractor specifications and estimates (PS&E package), administer the contract and supervise project construction, adjust and relocate utilities and acquire any necessary right of way; and,

WHEREAS, said agreement further provides for the Department of Transportation to reimburse the Municipality a lump sum amount of \$1,300,000 toward the total cost of the project.

WHEREAS, said work shall be completed by June 30, 2005 and the Municipality shall assume maintenance and liability responsibilities upon completion of the project; and,

NOW, THEREFORE, BE IT RESOLVED that said project is hereby formally approved by the City Council of the City 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.

NOW, THEREFORE, BE IT RESOLVED that WBS Element 37171, Mecklenburg County, is hereby formally approved by the City Council of the City 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, 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 27th day of October, 2003 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 622-623.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of October, 2003.

  
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Brenda R. Freeze, CMC, City Clerk