

**RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON FEBRUARY 9, 2004**

A motion was made by Councilmember Cannon and seconded by  
Councilmember Burgess 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 roadway improvements on US 521 (Billy Graham Parkway), installation of a fully actuated traffic signal at the intersection of US 521 (Billy Graham Parkway) and Westmont Drive, and the installation of a closed loop traffic signal system on US 521 (Billy Graham Parkway) from Westmont Drive to NC 49 (S. Tryon Street) 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, adjust and relocate utilities and acquire any necessary right of way; and,

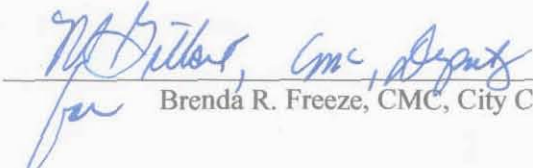
WHEREAS, said agreement further provides for the Department of Transportation to reimburse the Municipality up to an amount not to exceed \$325,000 toward the total cost of the project.

NOW, THEREFORE, BE IT RESOLVED that said project is hereby formally approved by the City Council of the City of Charlotte and that the Director of Transportation 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 9th day of February, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 709.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of February, 2004.

  
Brenda R. Freeze, CMC, City Clerk

**RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON FEBRUARY 9, 2004**

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

WHEREAS, The City plans to install video detection on NC 24 (Harris Boulevard) from SR 2467  
(Mallard Creek Road) to US 29 (North Tryon Street) in Charlotte; and,

WHEREAS, The North Carolina Department of Transportation (NCDOT) will be reimbursing the  
City

all actual costs, up to \$200,000; and,

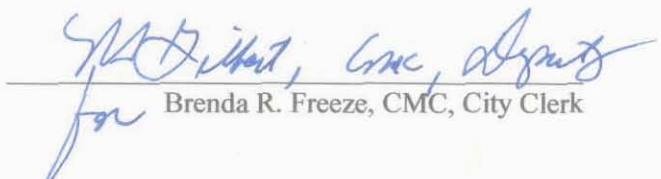
WHEREAS, The format and cost sharing philosophy with NCDOT is consistent with past municipal  
agreements.

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

**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 9th day of February, 2004 the reference having been  
made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 710.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of  
February, 2004.

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

**RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON FEBRUARY 9, 2004**

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

WHEREAS, The City plans to install a traffic signal at the intersection of SR 3445 (Tilley Morris  
Road) and SR 3440 (McKee Road) in Charlotte. This project also includes the realignment of the  
intersection, grading, paving, erosion control, seeding and mulching; and,

WHEREAS, The North Carolina Department of Transportation (NCDOT) will be reimbursing the  
City a portion of actual costs, up to \$100,000; and,

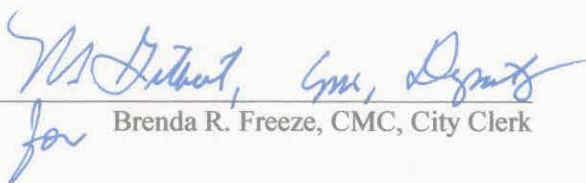
WHEREAS, The format and cost sharing philosophy with NCDOT is consistent with past municipal  
agreements.

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

**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 9th day of February, 2004 the reference having been  
made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 711.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of  
February, 2004.

  
for 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 **SOUTH CORRIDOR LIGHT RAIL TRANSIT PROJECT**; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

PROPERTY DESCRIPTION:

Amount necessary for the **SOUTH CORRIDOR LIGHT RAIL TRANSIT PROJECT** and estimated to be approximately **12,313 square feet (.283 acre) for permanent easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 205-111-10, said property currently owned by **KENNETH J. DESIO and wife, LORI A. DESIO; CALVIN R. ROSEN, Trustee; MITA COPYSTAR AMERICA, INC., Beneficiary; JERONE C. HERRING, Trustee; BRANCH BANKING AND TRUST COMPANY, Beneficiary; CITY OF CHARLOTTE-MECKLENBURG COUNTY TAX COLLECTOR; UNITED STATES OF AMERICA (Department of U. S. Treasury-Internal Revenue Service), Federal Tax Lienholder; RICHARD SCOTT KIMBALL, Possible Judgment Creditor; and Any Other Parties in Interest, or the owners' successor-in-interest.**

ESTIMATED JUST COMPENSATION:

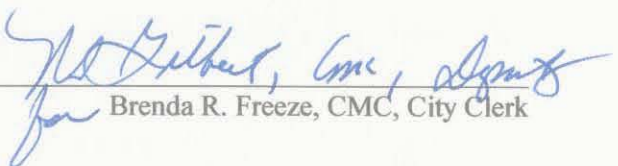
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of February, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 712.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of February, 2004.

  
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 **WEST CRAIGHEAD ROAD SIDEWALK 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 **WEST CRAIGHEAD ROAD SIDEWALK PROJECT** and estimated to be approximately **6,080 square feet (.140 acre)** for a **utility easement, permanent drainage easement, and a 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. 085-091-02, said property currently owned by **MICHAEL A. MATLOCK, Trustee of the Matlock Family Trust; E. B. GRAHAM, III, Trustee; FIRST UNION NATIONAL BANK (n/k/a Wachovia), and Any Other Parties in Interest, or the owners' successor-in-interest.**

ESTIMATED JUST COMPENSATION:

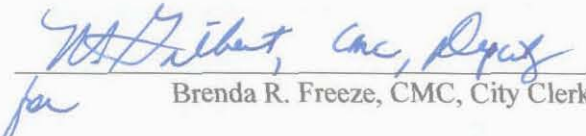
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of February, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 713.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of February, 2004.

  
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 **WEST CRAIGHEAD ROAD SIDEWALK 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 **WEST CRAIGHEAD ROAD SIDEWALK PROJECT** and estimated to be approximately **8,961 square feet (.206 acre) for a permanent sidewalk easement and a 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. 085-081-17 and 085-081-01, said property currently owned by **RYDER TRUCK RENTAL, INC.; RUBY RUSH, G/A/L for James Andrew Rush, Possible Judgment Creditor; and Any Other Parties in Interest**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

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

IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of February, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 714.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of February, 2004.

  
for 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 **NORTHLAKE MALL INFRASTRUCTURE 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 **NORTHLAKE MALL INFRASTRUCTURE PROJECT** and estimated to be approximately **41,053 square feet (.942 acre) for fee-simple, permanent storm drainage, and temporary construction easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 025-221-04, said property currently owned by **ROY I. DENMAN 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, 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 9th day of February, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 715.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of February, 2004.

  
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 **NORTHLAKE MALL INFRASTRUCTURE 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 **NORTHLAKE MALL INFRASTRUCTURE PROJECT** and estimated to be approximately **65,300 square feet (1.499 acre) for fee-simple, permanent storm drainage, and temporary construction easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 025-221-05, said property currently owned by **JOHN B. YOUNG and spouse, if any; and Any Other Parties in Interest**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

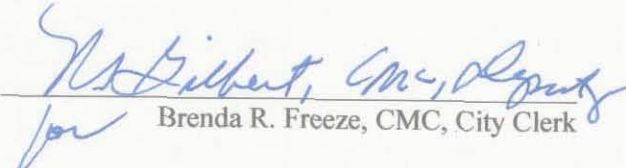
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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, 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 9th day of February, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 716.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of February, 2004.

  
Brenda R. Freeze, CMC, City Clerk



FOR REGISTRATION JUDITH A. GIBSON  
REGISTER OF DEEDS  
MECKLENBURG COUNTY, NC  
2004 JUN 09 11:07 AM  
BK: 17324 PG: 767-770 FEE: \$18.00

INSTRUMENT # 2004127281



RESOLUTION CLOSING A PORTION OF A 10-FOOT ALLEYWAY BOUNDED BY EAST BOULEVARD,  
KENILWORTH AVENUE, BUCHANAN STREET, AND DIL WORTH ROAD EAST 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 a 10-foot alleyway bounded by East Boulevard, Kenilworth Avenue, Buchanan Street, and Dilworth Road East 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 a 10-foot alleyway bounded by East Boulevard, Kenilworth Avenue, Buchanan Street, and Dilworth Road East 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 to Charlotte-Mecklenburg Utilities, BellSouth Telecommunications, Inc., Duke Power Company, and all other owners of existing underground utilities and telecommunications to maintain their facilities as shown on the attached map marked Exhibit A.

WHEREAS, the public hearing was held on the 9<sup>th</sup> day of February, 2004 and City Council determined that the closing of a portion of a 10-foot alleyway bounded by East Boulevard, Kenilworth Avenue, Buchanan Street, and Dilworth Road East 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.

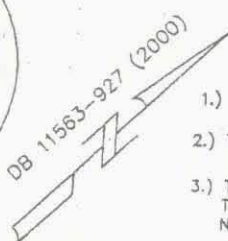
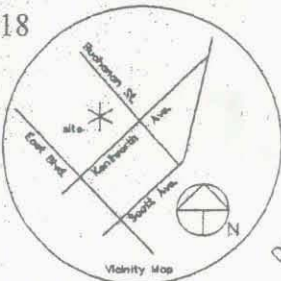
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of February 9, 2004, that the Council hereby orders the closing of a 10-foot alleyway bounded by East Boulevard, Kenilworth Avenue, Buchanan Street, and Dilworth Road East in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A", and is more particularly described by metes and bounds in document marked "Exhibit B", both of which are attached hereto and made a part hereof.

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

Drawn by: City of Charlotte  
Return to: City of Charlotte - Box

✓

THIS SURVEY IS CERTIFIED TO ONLY THE ENTITIES IN THE TITLE BLOCK BEI  
 THIS SURVEY IS BASED UPON MY BEST KNOWLEDGE, INFORMATION AND BEI  
 THIS SURVEY DOES NOT REFLECT A COMPLETE TITLE EXAMINATION. PRECISION IS GREATER THAN 1:15,



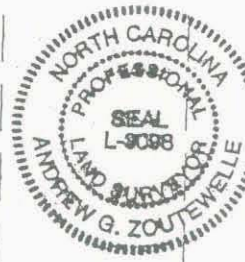
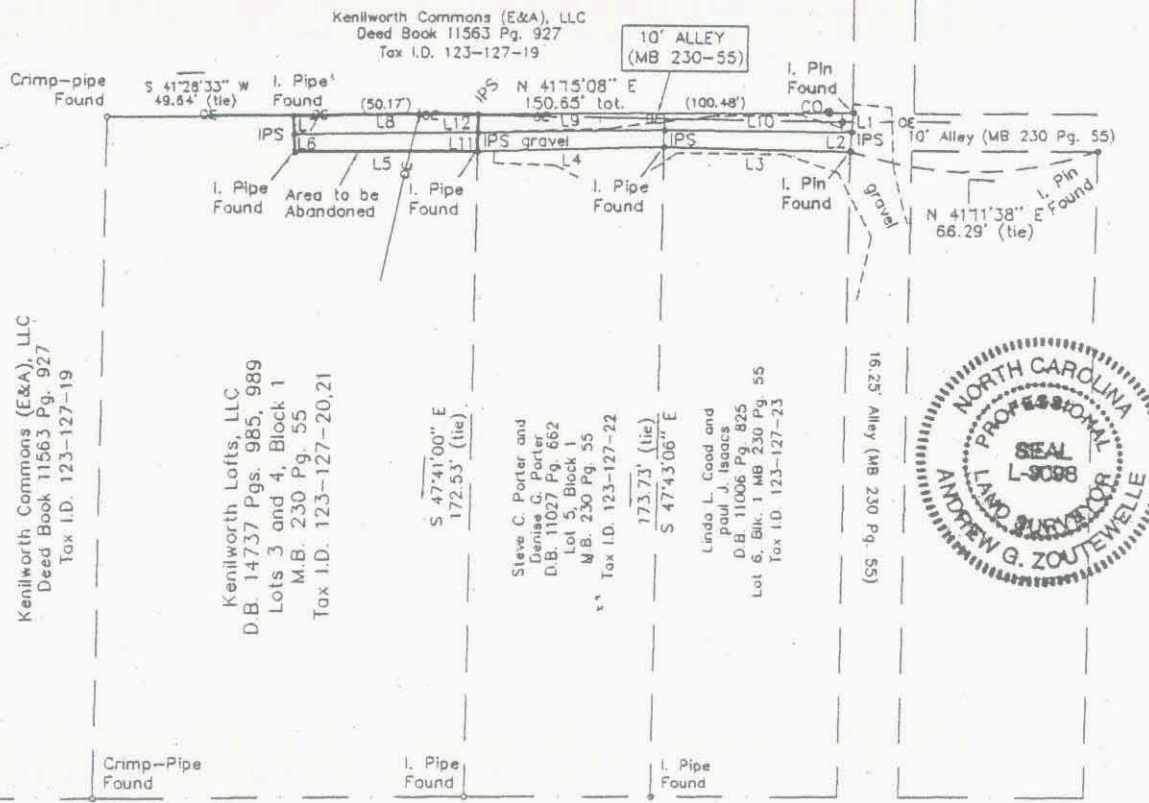
*Ad 6.7* 11-21-2003

**GENERAL NOTES**

- 1.) Alleyway to be abandoned is shown on map of East Dilworth recorded in Map Book 230 Page 55.
- 2.) This survey does not reflect a complete title examination. There may be additional restrictions or easements not shown.
- 3.) This survey does not reflect complete underground utility locations. There may be underground utilities not shown. Contractor to contact NC ONE CALL utility Locating Service before beginning any excavation.
- 4.) Petitioner shall 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 this map.
- 4.) The total area of this parcel is 497 S.F. (0.1114 Ac.).
- 5.) This property does not lie within a designated flood hazard area per graphic scaling from Flood Insurance Rate Map Community Panel No. 370159 0013 C dated 1-8-94.
- 7.) This survey does not reflect a zoning analysis.
- 8.) Easement in favor of Charlotte-Mecklenburg Utilities, BellSouth Telecommunication, Inc., Duke Power Company and all other owners of existing underground telecommunication facilities, upon, under and across the entire property described above for access to and for the installation, maintenance, replacement, a repair of conduit, cable, wires, water, sewer and related equipment.

LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S 44°30'36" E	5.16'
L2	S 44°30'36" E	5.16'
L3	S 42°42'04" W	50.12'
L4	S 40°04'04" W	49.81'
L5	S 41°28'28" W	49.73'
L6	N 50°11'59" W	4.93'
L7	N 50°11'59" W	4.93'
L8	N 41°21'47" E	49.95'
L9	N 40°39'36" E	49.79'
L10	N 41°58'21" E	50.41'
L11	N 47°41'00" W	5.03'
L12	N 47°41'00" W	5.03'

I, LINDA B. POISSANT, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAN TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.  
 Review Officer: *Linda B. Poissant*  
 Date: 6/14/04



Drawn by: City of Charlotte  
 Return to: City of Charlotte - 60'

**Kenilworth Ave. - 60'**  
 (per MB 230-55)

Revised 7-18-03: Change abandonment area.  
 Revised 11-21-03: Address City comments.

EXHIBIT A

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

- LEGEND**
- overhead utilities
  - utility pole
  - square feet (by coordinates)
  - Iron Pipe Set
  - concrete
  - air conditioner
  - DB record map and deed references
  - Iron Pipe Set
  - san. sewer cleanout

ALLEY ABANDONMENT SURVEY  
**EAST DILWORTH, BLOCK I, ALLEYWAY**  
 CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C.  
 for KENILWORTH LOFTS, LLC

Scale 1" = 40' March 25, 2003

Andrew G. Zoutewelle, L-3098

1418 East Fifth St. Charlotte, NC 28204

Telephone 704-372-9444 Facsimile 704-372-9555

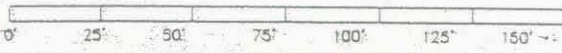


EXHIBIT B

All book and pages references refer to instruments recorded in the Mecklenburg County Public Registry.

Lying and being in Mecklenburg County North Carolina, and being more particularly described as follows:

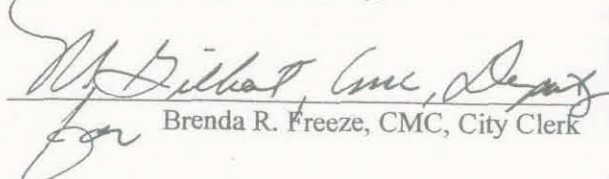
BEGINNING at an iron pipe found in the common boundary of Lots 4 and 5 of East Dilworth Block 1, as shown on a map recorded in Map Book 230, Page 55, said iron pipe lying N 47-41-00 W 172.53 feet from an iron pipe found in the western boundary of the 60' right of way of Kenilworth Avenue (as shown in Map Book 230, Page 55); thence S 41-28-28 W 49.73 feet to an iron pipe found; thence N 50-11-59 W 4.93 feet to an iron pin set; thence N 50-11-59 W 4.93 feet to an iron pin found in the common boundary of property conveyed to Kenilworth Commons (E&A), LLC by instrument recorded in Book 11563, Page 927, and property conveyed to Kenilworth Lofts, LLC by instruments recorded in Book 14737 Pages 985 and Page 989; thence N 41-21-47 E 49.95 feet to an iron pin set; thence S 47-41-00 E 5.03 feet to an iron pin set; thence S 47-41-00 E 5.03 feet to the point and place of BEGINNING.

Containing 497 square feet (0.1114 acres), more or less, and all as shown on survey entitled Alley Abandonment Survey East Dilworth, Block 1, Alleyway, dated March 25, 2003, and revised July 18, 2003, by Andrew G. Zoutewelle, NCPLS.

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 9th day of February, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 717-719.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of February, 2004.

  
Brenda R. Freeze, CMC, City Clerk

Drawn by: City of Charlotte  
Professional City of Charlotte - Clerk



JUDITH A. GIBSON  
REGISTER OF DEEDS, MECKLENBURG  
COUNTY & COURTS OFFICE BUILDING  
720 EAST FOURTH STREET  
CHARLOTTE, NC 28202

\*\*\*\*\*

Filed For Registration: 06/09/2004 11:07 AM  
Book: RE 17324 Page: 767-770  
Document No.: 2004127281  
RESOL 4 PGS \$18.00  
Recorder: EMEM DREHER



2004127281

FOR REGISTRATION JUDITH A. GIBSON  
REGISTER OF DEEDS  
MECKLENBURG COUNTY, NC  
2004 JUN 09 11:07 AM  
BK: 17324 PG: 771-779 FEE: \$33.00

INSTRUMENT # 2004127282



2004127282

RESOLUTION CLOSING A PORTION OF EAST TRADE STREET IN THE CITY OF CHARLOTTE,  
MECKLENBURG COUNTY, NORTH CAROLINA

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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 East Trade Street 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 East Trade Street 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

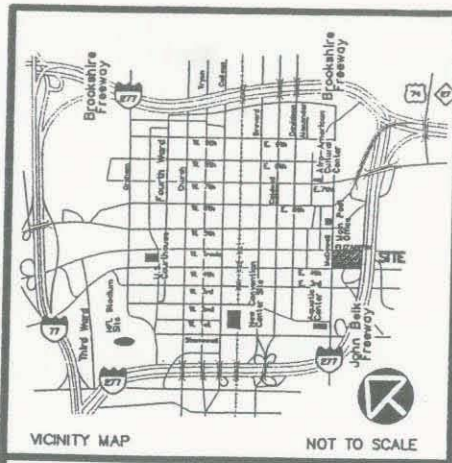
WHEREAS, the petitioner will provide an access easement to Charlotte-Mecklenburg Utilities, BellSouth Telecommunications, Inc., and all other owners of existing underground utilities and telecommunications to maintain their facilities as shown on the attached map marked Exhibit A.

WHEREAS, the public hearing was held on the 9<sup>th</sup> day of February, 2004 and City Council determined that the closing of a portion of East Trade Street 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 9, 2004, that the Council hereby orders the closing of a portion of East Trade Street in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A", and is more particularly described by metes and bounds in document marked "Exhibit B", both of which are attached hereto and made a part hereof.

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

Drawn by: City of Charlotte  
Return to: City of Charlotte - Box.



STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

I, \_\_\_\_\_, REVIEW OFFICER OF MECKLENBURG COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

12/01/03

REVIEW OFFICER \_\_\_\_\_ DATE

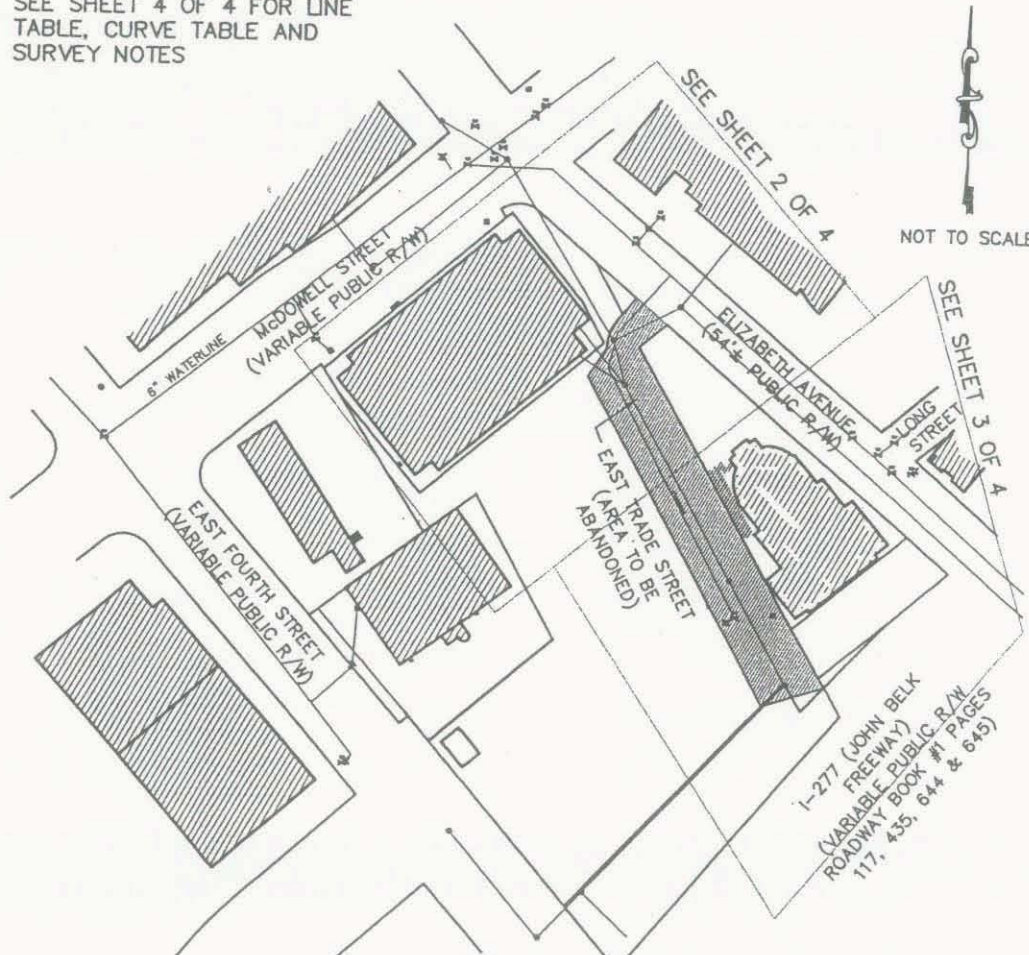
LEGEND

R/W	RIGHT OF WAY
DB	DEED BOOK
PG	PAGE
SQ.FT	SQUARE FEET
▲	PK NAIL
△	BENCHMARK
NIR	SET IRON REBAR
EIP	EXISTING IRON PIPE
EIR	EXISTING IRON ROD
●	COMPUTED POINT

NOTE:

EASEMENT IN FAVOR OF CHARLOTTE-MECKLENBURG UTILITIES, BELLSOUTH TELECOMMUNICATIONS, INC., AND ALL OTHER OWNERS OF EXISTING UNDERGROUND TELECOMMUNICATION FACILITIES, UPON, UNDER, AND ACROSS THE ENTIRE PROPERTY DESCRIBED ABOVE FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT, AND REPAIR OF CONDUIT, CABLE, WIRES, WATER LINES, SEWER LINES, STORM DRAINAGE LINES, AND RELATED EQUIPMENT.

SEE SHEET 4 OF 4 FOR LINE TABLE, CURVE TABLE AND SURVEY NOTES



NOT TO SCALE

LINDA B. POISSANT, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

*Linda B. Poissant*  
Date 12/1/03

REVISIONS

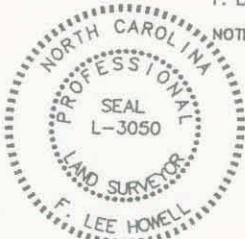
- 8/26/03 OWNERSHIP ON TAX PARCEL 125-043-01
- 12/01/03 REVISED EASEMENT NOTE AND ADDED EXISTING SEWER AND WATER LINES.

GNA DESIGN AND ASSOCIATES, INC.

*F. Lee Howell* 12/01/03  
F. LEE HOWELL NC PLS #3050 DATE

NOTE: THIS MAP DOES NOT MEET GS-47-30 AND CANNOT BE RECORDED AS A PLAT

G:\CADD\PROJECTS\54386\54386A.BANDOCUMENT.DWG



12/01/03

GNA DESIGN ASSOCIATES, Inc.

428 East Fourth Street  
Suite 408 (704) 373-1907  
Charlotte, NC 28202

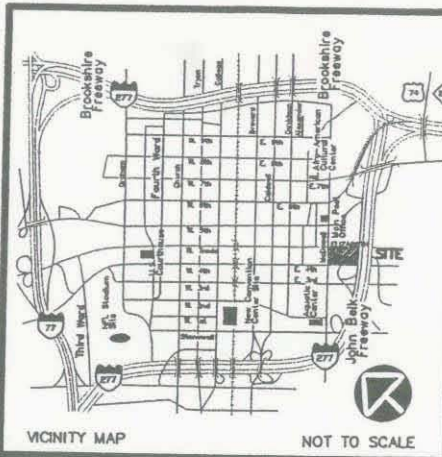


Surveying & Landscape Architecture & Civil Engineering

"EXHIBIT A" - 1

54386 Job No. File No.	ABANDONMENT OF EAST TRADE STREET R/W WIDTH VARIES
PLAN Scale AS SHOWN	
PROFILE Hor. N/A Vert. N/A	OWNERS: MECKLENBURG COUNTY, SELF HELP VENTURES, CITY OF CHARLOTTE
As Built Date	
GNA Surveyed By	PAB Drawn By
Designed By	FLH Project-Eng
	Approved By
	Date
Sheet 1 of 4	

Drawn by: City of Charlotte  
Return to: City of Charlotte



SEE SHEET 4 OF 4 FOR LINE TABLE, CURVE TABLE AND SURVEY NOTES

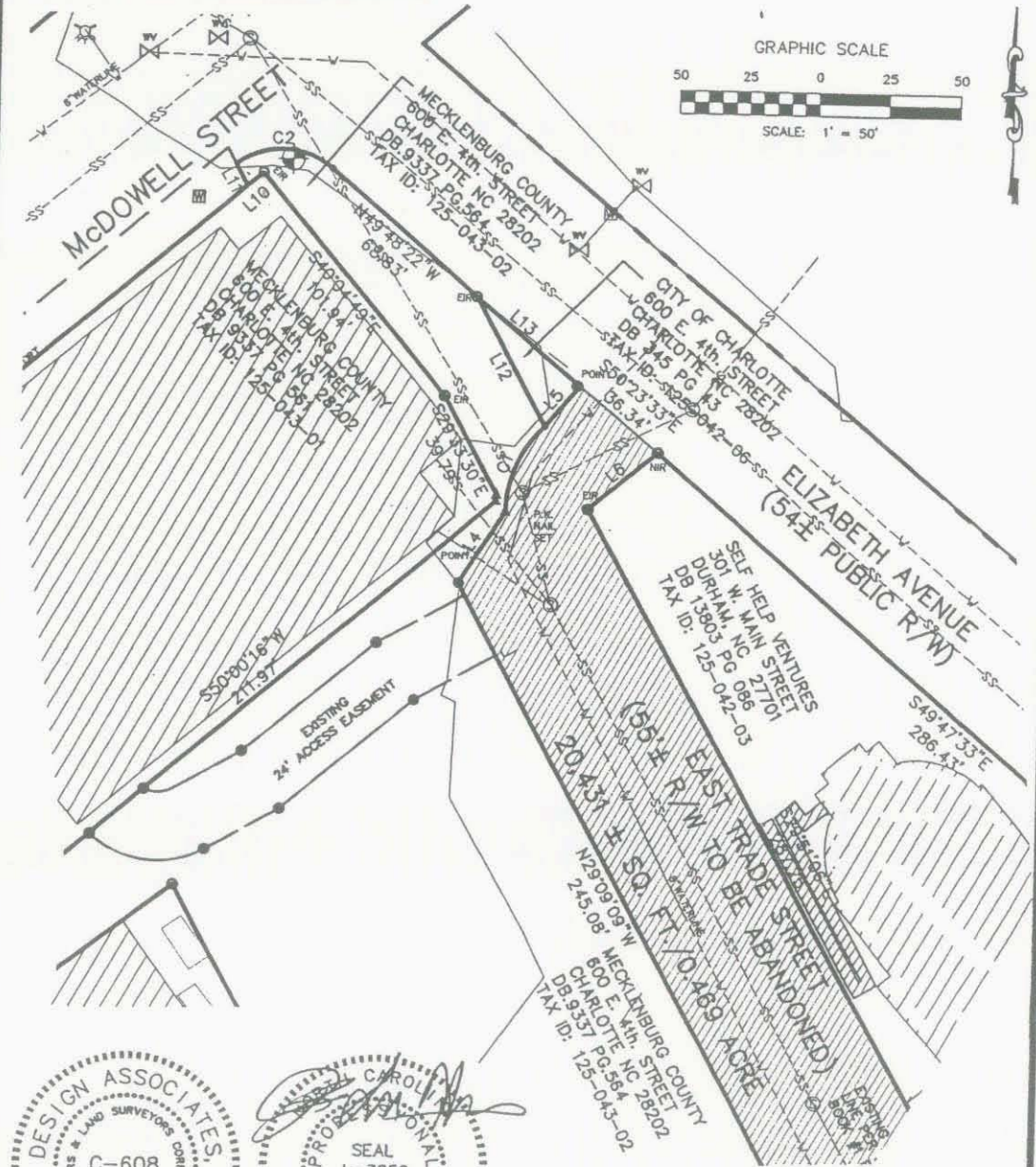
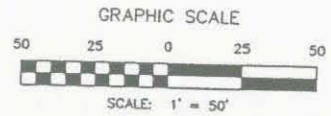
- REVISIONS  
 1. 6/28/03 OWNERSHIP ON TAX PARCEL 125-043-01  
 2. 12/01/03 REVISED EASEMENT NOTE AND ADDED EXISTING SEWER AND WATER LINES.

NOTE:

EASEMENT IN FAVOR OF CHARLOTTE-MECKLENBURG UTILITIES, BELLSOUTH TELECOMMUNICATIONS, INC., AND ALL OTHER OWNERS OF EXISTING UNDERGROUND TELECOMMUNICATION FACILITIES, UPON, UNDER, AND ACROSS THE ENTIRE PROPERTY DESCRIBED ABOVE FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT, AND REPAIR OF CONDUIT, CABLE, WIRES, WATER LINES, SEWER LINES, STORM DRAINAGE LINES, AND RELATED EQUIPMENT.

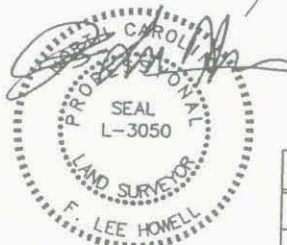
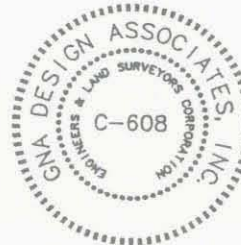
LEGEND

R/W	RIGHT OF WAY
DB	DEED BOOK
PG	PAGE
SQ.FT	SQUARE FEET
▲	PK NAIL
○	BENCHMARK
○	SET IRON REBAR
○	EXISTING IRON PIPE
○	EXISTING IRON ROD
●	COMPUTED POINT



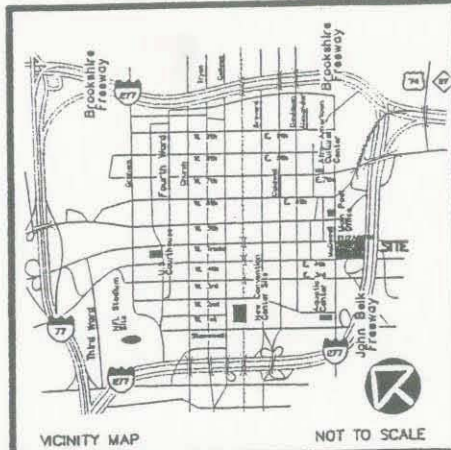
I, LINDA B. POISSANT, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.  
 Review Officer: *Linda B. Poissant*  
 Date: 6/9/04

Drawn by: City of Charlotte  
 Return to: City of Charlotte - P.W.



GNA DESIGN ASSOCIATES, Inc.  
 428 East Fourth Street  
 Suite 408 (704) 373-1907  
 Charlotte, NC 28202  
 Surveying & Landscape Architecture & Civil Engineering

54368 Job No.		File No.		"EXHIBIT A" - 2 ABANDONMENT OF EAST TRADE STREET R/W WIDTH VARIES OWNERS: MECKLENBURG COUNTY, SELF HELP VENTURES, CITY OF CHARLOTTE			
PLAN SCALE: 1"=50'		PROFILE Hor. N/A Vert. N/A					
As Built	Date	PAB	FLH	8/18/03	Sheet	Of	
GNA Surveyed By	Designed By	Drawn By	Project-Eng	Approved By	2	4	

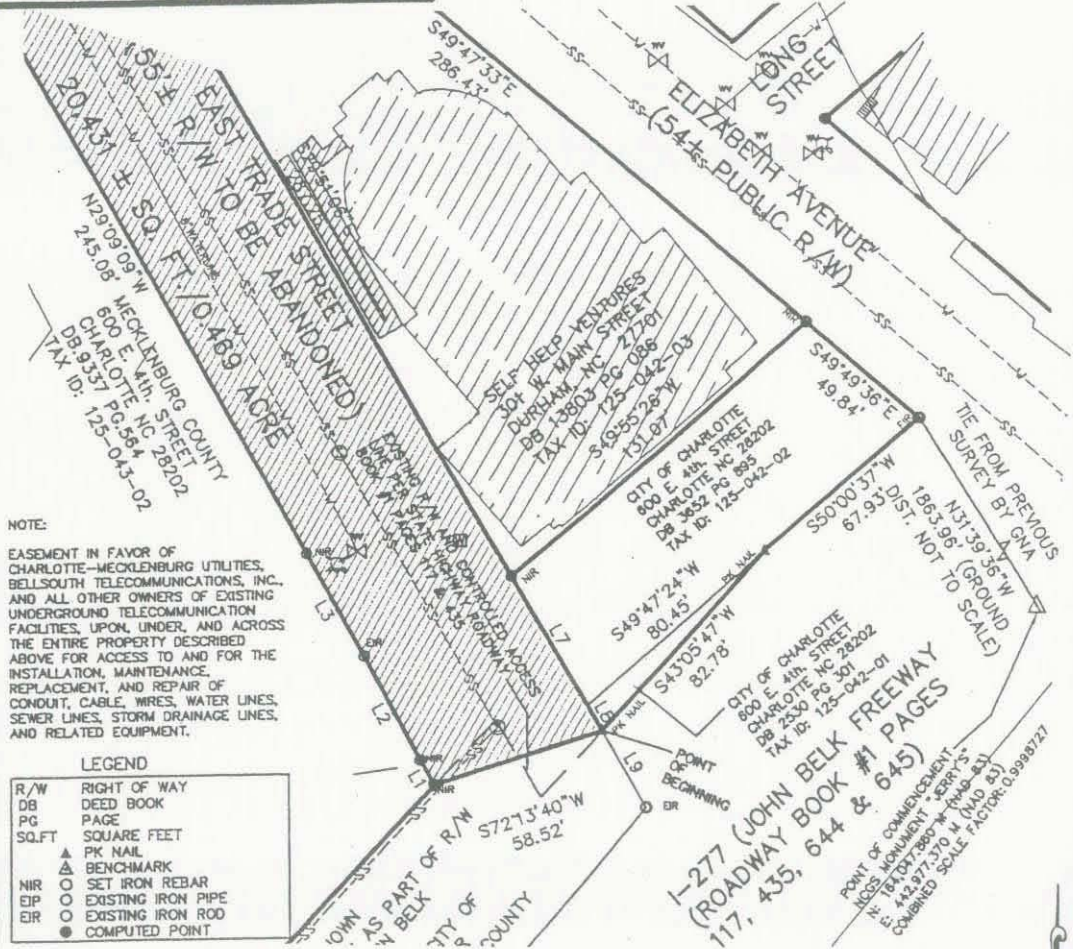


LINE TABLE		
LINE	LENGTH	BEARING
L1	9.66	N29°25'52"W
L2	39.71	N28°09'09"W
L3	39.86	N29°41'52"W
L4	30.17	N33°20'34"E
L5	18.90	N39°36'27"E
L6	31.74	S50°35'40"W
L7	50.00	S29°50'54"E
L8	9.81	S29°50'47"E
L9	29.77	S29°52'09"E
L10	7.29	N49°52'27"E
L11	8.72	S29°09'09"E
L12	52.13	N29°07'51"W
L13	48.57	N50°23'33"W

SEE SHEET 4 OF 4 FOR LINE TABLE, CURVE TABLE AND SURVEY NOTES

I, LINDA B. POISSANT, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAN TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

*Linda B. Poissant*  
 Review Officer  
 Date: 6/4/04

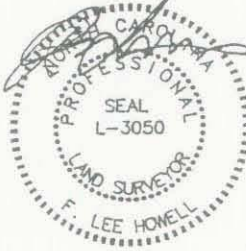


NOTE:  
 EASEMENT IN FAVOR OF CHARLOTTE-MECKLENBURG UTILITIES, BELLSOUTH TELECOMMUNICATIONS, INC., AND ALL OTHER OWNERS OF EXISTING UNDERGROUND TELECOMMUNICATION FACILITIES, UPON, UNDER, AND ACROSS THE ENTIRE PROPERTY DESCRIBED ABOVE FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT, AND REPAIR OF CONDUIT, CABLE, WIRES, WATER LINES, SEWER LINES, STORM DRAINAGE LINES, AND RELATED EQUIPMENT.

LEGEND

R/W	RIGHT OF WAY
DB	DEED BOOK
PG	PAGE
SQ.FT	SQUARE FEET
▲	PK NAIL
△	BENCHMARK
MIR	SET IRON REBAR
EIP	EXISTING IRON PIPE
EIR	EXISTING IRON ROD
●	COMPUTED POINT

CURVE TABLE						
CURVE	CENTRAL ANGLE	RADIUS	TANGENT	CHORD	CHORD BEARING	LENGTH
C1	47°32'01"	41.20	18.14	33.21	N23°58'58"E	34.18
C2	76°18'48"	27.50	21.61	33.98	N87°57'39"W	36.63



12/01/03  
 GNA DESIGN ASSOCIATES, Inc.  
 428 East Fourth Street  
 Suite 408 (704) 373-1907  
 Charlotte, NC 28202  
 Surveying & Landscape Architecture & Civil Engineering

REVISIONS

- 6/28/03 OWNERSHIP ON TAX PARCEL 125-043-01
- 12/01/03 REVISED EASEMENT NOTE AND ADDED EXISTING SEWER AND WATER LINES.

"EXHIBIT A" - 3

54366	Job No.	File No.	Scale	PLAN	1"=50'
				PROFILE	Hor. N/A Vert. N/A
	As Built	Date			
GNA	Survised By	PAB	Drawn By	FLH	8/18/03
	Designed By		Project-Engr	Approved By	Date

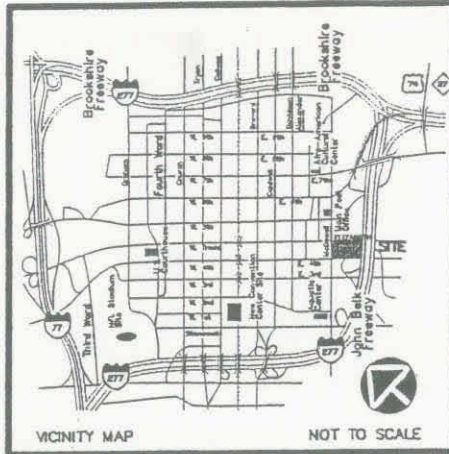
ABANDONMENT OF EAST TRADE STREET R/W WIDTH VARIES

OWNERS: MECKLENBURG COUNTY, SELF HELP VENTURES, CITY OF CHARLOTTE

Sheet	3	of	4
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Drawn by: City of Charlotte  
 Returned to: City of Charlotte - Day





LINE TABLE		
LINE	LENGTH	BEARING
L1	9.66	N29°25'52"W
L2	39.71	N28°09'09"W
L3	39.86	N29°41'52"W
L4	30.17	N33°20'34"E
L5	18.90	N39°36'27"E
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L11	8.72	S29°09'09"E
L12	52.13	N29°07'51"W
L13	48.57	N50°23'33"W

**SURVEYOR NOTES:**

1. NORTH ORIENTATION BASED ON BOUNDARY SURVEY BY GNA DESIGN ASSOCIATES, INC. DATED 5/8/02. DISTANCES ARE HORIZONTAL GROUND.
2. IMPROVEMENTS AND UTILITIES NOT SHOWN.
3. FULL TITLE SEARCH NOT PERFORMED BY US NOR SUPPLIED BY CLIENT. THIS PARCEL SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS MAP FOR ABANDONMENT OF A PORTION OF E. TRADE STREET ONLY AND IS NOT A CERTIFIED BOUNDARY SURVEY.
5. THIS PROPERTY IS LOCATED IN THE CITY OF CHARLOTTE, COUNTY OF MECKLENBURG, STATE OF NORTH CAROLINA.
6. CORNERS SHOWN HEREON ARE FROM PRIOR SURVEY.

CURVE TABLE						
CURVE	CENTRAL ANGLE	RADIUS	TANGENT	CHORD	CHORD BEARING	LENGTH
C1	47°32'01"	41.20	18.14	33.21	N23°58'58"E	34.18
C2	76°18'48"	27.50	21.61	33.98	N87°57'39"W	36.63

**LEGEND**

R/W	RIGHT OF WAY
DB	DEED BOOK
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EIR	EXISTING IRON ROD
●	COMPUTED POINT

**NOTE:**

EASEMENT IN FAVOR OF CHARLOTTE-MECKLENBURG UTILITIES, BELLSOUTH TELECOMMUNICATIONS, INC., AND ALL OTHER OWNERS OF EXISTING UNDERGROUND TELECOMMUNICATION FACILITIES, UPON, UNDER, AND ACROSS THE ENTIRE PROPERTY DESCRIBED ABOVE FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT, AND REPAIR OF CONDUIT, CABLE, WIRES, WATER LINES, SEWER LINES, STORM DRAINAGE LINES, AND RELATED EQUIPMENT.

I, LINDA B. POISSANT, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

*Linda B. Poissant*  
 Review Officer

Drawn by: City of Charlotte  
 Return to: City of Charlotte - Box

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12/01/03

GNA DESIGN ASSOCIATES, Inc.

428 East Fourth Street  
 Suite 408 (704) 373-1907  
 Charlotte, NC 28202

Surveying & Landscape Architecture & Civil Engineering

**REVISIONS**

1. 6/28/03 OWNERSHIP ON TAX PARCEL 125-043-01
2. 12/01/03 REVISED EASEMENT NOTE AND ADDED EXISTING SEWER AND WATER LINES.

"EXHIBIT A" - 4

S4386 Job No. File No.		ABANDONMENT OF EAST TRADE STREET R/W WIDTH VARIES	
PLAN	Scale AS SHOWN	OWNERS: MECKLENBURG COUNTY, SELF HELP VENTURES, CITY OF CHARLOTTE	
PROFILE	Hor. N/A Vert. N/A		
As Built	Date		
GNA	FLH	1/16/03	Sheet 4 of 4
Surveyed By	Designed By	Drawn By	Project-Eng
		Approved By	Date

GNA DESIGN ASSOCIATES, INC.

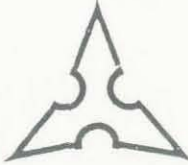


EXHIBIT B

WRITTEN DESCRIPTION

All that certain parcel of land, lying and being situate in the City of Charlotte, County of Mecklenburg, State of North Carolina, being a portion of East Trade Street containing 0.469 acres, more or less, and being shown on a map by GNA Design Associates, Inc., dated June 16, 2003, being more fully described as:

Commencing at North Carolina Geodetic Monument "Jerrys", having published coordinates on the North Carolina State Plane Grid (North American Datum of 1983) of:

Northing: 164,047.860 meters      Easting: 442,977.370 meters  
Convergence Angle: -01°03'23"      Combined Scale Factor:  
0.9998407;

thence from said commencement point, the following ground bearings and horizontal ground distances:

North 31°39'36" West for 1863.96 feet (grid bearing and distance not known) to an intersection with the westerly right of way line of Elizabeth Avenue (right of way 54 feet, more or less) and the southerly line of property of the City of Charlotte, described in said Office in Deed Book 3652 at page 895; thence with said southerly line (also being the northerly right of way line of I-277 (variable right of way) South 50°00'37" West for 67.93 feet; thence continuing with property of City of Charlotte, described in Deed Book 2530 at page 301 South 43°05'47" West for 82.78 feet to an intersection with the easterly right of way of East Trade Street (right of way 50 feet) and the POINT OF BEGINNING; thence South 72°13'40" West for 58.52 feet to an intersection with the westerly edge of said East Trade Street and the southeasterly corner of property of Mecklenburg County, described in Deed Book 9337 at page 564; thence with said westerly right of way and property of said Mecklenburg County the following six (6) courses and distances:

- (1) North 29°25'52" West for 9.66 feet; thence
- (2) North 28°09'09" West for 39.71 feet; thence
- (3) North 29°41'52" West for 39.86 feet; thence
- (4) North 29°09'09" West for 245.08 feet; thence
- (5) North 33°20'34" East for 30.17 feet to the point of curvature of a non tangent curve to the right (concave southeasterly) having the following parameters:

Central Angle: 47°32'01"      Radius: 41.20 feet  
Tangent: 18.14 feet      Chord: 33.21 feet  
Chord Bearing: North 23°58'58" East; thence

(6) along arc of said curve for an arc distance of 34.18 feet to an intersection with the property of the City of Charlotte, described in Deed Book 345 at page 43; thence continuing with said westerly right of way

GNA DESIGN ASSOCIATES, INC.  
428 East Fourth Street  
Suite 408 (704) 373-1907  
Charlotte, NC 28202  
Fax (704) 358-0766

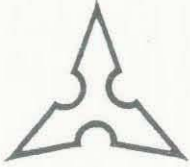
Principals  
Teresa L. Hawkins, ASLA  
Landscape Architecture

Jeff D. Oden, PE  
Civil Engineering

F. Lee Howell, PLS  
Surveying

Drawn by: City of Charlotte  
Return to: City of Charlotte - Box

GNA DESIGN ASSOCIATES, INC.



line North 39°36'27" East for 18.90 feet to an intersection with the said westerly right of way line of Elizabeth Avenue; thence with said right of way of said Elizabeth Avenue South 50°23'33" East for 36.34 feet to an intersection with the easterly right of way line of said East Trade Street and the property of Self Help Ventures, described in Deed Book 13803 at page 086; thence with said easterly right of way and said Self Help Ventures South 50°35'40" West for 31.74 feet; thence continuing with said line South 29°51'06" East for 287.25 feet to an intersection with aforesaid property of the City of Charlotte, described in said Deed Book 3652 at page 895; thence continuing with said easterly right of way and said owner South 29°50'54" East for 50.00 feet to an intersection with the said property of the City of Charlotte, described in said Deed Book 2530 at page 301; thence with said easterly right of way line South 29°50'47" East for 9.81 feet to the POINT OF BEGINNING.

Said parcel being subject to easements and restrictions of record.

Prepared: June 16, 2003  
Prepared by: GNA Design Associates, Inc.  
428 E. Fourth Street Suite 408  
Charlotte, NC 28202  
(704) 373-1907

GNA Design Associates, Inc.

F. Lee Howell, NC PLS L-3050



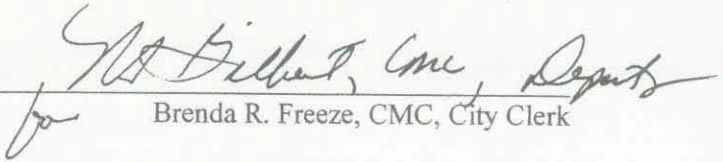
FILE G:\CADD\PROJ\54366\DESCRIPTIONE-TRADE-ST-DESCRIPTION.DOC

Drawn by: City of Charlotte  
Return to: City of Charlotte - Box

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 9th day of February, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 720-727.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of February, 2004.

  
Brenda R. Freeze, CMC, City Clerk

Drawn by: City of Charlotte  
Return to: City of Charlotte - Box



JUDITH A. GIBSON  
REGISTER OF DEEDS, MECKLENBURG  
COUNTY & COURTS OFFICE BUILDING  
720 EAST FOURTH STREET  
CHARLOTTE, NC 28202

\*\*\*\*\*

Filed For Registration: 06/09/2004 11:07 AM  
Book: RE 17324 Page: 771-779  
Document No.: 2004127282  
RESOL 9 PGS \$33.00  
Recorder: EMEM DREHER



2004127282