

**'RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE portions of Kenilworth Avenue** in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **The Charlotte Mecklenburg Hospital Authority** has filed a petition to close **portions of Kenilworth Avenue** in the City of Charlotte; and

Whereas, the portions of Kenilworth Avenue to be closed lies within the Dilworth Community between East Morehead Street and Romany Road as shown in the map marked "Exhibit A-1 & A-2" and is more particularly described by metes and bounds in a document marked "Exhibit B-1 & B-2" 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 May 24, 2004 that it intends to close a portions of Kenilworth Avenue and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 28<sup>th</sup> day of June, 2004 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 24<sup>th</sup> day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 825.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of May, 2004.

  
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Brenda R. Freeze, CMC, City Clerk

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

Whereas, **Mecklenburg County** has filed a petition to close **a portion of Abeline Road** in the City of Charlotte; and

Whereas, the portion of Abeline Road to be closed lies within the Clanton Park Community beginning from Whitehurst Drive continuing approximately 95 feet northwestwardly to its terminus 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 May 24, 2004 that it intends to close a portion of Abeline Road 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 28<sup>th</sup> day of June, 2004 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

**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 24<sup>th</sup> day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 826.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of May, 2004.

  
Brenda R. Freeze, CMC, City Clerk

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

Whereas, **Mecklenburg County** has filed a petition to close **a portion of Westfield Road** in the City of Charlotte; and

Whereas, the portion of Westfield Road to be closed lies within the Myers Park Community beginning from Brandywine Road continuing approximately 182 feet north to Manor Road 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 May 24, 2004 that it intends to close a portion of Westfield Road 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 28<sup>th</sup> day of June, 2004 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 24<sup>th</sup> day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 827.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of May, 2004.

  
Brenda R. Freeze, CMC, City Clerk

RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON \_\_\_\_\_

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

WHEREAS, the North Carolina Department of Transportation has announced the 2004 Call for  
Transportation Enhancement Projects; and

WHEREAS, Federal enhancement funds are used for this program to fund cultural, aesthetic and  
historical transportation projects in North Carolina such as pedestrian and bicycle facilities and  
scenic beautification. The proposed federal transportation bill, the Safe, Accountable, Flexible and  
Efficient Transportation Equity Act (SAFETEA) provides funds to promote diverse modes of travel,  
increase community benefits of transportation and encourage citizen involvement in transportation  
decisions; and

WHEREAS, the Federal Highway Administration (FHWA) is responsible for administering the  
Enhancement provisions of federal law, and whereas, Enhancement funds are made available  
annually to North Carolina and are administered by the NCDOT; and

WHEREAS, the Enhancement Program is based cost reimbursement and is not a grant, and  
whereas, any funded project is required to provide at least a 20% cash match; and


WHEREAS, the City is applying for enhancement funding to design and construct pedestrian safety  
improvements on Clanton Road from West Boulevard to Sargeant Drive.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of Charlotte  
endorse the submittal of the Clanton Road Pedestrian Safety Improvement project for an NCDOT  
Enhancement project.

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 24<sup>th</sup> day of May, 2004 the reference having been made  
in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 828.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of  
May, 2004.

  
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Brenda R. Freeze, CMC, City Clerk

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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 **CLEAR CREEK BASIN SANITARY SEWER 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 **CLEAR CREEK BASIN SANITARY SEWER PROJECT** and estimated to be approximately **5,614 square feet (.129 acre) of sanitary sewer 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. 139-115-22, said property currently owned by **MAMDOUH A. HAMOUDA and spouse, if any; MOSTAFA M. GABER; FATIMAH A. GABER (f/k/a Fatima A. Gaber); MECKLENBURG COUNTY TAX COLLECTOR, 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 24<sup>th</sup> day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 831.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of May, 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 **BILLY GRAHAM/WILKINSON REALIGNMENT/WILKINSON TUNNELING 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 **BILLY GRAHAM/WILKINSON REALIGNMENT/WILKINSON TUNNELING PROJECT** and estimated to be approximately **9,714 square feet (.223 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. 115-091-09, said property currently owned by **COYOTE PARTNERS, 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 24<sup>th</sup> day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 832.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of May, 2004.

  
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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 **BILLY GRAHAM/WILKINSON REALIGNMENT/WILKINSON TUNNELING 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 **BILLY GRAHAM/WILKINSON REALIGNMENT/WILKINSON TUNNELING PROJECT** and estimated to be approximately **12,206 square feet (.280 acre) of fee-simple, permanent easement, and temporary construction easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 061-081-38, said property currently owned by **JANET ELAINE BLANCHARD; CHARLES MICHAEL BLANCHARD, 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 24<sup>th</sup> day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 833.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of May, 2004.

  
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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 **BILLY GRAHAM/WILKINSON REALIGNMENT/WILKINSON TUNNELING 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 **BILLY GRAHAM/WILKINSON REALIGNMENT/WILKINSON TUNNELING PROJECT** and estimated to be approximately **89,792 square feet (2.061 acre) of fee-simple, permanent easement, and temporary construction easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 061-081-47 and 061-081-42, said property currently owned by **CHARLOTTE POSTAL CREDIT UNION, 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 24<sup>th</sup> day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 834.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of May, 2004.

  
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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 **SILVER STREAM STORM DRAINAGE IMPROVEMENTS 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 **SILVER STREAM STORM DRAINAGE IMPROVEMENTS CIP PROJECT** and estimated to be approximately **314 square feet (.007 acre) of permanent easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 211-542-04, said property currently owned by **MATTHEW S. ANDRUS and wife, SADIE ANDRUS; DOUGLAS DOUGLAS, Trustee; CONNIE IAMPIERI, Trustee; COLUMBIA NATIONAL INCORPORATED, Beneficiary; 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 24<sup>th</sup> day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 835.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of May, 2004.

  
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Brenda R. Freeze, CMC, City Clerk

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**RESOLUTION AUTHORIZING THE CONVEYANCE OF REAL PROPERTY AND GROUND LEASES LOCATED AT 2300 & 2400 YORKMONT ROAD TO COLISEUM TRANSFER INC. OR ALTERNATIVELY, TO SANSTAR, INC.**

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**WHEREAS**, the City of Charlotte owns two tracts of land in Charlotte, Mecklenburg County, North Carolina, and more particularly described as  $\pm 7.788$  acres located at 2300 Yorkmont Road and further identified as Tax Parcel I.D. No.143-273-02, and  $\pm 7.276$  acres located at 2400 Yorkmont Road and further identified as Tax Parcel I.D. No. 143-273-01 and is Landlord under two ground leases encumbering the two tracts (the "Ground Leases"). Real property and City's rights under the Ground Leases are collectively referred to as the "Property"; and

**WHEREAS**, in order to facilitate the construction of a multi-purpose entertainment facility to be located in uptown Charlotte (the "New Arena"), Bank of America, Wachovia and the City of Charlotte entered into an Memorandum of Agreement on January 15, 2003 wherein Wachovia and Bank of America (collectively, the "Banks") agreed to provide "corporate underwriting" for the New Arena in the amount of One Hundred Million Dollars (\$100,000,000.00), Fifty Million Dollars (\$50,000,000.00) of which is to be repaid through the sale of City owned real property; and

**WHEREAS**, on April 20, 2004, the Charlotte Mecklenburg Planning Committee approved the disposition of the Property as proposed in Mandatory Referral Report No. 04-09 and;

**WHEREAS**, the appraised value of the Property is between \$2,950,000.00 and \$2,575,000.00 based on appraisals performed by an independent M.A.I. appraiser; and

**WHEREAS**, Sanstar, Inc. has offered to purchase the Property for Three Million, Three Hundred and Fifty Thousand Dollars (\$3,350,000.00) pursuant to terms and conditions as described in a Contract of Sale agreement that has been executed by Sanstar, Inc; and

**WHEREAS**, the Ground Leases currently encumbering the Property provide that the Tenant has a "Right of First Refusal" to purchase the Property under the same terms and conditions as Sanstar, Inc.'s offer; and

**WHEREAS**, in response to the City of Charlotte's "Offering Notice" dated April 5, 2004, on or about May 7, 2004, Tenant Coliseum Transfer Inc., sent the City an "Election Notice" wherein it elected to exercise its Right of First Refusal; and

**WHEREAS**, Coliseum Transfer Inc. intends to execute a Contract of Sale to purchase the Property for the same price and under the same terms and conditions as Sanstar, Inc.(the Sanstar, Inc Contract of Sale and the Coliseum Transfer Inc. Contract of Sale are collectively referred to a the "Contracts"); and

**WHEREAS**, the City/Sanstar Contract of Sale provides in part that the terms of the contract will remain operative unless Coliseum Transfer Inc. consummates closing of the Property; and

**WHEREAS**, in the event Coliseum Transfer Inc. terminates its contract or otherwise fails to purchase the Property pursuant to the terms of the City/Coliseum Transfer Inc. Contract of Sale or the Ground Leases, then City will sell Property to Sanstar, Inc. in accordance with the terms and conditions of the City/ Sanstar, Inc. contract; and

**WHEREAS**, the Charlotte City Council has determined that the sale of this Property is in furtherance of its Council adopted Economic Development Strategic Plan and is consistent with the Center City 2010 Plan in that the sale of the Property will provide funds to facilitate the construction of a multi-purpose sports and entertainment facility to be located in the uptown area; and

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

**NOW THEREFORE, BE IT RESOLVED** by the City Council for the City of Charlotte, pursuant to Section 8.22(d) of the City of Charlotte Charter, that it hereby authorizes the private sale of the above referenced City property as follows:

The City will convey, in fee simple, two tracts of land in Charlotte, Mecklenburg County, North Carolina, and more particularly described as  $\pm 7.788$  acres located at 2300 Yorkmont Road and further identified as Tax Parcel I.D. No.143-273-02, and  $\pm 7.276$  acres located at 2400 Yorkmont Road and further identified as Tax Parcel I.D. No. 143-273-01, together with 100% of its interest as Landlord under two ground leases encumbering the two tracts at a purchase price of **THREE MILLION, THREE HUNDRED AND FIFTY THOUSAND DOLLARS** (\$3,350,000.00) to Coliseum Transfer Inc. or, in the event that Coliseum Transfer Inc. terminates its Contract of Sale or otherwise does not consummate Closing, to Sanstar, Inc. Further, the City Manager for the City of Charlotte is authorized to execute the Contracts as well as all necessary documents to effectuate the sale of the Property pursuant to the terms and conditions contained in the Contracts.

**THIS THE 24TH DAY OF MAY, 2004.**

**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 24<sup>th</sup> day of May, 2004 the reference having been made in Minute Book 120, and recorded in full in Resolution Book 38, Page(s) 837-838.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of May, 2004.