

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 day of September, 2004 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 September, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Pages 232-233.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 2004.

  
Brenda R. Freeze, CMC, City Clerk

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

<u>Name</u>	<u>Refund Amount</u>
COWLES PHILLIP A	\$ 100.38
COWLES PHILLIP A	100.38
DANIEL POWERS	103.58
DANIEL POWERS	103.58
DANIEL POWERS	103.58
DANIEL AND CHRISTINE POWERS	103.58
HENDERSON PHILIP M	105.00
PAUL STROTHER	107.52
TEECO INC	109.83
PAUL STROTHER	123.94
PAUL STROTHER	123.94
JAMES ROUTH	125.16
JAMES ROUTH	145.33
JAMES ROUTH	145.33
JAMES ROUTH	145.33
KEISHA BRICKHAM	153.72
STEWART SMITH	161.95
JANIS STATEN	170.94
JANIS STATEN	180.12
JANIS STATEN	180.12
JANIS STATEN	180.12
BOBBY FISHER	216.30
NONI NIELSEN	231.84
JOHNSON MARK P JR	269.64
RUNAWAY TRAIN INC	273.41
EASTERN FEDERAL CORP	281.40
TEECO INC	301.98
OPERATING & MAINTENANCE	367.25
WKB SPRINGHURST	417.06
YILMAZ YORUK	501.96
YILMAZ YORUK	515.50
JAMES MONTAG	706.44
BOYWIC FARMS	897.54
MARDRU	941.64
VILLAS VISTA	1,005.90
VILLAS VISTA	1,033.20
ALLEN GAMBLE	1,221.78
VILLA VISTA LTD	1,541.82
RADIATOR SPECIALTY	1,557.36
BOYWIC FARMS	1,643.04
NORTH SHARON AMITY LLC	1,758.12
BOYWIC FARMS	2,383.50
BOYWIC FARMS	3,984.54
HOME DEPOT USA	3,991.68
MARDRU	4,501.56
PROFESSIONAL BROADCASTING	8,008.98
BANC ONE LEASING CORPORATION	8,161.96
HIGHWOODS REALTY	14,587.65
Total	<u>\$ 64,076.48</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 Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on September 27, 2004.

\* \* \*

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 Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on September 27, 2004 (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 Burgess, Cannon, Carter, Graham, Kinsey, Lassiter, Lochman, Mitchell, Tabor and Turner.

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

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, a copy of which was available with the City Clerk and which was read by title:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF STORM WATER FEE REVENUE BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE CITY'S STORM WATER FEE REVENUE BONDS, SERIES 2004 AND CERTAIN RELATED MATTERS.**

*WHEREAS*, the City Council (the "*City Council*") of the City of Charlotte, North Carolina (the "*City*") hereby determines that it is necessary to finance the costs of additions and capital improvements to, or the acquisition, renewal or replacement of capital assets of, or purchasing and installing new equipment relating to the operation and maintenance of the storm water facilities located within the jurisdiction of the City (the "*Project*") at an estimated cost not to exceed \$[Amount];

*WHEREAS*, the City Council is considering the issuance of not to exceed \$[Amount] Storm Water Fee Revenue Bonds, Series 2004 of the City (the "*2004 Bonds*") to finance the Project;

*WHEREAS*, the City Council wants to (A) retain Parker Poe Adams & Bernstein L.L.P. of Charlotte, North Carolina, as bond counsel; (B) retain Banc of America Securities LLC of Charlotte, North Carolina, Wachovia Bank, National Association of Charlotte, North Carolina, and Scott & Stringfellow Inc., trading as BB&T Capital Markets, of Charlotte, North Carolina to serve as underwriters (the "*Underwriters*"); (C) approve the selection by the Underwriters of Helms Mulliss & Wicker, PLLC of Charlotte, North Carolina, as underwriters' counsel; (D) retain Sterne, Agee & Leach, Inc. of Charlotte, North Carolina and Waters and Company, LLC of Birmingham, Alabama, as financial advisors; and (E) retain Wachovia Bank, National Association of Charlotte, North Carolina, as trustee for the 2004 Bonds; and



*WHEREAS*, the City Council wants the Director of Finance of the City to file with the Local Government Commission of North Carolina (the "*Commission*") an application for its approval of the 2004 Bonds, on a form prescribed by the Commission, and (1) request in such application that the Commission approve (A) the negotiation of the sale of the 2004 Bonds to the Underwriters, (B) the City's use of Parker Poe Adams & Bernstein L.L.P., as bond counsel for the City, (C) the Underwriters' use of Helms Mulliss & Wicker, PLLC, as underwriters' counsel, (D) the City's use of Sterne, Agee & Leach, Inc. and Waters and Company, LLC, as financial advisors, and (E) the City's use of Wachovia Bank, National Association, as trustee for the 2004 Bonds and (2) state in such application such facts and to attach thereto such exhibits in regard to the 2004 Bonds and to the City and its financial condition, as may be required by the Commission, and to take all other action necessary to the issuance of the 2004 Bonds.

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

*Section 1.* That the 2004 Bonds are to be issued by the City for the purpose of providing funds (1) to finance the costs of the Project, (2) to fund a debt service reserve fund or to purchase a surety bond in lieu thereof and (3) to pay the costs of issuing the 2004 Bonds all as set out fully in the Preliminary Official Statement and other documents attached to the City's application to the Commission. The use of the proceeds of the 2004 Bonds, as described, is necessary in order to meet the expanding needs of the users of the City's storm water system and to assure that the City's storm water system remains in full compliance with all state and federal requirements for the provision of storm water system services.

*Section 2.* That (1) Parker Poe Adams & Bernstein L.L.P. shall hereby be retained to serve as bond counsel, (2) Banc of America Securities LLC, Wachovia Bank, National Association, and Scott & Stringfellow Inc., trading as BB&T Capital Markets, shall hereby be retained to serve as underwriters, (3) the Underwriters' use of Helms Mulliss & Wicker, PLLC as underwriters' counsel shall hereby be approved, (4) Wachovia Bank, National Association shall hereby be approved as trustee for the 2004 Bonds and (5) Sterne, Agee & Leach, Inc. and Waters and Company, LLC shall hereby be retained as financial advisors in connection with the issuance by the City of the 2004 Bonds.

*Section 3.* That the Director of Finance of the City with advice from the City Manager and bond counsel, is hereby authorized, directed and designated to file an application with the North Carolina Local Government Commission for its approval of the issuance of the 2004 Bonds.

*Section 4.* That the City Council finds and determines and asks the Commission to find and determine from the City's application and supporting documentation:

- (a) that the issuance of the 2004 Bonds is necessary or expedient;
- (b) that the not to exceed stated principal amount of the 2004 Bonds will be sufficient but is not excessive, when added to other moneys available to the City's storm water system, for the proposed Project;
- (c) that the City's storm water system as now constituted and as it will be constituted after the completion of the Project is feasible;
- (d) that the City's debt management procedure and policies are excellent; and
- (e) that the 2004 Bonds can be marketed at a reasonable interest cost to the City..

*Section 5.* That the Mayor, the City Manager and the Director of Finance are hereby authorized to do any and all other things necessary to complete the steps necessary for the issuance of the 2004 Bonds.



September 27, 2004  
Resolution Book 39, Page 237

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 titled “**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF STORM WATER FEE REVENUE BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE CITY’S STORM WATER FEE REVENUE BONDS, SERIES 2004 AND CERTAIN RELATED MATTERS**” adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 27th day of September, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 234-237.

**WITNESS** my hand and the seal of the City of Charlotte, North Carolina, this the 29th day of September, 2004.

  
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Brenda R. Freeze, CMC, City Clerk



## RESOLUTION

### **RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE U.S. DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR TRANSIT ASSISTANCE GRANTS UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED.**

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

**WHEREAS**, the U.S. Secretary of Transportation is authorized to make grants for mass transportation projects;

**WHEREAS**; the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs;

**WHEREAS**, it is required by the U.S. Department of Transportation in accordance with the provision of Title VI of Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

**WHEREAS**, it is the goal of the Applicant that disadvantaged business enterprise be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that disadvantaged businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies equipment contracts, or consultant and other services.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Charlotte, North Carolina:

1. That the City Manager is authorized to execute and file applications on behalf of the City of Charlotte" with the U.S. Department of Transportation to aid in the financing of transit assistance; and that the Chief Executive Officer of the Charlotte Area Transit System is authorized to execute and file applications with the North Carolina Department of Transportation, to aid in the financing of transit assistance.
2. That the City Manager is authorized to execute and file with such applications an assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964; and that the Chief Executive Officer of the Charlotte Area Transit System is authorized to execute and file with such applications an assurance or any other document required by the North Carolina Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.

3. That the Chief Executive Officer of the Charlotte Area Transit System is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application for the project
4. That the City Manager or designee is authorized to set forth and execute – disadvantaged business enterprise policies in connection with the project's procurement needs.
5. That the City Manager is authorized to execute grant agreements and any amendments thereto on behalf of the City of Charlotte with the U.S. Department of Transportation for aid in the financing of the transit assistance projects; and that the Chief Executive Officer is authorized to execute grant agreements and any amendments thereto on behalf of the Charlotte Area Transit System with the North Carolina Department of Transportation for aid in the financing of the transit assistance projects.

**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 September, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Pages 238-239.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 2004.

  
Brenda R. Freeze, CMC, City Clerk



RESOLUTION

AUTHORIZING THE CHARLOTTE AREA TRANSIT SYSTEM CHIEF EXECUTIVE OFFICER TO EXECUTE A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO JOINTLY UNDERTAKE THE SOUTHEAST TRANSIT AND HIGHWAY CORRIDOR ENVIRONMENTAL STUDY

A motion was made by Cannon and seconded by Member Burgess for the adoption of the resolution, and upon being put to a vote was duly adopted.

Whereas, the Metropolitan Transit Commission adopted the 2025 Transit System Plan in November 2002, which calls for either bus rapid transit or light rail transit in the Southeast (Independence Boulevard) Corridor; and

Whereas, to be consistent with this adopted plan, NCDOT has agreed to allow the Independence median facility to remain open to only buses and vanpools after completion of the current construction until the Southeast Corridor transit technology and implementation schedule have been determined and opportunities for a joint transit/roadway project have been explored with NCDOT; and

Whereas, the NCDOT has plans to make certain highway improvements along the Southeast Corridor under State Transportation Improvement projects U-209B and U-2509 from Sharon Amity Road to I-485; and

Whereas, the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) has requested that CATS and NCDOT complete a joint Environmental Impact Statement for the Highway and Transit projects along Independence Boulevard; and

Whereas, the Southeast Corridor Draft Environmental Impact Statement (DEIS) will identify the preferred transit/roadway design for the corridor; and


**NOW THEREFORE BE IT RESOLVED** by the City of Charlotte authorizes the CATS CEO to execute a Municipal Agreement with the North Carolina Department of Transportation to jointly undertake the Southeast Corridor environmental study, and for NCDOT to fund one-third of the actual costs of the contract, up to a maximum of \$780,000.

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**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 September, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Pages 240-241.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 2004.

  
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Brenda R. Freeze, CMC, City Clerk

**RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON SEPTEMBER 27, 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 Municipality will receive funding for the construction of certain improvements at the intersection of Brown Grier Road and Gallant Road, Mecklenburg County, North Carolina, to include a left-turn lane on Brown Grier Road at Gallant Drive; and,

WHEREAS, the Department of Transportation has programmed funding for said intersection improvements under Project WBS 38123; and,

WHEREAS, the Municipality proposes to enter into an Agreement with the North Carolina Department of Transportation for said intersection improvements as described in said Agreement; and,

WHEREAS, under the proposed Agreement and subject to the Agreement provisions, the Department shall reimburse the Municipality for actual construction costs up to \$100,000; and,

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 27th day of September, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 242.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 2004.

  
Brenda R. Freeze, CMC, City Clerk



**RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON SEPTEMBER 27, 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 Municipality will receive funding for the construction of certain improvements at the intersection of Conference Drive and Monroe Road, Mecklenburg County, North Carolina, to include a left-turn lane from Conference Drive onto Monroe Road; and,

WHEREAS, the Department of Transportation has programmed funding for said intersection improvements under Project WBS 38233; and,

WHEREAS, the Municipality proposes to enter into an Agreement with the North Carolina Department of Transportation for said intersection improvements as described in said Agreement; and,

WHEREAS, under the proposed Agreement and subject to the Agreement provisions, the Department shall reimburse the Municipality for actual construction costs up to \$250,000; and,

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 27th day of September, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 243.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 2004.

  
Brenda R. Freeze, CMC, City Clerk

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

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:

WITNESSETH:

WHEREAS, according to G.S. 136-66.2, Section 1, the General Assembly requires each municipality, with the cooperation of the Department of Transportation (the "Department") to develop a comprehensive transportation plan that will serve present and anticipated travel demand, and,

WHEREAS, the Department may provide financial assistance in the preparation of such plans, and,

WHEREAS, the Department is initiating a new program to encourage the development of comprehensive municipal bicycle plans and pedestrian plans, and,

WHEREAS, to encourage the development of comprehensive local bicycle plans and pedestrian plans, the Department's Division of Bicycle and Pedestrian Transportation (DBPT) and the Transportation Planning Branch (TPB) have created a matching grant program to fund plan development, and,

WHEREAS, the Department and the Municipality have agreed that a comprehensive plan is needed to evaluate and identify critical municipal needs for planning and/or implementation of pedestrian improvements, and,

WHEREAS, the Department and the Municipality have agreed to participate in the cost of this comprehensive plan with the Municipality agreeing to coordinate and oversee the study in accordance with the provisions hereinafter set forth, and,

WHEREAS, the City of Charlotte desires to enter into a municipal agreement with the Department whereby the Municipality shall develop a Bicycle or Pedestrian Comprehensive Plan (Estimated cost of Study is \$75,000), and,

WHEREAS, the Department shall reimburse 50% (Fifty Percent) of the Municipality's actual costs of the Study in an amount not to exceed \$37,500 in accordance with the approved sliding scale, based on municipal population.

NOW, THEREFORE, BE IT RESOLVED that this Study is hereby formally approved by the City/Town 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 September, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Pages 244-245.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 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 **2003 ANNEXATION-SUNSET AREA/PLEASANT GROVE ROAD 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 **2003 ANNEXATION-SUNSET AREA/PLEASANT GROVE ROAD PROJECT** and estimated to be approximately **8,799 square feet (.202 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. 037-354-36, said property currently owned by **DENNIS J. CLARK and wife, GAIL Y. CLARK; BB&T COLLATERAL SERVICE CORPORATION, Trustee; BRANCH BANKING AND TRUST COMPANY, 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 27th day of September, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 246.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 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 **ADDISON/DEVERON STORM DRAINAGE IMPROVEMENT 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 **ADDISON/DEVERON STORM DRAINAGE IMPROVEMENT PROJECT** and estimated to be approximately **713 square feet (.016 acre) of storm drainage easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 185-103-06, said property currently owned by **STANLEY HILLIARD and wife, BETTY JOE HILLIARD, 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 27th day of September, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 247.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 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 **ADDISON/DEVERON STORM DRAINAGE IMPROVEMENT 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 **ADDISON/DEVERON STORM DRAINAGE IMPROVEMENT PROJECT** and estimated to be approximately **7,810 square feet (.179 acre) of storm drainage easement and temporary construction easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 185-103-34, said property currently owned by **DARIN KEITH STAFFORD and KIMBERLY MORGAN STAFFORD; JOY L. MCDONALD, Trustee; CHEVY CHASE BANK, Beneficiary; LYNNE RUBERTO, Trustee; HSBC MORTGAGE CORPORATION (USA), 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 27th day of September, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 248.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 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 **ADDISON/DEVERON STORM DRAINAGE IMPROVEMENT 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 **ADDISON/DEVERON STORM DRAINAGE IMPROVEMENT PROJECT** and estimated to be approximately **750 square feet (.017 acre) of storm drainage easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 185-151-53, said property currently owned by **JAMES R. WOODEN and wife, DEBORAH A. WOODEN; JETTA DARR, Trustee; USAA FEDERAL SAVINGS BANK, Beneficiary; BB&T COLLATERAL SERVICE CORPORATION, Trustee; BRANCH BANKING AND TRUST COMPANY, 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 27th day of September, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 249.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 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 **ADDISON/DEVERON STORM DRAINAGE IMPROVEMENT 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 **ADDISON/DEVERON STORM DRAINAGE IMPROVEMENT PROJECT** and estimated to be approximately **2,653 square feet (.061 acre) of storm drainage easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 185-103-23, said property currently owned by **MARK O. CROWTHER; DIANE C. CROWTHER; BRYAN F. KENNEDY, Trustee; REGIONS BANK, Beneficiary; PRINCIPAL LIFE INSURANCE COMPANY, Trustee; PRINCIPAL RESIDENTIAL MORTGAGE, INC., 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 27th day of September, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 250.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 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 **ADDISON/DEVERON STORM DRAINAGE IMPROVEMENT 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 **ADDISON/DEVERON STORM DRAINAGE IMPROVEMENT PROJECT** and estimated to be approximately **928 square feet (.021 acre) of storm drainage easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 185-141-08, said property currently owned by **VINEYARD MANAGEMENT, 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 27th day of September, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 251.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 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 **REA 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 **REA ROAD SIDEWALK PROJECT** and estimated to be approximately **448 square feet (.010 acre) of 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. 211-302-01, said property currently owned by **PAULINE M. BARR and spouse, if any; ANTHONY G. YOUNG, P. A., Trustee; MCKINNEY & COMPANY, L. L. C., 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 27th day of September, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 252.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 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 **REA 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 **REA ROAD SIDEWALK PROJECT** and estimated to be approximately **295 square feet (.007 acre) of 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. 211-302-02, said property currently owned by **JAMES J. McGEE, JR. and spouse, if any; ELAINE S. SIMMS, Trustee; COUNTRYWIDE HOME LOANS, INC., 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 27th day of September, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 253.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 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 **SMALLWOOD/ELEANORE HEIGHTS NEIGHBORHOOD IMPROVEMENT 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 **SMALLWOOD/ELEANORE HEIGHTS NEIGHBORHOOD IMPROVEMENT PROJECT** and estimated to be approximately **486 square feet (.011 acre) of 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. 069-013-01 and 069-013-02, said property currently owned by **CURTISTEEN HUBBARD and spouse, if any, JAMES C. BLAINE, Trustee; STATE EMPLOYEES' CREDIT UNION, 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 27th day of September, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 254.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 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 **SOUTH BOULEVARD 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 **SOUTH BOULEVARD SIDEWALK PROJECT** and estimated to be approximately **1,830.69 square feet (.042 acre) of sidewalk and 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. 173-041-01, said property currently owned by **JOHN WHERRY and wife, LOUISE WHERRY; HARRY J. NICHOLAS, Trustee; FIRST CITIZENS BANK & TRUST COMPANY, Beneficiary; WILLIAM J. ELDER, Trustee; FIRST CITIZENS BANK & TRUST COMPANY, 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 27th day of September, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 255.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 2004.

  
Brenda R. Freeze, CMC, City Clerk

RESOLUTION CLOSING A RESIDUAL PORTION OF RIGHT-OF-WAY ON PARK ROAD 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 residual portion of right-of-way on Park Road 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 residual portion of right-of-way on Park Road 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 the City of Charlotte, Charlotte-Mecklenburg Utilities, Duke Power Company, 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 27<sup>th</sup> day of September, 2004 and City Council determined that the closing of a residual portion of right-of-way on Park Road 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 September 27, 2004, that the Council hereby orders the closing of a residual portion of right-of-way on Park Road 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.



I Stephen B. Mullins, certify that on the 11 Day of JULY 2000, this map was drawn under my supervision from an actual survey made under my supervision; that this survey was performed to Class A Urban Land Survey Standards; that the ratio of precision is 1:10,000, and there are no encroachments either way across property lines except as shown.

VICINITY MAP



SIGNED  
STEPHEN B. MULLINS RLS  
N.C.R.L.S L-3059  
S.C.R.L.S 10780



DRAINAGE EASEMENT  
CITY OF CHARLOTTE

LOT 2

JEFFREY L. ROYLE  
& WF. KATHRYN P  
DB 9352-893  
MB 8-307

EXHIBIT A

DIOCESE OF THE ARMENIAN  
CHURCH OF AMERICA  
DB 11147-441  
MB 2095-439

56.29'  
TO CENTERLINE



15' STORM  
DRAINAGE  
EASEMENT

1.58 acres

Easement in favor of City of Charlotte, Charlotte Area Transit System, Charlotte-Mecklenburg Utilities, Duke Power Company, BellSouth Telecommunications, Inc., and all other owners of existing underground telecommunications 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, storm drainage, water lines, sewer lines and related equipment.

0.12 acres  
AREA OF ABANDONED  
RIGHT OF WAY

CATS EASEMENT

LINE	LENGTH	BEARING
L1	8.00	N68°06'50"W
L2	20.00	N21°53'10"E
L3	8.00	N68°06'50"W
L4	20.00	N21°53'10"E

SPRING VALLEY RD  
50' PUBLIC R/W

LEGEND

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	254.18'	131.80'	67.42'	130.33'	S 56°17'29" E	29°42'36"
C2	25.00'	39.34'	25.07'	35.41'	N 25°53'26" W	90°10'10"
C3	1878.36'	82.70'	41.36'	82.69'	N 20°37'29" E	02°31'21"
C4	344.65'	113.36'	57.20'	112.85'	S 39°58'56" W	18°50'43"
C5	347.30'	74.56'	37.43'	74.42'	S 23°29'15" W	12°18'04"
C6	20.00'	32.69'	21.32'	29.17'	N 64°10'07" E	93°39'47"
C7	343.71'	134.36'	68.05'	133.51'	S 57°48'04" E	22°23'51"
C8	35.00'	54.44'	34.46'	49.11'	N 66°26'35" E	89°06'50"

- P.D.E. PUBLIC DRAINAGE EASEMENT
- EIP EXISTING IRON PIPE
- OHPL OVERHEAD POWER LINE
- CM CONCRETE MONUMENT
- PPOLE POWER POLE
- PB TRANSFORMER
- PHONE TELEPHONE BOX
- NRB NEW REBAR
- ERB EXISTING REBAR
- ERB-BC ERB AT BC
- FENCE LINE FENCE LINE
- LPOLE LIGHT POLE
- MANHOLE MANHOLE
- CATV CABLE TV BOX

DRAWN BY: DRAFT  
AREA COMPUTED BY COORDINATE METHOD



SCALE 1" = 60

PHYSICAL SURVEY

A RIGHT OF WAY ABANDONMENT  
CITY OF CHARLOTTE

MECKLENBURG CO., N.C.  
STREET ADDRESS: 7000 PARK ROAD  
TAX PIN: NUMBER 173-153-15  
OWNED BY: CITY OF CHARLOTTE

CONVEYED TO: THE DIOCESE OF THE ARMENIAN CHURCH OF AMERICA

RECORDED IN MAP BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
DEED BOOK 11147 PAGE 441

PREPARED BY:

**STEPHEN B. MULLINS AND ASSOCIATES, P.A.**  
REGISTERED LAND SURVEYORS

601 B EAGLETON DOWNS DRIVE  
PINEVILLE, N.C. 28134

(704)583-1800



Exhibit B

A 0.12 Acre parcel of Right-of-Way abandonment lying and being in the city of Charlotte, Mecklenburg County, North Carolina, Being more particularly described as follows;

Beginning at a point in the northern most R\W of Spring Valley Road, ( 50'R\W) said point being the southern most common corner of the lands of The Armenian Church of America Diocese and Lot 2 of Block 2, Spring Valley as recorded in the Mecklenburg County Register of Deeds, Map Book 8, Page 307; thence along the R\W of Spring Valley Road (50' R\W) a curve to the left having a Radius of 343.71', an Arc of 134.36' and a chord of S 57-48-04 E for a distance of 133.51' to a point; thence along the R\W of Spring Valley Road (50' R\W) S 69-00-00 E 64.22' to a point and True point and place of BEGINNING; thence along a curve to the left having a Radius of 20.00', an Arc of 32.69' and a chord of N 64-10-07 E for a distance of 29.17' to a point: thence along a curve to the right having a Radius of 347.30', an Arc of 74.56' and a chord of N 23-29-15 E for a distance of 74.42' to a point: thence along a curve to the right having a Radius of 344.65', an Arc of 113.36' and a chord of N 39-58-56 E for a distance of 112.85' to a point, said point being in the western most R\W of Park Road : thence along the R\W of Park Road S 21-53-10 W for a distance of 167.90' to a point; thence along a curve to the right having a Radius of 35.00', an Arc of 54.44' and a chord of S 66-26-35 W for a distance of 49.11' to a point; said point being in the northern most R\W of Spring Valley Road, ( 50'R\W); thence along the R\W of Spring Valley Road (50' R\W) N 69-00-00 W 22.30' to said point and place of beginning and containing 0.12 Acres more or less.

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 September, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Pages 256-258.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 2004.

  
Brenda R. Freeze, CMC, City Clerk

RESOLUTION CLOSING VANDERBURG STREET AND A PORTION OF A 10-FOOT ALLEYWAY 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 Vanderburg Street and a portion of a 10-foot alleyway which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close Vanderburg Street and a portion of a 10-foot alleyway 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 the City of Charlotte, 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 27<sup>th</sup> day of September, 2004 and City Council determined that the closing of Vanderburg Street and a portion of a 10-foot alleyway 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 September 27, 2004, that the Council hereby orders the closing of Vanderburg Street and a portion of a 10-foot alleyway 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.

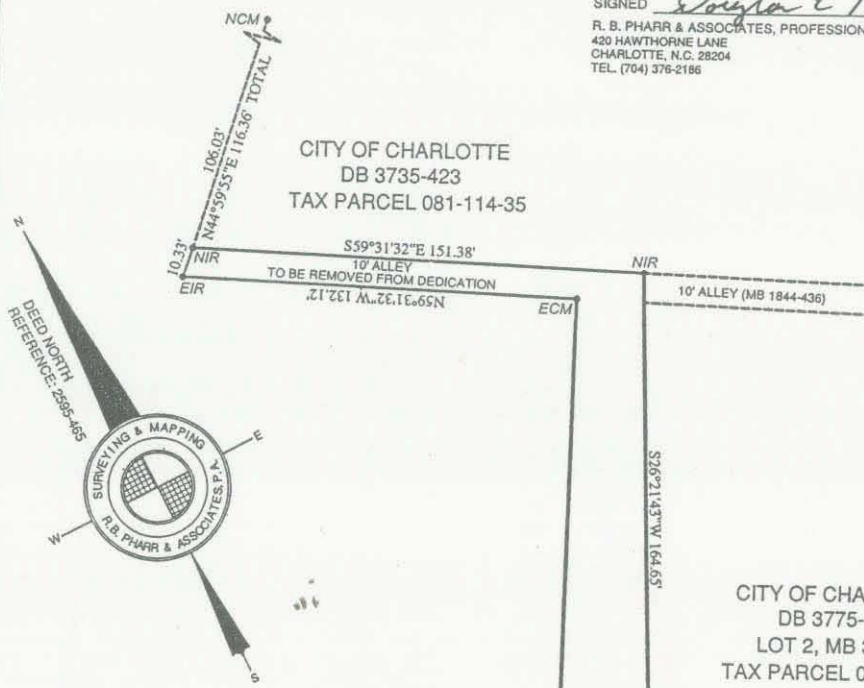
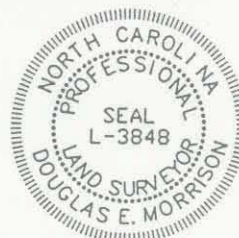


EXHIBIT A

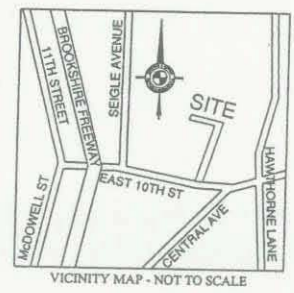
THIS IS TO CERTIFY THAT ON THE 7TH DAY OF APRIL 2004 THIS MAP WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE .1600 (21 NCAC 56) AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

SIGNED Douglas E. Morrison  
 R. B. PHARR & ASSOCIATES, PROFESSIONAL SURVEYORS  
 420 HAWTHORNE LANE  
 CHARLOTTE, N.C. 28204  
 TEL. (704) 376-2186

CREW: EM DRAWN: FH REVISED:



- LEGEND:**  
 DB - DEED BOOK  
 MB - MAP BOOK  
 EIP - EXISTING IRON PIPE  
 EIR - EXISTING IRON ROD  
 NCGS - NORTH CAROLINA GEODETIC SURVEY  
 NCM - NEW CONCRETE MONUMENT  
 NIR - NEW IRON REBAR  
 R/W - RIGHT OF WAY  
 SQ.FT. - SQUARE FEET



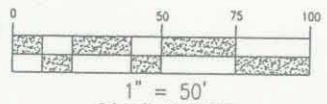
- NOTES:**
1. NO RECOVERABLE NCGS MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.
  2. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. R.B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
  3. THE TOTAL AREA REMOVED FROM DEDICATION IS TO BE RECOMBINED WITH THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION PROPERTY; DEED BOOK 2595, PAGE 465.
  4. BOUNDARY INFORMATION SHOWN HEREON WAS TAKEN FROM A SURVEY PREPARED BY R.B. PHARR & ASSOCIATES, P.A. DATED MAY 24, 2001 (MAP FILE W-2117D).
  5. EASEMENT IN FAVOR OF THE CITY OF CHARLOTTE AND ALL OTHER OWNERS OF EXISTING UNDERGROUND TELECOMMUNICATION FACILITIES, UPON, UNDER, AND ACROSS THE ENTIRE PROPERTY DESCRIBED HEREON FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE REPLACEMENT AND REPAIR OF CONDUIT, CABLE, WIRES, STORM DRAINAGE LINES AND RELATED EQUIPMENT.
  6. TENTH STREET IS SHOWN AS A "MAJOR THOROUGHFARE" ON THE MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION THOROUGHFARE PLAN ADOPTED SEPTEMBER 18, 2002 AND IS SUBJECT TO A FUTURE RIGHT-OF-WAY OF 40' FROM CENTERLINE.

**TOTAL AREA:**  
 11,506 SQ.FT. OR  
 0.2641 ACRES

SURVEY OF:  
 VANDERBURG STREET AND 10' ALLEY TO BE REMOVED FROM PUBLIC DEDICATION

CHARLOTTE N.C.  
 CHARLOTTE-MECKLENBURG SCHOOLS

PREPARED FOR \_\_\_\_\_  
 SCALE 1" = 50'  
 MAP BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 DEED BOOK 2595 PAGE 465





LEGAL DESCRIPTION  
EXHIBIT B  
VANDERBURG STREET AND ALLEY TO BE REMOVED FROM PUBLIC DEDICATION  
0.2641 ACRES  
EAST TENTH STREET, CHARLOTTE, N.C.

That certain variable width public right-of-way and 10 foot alley to be removed from public dedication, situated, lying and being in the City of Charlotte, North Carolina, and being more particularly described as follows:

**BEGINNING** at an existing iron pipe at the intersection the northerly margin of East Tenth Street (60 foot public right-of-way) and the westerly margin of Vanderburg Street (variable width public right-of-way), said existing iron pipe being the southeasterly corner of the Charlotte-Mecklenburg Board of Education as described in Deed Book 2595, Page 465 of the Mecklenburg County Public Registry, and running thence from said **POINT OF BEGINNING** with the easterly line of the Charlotte-Mecklenburg Board of Education Property the following (3) courses and distances: 1) North 29-18-52 East 353.56 feet to an existing concrete monument in the southerly margin of a 10 foot alley as recorded in Map Book 1844, Page 436 of said Registry; 2) with the southerly margin of said 10 foot alley North 59-31-32 West 132.12 feet to an existing iron rod at the westerly terminus of said 10 foot alley; 3) with the westerly terminus of said 10 foot alley North 44-59-55 East 10.33 feet to a new iron rod at the southwesterly corner of the City of Charlotte Property as described in Deed Book 3735, Page 423 of said Registry; thence with the southerly line of the City of Charlotte Property South 59-31-32 East 151.38 feet to a new iron rod; thence with a new line crossing over said 10 foot alley and continuing with the westerly line of the City of Charlotte Property as described in Deed Book 3775, Page 250 and recorded as Lot 2 in aforesaid Map Book 38, Page 201 of said Registry South 26-21-43 West 164.65 feet to an existing iron rod at the northwesterly corner of the Charlotte-Mecklenburg Board of Education as described in Deed Book 15238, Page 99 and recorded as Lot 1 in Map Book 38, Page 201 of said Registry; thence with the westerly line of Lot 1 South 29-42-22 West 194.66 feet to an existing iron pipe in the northerly margin of aforesaid East Tenth Street; thence with the northerly margin of East Tenth Street North 68-31-41 West 29.47 feet to the point and place of **BEGINNING**; containing 11,506 square feet or 0.2641 acres of land as shown on a survey prepared by R.B. Pharr & Associates, P.A., dated April 7, 2004, (Job No. 61390).

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 September, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Pages 259-261.



WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 2004.

*Brenda R. Freeze*

Brenda R. Freeze, CMC, City Clerk

RESOLUTION CLOSING THREE ALLEYWAYS BOUNDED BY RANDALL STREET, FIRTH COURT, AND FULTON AVENUE 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 three alleyways bounded by Randall Street, Firth Court, and Fulton Avenue which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close three alleyways bounded by Randall Street, Firth Court, and Fulton Avenue 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 Duke Power Company, 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 27<sup>th</sup> day of September, 2004 and City Council determined that the closing of three alleyways bounded by Randall Street, Firth Court, and Fulton Avenue 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 September 27, 2004, that the Council hereby orders the closing of three alleyways bounded by Randall Street, Firth Court, and Fulton Avenue in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A", and is more particularly described by metes and bounds in document marked "Exhibit B", both of which are attached hereto and made a part hereof.

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

**CERTIFICATION**

I, 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 September, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Pages 262-264.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 2004.

  
Brenda R. Freeze, CMC, City Clerk



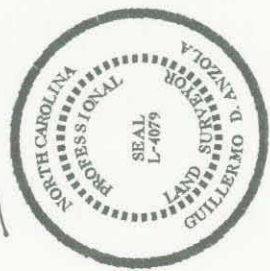
LEGEND

- ⊕ POWER POLE
- ⊖ LIGHT POLE
- CUI. WIRE
- SANITARY SEWER MANHOLE
- EXISTING IRON PIN
- RIGHT-OF-WAY
- OVERHEAD ELECTRIC
- SANITARY SEWER LINE

September 27, 2004  
 Resolution Book 39  
 Page 263

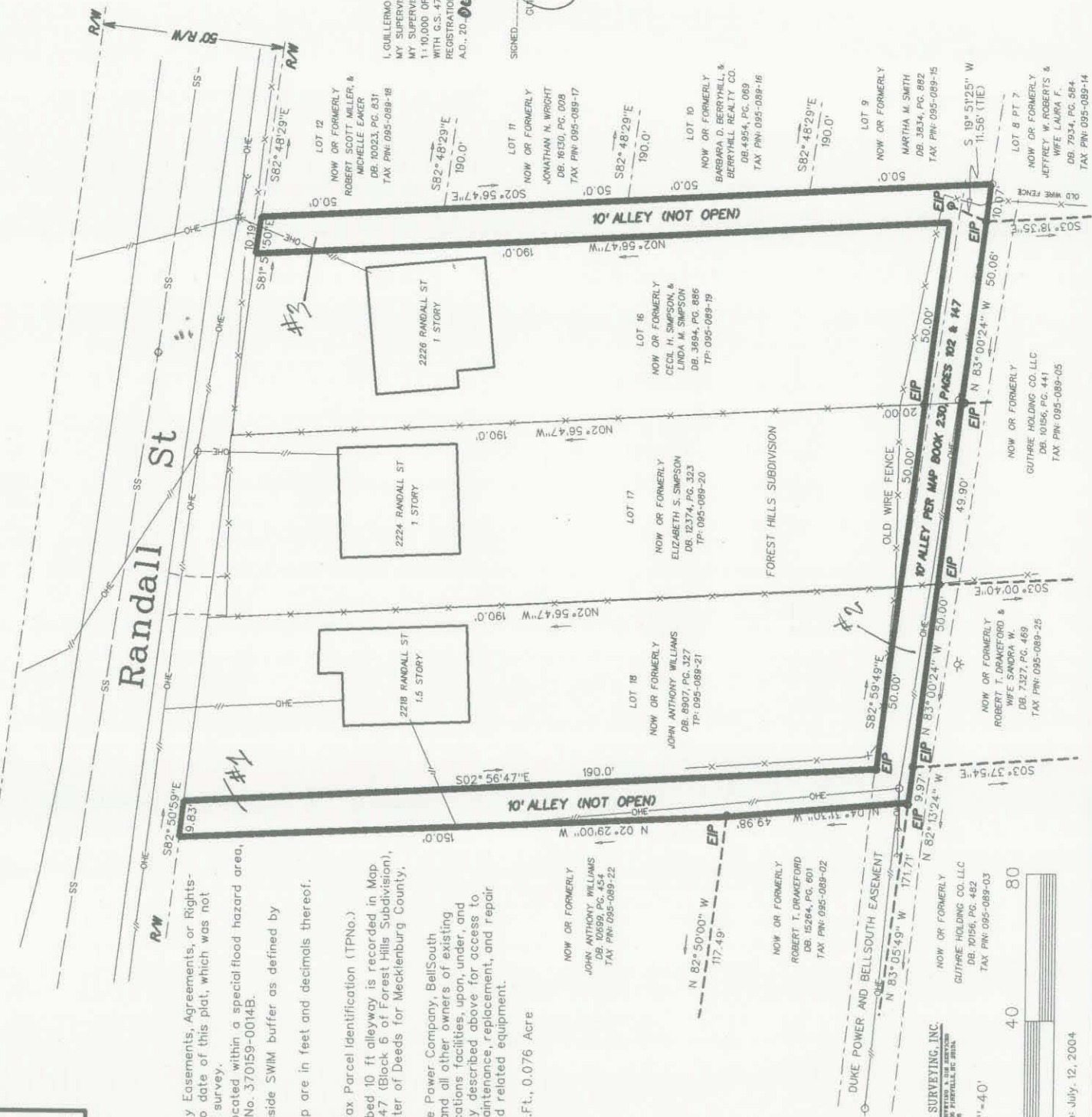
I, GUILLERMO D. ANZOLA, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY SUPERVISION THAT THE RATIO OF PRECISION AS CALCULATED IS 1:110,000 OR ABOVE, THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 14<sup>TH</sup> DAY OF JULY, A.D. 20-04.

SIGNED: *Guillermo D. Anzola*  
 GUILLERMO D. ANZOLA, NCPUS L-1079



PHYSICAL SURVEY OF  
 ALLEYWAY AT RANDALL ST.  
 FOREST HILL SUBDIVISION  
 BLOCK 6  
 MB 230, PG. 102 & 147  
 CITY OF CHARLOTTE  
 MECKLENBURG COUNTY, NC.  
 PREPARED FOR:  
 DRAKEFORD REALTY CO.  
 119 EAST 7th ST. SUITE 2-0  
 CHARLOTTE, NC

" EXHIBIT A "

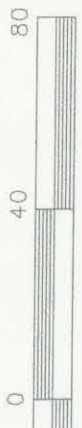


THIS PLAT IS SUBJECT TO ANY EASEMENTS, AGREEMENTS, OR RIGHTS-OF-WAY OF RECORD PRIOR TO DATE OF THIS PLAT, WHICH WAS NOT VISIBLE AT THE TIME OF THE SURVEY.  
 THE PROPERTIES ARE NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA, ACCORDING TO FEMA PANEL NO. 370159-0014B.  
 PARCELS DOES NOT FALL INSIDE SWIM BUFFER AS DEFINED BY MECKLENBURG COUNTY.  
 MEASUREMENTS ON THIS MAP ARE IN FEET AND DECIMALS THEREOF.  
 ZONING = R22-MF

ALLEYWAY DOES NOT HAVE TAX PARCEL IDENTIFICATION (TPNo.)  
 A MAP SHOWING THE DESCRIBED 10 FT ALLEYWAY IS RECORDED IN MAP BOOK 230, PAGES 102 & 147 (BLOCK 6 OF FOREST HILLS SUBDIVISION), IN THE OFFICE OF THE REGISTER OF DEEDS FOR MECKLENBURG COUNTY, NORTH CAROLINA.  
 EASEMENT IN FAVOR OF DUKE POWER COMPANY, BELL SOUTH TELECOMMUNICATIONS, INC., AND ALL OTHER OWNERS OF EXISTING UNDERGROUND TELECOMMUNICATIONS 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, AND RELATED EQUIPMENT.

Total Area = 5,564.091 Sq.Ft., 0.076 Acre

Prepared by:  
 NOVA ENGINEERING & SURVEYING, INC.  
 PHOTOGRAMMETRIC DIMENSIONING PERMITS BY LAD & THE ASSOCIATED PROFESSIONAL SURVEYORS OF NORTH CAROLINA  
 SCALE 1"=40'





**EXHIBIT "B"**

**Legal Description for the Alleyway located at Randall Street.**

**Alleyway** of that certain piece, parcel or tract of land being situated in the City of Charlotte, Mecklenburg County, North Carolina, recorded in Map Book 230 Pages 102 and 147, being more particularly described as follows:

BEGINNING at the City of Charlotte GPS Control Point "M-056" located at North Carolina State plane coordinates E 1,461,226.801, N 539,232.681; thence northwesterly N05°56'06"W, 1,305.54 feet to an existing iron pin located on the existing 10 foot alleyway, being the southwestern most corner of the property, also the TRUE POINT AND PLACE OF BEGINNING; thence northwesterly along the property line that lies easterly of the property now or formerly of Robert T. Drakeford, Deed Book 15264 Page 601, N04°31'30"W, 49.98 feet to an existing iron pin; thence northwesterly along the property line that lies easterly of the property now or formerly of John A. Williams, Deed Book 10699, Page 454, N02°29'09"W, 150.00 feet to an existing iron pin on the existing 50 foot right-of-way of Randall Street; thence southeasterly along the existing right-of-way of Randall Street, S82°50'59"E, 9.83 feet to a point; thence southeasterly along the property line that lies westerly of the property now or formerly of Kenneth D. Williams and John A. Williams, Deed Book 8907, Page 327, S02°56'47"E, 190.00 feet to an existing iron pin; thence southeasterly along the property line that lies southerly of the three (3) properties now or formerly of, 1) Kenneth D. Williams and John A. Williams, Deed Book 8907, Page 327, 2) Elizabeth S. Simpson, Deed Book 12374, Page 323, and 3) Cecil H. Simpson and wife Linda M., Deed Book 3694, Page 886, S82°59'49"E, for a total of 150.00 feet to a point; thence northwesterly along the property line that lies easterly of the property now or formerly of Cecil H. Simpson and wife Linda M., Deed Book 3694, Page 886, N02°56'47"W, 190.00 feet to a point on the existing 50 foot right-of-way of Randall Street; thence southeasterly along the existing right-of-way of Randall Street, S81°57'50"E, 10.19 feet to a point; thence southeasterly along the property line that lies westerly of the four (4) properties now or formerly of, 1) Robert S. Miller and Michelle Eaker, Deed Book 10023, Page 831, 2) David Withrow, Deed Book 14806, Page 820, 3) Barbara D. Berryhill and Berryhill Realty Co., Deed Book 4954, Page 069, and 4) Martha M. Smith, Deed Book 3834, Page 882, S02°56'47"E, for a total of 200.00 feet to a power pole; thence northwesterly along the property line that lies northerly of the property now or formerly of Jeffrey W. Roberts and wife Laura F., Deed Book 7934, Page 584, N83°00'24"W, 10.07 feet to an existing iron pin; thence northwesterly along the property line that lies northerly of the two (2) properties now or formerly of, 1) Guthrie Holding Company, LLC, Deed Book 10156, Page 441, and 2) Robert T. Drakeford and wife Sandra W., Deed Book 7327, Page 469, N83°00'24"W, for a total of 149.96 feet to an existing iron pin; thence northwesterly along the property line that lies northerly of the property now or formerly of Guthrie Holding Company, LLC, Deed Book 10156, Page 482, N82°13'24"W, 9.97 to the point and place of BEGINNING. CONTAINING 5,564.091 square feet of area (0.1276 acre), more or less, as shown on that certain Physical Survey for Robert T. Drakeford, prepared By Nova Engineering & Surveying, Inc., Guillermo D. Anzola, PLS # L-4079, dated September 18th, 2003.