

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 24th day of January, 2005 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 24th day of January, 2005, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Pages 501-503.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26th day of January, 2005.

  
Brenda R. Freeze, CMC, City Clerk

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

<u>Name</u>	<u>Refund Amount</u>
STEELE A FORREST JR	\$ 101.64
ROBERTS KATHRYN E	101.64
BULLARD WAYMAN R	105.00
SODERHOLM IRMA	125.58
MCCORMICK ROBERT LEE III	132.72
ESTATE OF ROBERT F HUNTER	139.33
ESTATE OF ROBERT F HUNTER	139.33
ESTATE OF ROBERT F HUNTER	139.33
WESTHALL DRIVE LLC	169.68
RUSSELL JAMISHA T	174.80
ELLIS ROBERT S	179.76
DELIMITROS JAMES H	184.65
SAMSON PAUL D	194.88
PADGETT FRANK	195.09
JOHNSTON EDWARD CLYDE	203.28
BOULEVARD AT 715 NORTH CHURCH	205.14
GOODWIN NANCY F	207.90
STEELE A FORREST JR	210.00
ROBERTS KATHRYN E	210.00
WANG WEI	233.10
BRINKENTON JULEIGH	258.93
MCDOWELL GAVIN D	338.94
RUSSELL JAMISHA T	349.60
STEPHEN DELLINGER	355.74
MCALPINE-STRINGFELLOW LLC	392.28
NORCOM PATRICIA R	484.68
HAYDEN MCMAHON DEV INC	525.00
MARQUEE BUILDERS LLC	525.00
AMB PROPERTY LP	750.96
RBC CORP	788.50
RBC CORP	788.50
CAROTHERS FUNERAL HOMES	935.76
AMB PROPERTY LP	965.16
MOGUL MARK J	992.46
HOANG'S CORNER LLC	1,065.54
HOANG'S CLORNER LLC	1,108.75
HOANG'S CORNER LLC	1,108.75
RBC CORP	1,134.39
RBC CORP	1,134.39
RBC CORP	1,138.90
RBC CORP	1,138.90
RBC CORP	1,146.10
RBC CORP	1,146.10
RBC CORP	1,155.08
RBC CORP	1,155.08
HORNE COMPANY THE	1,178.06
YAGER DESTER & BIRDIE FLP	1,212.90

RED CLAY INC	1,312.67
MALLARD GREEN LLC	1,437.66
FOODMAN HUNTER & KARRES PLLC	1,437.66
RED CLAY INC	1,797.50
US LEC OF NORTH CAROLINA	1,813.19
ISC REALTY CORP	2,000.88
ISC REALTY CORP	2,000.88
RBC CORP	2,177.48
RBC CORP	2,177.48
CP/DB HOUSING PARTNERS XIII	2,665.52
MANNING COMPANIES LLC THE	4,018.56
US LEC OF NORTH CAROLINA	4,035.74
VERBATIM CORPORATION THE	5,273.10
DT PLAZA ALBEMARLE RD LLC	8,725.08
REEVES FLORAL PRODUCTS INC	10,060.65
	<hr/>
Total	<u>\$ 77,561.35</u>

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE Point O' Woods Drive between Reames Road and Northlake Centre Parkway in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **Northlake Venture, LLC** has filed a petition to close **Point O' Woods Drive between Reames Road and Northlake Centre Parkway** in the City of Charlotte; and

Whereas, Point O' Woods Drive between Reames Road and Northlake Centre Parkway to be closed lies beginning from Reames Road continuing northwestwardly approximately 902 feet to its terminus at the new Northlake Centre Parkway 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 January 24, 2005 that it intends to close Point O' Woods Drive between Reames Road and Northlake Centre Parkway 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 February, 2005 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 24th day of January, 2005, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 504.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of January, 2005.

  
Brenda R. Freeze, CMC, City Clerk

**RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE two 10-foot alleyways bounded by W. Trade Street, S. Mint Street, W. 4<sup>th</sup> Street, and S. Poplar Street in the City of Charlotte, Mecklenburg County, North Carolina**

Whereas, **Trademark Partners, LLC** has filed a petition to close **two 10-foot alleyways bounded by W. Trade Street, S. Mint Street, W. 4<sup>th</sup> Street, and S. Poplar Street** in the City of Charlotte; and

Whereas, the two 10-foot alleyways to be closed lie within the Fourth Ward Neighborhood. Alleyway #1 begins from S. Poplar Street continuing northwestwardly approximately 50 feet to its terminus at alleyway #2. Alleyway #2 begins approximately 50 feet from S. Poplar Street continuing west approximately 125 feet to its terminus at a third alleyway 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 its 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 its regularly scheduled session of January 24, 2005 that it intends to close two 10-foot alleyways bounded by W. Trade Street, S. Mint Street, W. 4<sup>th</sup> Street, and S. Poplar Street, and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 28<sup>th</sup> day of February, 2005 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 24th day of January, 2005, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 505.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of January, 2005.

  
Brenda R. Freeze, CMC, City Clerk

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

Whereas, **Packard Tryon, LLC** has filed a petition to close a residual portion of Winnifred Street in the City of Charlotte; and

Whereas, the residual portion of Winnifred Street to be closed lies within the vicinity of Uptown beginning 105 feet from Catherine Street continuing approximately 98 feet southwestwardly 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 its 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 its regularly scheduled session of January 24, 2005 that it intends to close a residual portion of Winnifred Street and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 28<sup>th</sup> day of February, 2005 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 24th day of January, 2005, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 506.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of January, 2005.

  
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 Councilmember Cannon and seconded by Councilmember Burgess for the adoption of the following Resolution, and upon being put to a vote was duly adopted: unanimously.

**WHEREAS**, the 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 minority 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 minority 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. 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 his designee is authorized to set forth and execute affirmative minority business 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 24th day of January, 2005, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Pages 507- 508.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of January, 2005.

  
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Brenda R. Freeze, CMC, City Clerk



RESOLUTION

**RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR TRANSIT ASSISTANCE GRANTS.**

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: unanimously.

**WHEREAS**, the 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**, as a condition of financial assistance, the North Carolina Department of Transportation may require applicant to comply with all applicable Federal and State laws, regulations and requirements related to the assistance, including Title VI of Civil Rights Act of 1964 and Disadvantaged Business Enterprises requirements; and

**WHEREAS**, it is the goal of the Applicant that minority and small business enterprises be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that 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. 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. 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 or North Carolina may require in connection with the application for the project.
4. That the Chief Executive Officer of the Charlotte Area Transit System or his designee is authorized to set forth and execute Disadvantaged Business Enterprise policies in connection with the project's procurement needs.
5. 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 24th day of January, 2005, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Pages 509-510.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of January, 2005.



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Brenda R. Freeze, CMC, City Clerk

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 January 24, 2005.

\* \* \*

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 January 24, 2005 (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: Councilmembers Burgess, Cannon, Carter, Kinsey, Lassiter, Lochman, Mitchell, Mumford, Tabor and Turner.

The following members of the City Council were absent: none

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

Councilmember Burgess 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 WATER AND SEWER SYSTEM REFUNDING REVENUE BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE CITY'S WATER AND SEWER SYSTEM REFUNDING REVENUE BONDS IN ONE OR MORE SERIES AND CERTAIN RELATED MATTERS.**

*WHEREAS*, the City Council (the "*City Council*") of the City of Charlotte, North Carolina (the "*City*") previously determined to issue \$43,110,000 aggregate principal amount of Water and Sewer System Revenue Bonds, Series 1996 (the "*1996 Bonds*"), \$70,745,000 aggregate principal amount of Water and Sewer System Revenue Bonds, Series 1999 (the "*1999 Bonds*"), \$101,520,000 aggregate principal amount of Water and Sewer System Revenue Bonds, Series 2000 (the "*2000 Bonds*") and \$149,000,000 aggregate principal amount of Water and Sewer System Revenue Bonds, Series 2001 (the "*2001 Bonds*"), the proceeds of each of which were used to finance the costs of improvements to the City's water and sewer system;

*WHEREAS*, the City Council has been advised that the City may be able to achieve debt service savings by refunding in advance of their maturity all or a portion of (1) the 1996 Bonds maturing on or after December 1, 2007, (2) the 1999 Bonds maturing on or after June 1, 2010, (3) the 2000 Bonds maturing on or after June 1, 2011 and (4) the 2001 Bonds maturing on or after June 1, 2012 (collectively, the "*Refunded Bonds*");

*WHEREAS*, the City Council is considering the issuance of not to exceed \$203,000,000 Water and Sewer System Refunding Revenue Bonds in one or more series of the City (collectively, the "*2005 Bonds*") to refund in advance of their maturities all or a portion of the Refunded Bonds;

*WHEREAS*, the City Council wants to (A) retain Parker Poe Adams & Bernstein L.L.P. of Charlotte, North Carolina, as bond counsel; (B) retain Wachovia Bank, National Association of Charlotte, North Carolina and Banc of America Securities LLC 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 DEC Associates, 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 2005 Bonds and as escrow agent for the Refunded Bonds; and

*WHEREAS*, the City Council hereby directs 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 2005 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 2005 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 DEC Associates, Inc. and Waters and Company, LLC, as financial advisors, and (E) the City's use of Wachovia Bank, National Association, as trustee for the 2005 Bonds and as escrow agent for the Refunded Bonds and (2) state in such application such facts and to attach thereto such exhibits in regard to the 2005 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 2005 Bonds.

*WHEREAS*, a form of the Preliminary Official Statement to be dated on or about February 8, 2005 (the "*Preliminary Official Statement*") with respect to the 2005 Bonds is on file with the City;

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

*Section 1.* That the 2005 Bonds are to be issued by the City for the purpose of providing funds (1) to refund the Refunded Bonds and (2) to pay the costs of issuing the 2005 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 2005 Bonds, as described, is necessary in order to achieve debt service savings.

*Section 2.* That (1) Parker Poe Adams & Bernstein L.L.P. shall hereby be retained to serve as bond counsel, (2) Wachovia Bank, National Association and Banc of America Securities LLC 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 2005 Bonds and as escrow agent for the Refunded Bonds and (5) DEC Associates, Inc. and Waters and Company, LLC shall hereby be retained as financial advisors in connection with the issuance by the City of the 2005 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 2005 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 2005 Bonds is necessary or expedient to achieve debt service savings;

- (b) that the not to exceed stated principal amount of the 2005 Bonds will be sufficient but is not excessive for the proposed refunding;
- (c) that the City's water and sewer system as now constituted and as it will be constituted after the completion of the refunding is feasible;
- (d) that the City's debt management procedure and policies are excellent; and
- (e) that the 2005 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 2005 Bonds.

*Section 6.* That the City Council requests that the Commission sell the 2005 Bonds through negotiation to the Underwriters, on such terms as may be agreed on but at a true interest cost not exceeding 6.00%. The form and content of the Preliminary Official Statement with respect to the 2005 Bonds are in all respects authorized, approved and confirmed, and the use of the Preliminary Official Statement by the Underwriters in connection with the sale of the 2005 Bonds is hereby in all respects authorized, approved and confirmed.

*Section 7.* That this Resolution is effective on the date of its adoption.

On motion of Councilmember Burgess, seconded by Councilmember Cannon, the foregoing 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 WATER AND SEWER SYSTEM REFUNDING REVENUE BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE CITY'S WATER AND SEWER SYSTEM REFUNDING REVENUE BONDS IN ONE OR MORE SERIES AND CERTAIN RELATED MATTERS" was duly adopted by the following vote: unanimously.

*PASSED, ADOPTED AND APPROVED* this 24th day of January, 2005.

#### 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 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 WATER AND SEWER SYSTEM REFUNDING REVENUE BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE CITY'S WATER AND SEWER SYSTEM REFUNDING REVENUE BONDS IN ONE OR MORE SERIES AND CERTAIN RELATED MATTERS" adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of January, 2005, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 511-513.

**WITNESS** my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31<sup>st</sup> day of January, 2005.

  
Brenda R. Freeze, CMC, City Clerk

**RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON JANUARY 24<sup>TH</sup> 2005**

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

WHEREAS, The City of Charlotte plans to design and construct certain street, pedestrian, and  
transit stop improvements along a portion of South Boulevard from Sharon Road/Sweden Lakes  
Road and Arrowood Road; and,

WHEREAS, these improvements will widen South Boulevard to five lanes, construct a sidewalk with  
planting strip, pedestrian crossing/refuge islands, and transit stop improvements; and,

WHEREAS, The North Carolina Department of Transportation (NCDOT) will be reimbursing the City  
\$862,000, and the City will be contributing \$1,838,000; and,

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

**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 24th day of January, 2005, the reference  
having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 514.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of  
January, 2005.

  
Brenda R. Freeze, CMC, City Clerk

RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON JANUARY 24<sup>TH</sup> 2005

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Councilmember Cannon for the adoption of the following Resolution, and upon being put  
to a vote was duly adopted: unanimously.

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WHEREAS, The North Carolina Department of Transportation (NCDOT) will be reimbursing the City  
\$862,000, and the City will be contributing \$1,838,000; and,

WHEREAS, The format and cost sharing philosophy with NCDOT is consistent with past municipal  
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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  
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having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 514.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of  
January, 2005.

  
Brenda R. Freeze, CMC, City Clerk

**Charlotte City Council**

**Resolution Authorizing Donation of Used City Computers to Charlotte Mecklenburg Schools**

Whereas, North Carolina General Statute 160A-274 authorizes the City to donate personal property belonging to the City of Charlotte to another governmental agency upon action by the Charlotte City Council; and,

Whereas, the City of Charlotte's Business Support Services Key Business has requested authority to donate used City-owned computers on a periodic basis to Charlotte Mecklenburg Schools for use in the Tech Connect program; and

Whereas, the Tech Connect program is a co-curricular program for Charlotte-Mecklenburg school students, sponsored and supported by Advantage Carolina in conjunction with the Charlotte Chamber's Information Technology Council; and

Whereas, the primary purpose of the Tech Connect program is to generate technology interests within the high school community in an effort to:

- a) Promote information technology in the classroom
- b) Ensure adequate supply of information technology skilled workers in Mecklenburg County
- c) Establish a model program for corporate support of information technology in our schools
- d) Provide an intern/mentoring program for high potential information technology students and eventually for teachers
- e) Encourage information technology students to stay in school and assist them in identifying and realizing their academic objectives; and

NOW, THEREFORE, be it resolved by the Charlotte City Council that the Key Business Executive of Business Support Services is authorized to periodically determine which computers may be donated to Charlotte Mecklenburg Schools to help support the Tech Connect program (provided that all computers shall be fully depreciated at the time of donation), and to execute all documents necessary to bring about the periodic donations.

**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 24th day of January, 2005, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 515.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of January, 2005.

  
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 **FIRE STATION 37, NC-49 SOUTH 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 **FIRE STATION 37, NC-49 SOUTH PROJECT** and estimated to be approximately **105,850 square feet (2.430 acre) of fee-simple** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 199-011-06, said property currently owned by **MELVIN L. MOTSINGER and wife, HILDA J. MOTSINGER and Any Other Parties in Interest**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

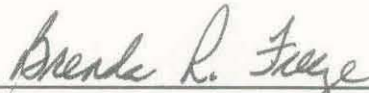
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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 24th day of January, 2005, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 516.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of January, 2005.



Brenda R. Freeze, CMC, City Clerk

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

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **SOUTH CORRIDOR LIGHT RAIL TRANSIT PROJECT**; and

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

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

PROPERTY DESCRIPTION:

Amount necessary for the **SOUTH CORRIDOR LIGHT RAIL TRANSIT PROJECT** and estimated to be approximately total combined area of **35,433 square feet (.813 acre) of Fee-Simple, plus Permanent Drainage Easement, plus Utility Easement, plus 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. 205-211-01, said property currently owned by **THE NORRIS FAMILY LIMITED PARTNERSHIP, JEROME C. HERRING, Trustee; and BRANCH BANKING AND TRUST COMPANY, Beneficiary and Assignee; 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 24th day of January, 2005, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 517.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of January, 2005.

  
Brenda R. Freeze, CMC, City Clerk

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

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **SOUTH CORRIDOR LIGHT RAIL TRANSIT PROJECT**; and

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

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

PROPERTY DESCRIPTION:

Amount necessary for the **SOUTH CORRIDOR LIGHT RAIL TRANSIT PROJECT** and estimated to be approximately total combined area of **28,100 square feet (.645 acre) of Water Easement, plus Sidewalk and Utility Easement, plus 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. 149-012-01, said property currently owned by **CLANTON ROAD ENTERPRISES, LLC; and Any Other Parties in Interest**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

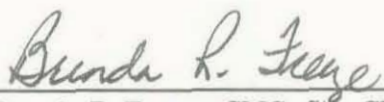
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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 24th day of January, 2005, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 518.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of January, 2005.

  
Brenda R. Freeze, CMC, City Clerk

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

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **SOUTH CORRIDOR LIGHT RAIL TRANSIT PROJECT**; and

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

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

PROPERTY DESCRIPTION:

Amount necessary for the **SOUTH CORRIDOR LIGHT RAIL TRANSIT PROJECT** and estimated to be approximately total combined area of **10,087 square feet (.232 acre) of Water Easement, plus Sidewalk and Utility Easement, plus 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. 149-012-40, said property currently owned by **NOMLICO, L.L.C., ENGLISHMAN'S AUCTION GALLERY, INC., Purported Lessee-Tenant; and Any Other Parties in Interest**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

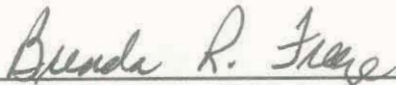
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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 24th day of January, 2005, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 519.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of January, 2005.

  
Brenda R. Freeze, CMC, City Clerk

RESOLUTION CLOSING A 22-FOOT WIDE PORTION OF LITAKER AVENUE 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 22-foot wide portion of Litaker 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 a 22-foot wide portion of Litaker 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 public hearing was held on the 24th day of January, 2005 and City Council determined that the closing of a 22-foot wide portion of Litaker 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.

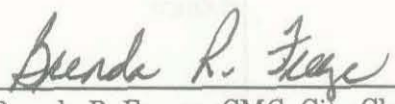
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of January 24, 2005, that the Council hereby orders the closing of a 22-foot wide portion of Litaker Avenue in the City of Charlotte Mecklenburg County, North Carolina as shown 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. This action shall be effective on the date that the Planning Department approves the proposed development plan. This abandonment approval shall be void if the proposed development plan is not approved within 1 year from this date.

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

CERTIFICATION

I, 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 24th day of January, 2005, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 520-522.

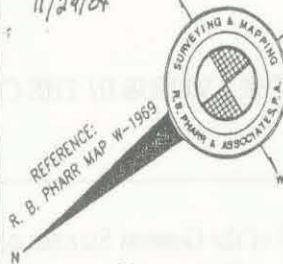
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of January, 2005.

  
Brenda R. Freeze, CMC, City Clerk

THE PURPOSE OF THIS MAP IS TO SHOW EXISTING PARCELS OF LAND, AND TO REMOVE A PORTION LITAKER STREET FROM PUBLIC DEDICATION. PROPERTY LINES SHOWN HEREON ARE PLOTTED FROM PREVIOUS SURVEYS OR MAPS (SEE R.B. PHARR MAP FILE NUMBERS W-1969 XX-2493, W-2281, & MAP BY P.S. CROMER (FILE 44-B & FILE 44-C) THIS COMPOSITE MAP DOES NOT REPRESENT A CURRENT SURVEY OF THE PROPERTY SHOWN. THIS MAP DOES NOT SHOW MATTERS OF TITLE THAT MAY AFFECT THE SUBJECT PROPERTY.



*Douglas E. Morrison*  
11/29/04



**WESLEY HEIGHTS  
COMMUNITY ASSOCIATION, INC.**  
DB 10574-387  
TAX ID: 073-231-11

AREA:  
7,624 SQ. FT. OR  
0.1750 ACRES  
TO BE RECOMBINED  
WITH WESLEY HEIGHTS  
COMMUNITY ASSOCIATION, INC.

- LEGEND:  
E.I.R. . . . EXISTING IRON ROD  
N.I.R. . . . NEW IRON ROD  
E.C.M. . . . EXISTING CONCRETE MONUMENT  
R/W . . . RIGHT-OF-WAY  
R/R . . . RAIL ROAD  
C/A . . . CONTROLLED ACCESS  
DB . . . DEED BOOK  
(T) . . . TOTAL

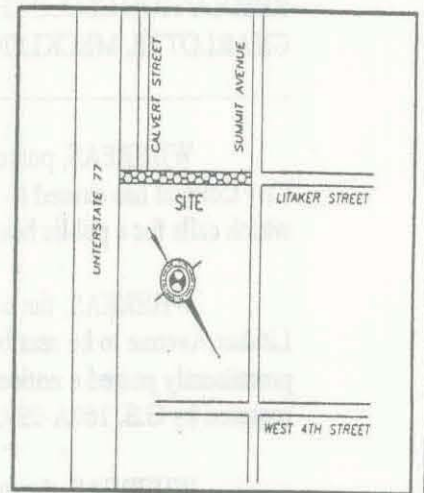
AREA TO BE REMOVED  
FROM PUBLIC DEDICATION:  
7,624 SQ. FT. OR  
0.1750 ACRES

INTERSTATE HIGHWAY 77  
(VARIABLE PUBLIC R/W)

DUKE POWER CO.  
NO DEED REF FOUND  
TAX ID: 073-244-02

**CALVERT  
STREET**

40' PUBLIC DEDICATED  
RIGHT-OF-WAY



VICINITY MAP (NOT DRAWN TO SCALE)

MECKLENBURG COUNTY

DB 9105-734  
LOT 1 & 2, BLOCK 1,  
MB 332-355  
TAX ID: 073-241-04



1" = 50'  
SCALE IN FEET

**S. SUMMIT  
AVENUE**

50' PUBLIC DEDICATED  
RIGHT-OF-WAY

NOTES:  
SUBJECT PROPERTY IS LOCATED IN A HISTORIC DISTRICT, AND IS ALSO SUBJECT TO A PROPOSED GREEN WAY, AS PER MECKLENBURG COUNTY TAX/QIS RECORDS.  
EASEMENTS WILL BE GRANTED TO ALL UTILITIES WITHIN THE ABANDONMENT AREA.

<p><b>REVISIONS</b></p> <p>OCTOBER 8, 2004 TO CHANGE AREA BEING REMOVED FROM DEDICATION</p> <p>NOVEMBER 29, 2004 TO ADD NOTE</p>			<p><b>ABANDONMENT MAP FOR</b></p> <p><b>WESLEY HEIGHTS COMMUNITY ASSOCIATION, INC.</b></p> <p>LITAKER STREET @ SOUTH SUMMIT AVENUE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NC</p> <p><b>R.B. PHARR &amp; ASSOCIATES, P.A.</b> SURVEYING &amp; MAPPING 420 HAWTHORNE LANE CHARLOTTE, N.C. 28204 TEL. (704) 376-2186</p>		
CREW:	DRAWN:	REVISED:	SCALE:	DATE:	FILE NO. W-1969COMP
N/A	FH	JPG	1" = 50'	MAY 13, 2004	JOB NO. 63087

LEGAL DESCRIPTION  
PORTION OF LITAKER STREET TO BE REMOVED FROM PUBLIC DEDICATION  
0.1750 ACRES  
LITAKER STREET AT SUMMIT AVENUE, CHARLOTTE, NORTH CAROLINA

That certain part of Litaker Street, being a portion of an existing 86 foot public right-of-way, said portion of Litaker Street also described as being within the 86 foot right-of-way of the Piedmont & Northern Railroad (now or formerly), situated, lying and being in the City of Charlotte, North Carolina, and being more particularly described as follows:

To arrive at the true point of BEGINNING commence at a new iron rod located in the southerly margin at the southeasterly intersection of South Summit Avenue (50 foot public right-of-way) and Litaker Street (86 foot public right-of-way); thence run North 34-59-21 East 64.00 feet to a point within the right-of-way of said Litaker Street; and running thence from said POINT OF BEGINNING North 34-59-21 East 22.00 feet to a new iron rod in the northeasterly margin of said Litaker Street, said new iron rod being the westerly corner of the Wesley Heights Community Association, Inc. as described in Deed Book 10574, Page 387 of the Mecklenburg County Public Registry; thence with the northeasterly margin of Litaker Street the following (2) courses and distances: 1) South 54-58-57 East 184.15 feet to a new iron rod; and 2) South 54-58-57 East, passing through a new iron rod at 14.80 feet, a total distance of 161.16 feet to an existing concrete monument in the westerly margin of Interstate Highway 77 (variable width public right-of-way); thence with the westerly margin of Interstate Highway 77 South 28-33-50 West 22.14 feet to a point within the right-of-way of said Litaker Street; thence with a line North 54-58-57 West 347.79 feet to the point and place of BEGINNING; containing 7,624 square feet or 0.1750 acres as shown on a composite map prepared by R. B. Pharr & Associates, P.A. dated May 13, 2004 and last revised November 29, 2004, (Map File W-1969COMP).



*Douglas E Morrison*

11/29/04