

**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:

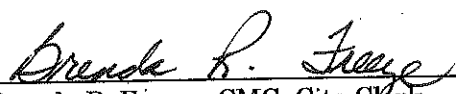
1. The City-County Tax Collector has collected property taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time 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 14th day of November, 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 28th day of November, 2005, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page(s) 892-893.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of November, 2005.

  
Brenda R. Freeze, CMC, City Clerk

**TAXPAYERS AND REFUNDS REQUESTED  
(Clerical Error)**

<b>Name</b>	<b>Refund Amount</b>
AMADO PAULO H	\$ 45.00
WOLTER RONALD J	179.76
MUNNERLYN JULIE R	75.60
DANELLO TIMOTHY FRANCES	47.46
TERRY STEVEN D	3,034.50
MINASIAN STANLEY L	45.00
MINASIAN STANLEY L	45.00
WINSTON RYLAND A JR	45.00
WINSTON RYLAND A JR	45.00
O'LEARY MARIE WERNER	49.56
CARROLL DOUG	49.56
FREEMAN GEORGE M	396.90
CARRIGAN BRIAN C	396.90
OVERFLOW PRINTING	225.54
ROBINSON MONIQUE JACKSON	284.76
DIXIT NARENDRA J	74.34
DIXIT NARENDRA J	74.34
DIXIT NARENDRA J	88.50
DIXIT NARENDRA J	88.50
DIXIT NARENDRA J	88.50
STURDIVANT JAMES LONNIE	170.52
CUMMINGS FELICIA	49.56
CONSOLIDATED INVESTMENT	123.76
JAMES WILLIAM C	88.45
JAMES WILLIAM C	88.45
JAMES WILLIAM C	88.45
JAMES WILLIAM C	60.90
JAMES WILLIAM C	60.90
LONG DONALD C	25.20
APPLIED FINANCIAL LLC	753.67
LIPARI VINCENT	43.26
HARRIS RICHARD	50.40
HENDERSON DAVID L	68.04
CITIMORTGAGE INC	175.56
CITIMORTGAGE INC	175.56
CONSOLIDATED TEXTILES INC	623.45
CATERPILLAR FINANCIAL SERVICES	1,525.05
Total	<u>\$ 9,550.90</u>

RESOLUTION FIXING DATE OF PUBLIC HEARING ON A PROPOSED  
ANNEXATION AGREEMENT WITH THE CITY OF CONCORD PURSUANT TO  
PART 6, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES

WHEREAS, an annexation agreement has been proposed between the City of Charlotte and the City of Concord, and

WHEREAS, a public hearing must be held before such an agreement can be approved.

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

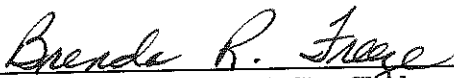
Section 1. That a public hearing on the question of approving an annexation agreement between the City of Charlotte and the City of Concord be held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina, at 7:00 o'clock p. m., on the 12<sup>th</sup> day of December, 2005.

Section 2. That notice of said public hearing shall be given by publication in a local newspaper as required by law.

**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 28th day of November, 2005, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page 894.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of November, 2005.

  
Brenda R. Freeze, CMC, City Clerk

RESOLUTION FIXING DATE OF PUBLIC HEARING ON A PROPOSED  
ANNEXATION AGREEMENT WITH THE TOWN OF HARRISBURG PURSUANT  
TO PART 6, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES

WHEREAS, an annexation agreement has been proposed between the City of Charlotte  
and the Town of Harrisburg, and

WHEREAS, a public hearing must be held before such an agreement can be approved.

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

Section 1. That a public hearing on the question of approving an annexation agreement  
between the City of Charlotte and the Town of Harrisburg be held in the Meeting  
Chamber of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street,  
Charlotte, North Carolina, at 7:00 o'clock p. m., on the 12<sup>th</sup> day of December, 2005.

Section 2. That notice of said public hearing shall be given by publication in a local  
newspaper as required by law.

**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 28th day of November, 2005, the reference  
having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page 895.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of  
November, 2005.

  
Brenda R. Freeze, CMC, City Clerk

RESOLUTION FIXING DATE OF PUBLIC HEARING ON A PROPOSED  
ANNEXATION AGREEMENT WITH THE TOWN OF MIDLAND PURSUANT TO  
PART 6, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES

WHEREAS, an annexation agreement has been proposed between the City of Charlotte and the Town of Midland, and

WHEREAS, a public hearing must be held before such an agreement can be approved.

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

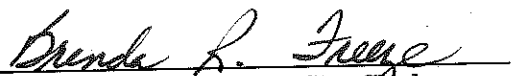
Section 1. That a public hearing on the question of approving an annexation agreement between the City of Charlotte and the Town of Midland be held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina, at 7:00 o'clock p. m., on the 12<sup>th</sup> day of December, 2005.

Section 2. That notice of said public hearing shall be given by publication in a local newspaper as required by law.

**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 28th day of November, 2005, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page 896.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of November, 2005.

  
Brenda R. Freeze, CMC, City Clerk

RESOLUTION TO AUTHORIZE THE USE OF ELECTRONIC ADVERTISEMENT FOR  
CONTRACTS SUBJECT TO G.S. 143-129.

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WHEREAS, G.S. 143-129 requires that contracts for construction or repair work, and for the purchase of apparatus, supplies, materials, and equipment that meet certain monetary thresholds be publicly advertised; and

WHEREAS, G.S. 143-129(b) authorizes the governing board to allow the use of electronic advertisement as an alternative to advertisement in a newspaper of general circulation; and

WHEREAS, City staff has determined that the use of electronic advertising increases the number of bidders on City contracts; and

WHEREAS, the use of electronic advertising reduces advertising costs and the costs of printing and mailing out hard copy solicitation documents; and

WHEREAS, City Council desires to authorize electronic advertising in lieu of advertising in a local newspaper for all types of contracts;

THEREFORE, the City Council of the City of Charlotte resolves:

The City Manager is authorized to advertise using electronic means as an alternative to placing an advertisement in a newspaper of general circulation whenever he or she determines advertisement by electronic means to be an effective and efficient method of obtaining competition for a contract. The City Manager is further authorized to delegate this authority to such City staff as he or she deems appropriate.

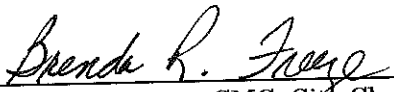
Advertisement by newspaper and electronic means may be used together or in the alternative, and the requirements of G.S. 143-129(b) shall be deemed satisfied as long as one of the methods used meets the minimum time for advertisement under that statute.

Advertisement by electronic means may include, without limitation, placing the advertisement on the official website of the City of Charlotte. When advertisement by electronic means is used, information about the bid solicitation shall be made available to the public either by published notice, posting in a place in which similar notices are regularly placed, or electronically on the official website of the City of Charlotte.

**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 28th day of November, 2005, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page(s) 897-898.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of November, 2005.

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

**EXTRACTS FROM MINUTES OF CITY COUNCIL**

A Regular Meeting of the City Council of the City of Charlotte, North Carolina was duly held in the Meeting Chamber at the Charlotte-Mecklenburg Government Center in Charlotte, North Carolina, the regular place of meeting, at 7:00 P.M. on November 28, 2005.

Members Present: Mayor McCrory, Councilmembers Burgess, Cannon, Carter, Kinsey, Lassiter, Lochman, Mitchell, Mumford, Phipps, Tabor and Turner.

Members Absent: None.

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

Councilmember Burgess introduced the following resolution, a summary of which had been provided to each Councilmember, which was read by title:

**RESOLUTION OF THE CITY OF CHARLOTTE, NORTH CAROLINA,  
APPROVING AN INSTALLMENT PAYMENT CONTRACT WITH NEW  
CHARLOTTE CORPORATION AND RELATED MATTERS**

*WHEREAS*, the City of Charlotte, North Carolina (the "*City*") is a municipal corporation validly existing under the Constitution, statutes and laws of the State (the "*State*");

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

*WHEREAS*, the City Council of the City of Charlotte, North Carolina (the "*City Council*") has determined that it is in the best interests of the City to enter into an Installment Payment Contract dated as of March 15, 2006 (the "*Contract*"), with New Charlotte Corporation (the "*Corporation*") with an aggregate principal amount of installment payments due thereunder not to exceed \$27,000,000 to acquire certain equipment for general governmental purposes (the "*Equipment*");

*WHEREAS*, the Corporation will execute and deliver Certificates of Participation, Series 2006A (FY2006 Equipment Acquisition Project) Evidencing Proportionate Undivided Interests in Installment Payments Pursuant to the Contract (the "*2006A Certificates*");

*WHEREAS*, in connection with the sale of the 2006A Certificates by the Corporation to Wachovia Bank, National Association, and Banc of America Securities LLC (the "*Underwriters*"), the City desires to make certain representations and warranties to the Underwriters in the form of the City's Letter of Representations to the Underwriters (the "*Letter of Representations*");

*WHEREAS*, there has been described to the City Council the following documents (collectively, the "*Instruments*"), copies of which have been made available to the City Council, which the City Council proposes to approve, enter into and deliver, as applicable, to effectuate the proposed installment purchase financing:

- (1) the Contract;



- (2) the Letter of Representations;
- (3) the Contract of Purchase to be dated on or about March 15, 2006, between the Corporation and the Underwriters (the "*Purchase Contract*");

*WHEREAS*, to make an offering and sale of the 2006A Certificates, there will be prepared a Preliminary Official Statement (the "*Preliminary Official Statement*"), a draft thereof having been presented to the City Council, and a final Official Statement (collectively with the Preliminary Official Statement, the "*Official Statement*") with respect to the 2006A Certificates, which Official Statement will contain certain information regarding the City;

*WHEREAS*, it appears that each of the Instruments and the Preliminary Official Statement is in an appropriate form and is an appropriate instrument for the purposes intended;

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

*Section 1. Ratification of Instruments.* That all actions of the City, the City Manager, the City Director of Finance, the City Clerk, the City Attorney and their respective designees, whether previously or hereinafter taken, in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments.

*Section 2. Authorization of the Official Statement.* That the form, terms and content of the Official Statement are in all respects authorized, approved and confirmed, and the use of the Official Statement by the Underwriters in connection with the sale of the 2006A Certificates is hereby in all respects authorized, approved and confirmed.

*Section 3. Authorization to Execute the Contract.* That the City approves the acquisition of the Equipment in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the City in accordance with its terms. The form and content of the Contract shall be and the same hereby are in all respects authorized, approved and confirmed, and the City Manager and the City Clerk and their respective designees shall be and they hereby are authorized, empowered and directed to execute and deliver the Contract, including necessary counterparts, in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the City's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Contract presented to the City Council, and that from and after the execution and delivery of the Contract, the City Manager, the City Director of Finance and the City Clerk are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

*Section 4. Letter of Representations; Purchase Contract.* That the form and content of the Purchase Contract shall be and the same hereby is in all respects approved, and the City Manager is authorized to execute the Letter of Representations for the purposes stated therein; and

*Section 5. City Representative.* That the City Manager, the City Director of Finance, the City Treasurer and the City Debt Manager are hereby designated as the City's Representatives to act on behalf of the City in connection with the transaction contemplated by the Instruments and the Official Statement, and each is authorized to proceed with the acquisition of the Equipment in accordance with the Instruments and to seek opinions as a matter of law from the City Attorney, which City Attorney is

authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The City's representative and/or designee or designees are in all respects authorized on behalf of the City to supply all information pertaining to the City as purchaser under the Contract for use in the Official Statement and the transactions contemplated by the Instruments or the Official Statement, the City Manager, the City Clerk and the City Director of Finance of the City or their respective designees are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by the Instruments or the Official Statement or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

*Section 6. Severability.* That if any section, phrase or provision of this Resolution shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

*Section 7. Repealer.* That all motions, orders, resolutions and parts thereof, in conflict herewith are hereby repealed.

*Section 8. Effective Date.* This Resolution will take effect immediately on its adoption.

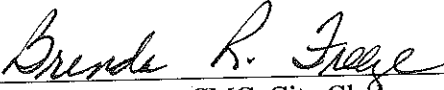
On motion of Councilmember Burgess, seconded by Councilmember Cannon, the foregoing resolution titled "RESOLUTION OF THE CITY OF CHARLOTTE, NORTH CAROLINA APPROVING AN INSTALLMENT PAYMENT CONTRACT WITH NEW CHARLOTTE CORPORATION AND RELATED MATTERS" was duly adopted by the following vote: unanimously.

*PASSED, ADOPTED AND APPROVED* this 28th day of November, 2005.

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

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 "RESOLUTION OF THE CITY OF CHARLOTTE, NORTH CAROLINA, APPROVING AN INSTALLMENT PAYMENT CONTRACT WITH NEW CHARLOTTE CORPORATION AND RELATED MATTERS" adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th day of November, 2005, the reference having been made in Minute Book 123 and recorded in full in Resolution Book 39, Page(s) 899-901.

**WITNESS** my hand and the seal of the City of Charlotte, North Carolina, this the 29th day of November, 2005.

  
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Brenda R. Freeze, CMC, City Clerk

**RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON NOVEMBER 28, 2005**

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

**WHEREAS**, NCDOT authorized the installation of a traffic signal at the intersection of Rea  
Road and Williams Pond Road as part of the Rea Road Extension Street Improvement  
project; and,

**WHEREAS**, The City has also installed arterial signal system communication cable from  
Ballantyne Commons Parkway to the traffic signal at Williams Pond Road.; and,

**WHEREAS**, A Municipal Agreement between the City and NCDOT is needed in order for  
the City to be reimbursed for the work it has done; and,

**WHEREAS**, The Municipal Agreement provides for the City to be reimbursed, by the NCDOT, for  
all work it has performed on this project not to exceed \$115,000; and,

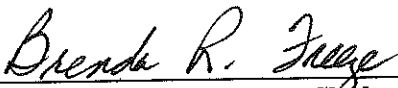
**WHEREAS**, The format and cost sharing philosophy is consistent with past municipal  
agreements.

**NOW, THEREFORE, BE IT RESOLVED** that this resolution authorizes the Key Business  
Executive for Transportation to execute a Municipal Agreement between the City of Charlotte and the  
North Carolina Department of Transportation (NCDOT) for the City to reimbursed for work done at  
an amount not to exceed \$115,000, and is hereby formally approved by the City Council of the City  
of Charlotte and Clerk of this Municipality are hereby empowered to sign and execute the  
Agreements with the NCDOT.

**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 28th day of November, 2005, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page(s) 902-903.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of November, 2005.

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

RESOLUTION AUTHORIZING THE CONVEYANCE OF .31 ACRES  
OF LAND TO PREFERRED PARKING SERVICE, INC.

WHEREAS, the City of Charlotte owns a .31-acre property more particularly identified as being the balance portions of Tax Parcel Numbers 125-023-12 and 125-023-13 and located at 426 E. Trade Street and 116 S. Caldwell St. in Charlotte, Mecklenburg County, North Carolina (the "Property"); and

WHEREAS, in March of 2005, Council approved the acquisition of this property for approximately One Million, Five Hundred Forty Thousand Dollars (\$1,540,000.00) as part of a condemnation settlement; and

WHEREAS, the property has produced rental revenue and has provided a construction staging area for installation of improvements along Caldwell Street; and

WHEREAS, Preferred Parking Service, Inc. now desires to purchase the Property for One Million, Five Hundred Forty Thousand Dollars (\$1,540,000.00) for a use consistent with the property's UMUD zoning classification; and

WHEREAS, the City Council of the City of Charlotte has determined that the sale of the Property to Preferred Parking Service, Inc. will advance its Economic Development Strategic Plan and Center City 2010 Plan in that the sale will provide funds to facilitate the construction of a multi-purpose sports and entertainment facility to be located in the uptown area; and

WHEREAS, the property is being submitted to mandatory referral review, and a favorable report is expected on or about December 20, 2005; and

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

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Charlotte, that:

Contingent on the property receiving a favorable report from mandatory referral, this above-referenced Property is declared to be surplus, and pursuant to Section 8.22(d) of the City of Charlotte Charter, Council hereby authorizes the private sale of Property as follows:

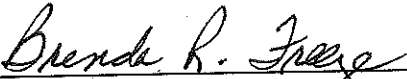
The City will convey fee simple title to Preferred Parking Service, Inc. for One Million, Five Hundred Forty Thousand Dollars (\$1,540,000.00). The City Manager or her Designee is authorized to execute the Purchase Contract and such other documents necessary to complete the sale of the Property to Preferred Parking Service, Inc. in accordance with the terms and conditions as advertised.

THIS THE 28<sup>TH</sup> DAY OF NOVEMBER, 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 adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th day of November, 2005, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page(s) 904-905.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of November, 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 INFRASTRUCTURE PROJECT: OLD PINEVILLE ROAD EXTENSION-A**; 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 INFRASTRUCTURE PROJECT: OLD PINEVILLE ROAD EXTENSION-A** and estimated to be approximately **19,529 square feet (.448 ac.) of fee-simple area, 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. 205-231-05, said property currently owned by **McDONALD'S CORPORATION** 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 28th day of November, 2005, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page 906.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of November, 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 INFRASTRUCTURE PROJECT: OLD PINEVILLE ROAD EXTENSION-A**; 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 INFRASTRUCTURE PROJECT: OLD PINEVILLE ROAD EXTENSION-A** and estimated to be approximately **21,744 square feet (.499 ac.)** of fee-simple area 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. 205-231-04, said property currently owned by **BP OIL COMPANY, 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 28th day of November, 2005, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page 907.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of November, 2005.

  
Brenda R. Freeze, CMC, City Clerk



RESOLUTION AUTHORIZING THE CONVEYANCE OF 1.9 ACRES  
OF LAND TO LMF/FIRST WARD ASSOCIATES, LLC

WHEREAS, the City of Charlotte owns a 1.9-acre property more particularly identified as being all of Tax Parcel No. 080-096-01 and located in the block bounded by Seventh, Myers, Sixth and McDowell Streets in Charlotte, Mecklenburg County, North Carolina (the "Property"); and

WHEREAS, said LMF/ First Ward Associates, LLC now desires to purchase the Property for One Million, Nine Hundred Fifty Thousand Dollars (\$1,950,000.00) for construction of a mid-rise, mixed use development including not more than 275 residential units and not more than 40,000 square feet of retail and office space; and

WHEREAS, the present fair market value of the Property by appraisal is One Million Nine Hundred Fifty Thousand Dollars (\$1,950,000); and

WHEREAS, the City Council of the City of Charlotte has determined that the sale of the Property to LMF/ First Ward Associates, LLC will advance its First Ward Master Plan, which was approved by Council in July of 1997. That plan provides that this First Ward Park location should be developed with high density housing, office and retail development, in order to "create a vibrant new, mixed-income residential neighborhood in Uptown Charlotte" and "increase the value of property in First Ward and the tax base of the City of Charlotte and Mecklenburg County"; and

WHEREAS, the property is being submitted to mandatory referral review, and a favorable report is expected on or about December 21, 2005; and

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

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Charlotte, that:

Contingent on the property receiving a favorable report from mandatory referral, this above-referenced Property is declared to be surplus, and pursuant to Section 8.22(d) of the City of Charlotte Charter, Council hereby authorizes the private sale of Property as follows:

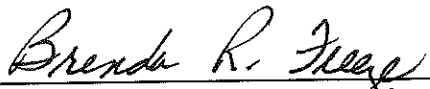
The City will convey fee simple title to LMF/ First Ward Associates, LLC for One Million, Nine Hundred Fifty Thousand Dollars (\$1,950,000.00). The City Manager or her Designee is authorized to execute the Purchase Contract and such other documents necessary to complete the sale of the Property to LMF/ First Ward Associates, LLC in accordance with the terms and conditions as advertised.

THIS THE 28<sup>TH</sup> DAY OF NOVEMBER, 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 adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th day of November, 2005, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page(s) 908-909.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of November, 2005.

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE  
AMENDING THE FIVE-YEAR CAPITAL INVESTMENT PLAN FOR FISCAL YEARS  
2006 to 2010.**

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WHEREAS, the City of Charlotte recognizes the importance of developing long range capital investment planning to maintain the growth and vitality of the community; and

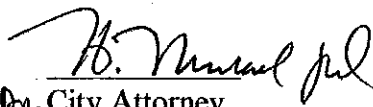
WHEREAS, the City of Charlotte continuously develops and reviews the policy, financial and planning assumptions and impacts of capital investment projects for the City; and

WHEREAS, the City of Charlotte has a five-year Capital Investment Plan based on policy assumptions, so stated in the FY2006-2010 Capital Investment Plan that balance the potential physical development planning with long-range financial capacity; and

WHEREAS, the Capital Investment Plan is amended from time to time to reflect changing circumstances and that the Plan now needs to be amended to

NOW THEREFORE BE RESOLVED, by the City Council of the City of Charlotte, in its regular session duly assembled, that it does hereby amend the Capital Investment Plan for fiscal years 2006 to 2010 through acceleration of appropriations totaling \$885,000 for construction of a radio tower from FY2009 to FY2006.

This 28th day of November 2005

  
Sr. Asst. City Attorney

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th day of November, 2005, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page 910.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of November, 2005.

  
Brenda R. Freeze, CMC, City Clerk