

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 October, 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 October, 2005, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page(s) 871-872.

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


Brenda R. Freeze, CMC, City Clerk

TAXPAYERS AND REFUNDS REQUESTED
(Clerical Error)

Name	Refund Amount
COPYGIRL 31	\$ 2.59
AMADO PAULO H	45.00
CHURCH OF JESUS CHRIST OF	45.00
TAYLOR JOE T JR	24.78
TAYLOR JOE T JR	27.30
TAYLOR JOE T JR	21.42
KATOWITZ MITCHELL	996.72
GRAY ELIZABETH	9.39
GRAY ELIZABETH	9.39
GRAY ELIZABETH	9.39
GRAY ELIZABETH	9.24
GRAY ELIZABETH	9.24
TAYLOR JOE T JR	48.30
TAYLOR JOE T JR	48.30
TAYLOR JOE T JR	48.30
CASAZZA ROBERT V F/T	69.16
CASAZZA ROBERT V F/T	69.16
CASAZZA ROBERT V F/T	45.78
CASAZZA ROBERT V F/T	45.78
WOLTER RONALD J	179.76
SNIPES BRYAN W	258.73
HATFIELD JEFFREY A	54.60
MAIL BOXES ETC #1507	112.92
MAIL BOXES ETC #1507	142.22
DEASON PAUL	49.56
WILLARD SARAH M	189.00
WILLARD SARAH M	189.00
MARTINSON LOUISE	49.56
MCMANUS CONSTANCE D	42.84
HERRON FRED	49.56
LY JUAN	40.74
HOWELL BILLY R	55.02
HOWELL BILLY R	55.02
THORNE EDWIN C	196.56
THORNE EDWIN C	196.56
BECK MARK	140.28
RASH VIRGINIA C	49.56
HAWKINS BENJAMIN E	41.16
HAWKINS BENJAMIN E	41.16
PINTER MARY ANN	180.18
PINTER MARY ANN	180.18
Total	<u>\$ 4,078.41</u>

ACTION A

RESOLUTION

EXTRACT FROM THE MINUTES OF A regular
MEETING OF THE Charlotte City Council
HELD ON October 24, 2005
The following resolution was introduced by Mitchell
seconded by Burgess, read in full, considered
and adopted.

RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND
RATIFYING THE EXECUTION OF THE GRANT AGREEMENTS FOR PROJECT
NUMBERS 36244.17.6.1 BETWEEN THE NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION AND THE CITY OF CHARLOTTE, NORTH CAROLINA

BE IT RESOLVED, by the CITY COUNCIL of
THE CITY OF CHARLOTTE, NORTH CAROLINA
SECTION 1. That said City Council hereby
authorizes, adopts, approves, accepts and ratifies the execution of
a Grant Agreement with the North Carolina Department of
Transportation and the City of Charlotte, North Carolina

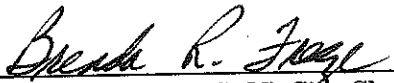
SECTION 2. That the Execution of said Grant Agreement in
quadruplicate on behalf of said City Council
by T. J. Orr, Aviation Director
and the impression of the official seal of the City of Charlotte
and the attestation by Brenda Freeze; City Clerk is
hereby authorized, adopted, approved, accepted and ratified.

SECTION 3. That the Aviation Director is hereby
authorized to execute payment requests under these Grant Agreements
on behalf of said 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 24th day of October, 2005, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page(s) 873-874.

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



Brenda R. Freeze, CMC, City Clerk

**RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON OCTOBER 24, 2005**

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

WHEREAS, The Federal Government requires that all bridge structures on public roads be inspected every two years; and,

WHEREAS, The NCDOT will share the cost (80%) of inspecting qualifying bridges; and,

WHEREAS, The City's portion (20%) is estimated to be \$55,000; and,

WHEREAS, City Council is asked to approve a Municipal Agreement between the City and NCDOT related to the inspection of City Maintained Bridges.

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) to share the cost of inspecting 152 qualifying City-Maintained Bridges and Culverts, 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 24th day of October, 2005, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page 875.

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


Brenda R. Freeze, CMC, City Clerk

RESOLUTION DESIGNATION OF APPLICANT'S AGENT North Carolina Division of Emergency Management	
Organization Name (hereafter named Organization) City of Charlotte, North Carolina	Disaster Number: FEMA-3222-EM-NC
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate):	
Applicant's Fiscal Year (FY) Start Month: July Day: 1	
Applicant's Federal Employer's Identification Number 521333483	
Applicant's Federal Information Processing Standards (FIPS) Number	
PRIMARY AGENT	SECONDARY AGENT
Agent's Name Craig Schroder	Agent's Name Gregory L. McDowell
Organization City of Charlotte, NC	Organization City of Charlotte, NC
Official Position Sr. Internal Auditor	Official Position City Auditor
Mailing Address 600 E 4th Street	Mailing Address 600 E. 4th Street
City, State, Zip Charlotte, NC 28202	City, State, Zip Charlotte, NC 28202
Daytime Telephone 704-336-7177	Daytime Telephone 704-336-8085
Facsimile Number 704-336-7271	Facsimile Number 704-336-7271
Pager or Cellular Number	Pager or Cellular Number
<p>BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this _____ day of _____, 20_____.</p>	
GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title Charlotte City Council	Name Brenda Freeze
Name and Title	Official Position City Clerk
Name and Title	Daytime Telephone 704-336-4516
CERTIFICATION	
<p>I, <u>BRENDA R. FREEZE</u>, (Name) duly appointed and <u>CITY CLERK</u> (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of <u>THE CITY OF CHARLOTTE</u> (Organization) on the <u>24</u> day of <u>OCTOBER</u>, 20<u>05</u></p>	
<p>Date: <u>26TH DAY OF OCTOBER, 2005</u> Signature: <u>Brenda R. Freeze</u></p>	

APPLICANT ASSURANCES

The applicant hereby assures and certifies that it will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his/her knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.


STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.

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 October, 2005, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page(s) 876-878.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26th day of October, 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: NEW BERN SIGNATURE INTERSECTION 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 INFRASTRUCTURE PROJECT: NEW BERN SIGNATURE INTERSECTION PROJECT** and estimated to be approximately **4,181 square feet (.096 ac.) of sidewalk and utility easement, 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. 147-044-01, said property currently owned by **GOLDEN B. ENTERPRISES, LTD.; NEW SALEM, INC., Trustee; WACHOVIA BANK, N. A., 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 24th day of October, 2005, the reference having been made in Minute Book 123, and recorded in full in Resolution Book 39, Page 879.

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


Brenda R. Freeze, CMC, City Clerk