

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:

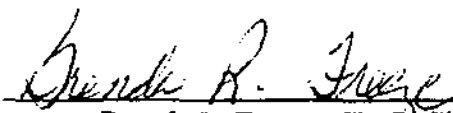
1. The City-County Tax Collector has collected property taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time 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 10th day of December, 2007 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 10th day of December, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Pages (94-95).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of December, 2007.


Brenda R. Freeze, CMC, City Clerk

December 10, 2007

Resolution Book 41, Page 95

TAXPAYERS AND REFUNDS REQUESTED
(Clerical Error)

NAME	AMOUNT
DI PIETRO FAMILY TRUST	\$ 167.81

**A RESOLUTION AUTHORIZING THE REFUND OF
CERTAIN BUSINESS PRIVILEGE LICENSES**

Reference is made to the schedule of "Business Privilege License 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:

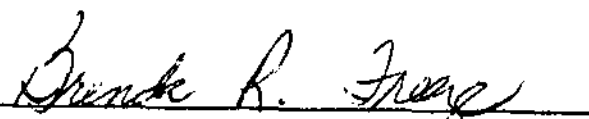
1. The City-County Tax Collector has collected certain taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time 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 10th day of December, 2007 that those taxpayers listed on the schedule of "Business Privilege License 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 10th day of December, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Pages (96-97).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of December, 2007.


Brenda R. Freeze, CMC, City Clerk

December 10, 2007

Resolution Book 41, Page 97

BUSINESS PRIVILEGE LICENSE
REFUNDS REQUESTED

<u>NAME</u>	<u>AMOUNT</u>
AIMBRIDGE HOSPITALITY	\$ 391.24
AIN'T IT GREAT SALON	16.00
AVAYA INC	2,000.00
BAKERY SHOPPE (THE)	636.58
BEAUTY WORLD	11.53
CARDIN ACOUSTICAL INC	50.00
CATHERINE M AUSTIN DESIGNS	57.23
CIGARETTES AND MORE	857.24
COLLEY & INGOLD	297.59
DUDLEY BEAUTY SUPPLY	87.50
ELONI LLC	150.00
FORD MOTOR COMPANY	57.07
HENDRICKS FURNITURE GROUP	782.19
MARK LOMBARDO - CEDAR STREET TAVERN	1,768.43
MCCARROLL'S CATERING	38.57
OUTBACK STEAKHOUSE	2,039.45
OUTBACK STEAKHOUSE	1,495.54
OUTBACK STEAKHOUSE	1,333.65
RETIREMENT PLANNING SOLUTIONS	78.67
SCOTT'S PAINTING AND DECORATING	40.00
SIEGLING	10,898.56
SYNTHENY	3,029.49
THOMPSON WEB SERVICE	12.29
WESTSIDE DRY CLEANERS	204.68
TOTAL	<u>\$26,333.50</u>

**RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON DECEMBER 10, 2007**

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

WHEREAS, The Charlotte Department of Transportation (CDOT) is asking Council to approve a resolution to transfer assets by exchanging sections of 1.25-inch conduit with Windstream Communications, Inc. (Windstream); and,

WHEREAS, CDOT plans to install conduit and fiber optic cable along Providence Road, Randolph Road, and Hwy 51 for traffic signal communications and traffic surveillance cameras. Windstream has spare conduit on both Randolph Road and Hwy 51; and,

WHEREAS, CDOT can decrease their construction time and lessen the impact to adjacent properties by obtaining Windstream's spare conduit. Rather than purchasing the spare conduit, CDOT has negotiated with Windstream to provide a one-for-one trade in conduit; and,

WHEREAS, Windstream will provide CDOT conduit in 2 sections for a total distance of 33,509 feet, and CDOT will provide Windstream conduit along Providence Road for a total distance of 33,064 feet, with the difference in conduit being exchanged is less than 0.01%; and,

NOW, THEREFORE, BE IT RESOLVED, that this resolution will transfer assets of the City of Charlotte by exchanging sections of 1.25-inch conduit with Windstream Communications, Inc.

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 10th day of December, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Page 98.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of December, 2007.


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 December 10, 2007.

* * *

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 December 10, 2007 (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: Barnes, Burgess, Carter, Cooksey,

Dulin, Edwin, Foxx, Kinsey, Lassiter, Mitchell, Turner.

The following members of the City Council were absent: _____

Also present: City Attorney DeWitt McCarley, City Manager, Curt Walton, City Clerk

Councilmember Mitchell 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, ESTABLISHING A TRUST FUND IN CONNECTION WITH CERTAIN EMPLOYEE BENEFITS PLANS, APPROVING THE FORM OF THE TRUST AGREEMENT, APPOINTING TRUSTEES FOR THE TRUST FUND AND CERTAIN 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 of North Carolina (the "State");

WHEREAS, the City has the power, pursuant to Section 8.141 of the Charter of the City of Charlotte (Session Law 2007-255) (the "Charter") and North Carolina General Statutes §159-30.1 (the "Act") to establish and fund an irrevocable trust for the purpose of paying employee benefits, including post-employment benefits, for which the City is liable;

WHEREAS, the City has established and maintains certain health and welfare benefit plans (medical, prescription drug, dental, vision, flexible spending, short-term disability, long-term disability, long-term care, life insurance, disease management, lifestyle management, COBRA, and employee assistance program) for the benefit of eligible employees and eligible retired employees of the City (collectively, the "Plans");

Section 3. Appointment of Trustees. That the City hereby appoints the Director of Finance of the City, the Human Resources Director of the City and the City Treasurer, and any successor to any such office, to serve as the Trustees under the Trust Agreement;

Section 4. Successor Trustees. That the City hereby directs that any successor, including any interim successor, to the office of the Director of Finance of the City, the Human Resources Director of the City or the City Treasurer will become a successor Trustee immediately on his assumption of such office, without the need for formal appointment. Each Trustee will immediately cease to serve as Trustee, without the necessity for formal resignation, on the termination for any reason of his tenure as the Director of Finance of the City, the Human Resources Director of the City or the City Treasurer, as the case may be.

Section 5. General Authority. That the City hereby authorizes the Mayor, the City Manager, the Director of Finance of the City and the Trustees to do any and all other things necessary to complete the steps necessary for the establishment of the Trust.

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

Section 8. Repealer. That this Resolution supersedes all motions, orders, resolutions and parts thereof, in conflict herewith are hereby repealed.

Section 9. Effective Date. This Resolution will take effect immediately on its adoption.

December 10, 2007

Resolution Book 41, Page 101

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 10th day of December, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Pages (99-101).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of December, 2007.



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 **BEATTIES FORD ROAD-NORTH OF SAMPLE ROAD TO HOPEWELL HIGH SCHOOL 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 **BEATTIES FORD ROAD-NORTH OF SAMPLE ROAD TO HOPEWELL HIGH SCHOOL PROJECT** and estimated to be approximately 7,926 square feet (.182 acre) of temporary construction easement and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 023-042-03, said property currently owned by L. W. KERR LIMITED PARTNERSHIP 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 10th day of December, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Page 102.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of December, 2007.


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 **BEATTIES FORD ROAD-NORTH OF SAMPLE ROAD TO HOPEWELL HIGH SCHOOL 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 **BEATTIES FORD ROAD-NORTH OF SAMPLE ROAD TO HOPEWELL HIGH SCHOOL PROJECT** and estimated to be approximately 4,783 square feet (.110 acre) of temporary construction easement and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 023-042-10, said property currently owned by **JUANITA KISER BENTLEY and spouse, if any; 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 10th day of December, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Page 103.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of December, 2007.



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 **BEATTIES FORD ROAD-NORTH OF SAMPLE ROAD TO HOPEWELL HIGH SCHOOL 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 **BEATTIES FORD ROAD-NORTH OF SAMPLE ROAD TO HOPEWELL HIGH SCHOOL PROJECT** and estimated to be approximately 3,797 square feet (.087 acre) of temporary construction easement and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 023-042-09, said property currently owned by **GEORGE G. BACOGES** and wife, **MICHELLE R. BACOGES**; **JACKIE MILLER**, Trustee; **SUNTRUST MORTGAGE, INC.**, Beneficiary; **JOVETTA WOODARD**, Trustee; **PATRICIA ROBINSON**, Trustee; **SUNTRUST BANK**, 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 10th day of December, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Page 104.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of December, 2007.


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 **BEATTIES FORD ROAD-NORTH OF SAMPLE ROAD TO HOPEWELL HIGH SCHOOL 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 **BEATTIES FORD ROAD-NORTH OF SAMPLE ROAD TO HOPEWELL HIGH SCHOOL PROJECT** and estimated to be approximately 6,910 square feet (.159 acre) of permanent 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. 023-031-11, said property currently owned by **PHYLLIS M. MOODY and spouse, if any; 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 10th day of December, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Page 105.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of December, 2007.


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 **BRYANT FARMS ROAD SIDEWALK PROJECT**; and

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

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

PROPERTY DESCRIPTION:

Amount necessary for the **BRYANT FARMS ROAD SIDEWALK PROJECT** and estimated to be approximately **3,413 square feet (.078 acre) 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. 229-041-22A, said property currently owned by **CROWN ATLANTIC COMPANY, LLC; CELLCO PARTNERSHIP, Lessee; CROWN ATLANTIC COMPANY, L.L.C., Lessor; 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 10th day of December, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Page 106.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of December, 2007.


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 **CEDAR WALK 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 **CEDAR WALK PROJECT** and estimated to be approximately 5,017 square feet (.115 acre) of fee-simple area and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 223-081-32, said property currently owned by **SIGMUND HART** and spouse, if any; **JEFFREY HALL** and spouse, if any; **BROCK & SCOTT, PLLC**, Substitute Trustee; **TRUSTEE SERVICES OF CAROLINA, LLC**, Trustee; **COUNTRYWIDE BANK, N. A.**, Beneficiary; **GRADY I. INGLE** or **ELIZABETH B. ELLS**, Substitute Trustee; **WASHINGTON MUTUAL BANK, FA**, Beneficiary; **DEPARTMENT OF THE U. S. TREASURY-INTERNAL REVENUE SERVICE**; **NORTH CAROLINA DEPARTMENT OF REVENUE**; **SHERATON TUNICA CORPORATION**, Possible Judgment Creditor; **GRAND CASINOS OF MISSISSIPPI, LLC-GULFPORT** d/b/a **GRAND CASINO GULFPORT**, Possible Judgment Creditor; **GRAND CASINOS OF MISSISSIPPI, INC.-BILOXI** d/b/a **GRAND CASINO BILOXI**, Possible Judgment Creditor; **RBC CENTURA BANK**, Possible Judgment Creditor; **FIRST CHARTER BANK**, Possible Judgment Creditor; **THE HARDWOOD GROUP, INC.**, d/b/a **RALEIGH HARDWOOD CENTER, INC.**, Possible Judgment Creditor, 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 10th day of December, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Page 107.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of December, 2007.



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 **FRED D. ALEXANDER BOULEVARD-SECTION B 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 **FRED D. ALEXANDER BOULEVARD-SECTION B PROJECT** and estimated to be approximately **256,728 square feet (5.894 acre) of existing right-of-way, storm drainage easement, permanent wall easement, road right-of-way, 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. 057-202-03, said property currently owned by **MAGELLAN TERMINALS HOLDINGS, L. P.; TICOR TITLE INSURANCE CORPORATION, Trustee; THE CHASE MANHATTAN BANK, N. A.; MURPHY OIL USA, INC.; 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 10th day of December, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Page 108.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of December, 2007.


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 **OLD STEELE CREEK ROAD SIDEWALK PROJECT**; and

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

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

PROPERTY DESCRIPTION:

Amount necessary for the **OLD STEELE CREEK ROAD SIDEWALK PROJECT** and estimated to be approximately 11,636 square feet (.267 acre) 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. 145-231-10, said property currently owned by **TRUSTEES OF UNIVERSITY MEMORIAL BAPTIST CHURCH; JAMES R. BRYANT, III, Trustee; SOUTHERN NATIONAL BANK OF NORTH CAROLINA, Beneficiary; RALPH HARRIS, Trustee; MILHAVEN MEMORIAL BAPTIST CHURCH, Beneficiary; BB&T COLLATERAL SERVICES CORPORATION, Trustee; BRANCH BANKING AND TRUST COMPANY, Beneficiary; and Any Other Parties in Interest, or the owners' successor-in-interest.**

ESTIMATED JUST COMPENSATION:

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

IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 10th day of December, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Page 109.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of December, 2007.


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 **US29/NC49-UNIVERSITY CITY BOULEVARD PHASE I 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 **US29/NC49-UNIVERSITY CITY BOULEVARD PHASE I PROJECT** and estimated to be approximately 1,914 square feet (.044 acre) 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. 047-221-08, said property currently owned by **CAMMIE KATHLEEN WILLIAMS; TIM WILLIAMS; MOSES LUSKI, Trustee; NSI INDUSTRIES, INC., Beneficiary; TRACKAR, INC., Assignee; JERONE C. HERRING, Trustee; BRANCH BANKING & TRUST COMPANY, Beneficiary; and Any Other Parties in Interest, or the owners' successor-in-interest.**

ESTIMATED JUST COMPENSATION:

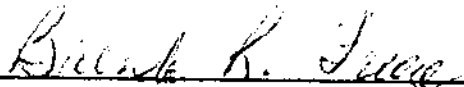
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

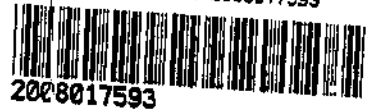
CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 10th day of December, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Page 110.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of December, 2007.


Brenda R. Freeze, CMC, City Clerk

FOR REGISTRATION JUDITH A. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2008 JAN 31 02:10 PM
BK: 23334 PG: 574-579 FEE: \$24.00
NS: \$25.00
INSTRUMENT # 2008017593



RESOLUTION CLOSING CONWAY AVENUE RUNNING OFF OF ANNLIN 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 Conway Avenue running off of Annlin 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 Conway Avenue running off of Annlin Avenue to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

WHEREAS, the petitioner will provide an access easement to AT&T North Carolina and all other owners of existing underground utilities and telecommunications to maintain their facilities as shown on the attached map marked Exhibit A.

WHEREAS, the public hearing was held on the 10th day of December, 2007 and City Council determined that the closing of Conway Avenue running off of Annlin 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 December 10, 2007, that the Council hereby orders the closing of Conway Avenue running off of Annlin Avenue in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A", and is more particularly described by metes and bounds in document marked "Exhibit B", both of which are attached hereto and made a part hereof.

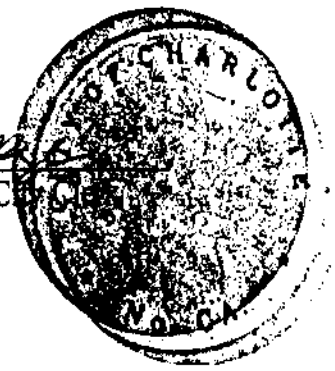
BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 10th day of November, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Pages (111-115).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of November, 2007.

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



Drawn By: City of Charlotte
Return to: City of Charlotte-Box 227

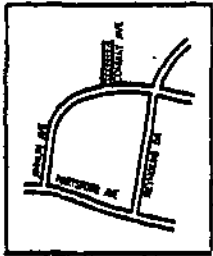
THIS IS TO CERTIFY THAT ON THE 8TH DAY OF JANUARY 2008 AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE 1800 (21 NCAC 58) AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

SIGNED

James H. Mauney, Jr.

JAMES MAUNEY & ASSOCIATES, P.A.
PROFESSIONAL SURVEYORS
18527-A NORTHLINE DRIVE
CORNELIUS, NC 28031
TEL: 704-987-3862
FAX: 704-987-3863

REVISION: 1-16-05 TO REVISE LOT LINE
08-20-07 PER COMMENTS



VICINITY MAP

LEGEND

- SQ. FT. - SQUARE FEET
- R/W - RIGHT-OF-WAY
- ER - EXISTING IRON ROD
- NIR - NEW IRON ROD
- PP - POWER POLE
- SSMH - SANITARY SEWER MANHOLE
- NN - NEW NAIL



PAMI OVERLOOK LLC
DB 19082-372

CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	21.91	20.00	S60°13'30"W	20.83
C2	32.30	20.00	S36°16'29"E	28.90
C3	38.76	365.90	N15°54'39"E	38.74
C4	45.24	365.90	N09°20'05"E	45.21
C5	7.51	365.90	N13°27'53"E	7.50
C6	7.51	365.90	N09°59'10"E	7.50

WILLIAM C WILCOX
DEBRA D WILCOX
DB 10502-285
LOT 13
BLOCK 25
MB 8-33

WARREN D. BENTON
DB 7237-525
LOT 1
BLOCK 30
MB 8-33

NOTES

- SUBJECT PROPERTY IS ZONED R-4
SETBACKS PER MECKLENBURG COUNTY
FRONT - 30'
REAR - 40'
SIDE - 5'
- Easement in favor of the City of Charlotte, BellSouth Telecommunications, Inc., d/b/a AT&T NORTH CAROLINA, and all other owners of existing underground telecommunication facilities, upon, under, and across the 15 FL easement for access to and for the installation, maintenance, replacement, and repair of conduit, cable, wires, and related equipment and a future 15 FL bicycle and pedestrian path easement see exhibit (C&D).

THE PURPOSE OF THIS MAP IS TO SHOW THE AREA OF CONWAY AVENUE TO BE REMOVED FROM DEDICATION AND TO RESERVE AN EASEMENT AS SHOWN.

ANLIN AVENUE
50' PUBLIC R/W MB 8-33

TOTAL AREA
10,513 SQ.FT.
0.241 ACRES

CONWAY AVENUE FOR REMOVAL OF DEDICATION
CHARLOTTE TOWNSHIP, MECKLENBURG COUNTY, NORTH CAROLINA

PREPARED FOR

WILLIAM WILCOX

SCALE 1"=30'

MAP BOOK 8 PAGE 33

DEED BOOK PAGE

CREW SS DRAWN DS REVISED

TAX PARCEL 14810614.13

FLOOD CERTIFICATION
THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED FEBRUARY 4, 2004
FEMA PANEL 137119C0206E

I, Linda B. Pottsani, Review Officer
Of Mecklenburg County, certify that the
map of plat to which this certificate is
affixed meets all statutory requirements

Linda B. Pottsani
for recording
Date 1/25/08

Review Officer

Drawn By: City of Charlotte
Return to: City of Charlotte-Box

LEGAL DESCRIPTION
0.241 ACRES
CONWAY AVENUE
MECKLENBURG COUNTY, NORTH CAROLINA

That certain tract or parcel of land situated, lying and being in Mecklenburg County, North Carolina and being more particularly described as follows:

Beginning at a new iron rod at the intersection of the easterly margin of Annlin Avenue (50' public right-of-way) and the northerly margin of Conway Avenue (50' public right-of-way) said point also being a southerly corner of Lot 13 Colonial Village as described in Map Book 8, Page 33 of the Mecklenburg County Public Registry and runs thence with the northerly margin of Conway Avenue and the line of Lot 13 the following two (2) courses and distances (1) with the arc of a circular curve to the left, having a radius of 20.00 feet an arc length of 32.30 feet (chord: South 36°16'29" East 28.90 feet) to a new iron rod; (2) South 80°00'50" East, a distance of 181.98 feet to a 24" tree on line of Pami Overlook, LLC property as described in Deed Book 19082, Page 372 of said Registry; thence with the line of Pami Overlook, LLC property South 02°25'58" West, a distance of 50.85 feet to a existing iron rod being the northeast corner of Lot 1 Colonial Village as described in Map Book 8, Page 33 of said Registry; thence with the line of Lot 1 the following two (2) courses and distances: (1) North 80°00'50" West, a distance of 197.02 feet to a new iron rod; (2) with the arc of a circular curve to the left having a radius of 20.00 feet an arc length of 21.91 feet (chord: South 60°13'30" West 20.83 feet) to a new iron rod on the easterly margin of Annlin Avenue (50' public right-of-way); thence with the easterly margin of Annlin Avenue with the arc of a circular curve to the left having a radius of 365.90 feet an arc length of 83.99 feet (chord: North 12°22'08" East 83.81 feet) to the POINT OR PLACE OF BEGINNING.

Containing 10,513 square feet or 0.241 acres, more or less as shown on a survey by James Mauney & Associates, P.A., Dated January 8, 2006.

SPECIAL STIPULATIONS AND CONDITIONS:

1. At no cost to Bellsouth Telecommunications, Inc., d/b/a AT&T NORTH CAROLINA, it is agreed to, stipulated, and conveyed by William Channing Wilcox and Debra D. Wilcox, aka 3729 Annlin Avenue, Charlotte, North Carolina, 28209-2403, now as fee simple owner of an abandoned portion of Conway Avenue, at the date and moment of recording of the petition at the Register of Deeds office, they as fee simple owners, do by the recording of this petition, stipulate and conveyed to Bellsouth Telecommunications, Inc., d/b/a AT&T NORTH CAROLINA, a seven and one-half foot wide easement, forever and in perpetuity, to construct, operate, maintain, add, and/or remove such systems of communications (including broadcast), facilities; temporary standby generators and temporary associated fuel supply systems as a means of providing uninterrupted service during commercial power outages, and related items as BELLSOUTH TELECOMMUNICATIONS, INC. , d/b/a AT&T NORTH CAROLINA, may from time to time deem necessary to conduct its business.
2. Bellsouth Telecommunications, Inc., d/b/a AT&T NORTH CAROLINA has the exclusive right to allow any other person, firm, or corporation to lay cable or conduit upon, and under said easement for installation or maintaining existing systems of communications (including broadcast) or electric power transmission or distribution.
3. Ingress, egress and regress at all times to the seven and one-half foot wide easement.
4. This easement prohibits the installation of any above ground equipment, including cell towers.

William Channing Wilcox
 William Channing Wilcox

Debra D. Wilcox
 Debra D. Wilcox

State of: North Carolina

County of: Mecklenburg

I, Amy A. Smith, a Notary Public of the afore said County and State, do hereby certify that William Channing Wilcox and Debra D. Wilcox, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal, this 3rd day of October, 2007.

Drawn By: City of Charlotte
 Return to: City of Charlotte-Box

Amy A. Smith
 Notary Public

Affix notary seal below here

My commission expires: Jan. 27, 2012

SPECIAL STIPULATIONS AND CONDITIONS:

1. At no cost to Bellsouth Telecommunications, Inc., d/b/a AT&T NORTH CAROLINA, it is agreed to, stipulated, and conveyed by Warren Daniels Benton (single), aka 3739 Annlin Avenue, Charlotte, North Carolina, 28209-2403, now as fee simple owner of an abandoned portion of Conway Avenue, at the date and moment of recording of the petition at the Register of Deeds office, they as fee simple owners, do by the recording of this petition, stipulate and conveyed to Bellsouth Telecommunications, Inc., d/b/a AT&T NORTH CAROLINA, a seven and one-half foot wide easement, forever and in perpetuity, to construct, operate, maintain, add, and/or remove such systems of communications (including broadcast), facilities; temporary standby generators and temporary associated fuel supply systems as a means of providing uninterrupted service during commercial power outages, and related items as BELLSOUTH TELECOMMUNICATIONS, INC., d/b/a AT&T NORTH CAROLINA, may from time to time deem necessary to conduct its business.
2. Bellsouth Telecommunications, Inc., d/b/a AT&T NORTH CAROLINA has the exclusive right to allow any other person, firm, or corporation to lay cable or conduit upon, and under said easement for installation or maintaining existing systems of communications (including broadcast) or electric power transmission or distribution.
3. Ingress, egress and regress at all times to the seven and one-half foot wide easement.
4. This easement prohibits the installation of any above ground equipment, including cell towers.

Warren Daniels Benton
 Warren Daniels Benton

State of: North Carolina

County of: Mecklenburg

I, Amy A. Smith, a Notary Public of the afore said County and State, do hereby certify that Warren Daniels Benton, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

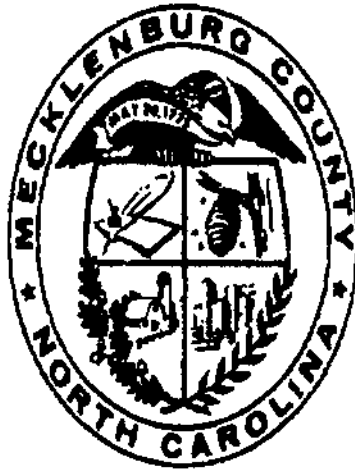
Witness my hand and seal, this 3rd day of October, 2007.

Drawn By: City of Charlotte
 Return to: City of Charlotte-Box

Amy A. Smith
 Notary Public

Affix notary seal below here

My Commission Expires: Jan 27, 2012



JUDITH A. GIBSON
REGISTER OF DEEDS, MECKLENBURG
COUNTY & COURTS OFFICE BUILDING
720 EAST FOURTH STREET
CHARLOTTE, NC 28202

PLEASE RETAIN YELLOW TRAILER PAGE

It is part of the recorded document, and must be submitted with original for re-recording
and/or cancellation.

Filed For Registration: 01/31/2008 02:10 PM
Book: RE 23334 Page: 574-579
Document No.: 2008017593
RESOL 6 PGS \$24.00
NS: \$25.00
Recorder: KAMIL COOPER

A NS (non standard) fee is in accordance with NC G.S. 161-10 (a) (18b)



2008017593

FOR REGISTRATION JUDITH A. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2008 JAN 31 02:10 PM
BK: 23334 PG: 580-585 FEE: \$24.00
NS: \$25.00
INSTRUMENT # 2008017594



**RESOLUTION CLOSING A PORTION OF FOSTER 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 portion of Foster 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 portion of Foster Avenue to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

WHEREAS, the petitioner will provide an access easement to City of Charlotte, Duke Energy, and all other owners of existing underground utilities and telecommunications to maintain their facilities as shown on the attached map marked Exhibit A.

WHEREAS, the petitioner and an abutting property owner have agreed to a distribution of right-of-way as shown in Exhibit C and C-1 attached hereto and made part hereof.

WHEREAS, the public hearing was held on the 10th day of December, 2007 and City Council determined that the closing of a portion of Foster 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 December 10, 2007, that the Council hereby orders the closing of a portion of Foster Avenue in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A", and is more particularly described by metes and bounds in document marked "Exhibit B", both of which are attached hereto and made a part hereof.

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

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 10th day of November, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Pages (116-120).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of November, 2007.

Drawn By: City of Charlotte
Return to: City of Charlotte-Box 227

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



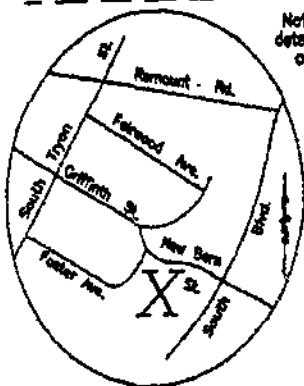
CITY OF CHARLOTTE
 DB 14848 PG. 97 AND
 MB 35 PG. 321
 Tax. I.D. #: 147-021-28

THIS SURVEY IS PREPARED FOR ONLY THE PURPOSES OR ENTRIES SHOWN IN THE TITLE BLOCK BELOW. THIS IS TO CERTIFY THAT THIS SURVEY IS BASED UPON MY BEST KNOWLEDGE, INFORMATION AND BELIEF. THIS SURVEY DOES NOT REFLECT A COMPLETE TITLE EXAMINATION OR UTILITIES. PRECISION IS GREATER THAN 1:10.

Aug 2
 9-17-2007

N56°23'00"W-450.00' tie to
 LPin at centerline railroad

N56°23'00"W
 54.65'



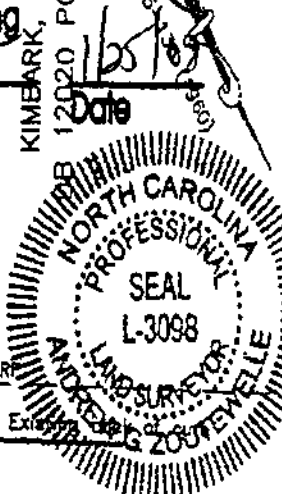
Note: unable to determine out-flow or direction.

CURVE DATA TABLE:

CURVE(S)	RADIUS	ARC LENGTH	CHORD	CHORD BEARING
C(7)	210.19'	174.27'	169.32'	N85d22'09"E
C(1)	210.19'	47.31'	47.21'	S77d18'36"E
C(2)	210.19'	126.96'	125.04'	N78d55'16"E

I, Linda B. Poissant, Review Officer
 Of Mecklenburg County, certify that the
 map or plan to which this certificate is
 affixed meets all statutory requirements.

KIMBARK, L.P. for recording
 DB 14848 PG. 97
 Tax. I.D. # 147-021-28
 Review Officer



- LEGEND
- Ch. chord
 - L.R. curve length & radius
 - S.F. square feet (by coordinates)
 - IRP existing iron pin found
 - IPS iron pin set
 - conc. concrete
 - a/c air conditioner
 - SM sanitary sewer manhole
 - SS sanitary sewer line
 - UN underground water line
 - OP overhead power line
 - Light pole

New or formerly
 New Bern Street
 Realty Co. Inc.
 DB 2195 Pg. 135
 Tax. I.D. #: 147-021-20

CONCRETE DRIVEWAY

IPin at intersection of New Bern St. and SEly margin of Foster Ave.

EXHIBIT A

A.G. ZOUTEWELLE SURVEYORS
 1418 East Fifth St. Charlotte, NC 28204
 Phone: 704-372-9444 Fax: 704-372-9285

SCALE 1" = 40'

- Notes:
1. This property is known as an unopened R/W off Foster Avenue. See also Deed Book 2185 Page 135, Deed Book 5294 Page 232, Deed Book 12376 Page 145 and Map Book 35 Page 321 in Mecklenburg County Public Registry.
 2. This survey does not reflect a complete title examination which may reveal restrictions, easements and other matters of title.
 3. This property is zoned I-2 (Heavy Industrial) and TOD-M (Transit Oriented Development-Mixed Use) as per Mecklenburg County GIS. This survey does not reflect a zoning analysis.
 4. This survey does not reflect complete utility locations. Contact the NC One-Call Utility Locating Service at 1-800-632-4949 before any design, digging or excavation is begun.
 5. This property is not located within a Special Flood Hazard Area as per FIRM-Panel No. 370159 0206E dated 02/04/04.
 6. Total area of the abandoned property is 12,710 s.f. as computed by coordinates.
 7. Easement is reserved in favor of City of Charlotte, Duke Power Company, and all other owners of existing underground telecommunication facilities, upon, under, and across the entire property for access to and for the installation, maintenance, replacement, and end repair of proposed storm water lines, conduit, cable, wires, and related equipment.

REVISED 9-12-2007

Copyright 2007
ABANDONMENT SURVEY OF UNOPENED ROAD OFF FOSTER AVENUE
 CHARLOTTE, MECKLENBURG COUNTY, N.C.
 For BROAD STREET PARTNERS (Parcel: 147-021-20)
 Scale 1" = 40' February 16, 2006
 ANDREW G. ZOUTEWELLE N.C. PLS L-3098
 1418 East Fifth Street Charlotte, NC 28204

Drawn By: City of Charlotte
 Return to: City of Charlotte-Box

Exhibit B
Legal Description
Unopened Right of Way South of Foster Avenue

BEING all that certain tract or parcel of land located within the City of Charlotte, Mecklenburg County, North Carolina, and being known as an Unopened Right of Way South of Foster Avenue, and being more particularly described as follows:

BEGINNING at a new iron pin located on the southeasterly right-of-way margin of Foster Avenue, said right-of-way having a width that varies from 50 feet, said iron pin also being approximately 33.5 feet southeast of the existing centerline of the said Foster Avenue, said iron pin also being located South 51-31-00 West 293.61 feet from an existing iron pin located at the intersection of the southeasterly right-of-way margin of the said Foster Avenue with the southwesterly right-of-way margin of New Bern Street, and running thence from said POINT AND PLACE OF BEGINNING along the southeasterly margin of the aforesaid Unopened Right of Way South of Foster Avenue South 51-31-00 West 293.06 feet to a new iron pin located on the northeasterly boundary of the City of Charlotte (Light Rail Transit System Maintenance Yard) as recorded in Deed Book 14846 Page 97; thence along the said City of Charlotte property and also along the southerly terminus of the said Unopened Right of Way South of Foster Avenue North 56-23-00 West 54.65 feet to a new iron pin; thence following the northwesterly right-of-way margin of the said Unopened Right of Way South of Foster Avenue North 51-31-00 East 181.29 feet to a new iron pin; thence continuing along the southwesterly right-of-way margin of the said Foster Avenue North 54-22-43 West 44.00 feet to a new iron pin; thence along the new southerly right-of-way margin of the said Foster Avenue, said margin being approximately 33.5 feet from the existing centerline of the said Foster Avenue following the arc of a circular curve to the left having a radius of 210.19 feet and an arc length of 174.27 feet (chord bearing North 85-22-09 East 169.32 feet) to the point and place of BEGINNING, containing 12,710 square feet as shown on a survey prepared by Andrew G. Zoutewelle dated February 16, 2006 as revised September 12, 2007.

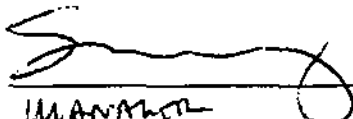
Drawn By: City of Charlotte
Return to: City of Charlotte-Bo

EXHIBIT C

BSP/FOSTER, LLC, owner of that certain parcel of land designated as Parcel No. 147-021-20 on the Mecklenburg County Tax Maps, and Kimbark, LLC, owner of that certain parcel of land designated as Parcel No. 147-021-21 on the Mecklenburg County Tax Maps, do hereby affirm their consent to the abandonment of the unopened right of way lying to the south of Foster Avenue (the "Right of Way"), which Right of Way is more particularly described on Exhibit B and more particularly depicted on Exhibit A attached to the Petition to abandon the Right of Way of which this Exhibit C is a part. BSP/FOSTER, LLC and Kimbark, LLC further agree that once abandoned, that portion of the Right of Way designated with dash marks on Exhibit C-1 attached hereto and incorporated herein by reference and containing 7,635 square feet of area will be owned by BSP/FOSTER, LLC and incorporated into Parcel No. 147-021-20, and that portion of the Right of Way designated with dots on Exhibit C-1 and containing 5,075 square feet of area will be owned by Kimbark, LLC and incorporated into Parcel No. 147-021-21.

BSP/FOSTER, LLC

KIMBARK, LLC

By: 
Its: MANAN
Date: 10/17/07

By: Elizabeth G. Hair
Its: MANAGER
Date: 10/11/2007

Drawn By: City of Charlotte
Return to: City of Charlotte-Box

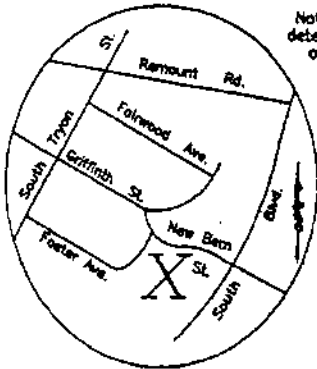
CITY OF CHARLOTTE
DB 14846 PG. 97 AND
MB 35 PG. 321
Tax. I.D. #: 147-021-28

THIS SURVEY IS CERTIFIED TO ONLY THE PERSONS OR ENTITIES SHOWN IN THE TITLE BLOCK BELOW. THIS IS TO CERTIFY THAT THIS SURVEY IS BASED UPON MY BEST KNOWLEDGE, INFORMATION AND BELIEF. THIS SURVEY DOES NOT REFLECT A COMPLETE TITLE EXAMINATION OR UTILITIES. PRECISION IS GREATER THAN 1:10,000.

N56°23'00"W-450.00' tie to
I.Pin at centerline railroad

N56°23'00"W
54.65'

Drawn By: City of Charlotte
Return to: City of Charlotte-Box



Note: unable to determine out-flow or direction.

CURVE DATA TABLE:

CURVE(S)	RADIUS	ARC LENGTH	CHORD	CHORD BEARING
C(T)	210.19'	174.27'	169.32'	N85d22'09"E
C1	210.19'	47.31'	47.21'	S77d19'36"E
C2	210.19'	126.96'	125.04'	N78d55'16"E

- LEGEND
- ch. chord
 - LR curve length & radius
 - s.f. square feet (by coordinates)
 - IRF existing iron pin found
 - IRS iron pin set
 - conc. concrete
 - a/c air conditioner
 - SS sanitary sewer manhole
 - SS sanitary sewer line
 - UW underground water line
 - OE overhead power line
 - light pole

I, Linda B. Poissant, Review Officer
Of Mecklenburg County, certify that this
map or plat to which this certificate is
affixed meets all statutory requirements
for recording

Review Officer
N54°22'43"W
76.27' tie

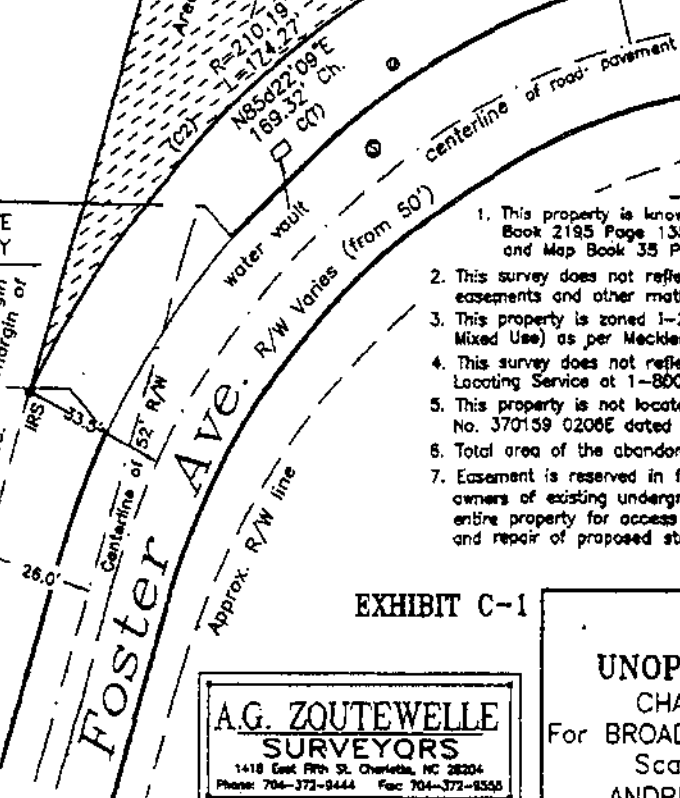
DB 2195-135 (1960)

DB 14020 PG. 190

1/25

Seal of Andrew G. Zoutewelle, Professional Land Surveyor, L-3098, North Carolina.

BSP/FOSTER, LLC
DB 22646 Pg. 22
Tax. I.D. #: 147-021-20



- Notes:
- This property is known as an unopened R/W off Foster Avenue. See also Deed Book 2195 Page 135, Deed Book 3294 Page 232, Deed Book 12378 Page 145 and Map Book 35 Page 321 in Mecklenburg County Public Registry.
 - This survey does not reflect a complete title examination which may reveal restrictions, easements and other matters of title.
 - This property is zoned I-2 (Heavy Industrial) and TOD-M (Transit Oriented Development-Mixed Use) as per Mecklenburg County GIS. This survey does not reflect a zoning analysis.
 - This survey does not reflect complete utility locations. Contact the NC One-Call Utility Locating Service at 1-800-632-4949 before any design, digging or excavation is begun.
 - This property is not located within a Special Flood Hazard Area as per FIRM-Panel No. 370159 0206E dated 02/04/04.
 - Total area of the abandoned property is 12,710 s.f. as computed by coordinates.
 - Easement is reserved in favor of City of Charlotte, Duke Power Company, and all other owners of existing underground telecommunication facilities, upon, under, and across the entire property for access to and for the installation, maintenance, replacement, and repair of proposed storm water lines, conduit, cable, wires, and related equipment.

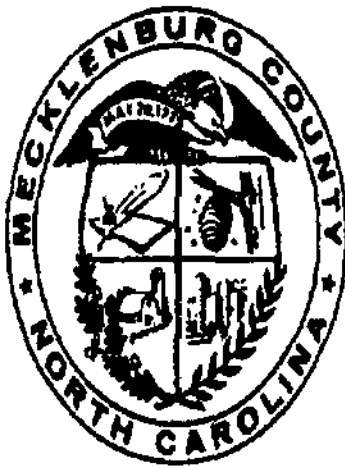
EXHIBIT C-1

A.G. ZOUTEWELLE
SURVEYORS
1418 East Fifth St. Charlotte, NC 28204
Phone: 704-372-9444 Fax: 704-372-9355

Copyright 2007
REVISION 10-1-2007

**ABANDONMENT SURVEY OF
UNOPENED ROAD OFF FOSTER AVENUE.**
CHARLOTTE, MECKLENBURG COUNTY, N.C.
For BROAD STREET PARTNERS (Parcel: 147-021-20)
Scale 1" = 40' February 16, 2006
ANDREW G. ZOUTEWELLE N.C. PLS L-3098
1418 East Fifth Street Charlotte, NC 28204

SCALE 1" = 40'



JUDITH A. GIBSON
REGISTER OF DEEDS, MECKLENBURG
COUNTY & COURTS OFFICE BUILDING
720 EAST FOURTH STREET
CHARLOTTE, NC 28202

PLEASE RETAIN YELLOW TRAILER PAGE

It is part of the recorded document, and must be submitted with original for re-recording
and/or cancellation.

.....

Filed For Registration: 01/31/2008 02:10 PM
Book: RE 23334 Page: 580-585
Document No.: 2008017594
RESOL 6 PGS \$24.00
NS: \$25.00
Recorder: KAMIL COOPER

A NS (non standard) fee is in accordance with NC G.S. 161-10 (a) (18b)



2008017594

RESOLUTION

RESOLUTION AUTHORIZING THE FILING AND EXECUTION 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 Barnes and seconded by Burgess for the adoption of the following Resolution and upon being put to a vote was duly adopted:

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. That the City Manager or designee 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 or designee 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 or designee of the Charlotte Area Transit System

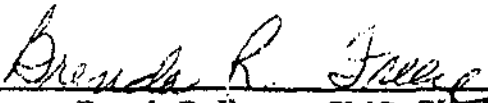
is authorized to execute and file with such applications an assurance or any other document required by the North Carolina Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.

3. That the Chief Executive Officer of the Charlotte Area Transit System is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application for the project
4. That the City Manager or designee is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.
5. That the City Manager or designee 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 or designee 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 10th day of December, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Pages (121-122).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of December, 2007.


Brenda R. Freeze, CMC, City Clerk

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