

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 25th day of February, 2008 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 25th day of February, 2008, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Pages (164-165).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of February, 2008.


Brenda R. Freeze, OMC, City Clerk

TAXPAYERS AND REFUNDS REQUESTED

(Clerical Error)

<u>NAME</u>	<u>AMOUNT</u>
PICC LLC	\$ 4,952.88
GENERAL ELECTRIC CAPITAL CORP	248.77
CHARLOTTE HOUSING AUTHORITY	58,914.00
MADDOCK DIANNE	27.06
HAGER BENJAMIN FRANKLIN	52.50
HAGER BENJAMIN FRANKLIN	52.50
HAGER BENJAMIN FRANKLIN	53.94
HAGER BENJAMIN FRANKLIN	57.33
AGBEKE CHEPHAS	15.59
JOHNSON MELANIE	31.18
SHIN SOOL HA	4.20
SHIN SOOL HA	4.20
SHIN SOOL HA	4.20
SHIN SOOL HA	4.59
PROSPERITY RIDGE COMMUNITY	10.09
STRATE DEBORAH R	26.88
STRAITE DEBORAH R	26.88
STRAITE DEBORAH R	26.88
STRAITE DEBORAH R	29.35
STRAITE DEBORAH R	29.35
	<hr/>
TOTAL	<u><u>\$ 64,572.37</u></u>

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
CONCERNING PROCUREMENT OF PROFESSIONAL SERVICES FOR FREEDOM DRIVE –
STEWART CREEK PARKWAY**

WHEREAS, the 1987 General Assembly enacted House Bill 277 (Ch. 102), which establishes a general public policy that procurement of engineering and architectural services for state and local construction projects should normally be based upon a merit selection process, with later negotiation on the fee rather than through a competitive bidding process based primarily on the fee; and

WHEREAS, the act allows a governing body to deviate from the general public policy and use estimated costs as a factor in the selection process, if the particular project is exempted in the sole discretion of the local governing body, the decision to exempt a particular project is "in the sole discretion" of the governing body, but the act does require that the governing body state the reasons and the circumstances for the exemption; and

WHEREAS, the City Council of the City of Charlotte has determined that it is desirable and in the best interests of the City of Charlotte to exempt Freedom Drive – Stewart Creek Parkway from the requirements of the act.

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

(1) For the following reasons, the City Council of the City of Charlotte hereby finds that the Freedom Drive – Stewart Creek Parkway project shall be exempt from the general public policy requirements concerning the selection of architectural, engineering, and construction management services:

The statute allows the local government board to exempt projects at their sole discretion.

North Carolina Department of Transportation (NCDOT) selected Kimley-Horn and Associates, Inc. (KHA) to provide engineering design services for the Freedom Drive/Thrift Road intersection, a NCDOT Moving Ahead project.

Portions of the original planning and design work done by KHA for Freedom Drive/Thrift Road intersection can be utilized for the Freedom Drive-Stewart Creek Parkway project.

By using KHA, the original design firm, the City will save time on the engineering fees.

The exemption will not result in higher costs for professional services on the project.

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 25th day of February, 2008, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Page 166.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of February, 2008.


Brenda R. Freeze, CMC, City Clerk

February 25, 2008

Resolution Book 41, Page 167

ACTION A

RESOLUTION

EXTRACT FROM THE MINUTES OF A regular
MEETING OF THE Charlotte City Council
HELD ON February 25, 2008

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 AGREEMENT NUMBER **HSTS04-08-A-
CT7003** BETWEEN THE DEPARTMENT OF HOMELAND SECURITY TRANSPORTATION
SECURITY ADMINISTRATION 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 DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION and the City of Charlotte,
North Carolina

SECTION 2. That the Execution of said Grant Agreement in
triplicate 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.

February 25, 2008

Resolution Book 41, Page 168

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 25th day of February, 2008, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Pages (167-168).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of February, 2008.



Brenda R. Freeze, CMC, City Clerk

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31
WILEY PROPERTY**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, N.C. at 7:00 p.m. on March 24, 2008.

Section 2. The area proposed for annexation is described as follows:

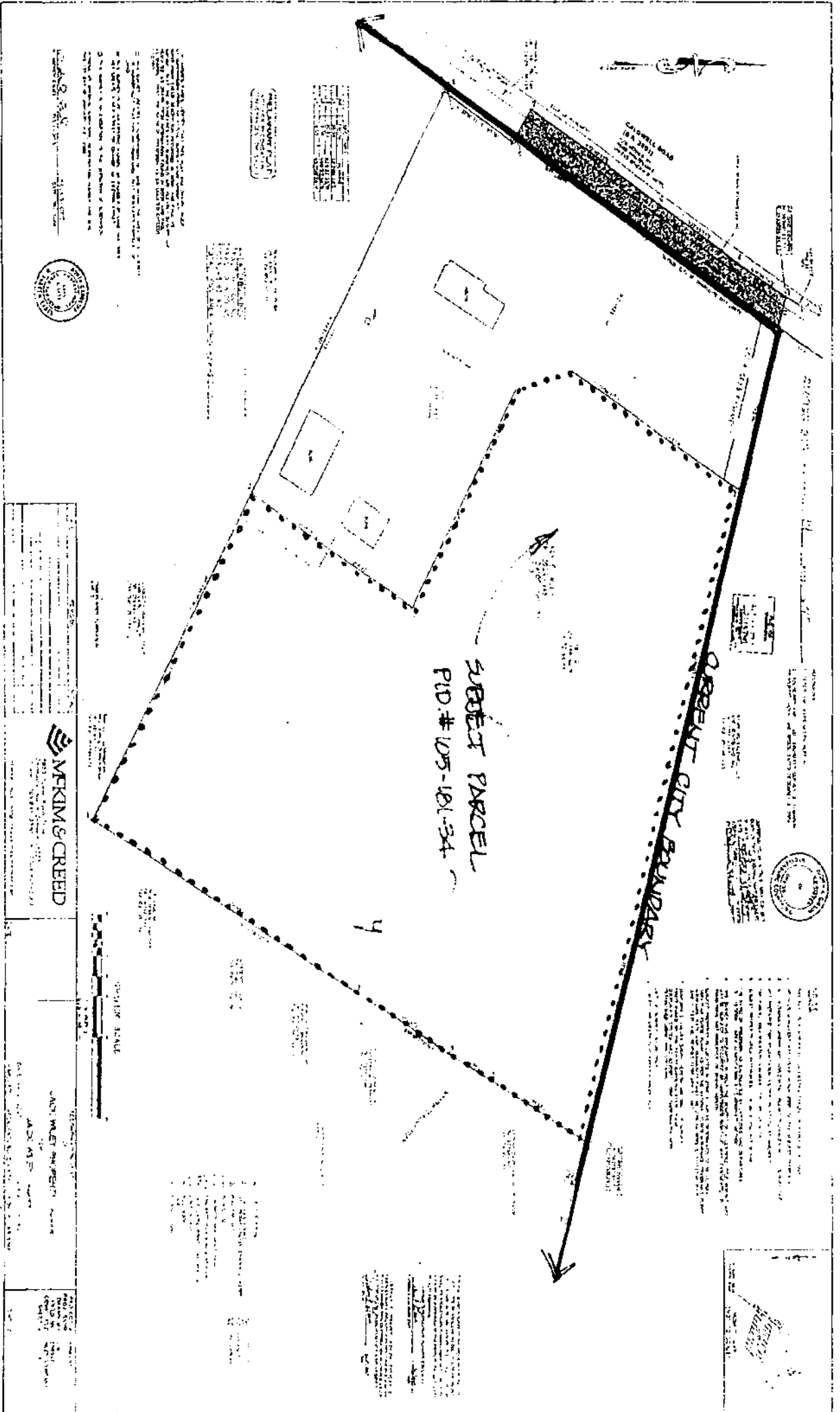
LEGAL DESCRIPTION

Being a portion of the tract of land located in the City of Charlotte, Mecklenburg County, North Carolina and recorded in map book 49, page 243 in the Mecklenburg County Register of Deeds and being more particularly described as follows:

Commencing at an iron pin found on the easterly margin of Caldwell road and along the common line of Stafford Caldwell, LLC. Deed Book 21162 at Page 783 and Jack E. Wiley, Deed Book 3929 at Page 945 as recorded in the Mecklenburg County Register of Deeds, thence S.74°37'35"E., a distance of 163.19 feet to an iron pin set, the POINT OF BEGINNING; thence continuing easterly along said line, a distance of 330.07 feet to an iron pin found; thence S.74°37'59"E., a distance of 321.88 feet to an iron pin found; thence leaving said line S.29°39'02"W., a distance of 121.63 feet to an iron pin found; thence S.29°39'02"W., a distance of 52.59 feet to an iron pin found; thence S.29°39'02"W., a distance of 119.37 feet to an iron pin found; thence S.29°39'02"W., a distance of 336.99 feet to an iron pin found; thence leaving said line N.60°24'50"W., a distance of 360.34 feet to an iron pin set; thence N.31°11'15"E., a distance of 209.92 feet to an iron pin set; thence N.60°57'01"W., a distance of 248.57 feet to an iron pin set; thence N.13°49'17"W, a distance of 53.90' to an iron pin set; thence N.31°50'31"E., a distance of 224.00 feet to the point of beginning, containing 291,189 square feet or 6.68 acres, more or less, as shown as Tract 2 on an unrecorded map by McKim & Creed titled "Recombination Plat of Jack Wiley Property", dated 1-15-2008 and supercedes the map recorded as Map Book 49, Page 243 in the Mecklenburg County Register of Deeds.

End of description.

PROPOSED "DILEY" VOLUNTARY ANNEXATION

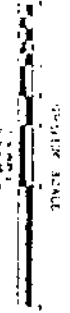


THE CITY OF...
 PLANNING DEPARTMENT
 HAS REVIEWED THE...
 AND HAS APPROVED THE...
 FOR THE CITY OF...



WIKIM & CREED
 ENGINEERS & ARCHITECTS
 1000...
 SUITE...
 WASHINGTON, DC...

JOHN WILEY...
 JACK WILEY...
 DATE...
 SCALE...



1" = 20'
 0 10 20 FEET

1. ALL DIMENSIONS...
 2. ALL DISTANCES...
 3. ALL ANGLES...
 4. ALL...

5. ALL...
 6. ALL...
 7. ALL...

8. ALL...
 9. ALL...
 10. ALL...

11. ALL...
 12. ALL...
 13. ALL...

14. ALL...
 15. ALL...
 16. ALL...

17. ALL...
 18. ALL...
 19. ALL...

20. ALL...
 21. ALL...
 22. ALL...

February 25, 2008

Resolution Book 41, Page 171

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 25th day of February, 2008, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Pages (169-171).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of February, 2008.


Brenda R. Freeze, CMC, City Clerk

RESOLUTION ADOPTING AN INTERLOCAL AGREEMENT BETWEEN THE
CITY OF CHARLOTTE AND UNION COUNTY FOR ACCESS TO AND SERVICE
OF THE RADIO SYSTEM

WHEREAS, North Carolina General Statute §160A-461, "Interlocal cooperation authorized" and North Carolina General Statute §153A-445 authorizes units of local government to enter into agreements with each other in order to execute an undertaking by one unit of local government on behalf of another unit of local government; and

WHEREAS, the City of Charlotte and Union County wish to enter into an Interlocal Agreement by which the City of Charlotte and Union County address the operation, funding, and future development of the Radio System by consolidating the operation and management of the Radio System under the City of Charlotte to ensure that public safety agencies of both units of local government have the communications infrastructure and regional integration to respond in a coordinated manner to local and regional emergencies.

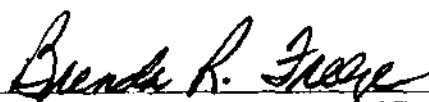
NOW, THEREFORE, BE IT RESOLVED by the Charlotte City Council that the City of Charlotte proceed with the signing of the Interlocal Agreement between the City of Charlotte and Union County for Access to and Service of the Radio System.

Adopted this 25 day of February 2008.

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 25th day of February, 2008, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Page 172.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of February, 2008.



Brenda R. Freeze, OMC, City Clerk

RESOLUTION ADOPTING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND THE CITY OF GASTONIA FOR ACCESS TO AND SERVICE OF THE RADIO SYSTEM

WHEREAS, North Carolina General Statute §160A-461, "Interlocal cooperation authorized", authorizes units of local government to enter into agreements with each other in order to execute an undertaking by one unit of local government on behalf of another unit of local government; and

WHEREAS, the City of Charlotte and the City of Gastonia wish to enter into an Interlocal Agreement by which the City of Charlotte and the City of Gastonia address the operation, funding, and future development of the Radio System by consolidating the operation and management of the Radio System under the City of Charlotte to ensure that public safety agencies of both units of local government have the communications infrastructure and regional integration to respond in a coordinated manner to local and regional emergencies.

NOW, THEREFORE, BE IT RESOLVED by the Charlotte City Council that the City of Charlotte proceed with the signing of the Interlocal Agreement between the City of Charlotte and the City of Gastonia for Access to and Service of the Radio System.

Adopted this 25 day of February 2008.

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 25th day of February, 2008, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Page 173.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of February, 2008.



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 **2005 ANNEXATION STEELE CREEK NORTH WITHERS ROAD PROJECT**; and

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

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

PROPERTY DESCRIPTION:

Amount necessary for the **2005 ANNEXATION STEELE CREEK NORTH WITHERS ROAD PROJECT** and estimated to be approximately **5,317 square feet (.122 acre) of 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. 199-531-01, said property currently owned by **SIEMENS REAL ESTATE, INC., DUKE POWER COMPANY, Lessee; WESTINGHOUSE ELECTRIC CORPORATION, Lessee, 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 25th day of February, 2008, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Page 174.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of February, 2008.


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 **ALBEMARLE/HARRIS INTERCHANGE (A/K/A LAWYERS ROAD EXTENSION) 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 **ALBEMARLE/HARRIS INTERCHANGE (A/K/A LAWYERS ROAD EXTENSION) PROJECT** and estimated to be approximately **658.41 square feet (.015 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. 109-171-15, said property currently owned by **JOHN K. MOORE and wife, PATRICIA B. MOORE, 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 25th day of February, 2008, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Page 175.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of February, 2008.


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 **NEW FACILITY FOR WASTEWATER COLLECTION 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 **NEW FACILITY FOR WASTEWATER COLLECTION PROJECT** and estimated to be approximately **21,867.12 square feet (.502 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. 145-302-04, said property currently owned by **THE CHARLOTTE OBSERVER PUBLISHING 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 25th day of February, 2008, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Page 176.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of February, 2008.


Brenda R. Freeze, CMC, City Clerk

FOR REGISTRATION JUDITH A. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2008 APR 24 02:20 PM
BK: 23670 PG: 403-406 FEE: \$18.00
NS: \$25.00
INSTRUMENT # 2008071953



RESOLUTION CLOSING A RESIDUAL PORTION OF RIGHT-OF-WAY LOCATED AT THE CORNER OF ELMHURST ROAD AND KIRKPATRICK ROAD IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close a residual portion of right-of-way located at the corner of Elmhurst Road and Kirkpatrick Road which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close a residual portion of right-of-way located at the corner of Elmhurst Road and Kirkpatrick Road to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

WHEREAS, the public hearing was held on the 25th day of February, 2008 and City Council determined that the closing of a residual portion of right-of-way located at the corner of Elmhurst Road and Kirkpatrick Road is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of February 25, 2008, that the Council hereby orders the closing of a residual portion of right-of-way located at the corner of Elmhurst Road and Kirkpatrick Road in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A", and is more particularly described by metes and bounds in document marked "Exhibit B", both of which are attached hereto and made a part hereof.

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

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 25th day of February, 2008, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Pages (177-179).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of February, 2008.

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


Brenda R. Freeze, CMC, City Clerk



NOTES:

NO PORTION OF THIS PROPERTY LIES IN A FLOOD PROTECTION AREA, COMMUNITY PANEL 37119C 0206E EFFECTIVE FEB 4, 2004

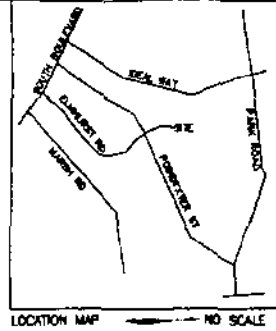
DATE OF SURVEY: 07-11-07 and 11-7-07
THIS SURVEY WAS PREPARED WITHOUT THE USE OF A TITLE REPORT.

TOTAL AREA SURVEYED IS 713 SQUARE FEET.

ABANDONNED AREA TO BE ADDED TO TAX PARCEL 14708178

ORIENTED TO NC GRID BASED ON SEDGEFIELD ELEMENTARY SCHOOL SITE SURVEY PERFORMED BY RB PHARR AND ASSOCIATES.

NO NCGS MONUMENT WITHIN 2000 FEET.



State of North Carolina
County of Mecklenburg

I, _____, Review Officer for Mecklenburg County, certify that the map or plot to which this certification is affixed meets all statutory requirements for recording.

Date _____ Review Officer _____

TAX PARCEL 14708153
MECKLENBURG COUNTY
(SEDFIELD PARK)
DB 9276 PG 437

ELMHURST ROAD
50' PUBLIC R/W

TAX PARCEL 14708154
ELMHURST APARTMENTS, LLC
DB 19736 PG 240

95' DUKE POWER
RIGHT OF WAY
DB 992 PG 321

KIRKPATRICK ROAD
50' PUBLIC R/W
THE MAJORITY OF KIRKPATRICK ROAD WAS PREVIOUSLY ABANDONNED BY RESOLUTION BOOK 38 PAGE 306

AREA TO BE ABANDONNED
713 SF OR 0.016 ACRES

TAX PARCEL 14708178
CHARLOTTE MECKLENBURG BOARD
OF EDUCATION
DB 1699 PG 119

LINE TABLE		
LINE	LENGTH	BEARING
L1	7.63	N 59°08'11" E
L2	50.53	S 31°42'29" W
L3	35.17	N 57°57'53" W
L4	100.08	N 59°08'17" E
L5	37.24	S 57°57'53" E
L6	23.76	S 31°42'29" W
L7	50.00	S 57°50'19" E
L8	8.11	S 48°49'28" E
L9	30.66	N 56°03'40" E
L10	8.35	N 15°30'34" W
L11	18.69	N 73°36'35" E

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	CH. BEARING	DELTA
CI	261.91	276.50	252.23	N 85°05'28" W	54°16'24"

LEGEND
R/W RIGHT-OF-WAY
DB PG DEED BOOK AND PAGE
SF SQUARE FEET
IPF IRON PIN FOUND (#5 REBAR)
CMF CONCRETE MONUMENT FOUND
IPS IRON PIN SET (#5 REBAR)



I Michael S. Miller, N.C.P.L.S. certify that this plot was prepared from an actual field survey under my supervision and the ratio of precision is 1:10,000+. This plot is not prepared in accordance with GS 47-30 as amended.



Michael S. Miller
Michael S. Miller
L-3677

EXHIBIT A
ESP
ESP Associates, P.A.
P.O. Box 7050 3478 Lakemont Blvd.
Charlotte, NC 28241 Fort Mill, SC 29708
704-582-6949 (NC)
803-602-2440 (SC)
www.espprofessionals.com

ROAD R/W ABANDONMENT PLAT ELMHURST ROAD AND KIRKPATRICK ROAD		Scale 1"=40'
Charlotte Mecklenburg Board of Education CITY OF CHARLOTTE MECKLENBURG CO., NORTH CAROLINA		Date 7-09-07
11/07/07	ABANDONED AREA PER CDOT COMMENTS	Drawing No. VFS3-abandonment.dwg
VFS3	ML	Map No. VFS9-800

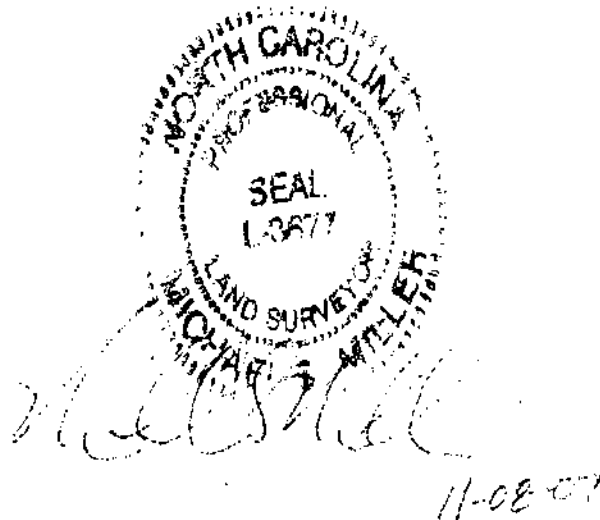
Drawn By: City of Charlotte
Return to: City of Charlotte-Box

EXHIBIT B

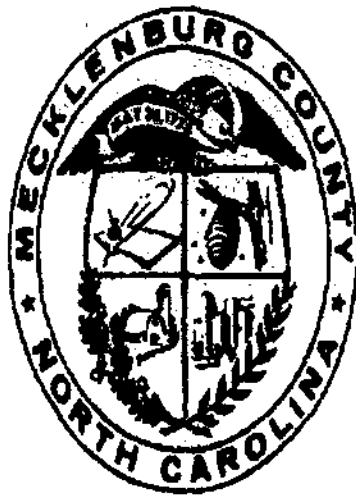
Right of Way to be abandoned

Being a portion of the right of way of Elmhurst Road, Lying in the City of Charlotte, Mecklenburg County, North Carolina, and being more particularly described as follows:

Beginning at an iron pin on the southern right of way of Elmhurst Road and being the southeastern corner of the Elmhurst Apartments, LLC property as described in deed book 19738 page 240 of the Mecklenburg County Public Registry said point also being the on the northern line of the Charlotte Mecklenburg Board of Education property described in deed book 1699 page 119 of the Mecklenburg County Public Registry, thence with a new line within the Elmhurst Road right of way five (5) courses as follows; 1.) N 59-08-11 E 7.63 feet to a new iron pin, 2.) S 48-49-28 E 8.11 feet to a new iron pin, 3.) N 66-03-40 E 30.66 feet to a new iron pin, 4.) N 15-30-34 W 8.35 feet to a new iron pin, 5.) N 73-38-35 E 18.69 feet to a new iron pin on the northern line of the aforementioned Board of Education property, thence with said property two (2) calls as follows; 1.) S 31-42-29 W 50.53 feet to an iron pin set, 2.) N 57-57-53 W 35.17 feet to the Point and Place of Beginning, containing 713 square feet of land more or less, all as shown on a map titled Road R/W Abandonment Plat Elmhurst Road and Kirkpatrick Road, prepared by ESP Associates, PA and dated July 09 2007, and revised 11-08-07. (Job No. VF59.800).



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



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: 04/24/2008 02:20 PM
Book: RE 23670 Page: 403-406
Document No.: 2008071953
RESOL 4 PGS \$18.00
NS: \$25.00
Recorder: KAMIL COOPER

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



2008071953

FOR REGISTRATION JUDITH A. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2008 APR 24 02:20 PM
BK: 23670 PG: 398-402 FEE: \$21.00
NS: \$25.00
INSTRUMENT # 2008071952



2008071952

RESOLUTION CLOSING QUAIL WOOD DRIVE 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 Quail Wood Drive which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close Quail Wood Drive to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

WHEREAS, the public hearing was held on the 25th day of February, 2008 and City Council determined that the closing of Quail Wood Drive 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 February 25, 2008, that the Council hereby orders the closing of Quail Wood Drive 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.

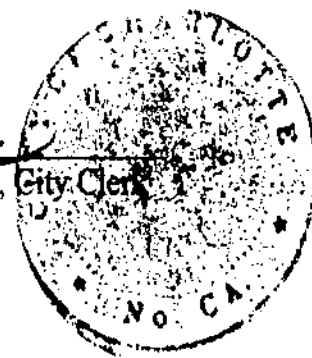
CERTIFICATION

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 25th day of February, 2008, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Pages (180-183).

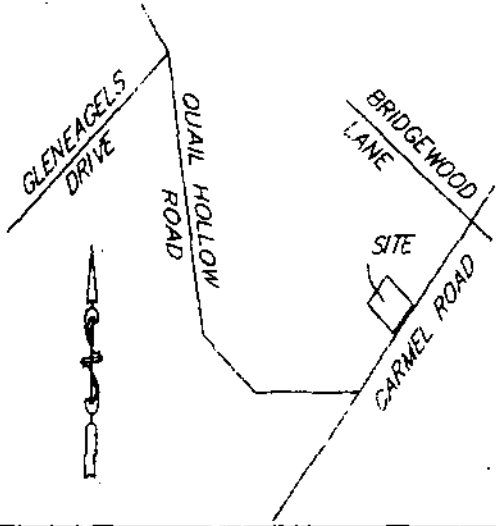
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of February, 2008.

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

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



THIS IS TO CERTIFY THAT ON THE 10th DAY OF JULY, 2007 AN ACTUAL SURVEY WAS DONE UNDER MY SUPERVISION OF THE PROPERTY SHOWN HERON, THIS MAP IS NOT INTENDED TO MEET GS 47-30 RECORDING REQUIREMENTS REVISED 12/31/07 (CITY AND FAISONS COMMENTS)



VICINITY MAP (NTS)

SIGNED

GPA PROFESSIONAL LAND SURVEYORS OF NC

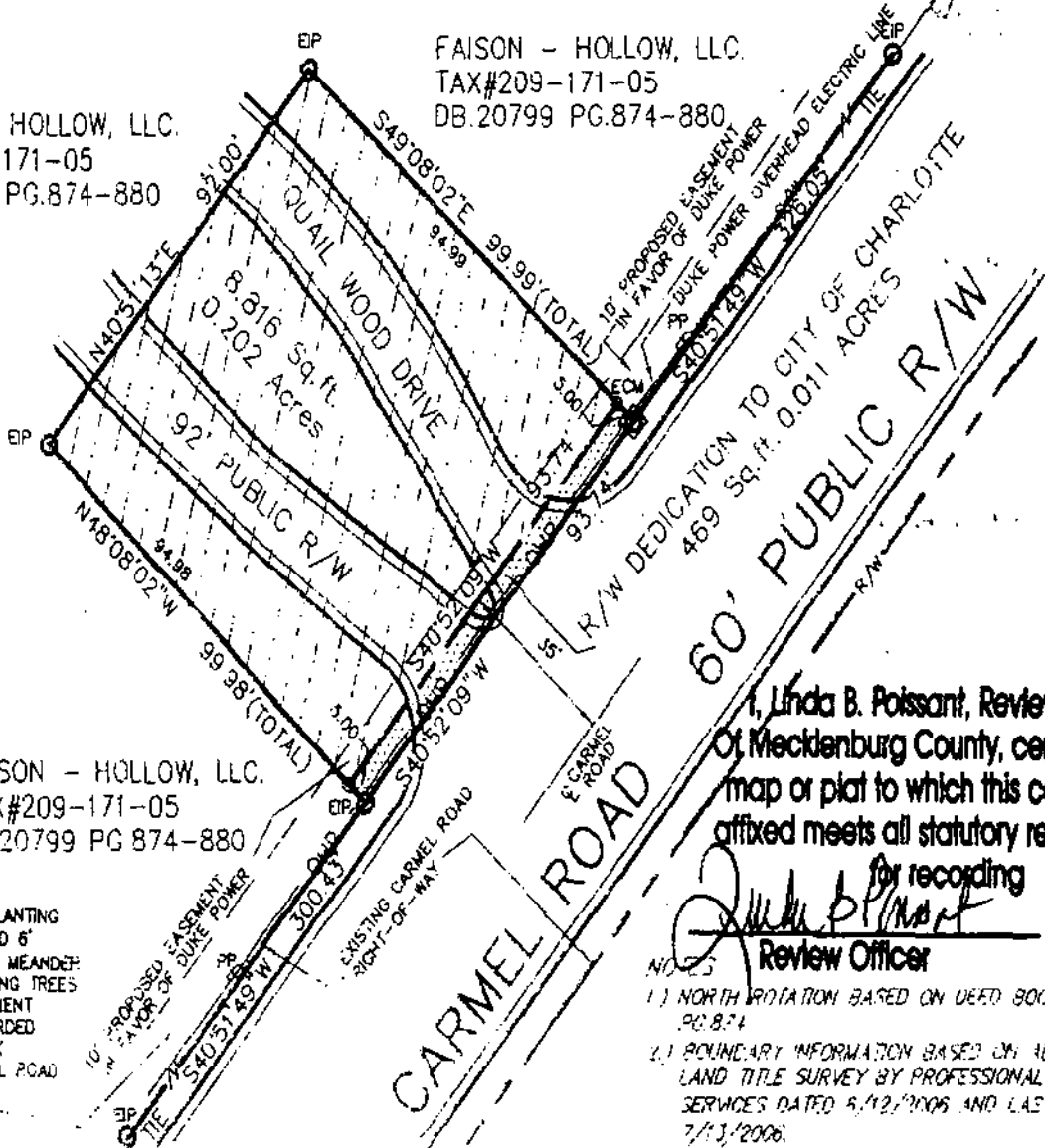
JAMES TIMOTHY THOMAS, N.C. PLS L-4330
605 PHILLIP DAVIS DRIVE SUITE 3
CHARLOTTE, N.C. 28217
PHONE (704) 335-8600
FAX (704) 335-8655

LEGEND

- EIP EXISTING IRON PIN
- ECM EXISTING CONCRETE MONUMENT
- R/W RIGHT OF WAY
- CLOSURE EXCEEDS 1 INCH in 10,000+
- PP POWER POLE
- PROPERTY LINE
- ADJOINER PROPERTY LINE BY DEED OR PLAT

FAISON - HOLLOW, LLC.
TAX#209-171-05
DB.20799 PG.874-880

FAISON - HOLLOW, LLC.
TAX#209-171-05
DB.20799 PG.874-880



FAISON - HOLLOW, LLC.
TAX#209-171-05
DB.20799 PG.874-880

PROPOSED 8' PLANTING STRIP (min.) AND 6' SIDEWALK (may MEANDEER TO AVOID EXISTING TREES) SIDEWALK EASEMENT SHALL BE RECORDED WHERE SIDEWALK EXCEEDS CARMEL ROAD R/W.

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

for recording

Review Officer

Date

- NOTES
- 1.) NORTH ROTATION BASED ON DEED BOOK 20799 PG.874
 - 2.) BOUNDARY INFORMATION BASED ON LEGAL TITLE LAND TITLE SURVEY BY PROFESSIONAL SURVEY SERVICES DATED 8/12/2006 AND LAST REVISION 7/13/2006.
 - 3.) PROPERTY OWNERS FIELD VERIFIED BY 8/22/2007.
 - 4.) PURPOSE OF THIS MAP IS TO ABANDON PUBLIC R/W OF QUAIL WOOD DRIVE TO SUPPORT REDEVELOPMENT OF THE SUBJECT PROPERTY.

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

EXHIBIT "A"

R/W ABANDONMENT MAP

OF

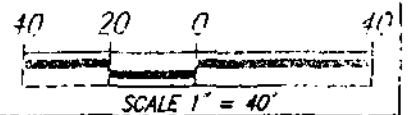
0.202 ACRES OF QUAIL WOOD DRIVE PUBLIC R/W, CHARLOTTE NC

Sharon Township Mecklenburg County, N.C.

PREPARED FOR: FAISON-HOLLOW, LLC.

SCALE: 1"=40'

DEED RECORDED IN BOOK: 20799 PAGE: 874-880 TAX# 209-171-05



SCALE 1" = 40'

DRAWN BY: JEC

PROJECT NUMBER 070050

EXHIBIT "B"

February 25, 2008
Resolution Book 41, Page 182

LEGAL DESCRIPTION ABANDONMENT PROPERTY

Lying and being in Mecklenburg County, North Carolina and being more particularly described as follows

Commencing at an iron found in the northwest margin of the right of way of Carmel Road (60' public right of way), said iron being the southeastern corner of Lot 1 of RockBridge Map A, Block 1 as shown on map recorded in Map Book 15 at Page 561 in the Mecklenburg County Registry; thence S.40°51'49"W., a distance of 326.05' feet to an existing Concrete Monument; thence S.49°08'02"E., a distance of 5.00 feet to a set iron pin, said iron being the POINT OF BEGINNING; thence with said new right of way of said Carmel Road S.40°52'09"W., a distance of 93.74 feet to a set iron pin; thence leaving said right of way N.48°08'02"W., a distance of 94.95 feet to an iron pin; thence N.40°51'13"E., a distance of 92.00 feet to an iron pin; thence S.49°08'02"E., a distance of 94.99 feet to the POINT OF BEGINNING. Containing 8,816 square feet or 0.202 acres.

LEGAL DESCRIPTION 5' RIGHT OF WAY DEDICATION TO CITY OF CHARLOTTE

Lying and being in Mecklenburg County, North Carolina and being more particularly described as follows

Commencing at an iron found in the northwest margin of the right of way of Carmel Road (60' public right of way), said iron being the southeastern corner of Lot 1 of RockBridge Map A, Block 1 as shown on map recorded in Map Book 15 at Page 561 in the Mecklenburg County Registry; thence S.40°51'49"W., a distance of 326.05' feet to an existing Concrete Monument, said monument being the POINT OF BEGINNING; thence with the existing right of way of said Carmel Road S.40°52'09"W.; a distance of 93.74 feet to a set iron pin; thence leaving said right of way N.48°08'02"W., a distance of 5.00 feet to an iron pin; thence N.40°51'13"E., a distance of 92.00 feet to an iron pin; thence S.49°08'02"E., a distance of 5.00 feet to the POINT OF BEGINNING. Containing 469 square feet or 0.011 acres.

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

SIGNED _____



GPA PROFESSIONAL LAND SURVEYORS OF NC
JAMES TIMOTHY THOMAS, N.C. PLS L-4330
605 PHILLIP DAVIS DRIVE SUITE 3
CHARLOTTE, N.C. 28217
PHONE (704) 335-8600
FAX (704) 335-8655

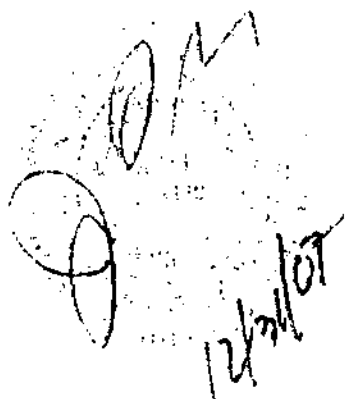


EXHIBIT A
TO
EASEMENT

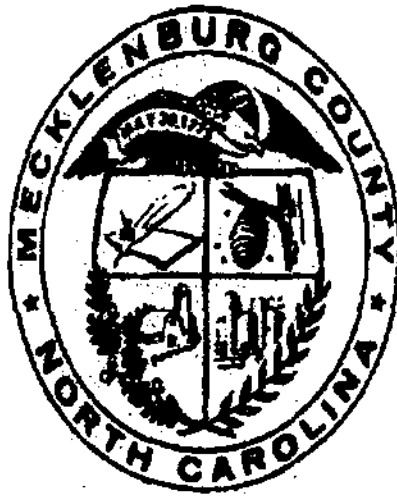
This Exhibit A is made a part of the Easement ("Easement") executed by Faison-Quail Valley LLC, a North Carolina limited liability company ("Grantor"), for the benefit of Duke Energy Corporation, ("Grantee"). To the extent any of the terms set forth on this Exhibit A are inconsistent with the Easement, then this Exhibit A shall control. The following terms and conditions are incorporated therein:

1. If any portion of the facilities installed by Grantee are located less than 10 feet from any building or other vertical structure located on the Property, then the easement granted herein shall specifically exclude any area located underneath any such building or structure.

2. Grantee shall repair or replace any property damaged by it or its employees, agents or contractors, including: (i) any improvements, including paved, concrete, landscaped or grassed area disturbed outside of the easement areas and (ii) any paved, concrete, landscaped or grassed areas it disturbs within the easement areas during the exercise of its rights under this Easement.

3. Grantor may construct paved roads, landscaping, sidewalks and other similar horizontal improvements as well as small landscaping walls, fencing and entrance monumentation within the easement areas which do not unreasonably interfere with Grantee's exercise of its rights under this Easement. Grantee shall have no right to clear, trim, top, retrim, retop or cut any tree or bush outside the easement area, or remove any other improvement permitted thereon without the prior written consent of Grantor which shall not be unreasonably withheld or denied. In addition, Grantee shall limit its tree trimming, topping, and cutting to the minimum amount reasonably necessary to protect Grantee's facilities.

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



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: 04/24/2008 02:20 PM
Book: RE 23670 Page: 398-402
Document No.: 2008071952
RESOL 5 PGS \$21.00
NS: \$25.00
Recorder: KAMIL COOPER

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



2008071952



**RESOLUTION CLOSING A RESIDUAL PORTION OF HEFLIN STREET IN THE CITY OF CHARLOTTE,
MECKLENBURG COUNTY, NORTH CAROLINA**

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close a residual portion of Heflin Street which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close a residual portion of Heflin Street to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

WHEREAS, the public hearing was held on the 25th day of February, 2008 and City Council determined that the closing of a residual portion of Heflin Street 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 February 25, 2008, that the Council hereby orders the closing of a residual portion of Heflin Street in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A", and is more particularly described by metes and bounds in document marked "Exhibit B", both of which are attached hereto and made a part hereof. This action shall be effective on the date that the petitioner obtains/records the rights-of-way for the new street connections and construction is completed. This abandonment approval shall be void if the new street connections are not accepted by the City within 2 years.

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 25th day of February, 2008, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Pages (184-186).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27th day of February, 2008.

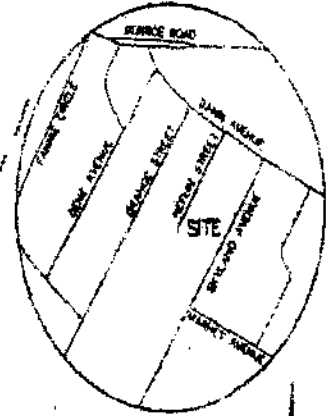
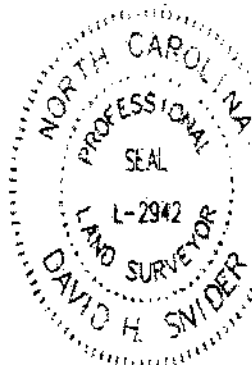

Brenda R. Freeze, CMC, City Clerk



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

I, DAVID H. SNIDER, CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION AND THAT THE PLAT WAS PREPARED FOR THE PURPOSE OF THE CLOSING OF DEDICATED STREETS ONLY, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF PROPERTY SHOWN.

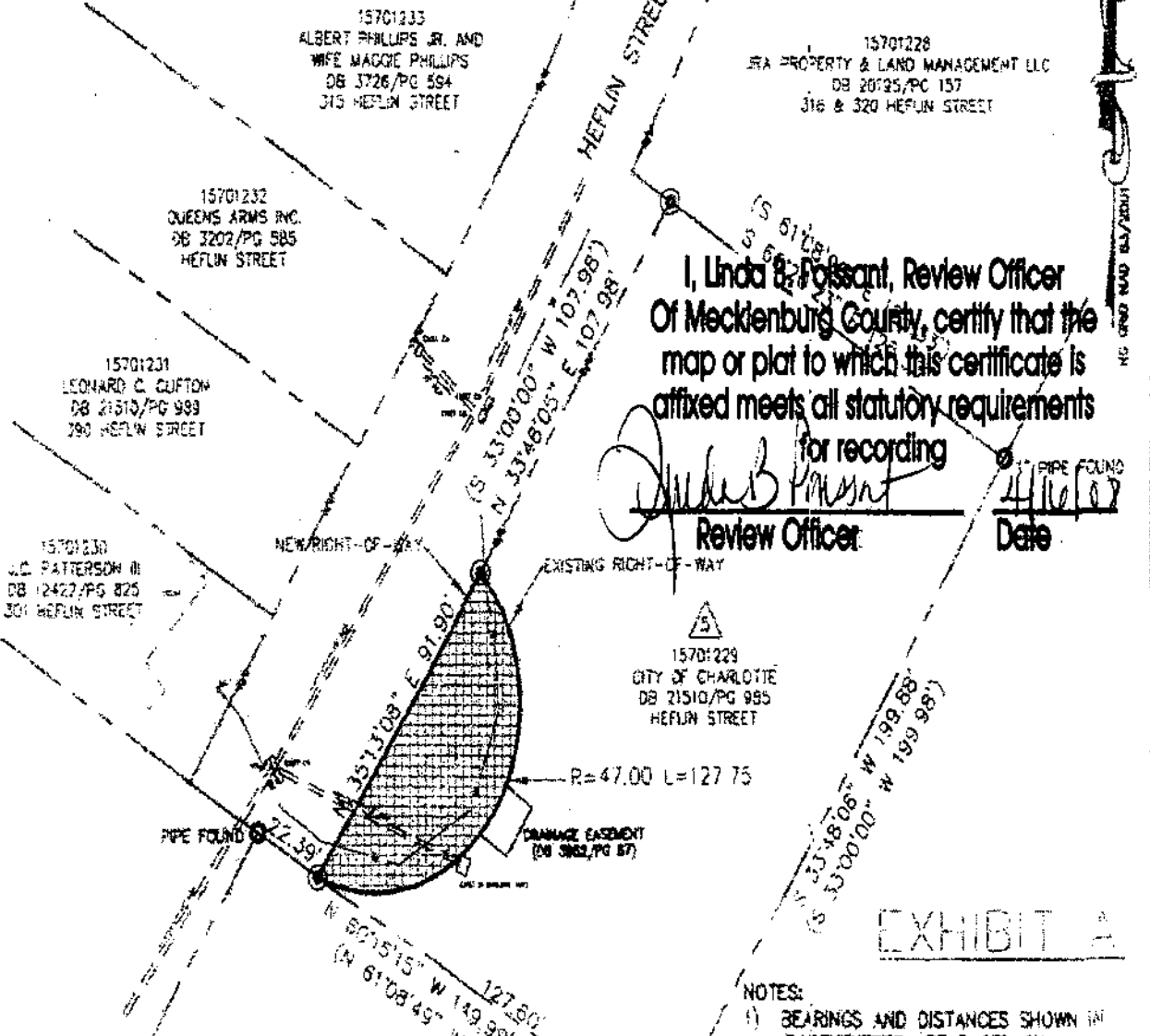
David H. Snider 5/21/07
 DAVID H. SNIDER, NC P.L.S. L-2942 DATE



STATE OF NORTH CAROLINA
 COUNTY OF MECKLENBURG

I, _____ REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____ DATE _____



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

Linda B. Folsant
 Review Officer Date 4/16/07

- LEGEND**
- IRON PIN FOUND
 - REBAR SET WITH CAP
 - STREET CLOSING AREA
 - PROPERTY LINES
 - EXISTING RIGHT-OF-WAY
 - SUBJECT PROPERTY LINE

- NOTES:**
- 1) BEARINGS AND DISTANCES SHOWN IN PARENTHESES ARE BASED ON RECORDED DEED OR MAP INFORMATION.
 - 2) TOTAL AREA OF PARCEL 157-012-29 22.530 SQ FT
 - 3) STREET CLOSING AREA 25.43 SQ FT
 - 4) NEW AREA OF PARCEL 157-012-29 25.075 SQ FT



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

PREPARED BY:
 CITY OF CHARLOTTE
 ENGINEERING & PROPERTY MANAGEMENT
 690 EAST FIFTH STREET
 CHARLOTTE, NC 28202
 TEL: 704-336-2291

REVISIONS		GRIER HEIGHTS CONNECTIVITY	ADD. NO.
			STREET ABANDONMENT
		OWNER: CITY OF CHARLOTTE	HEFFLIN
		CHARLOTTE, MECKLENBURG COUNTY, NC	SHEET 1
		CHECKED BY: DHE	3
		SURVEY SUPPL.	1
PROJECT LOCATION: 1/2" PIPE FOUND			



EXHIBIT A

NC GEN. STAT. § 160A-201



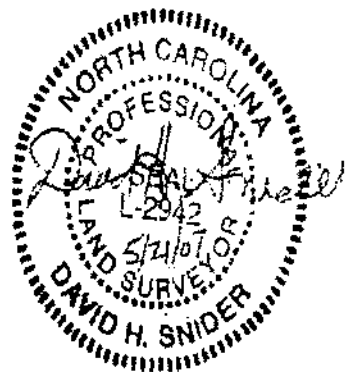
EXHIBIT B

STREET ABANDONMENT AREA
HEFLIN STREET
Tax Code 157-012-29

DESCRIPTION OF STREET ABANDONMENT

Commencing from a 1/2" pipe in the southeasterly corner as described in Deed Book 21510 Page 985, said pipe being located South 33-48-06 West 199.88 feet from the Northeasterly corner of referenced deed and JRA Property & Land Management LLC property recorded in Deed Book 20195 Page 157; and thence running with the City of Charlotte property North 60-15-15 West 127.60 feet to a #5 Rebar Set with cap and true Beginning Point; thence with new right-of-way line of Heflin Street North 35-13-08 East 91.90 feet to a #5 Rebar Set with cap; thence with the existing right-of-way for Heflin Street in an arc to the right with a radius of 47.00 feet and a length of 127.75 feet to the Point of Beginning, as shown on the attached map prepared by the City of Charlotte, Engineering and Property Management Department entitled "Grier Heights Connectivity" the property of City of Charlotte dated May 21, 2007 and containing 2,548 square feet.

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



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

PLEASE RETAIN YELLOW TRAILER PAGE

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and/or cancellation.

Filed For Registration: 04/24/2008 02:20 PM
Book: RE 23670 Page: 394-397
Document No.: 2008071951
RESOL 4 PGS \$18.00
NS: \$25.00
Recorder: KAMIL COOPER

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



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 **GRIER SUBDIVISION SANITARY SEWER-PH. 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 **GRIER SUBDIVISION SANITARY SEWER-PH. I PROJECT** and estimated to be approximately 44,728 square feet (.1027 acre) of **sanitary sewer easement and temporary construction easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 015-071-08, said property currently owned by **WILLIAM W. WATERS** 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 25th day of February, 2008, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Page 186a.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of February, 2008.


Brenda R. Freeze, CMC, City Clerk