

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 23rd day of June, 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.

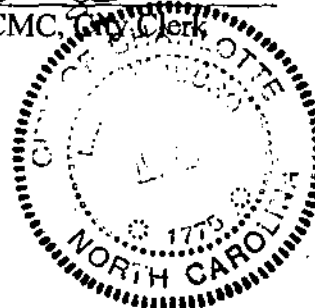
CERTIFICATION

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 28th day of July, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (410-411).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 2008.

Brenda R. Freeze

Brenda R. Freeze, CMC, City Clerk



July 28, 2008

Resolution Book 41, Page 411

TAXPAYERS AND REFUNDS REQUESTED
(Clerical Error)

NAME	AMOUNT
ROBINSON LEIGH ASHLEY GRIER	9.63
CONSOLIDATED REALTY CO INC	1,001.52
KIRKLAND DANIEL J	206.84
IMAGISTICS INTERNATIONAL INC	5,911.21
CAROLINA RENT TO OWM	290.08
PONIATOWSKI STEPHAN RAYMOND	67.65
FARMER DEVIN O.	77.50
BOVA PAUL C	324.69
DUDLEY WELLMAN	519.59
WATERFORD SQUARE APARTMENTS	875.01
WU KIM	216.54
SMITH MARLENE R	196.80
FRYE PHILLIP H	<u>141.68</u>
TOTAL	9,838.74

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 Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on July 28, 2008.

* * *

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 Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on July 28, 2008 (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:

The following members of the City Council were absent: Councilmember Kinsey

Also present: Barnes, Burgess, Carter, Cooksey, Dulin, Foxx, Lassiter, Mitchell, Peacock, and Turner.

_____, Council Member of the City Council of the City of Charlotte, North Carolina (the "City"), introduced the following Bond Order, copies of which have been made available to the City Council:

**BOND ORDER AUTHORIZING THE ISSUANCE OF \$170,200,000
GENERAL OBLIGATION PUBLIC IMPROVEMENTS BONDS
OF THE CITY OF CHARLOTTE, NORTH CAROLINA**

WHEREAS, the City Council of the City of Charlotte, North Carolina (the "City Council") has ascertained and hereby determines that it is necessary to pay the capital costs of constructing, reconstructing, enlarging, extending and improving certain streets, including streets and roads constituting a part of the State highway system or otherwise the responsibility of the State and including the cost of related studies, streetscape and pedestrian improvements, relocation of utilities, plans and design; acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading or improving streets, roads, intersections, parking lots and bicycle paths; acquiring, constructing, reconstructing or improving sidewalks, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; and the acquisition of land and rights-of-way in land required therefor; and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the General Obligation Public Improvements Bonds hereinafter described as required by the Local Government Bond Act, and the City Clerk has notified the City Council that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Charlotte, North Carolina, as follows:

Section 1. In order to raise the money required for the public improvement purposes described above, in addition to any funds which may be made available for such purpose from any other source, General Obligation Public Improvements Bonds of the City are hereby authorized and shall be issued pursuant to the Local Government Finance Act of North Carolina. The maximum aggregate principal amount of such General Obligation Public Improvements Bonds authorized by this order shall be \$170,200,000.

Section 2. A tax sufficient to pay the principal of and interest on said General Obligation Public Improvements Bonds when due shall be annually levied and collected.

Section 3. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 4. This bond order shall take effect when approved by the voters of the City at a referendum scheduled for November 4, 2008.

Mitchell, Council Member of the City Council of the City of Charlotte, North Carolina (the "City"), then introduced the following Bond Order, copies of which have been made available to the City Council:

**BOND ORDER AUTHORIZING THE ISSUANCE OF \$10,000,000
GENERAL OBLIGATION HOUSING BONDS
OF THE CITY OF CHARLOTTE, NORTH CAROLINA**

WHEREAS, the City Council of the City of Charlotte, North Carolina (the "City Council") has ascertained and hereby determines that it is necessary to pay the capital costs of acquiring, constructing, developing, equipping and furnishing housing projects for the benefit of persons of low income, or moderate income, or low and moderate income, including without limitation loans, grants, interest supplements and other programs of financial assistance to persons of low income, or moderate income, or low and moderate income, and developers of housing for persons of low income, or moderate income, or low and moderate income, and construction of infrastructure improvements related thereto and the acquisition of land and rights-of-way required therefor; and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the General Obligation Housing Bonds hereinafter described as required by the Local Government Bond Act, and the City Clerk has notified the City Council that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Charlotte, North Carolina, as follows:

Section 1. In order to raise the money required for the housing purposes described above, in addition to any funds which may be made available for such purpose from any other source,

General Obligation Housing Bonds of the City are hereby authorized and shall be issued pursuant to the Local Government Finance Act of North Carolina. The maximum aggregate principal amount of such General Obligation Housing Bonds authorized by this order shall be \$10,000,000.

Section 2. A tax sufficient to pay the principal of and interest on said General Obligation Housing Bonds when due shall be annually levied and collected.

Section 3. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 4. This bond order shall take effect when approved by the voters of the City at a referendum scheduled for November 4, 2008.

_____, Council Member of the City Council of the City of Charlotte, North Carolina (the "City"), then introduced the following Bond Order, copies of which have been made available to the City Council:

**BOND ORDER AUTHORIZING THE ISSUANCE OF \$47,000,000
GENERAL OBLIGATION NEIGHBORHOOD IMPROVEMENT BONDS
OF THE CITY OF CHARLOTTE, NORTH CAROLINA**

WHEREAS, the City Council of the City of Charlotte, North Carolina (the "City Council") has ascertained and hereby determines that it is necessary to pay the capital costs of infrastructure improvements in various neighborhoods of the City, including the cost of related studies, plans and design; acquiring, constructing, reconstructing, improving, installing or providing curbs, gutters, storm drainage and sidewalks; paving, resurfacing, grading or improving streets, roads and intersections; and providing related landscaping and lighting and acquiring any necessary equipment, land, interests in land and rights-of-way therefor; and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the General Obligation Neighborhood Improvement Bonds hereinafter described as required by the Local Government Bond Act, and the City Clerk has notified the City Council that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Charlotte, North Carolina, as follows:

Section 1. In order to raise the money required for the housing purposes described above, in addition to any funds which may be made available for such purpose from any other source, General Obligation Neighborhood Improvement Bonds of the City are hereby authorized and shall be issued pursuant to the Local Government Finance Act of North Carolina. The maximum aggregate principal amount of such General Obligation Neighborhood Improvement Bonds authorized by this order shall be \$47,000,000.

July 28, 2008

Resolution Book 41, Page 415

Section 2. A tax sufficient to pay the principal of and interest on said General Obligation Neighborhood Improvement Bonds when due shall be annually levied and collected.


Section 3. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 4. This bond order shall take effect when approved by the voters of the City at a referendum scheduled for November 4, 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 28th day of July, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (412-417).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 2008.

Brenda R. Freeze 

FY09-13 Capital Investment Plan Bond Funding

<u>Housing and Neighborhood Development</u>	<u>2008 Bond Plan</u>
Neighborhood Improvements	\$47.0
Affordable Housing	10.0
Area Plan Projects	5.0
Traffic Calming Program	1.5
Sidewalk Construction Program	15.0
Total	\$78.5
<u>Transportation</u>	
Bridge Program	2.0
Farm-to-Market Road Improvement Program:	
- Rea Road Improvements (Colony Road to NC51)	21.3
- Community House Road Improvements	8.2
- Back Creek Church Road Improvements	4.7
Minor Roadway Improvement Program	1.5
Intersection Improvement Projects:	
- Kenilworth/Pearl Street	3.0
- IBM Drive/North Tryon Connector - ROW Protection	4.0
Public-Private Participation Program	3.0
Railroad Grade Crossing and Safety Programs	0.5
Thoroughfare and Street Projects:	
- Fred D. Alexander Boulevard (NC27 to NC16)	20.2
- Statesville Road Widening (Starita to Keith)	25.3
- Little Rock Road Realignment	7.5
- City Boulevard Extension (Neel to Mallard Creek)	10.4
State Highway Participation Program	3.0
Street Connectivity Program	4.0
Traffic Control Devices Upgrade Program	4.0
Traffic Flow Enhancement (coordinated signals)	5.0
Bicycle Program	1.0
City Center Transportation Implementation	5.0
NE Corridor: Access Improvements	10.5
Total	\$144.1
<u>Economic Development</u>	
Business Corridor/Pedscape Infrastructure	4.6
Total	\$4.6
Total Program	\$227.2

CHARLOTTE 2008 GENERAL OBLIGATION BOND REFERENDUM SCHEDULE

- 6/23/08 City Council adopts (1) Resolution directing publication of notice of intent to apply to the Local Government Commission (the "LGC"); (2) Resolution authorizing the Director of Finance to apply to the LGC; and (3) Resolution making certain findings of fact
- 6/26/08 Publish Notice of Intent in the *Charlotte Observer* (have to wait 10 days after publication of Notice of Intent before applying to the LGC)
- 7/8/08 File Application with LGC and prepare Sworn Statement of Debt (receive letter from LGC confirming receipt of Application which must occur before the Bond Orders are introduced)
- 7/28/08 Introduce the Bond Orders at the City Council Meeting; City Council adopts the Resolution setting public hearing on the Bond Orders on 8/25/08
- 8/5/08 File Sworn Statement of Debt with the City Clerk
- 8/8/08 Publish Notices of Public Hearing on the Bond Orders in the *Charlotte Observer*
- 8/25/08 City Council holds public hearings on adoption of the Bond Orders; City Council adopts (1) the Bond Orders at the conclusion of the public hearing and (2) the Resolution setting a Special Bond Referendum
- 8/26/08 City Clerk delivers certified copy of the Resolution setting a Special Bond Referendum to the Mecklenburg County Board of Elections
- 8/28/08 City publishes Bond Orders as adopted in the *Charlotte Observer*
- 9/25/08 Publish first Notice of Special Bond Referendum in *Charlotte Observer* (Not less than fourteen days before last day to register to vote for Bond Referendum)
- 10/2/08 Publish second Notice of Special Bond Referendum in *Charlotte Observer* (Not less than seven days before last day to register to vote for Bond Referendum)
- 11/4/08 Referendum
- After
11/4/08 Adoption of Certificate of Canvass by the Mecklenburg County Board of Elections
- 11/24/08 City Council adopts Resolution Certifying and Declaring Results of Special Bond Referendum
- 11/27/08 Publish Statement of Result in the *Charlotte Observer*

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 Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on July 28, 2008.

* * *

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 Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on July 28, 2008 (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:

The following members of the City Council were absent:

Also present:

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:

RESOLUTION OF THE CITY OF CHARLOTTE, NORTH CAROLINA REGARDING BOND ORDERS AUTHORIZING THE ISSUANCE OF \$170,200,000 GENERAL OBLIGATION PUBLIC IMPROVEMENTS BONDS, AUTHORIZING THE ISSUANCE OF \$10,000,000 GENERAL OBLIGATION HOUSING BONDS AND \$47,000,000 GENERAL OBLIGATION NEIGHBORHOOD IMPROVEMENTS BONDS, SETTING A PUBLIC HEARING THEREON AND DIRECTING PUBLICATION OF A NOTICE OF SAID PUBLIC HEARING

WHEREAS, bond orders entitled:

"BOND ORDER AUTHORIZING THE ISSUANCE OF \$170,200,000 GENERAL OBLIGATION PUBLIC IMPROVEMENTS BONDS OF THE CITY OF CHARLOTTE, NORTH CAROLINA;"

"BOND ORDER AUTHORIZING THE ISSUANCE OF \$10,000,000 GENERAL OBLIGATION HOUSING BONDS OF THE CITY OF CHARLOTTE, NORTH CAROLINA;" and

"BOND ORDER AUTHORIZING THE ISSUANCE OF \$47,000,000 GENERAL OBLIGATION NEIGHBORHOOD IMPROVEMENTS BONDS OF THE CITY OF CHARLOTTE, NORTH CAROLINA;"

have been introduced at a meeting of the City Council (the "*City Council*") of the City of Charlotte, North Carolina this 28th day of July, 2008; and

WHEREAS, the City Council desires to provide for the holding of a public hearing thereon on August 25, 2008 and the submission of a statement of debt in connection therewith as required by The Local Government Bond Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA that the public hearing on said bond orders shall be held on the 25th day of August, 2008 at 7:00 p.m. in the Meeting Chamber, Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina, 28202.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause a copy of said bond orders to be published with a notice of such hearing in the form prescribed by law in the *Charlotte Observer* on or before the 15th day of August, 2008.

BE IT FURTHER RESOLVED that the Director of Finance is hereby directed to file prior to publication of the bond orders with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the net debt of the City, the assessed value of property subject to taxation by the City and the percentage that net debt of the City bears to the assessed value of property subject to taxation.

BE IT FURTHER RESOLVED that this Resolution shall become effective on the date of its adoption.

Upon motion of Councilmember Mitchell, seconded by Councilmember Burgess, the foregoing resolution entitled: "RESOLUTION OF THE CITY OF CHARLOTTE, NORTH CAROLINA REGARDING BOND ORDERS AUTHORIZING THE ISSUANCE OF \$170,200,000 GENERAL OBLIGATION PUBLIC IMPROVEMENTS BONDS, AUTHORIZING THE ISSUANCE OF \$10,000,000 GENERAL OBLIGATION HOUSING BONDS AND \$47,000,000 GENERAL OBLIGATION NEIGHBORHOOD IMPROVEMENTS BONDS, SETTING A PUBLIC HEARING THEREON AND DIRECTING PUBLICATION OF A NOTICE OF SAID PUBLIC HEARING" was adopted by the following vote: Unanimous

AYES: _____

NAYS: _____

PASSED, ADOPTED AND APPROVED this 28th day of July, 2008.

July 28, 2008

Resolution Book 41, Page 420

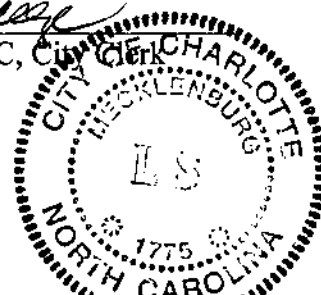
CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th day of July, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (418-423).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 2008.

Brenda R. Freeze

Brenda R. Freeze, CMC, City Clerk



NOTICE OF PUBLIC HEARING

BOND ORDER AUTHORIZING THE ISSUANCE OF \$170,200,000
GENERAL OBLIGATION PUBLIC IMPROVEMENTS BONDS
OF THE CITY OF CHARLOTTE, NORTH CAROLINA

WHEREAS, the City Council of the City of Charlotte, North Carolina (the "City Council") has ascertained and hereby determines that it is necessary to pay the capital costs of constructing, reconstructing, enlarging, extending and improving certain streets, including streets and roads constituting a part of the State highway system or otherwise the responsibility of the State and including the cost of related studies, streetscape and pedestrian improvements, relocation of utilities, plans and design; acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading or improving streets, roads, intersections, parking lots and bicycle paths; acquiring, constructing, reconstructing or improving sidewalks, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; and the acquisition of land and rights-of-way in land required therefor; and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the General Obligation Public Improvements Bonds hereinafter described as required by the Local Government Bond Act, and the City Clerk has notified the City Council that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Charlotte, North Carolina, as follows:

Section 1. In order to raise the money required for the public improvement purposes described above, in addition to any funds which may be made available for such purpose from any other source, General Obligation Public Improvements Bonds of the City are hereby authorized and shall be issued pursuant to the Local Government Finance Act of North Carolina. The maximum aggregate principal amount of such General Obligation Public Improvements Bonds authorized by this order shall be \$170,200,000.

Section 2. A tax sufficient to pay the principal of and interest on said General Obligation Public Improvements Bonds when due shall be annually levied and collected.

Section 3. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 4. This bond order shall take effect when approved by the voters of the City at a referendum scheduled for November 4, 2008.

The foregoing bond order has been introduced and a sworn statement of debt has been filed under the Local Government Bond Act showing the appraised value of the City of Charlotte, North Carolina to be \$ _____ and the net debt thereof, including the proposed bonds, to be \$ _____. A tax will be levied to pay the principal of and interest on the bonds if they are issued. Anyone who wishes to be heard on the questions of the validity of the General Obligation Public Improvements Bond Order and the advisability of issuing the bonds may appear at a public hearing or an adjournment thereof to be held in the Meeting Chamber, Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina, 28202, at 7:00 p.m. on the 25th day of August, 2008.

/s/ Brenda R. Freeze

City Clerk
City of Charlotte, North Carolina

NOTICE OF PUBLIC HEARING

BOND ORDER AUTHORIZING THE ISSUANCE OF \$10,000,000
GENERAL OBLIGATION HOUSING BONDS
OF THE CITY OF CHARLOTTE, NORTH CAROLINA

WHEREAS, the City Council of the City of Charlotte, North Carolina (the "City Council") has ascertained and hereby determines that it is necessary to pay the capital costs of acquiring, constructing, developing, equipping and furnishing housing projects for the benefit of persons of low income, or moderate income, or low and moderate income, including without limitation loans, grants, interest supplements and other programs of financial assistance to persons of low income, or moderate income, or low and moderate income, and developers of housing for persons of low income, or moderate income, or low and moderate income, and construction of infrastructure improvements related thereto and the acquisition of land and rights-of-way required therefor; and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the General Obligation Housing Bonds hereinafter described as required by the Local Government Bond Act, and the City Clerk has notified the City Council that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Charlotte, North Carolina, as follows:

Section 1. In order to raise the money required for the housing purposes described above, in addition to any funds which may be made available for such purpose from any other source, General Obligation Housing Bonds of the City are hereby authorized and shall be issued pursuant to the Local Government Finance Act of North Carolina. The maximum aggregate principal amount of such General Obligation Housing Bonds authorized by this order shall be \$10,000,000.

Section 2. A tax sufficient to pay the principal of and interest on said General Obligation Housing Bonds when due shall be annually levied and collected.

Section 3. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 4. This bond order shall take effect when approved by the voters of the City at a referendum scheduled for November 4, 2008.

The foregoing bond order has been introduced and a sworn statement of debt has been filed under the Local Government Bond Act showing the appraised value of the City of Charlotte, North Carolina to be \$_____ and the net debt thereof, including the proposed bonds, to be \$_____. A tax will be levied to pay the principal of and interest on the bonds if they are issued. Anyone who wishes to be heard on the questions of the validity of the General Obligation Housing Bond Order and the advisability of issuing the bonds may appear at a public hearing or an adjournment thereof to be held in the Meeting Chamber, Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina, 28202, at 7:00 p.m. on the 25th day of August, 2008.

/s/ Brenda R. Freeze

City Clerk
City of Charlotte, North Carolina

NOTICE OF PUBLIC HEARING

BOND ORDER AUTHORIZING THE ISSUANCE OF \$47,000,000
GENERAL OBLIGATION NEIGHBORHOOD IMPROVEMENT BONDS
OF THE CITY OF CHARLOTTE, NORTH CAROLINA

WHEREAS, the City Council of the City of Charlotte, North Carolina (the "City Council") has ascertained and hereby determines that it is necessary to pay the capital costs of infrastructure improvements in various neighborhoods of the City, including the cost of related studies, plans and design; acquiring, constructing, reconstructing, improving, installing or providing curbs, gutters, storm drainage and sidewalks; paving, resurfacing, grading or improving streets, roads and intersections; and providing related landscaping and lighting and acquiring any necessary equipment, land, interests in land and rights-of-way therefor; and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the General Obligation Neighborhood Improvement Bonds hereinafter described as required by the Local Government Bond Act, and the City Clerk has notified the City Council that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Charlotte, North Carolina, as follows:

Section 1. In order to raise the money required for the housing purposes described above, in addition to any funds which may be made available for such purpose from any other source, General Obligation Neighborhood Improvement Bonds of the City are hereby authorized and shall be issued pursuant to the Local Government Finance Act of North Carolina. The maximum aggregate principal amount of such General Obligation Neighborhood Improvement Bonds authorized by this order shall be \$47,000,000.

Section 2. A tax sufficient to pay the principal of and interest on said General Obligation Neighborhood Improvement Bonds when due shall be annually levied and collected.

Section 3. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 4. This bond order shall take effect when approved by the voters of the City at a referendum scheduled for November 4, 2008.

The foregoing bond order has been introduced and a sworn statement of debt has been filed under the Local Government Bond Act showing the appraised value of the City of Charlotte, North Carolina to be \$_____ and the net debt thereof, including the proposed bonds, to be \$_____. A tax will be levied to pay the principal of and interest on the bonds if they are issued. Anyone who wishes to be heard on the questions of the validity of the General Obligation Neighborhood Improvements Bond Order and the advisability of issuing the bonds may appear at a public hearing or an adjournment thereof to be held in the Meeting Chamber, Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina, 28202, at 7:00 p.m. on the 25th day of August, 2008.

/s/ Brenda R. Freeze

City Clerk
City of Charlotte, North Carolina

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 July 28, 2008.

* * *

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 July 28, 2008 (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, Foxx, Lassiter, Mitchell, Peacock, and Turner

The following members of the City Council were absent: Kinsey

Also present: _____

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, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF WATER AND SEWER SYSTEM REVENUE BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE CITY'S WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2008 AND CERTAIN RELATED MATTERS.

WHEREAS, the City Council (the "City Council") of the City of Charlotte, North Carolina (the "City") hereby determines that it is desirable to (1) refinance all of the City's outstanding Water and Sewer System Commercial Paper Revenue Bond Anticipation Notes, Series 2004 (the "Commercial Paper"), the proceeds of which were used to improve its water and sanitary sewer systems (collectively, the "Water and Sewer System"), including, but not limited to, the extension of existing water and sewer lines and rehabilitation or replacement of others; construction of new water and sewer mains and outfalls; rehabilitation and upgrades of water and wastewater treatment plants; and acquisition of land and (2) finance additional improvements to the Water and Sewer System (collectively with the projects being refinanced, the "Project");

WHEREAS, the City Council is considering the issuance of not to exceed \$380,000,000 Water and Sewer System Revenue Bonds, Series 2008 of the City (the "2008 Bonds") to refinance the Commercial Paper and finance the Project;

WHEREAS, the City Council wants to (A) retain Parker Poe Adams & Bernstein LLP of Charlotte, North Carolina, as bond counsel; (B) retain Banc of America Securities LLC of Charlotte, North Carolina, and Wachovia Bank, National Association, of Charlotte, North Carolina, as underwriters

for the 2008 Bonds (the "*Underwriters*"); (C) approve the selection by the Underwriters of McGuireWoods LLP of Charlotte, North Carolina, as underwriters' counsel; (D) retain Waters and Company LLC of Birmingham, Alabama, as financial consultant, and DEC Associates, Inc. of Charlotte, North Carolina, as financial advisor; and (E) retain U. S. Bank National Association of Charlotte, North Carolina, as trustee for the 2008 Bonds (collectively, the "*Financing Team*"); and

WHEREAS, the City Council wants the Director of Finance of the City to file with the Local Government Commission of North Carolina (the "*Commission*") an application for its approval of the 2008 Bonds, on a form prescribed by the Commission, and (1) request in such application that the Commission approve (A) the negotiation of the sale of the 2008 Bonds to the Underwriters, (B) the City's use of the Financing Team in connection with the issuance of the 2008 Bonds; and (2) state in such application such facts and to attach thereto such exhibits in regard to the 2008 Bonds and to the City and its financial condition, as may be required by the Commission, and to take all other action necessary to the issuance of the 2008 Bonds.

WHEREAS, a form of the Preliminary Official Statement (the "*Preliminary Official Statement*") with respect to the 2008 Bonds has been made available to the City Council;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA DOES RESOLVE AS FOLLOWS:

Section 1. That the 2008 Bonds are to be issued by the City in one or more series for the purpose of providing funds (1) to finance and refinance the costs of the Project, (2) to fund a debt service reserve for the 2008 Bonds or purchase a surety policy in lieu thereof, if necessary, and (3) to pay the costs of issuing the 2008 Bonds all as set out fully in the documents attached to the City's application to the Commission. The use of the proceeds of the 2008 Bonds, as described, is necessary in order to meet the expanding needs of the users of the Water and Sewer System and to assure that the Water and Sewer System remains in full compliance with all state and federal requirements for the provision of water and sanitary sewer services.

Section 2. That the Financing Team is hereby approved in connection with the issuance by the City of the 2008 Bonds.

Section 3. That the Director of Finance of the City with advice from the City Manager and bond counsel, is hereby authorized, directed and designated to file an application with the North Carolina Local Government Commission for its approval of the issuance of the 2008 Bonds.

Section 4. That the City Council finds and determines and asks the Commission to find and determine from the City's application and supporting documentation:

- (a) that the issuance of the 2008 Bonds is necessary or expedient;
- (b) that the not to exceed stated principal amount of the 2008 Bonds will be sufficient but is not excessive, when added to other moneys available to the Water and Sewer System, to refinance the Commercial Paper and finance the Project;
- (c) that the Water and Sewer System as now constituted and after the completion of the Project is feasible;
- (d) that the City's debt management procedure and policies are excellent; and
- (e) that the 2008 Bonds can be marketed at a reasonable interest cost to the City.

July 28, 2008

Resolution Book 41, Page 426

Section 5. That the Mayor, the City Manager and the Director of Finance are hereby authorized to do any and all other things necessary to complete the steps necessary for the issuance of the 2008 Bonds.

Section 6. That the City Council requests that the Commission sell the 2008 Bonds through negotiation to the Underwriters on such terms as may be agreed on but at a true interest cost not exceeding 5.75%. The form and content of the Preliminary Official Statement with respect to the 2008 Bonds are in all respects authorized, approved and confirmed, and the use of the Preliminary Official Statement by the Underwriters in connection with the sale of the 2008 Bonds is hereby in all respects authorized, approved and confirmed.

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

On motion of Councilmember Mitchell, seconded by Councilmember Burgess, the foregoing resolution titled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF WATER AND SEWER SYSTEM REVENUE BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE CITY'S WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2008 AND CERTAIN RELATED MATTERS" was duly adopted by the following vote:

AYES:

NAYS:

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th day of July, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (424-426).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 30th day of July, 2008.

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



EXTRACTS FROM MINUTES OF CITY COUNCIL

A Regular Meeting of the City Council of the City of Charlotte, North Carolina was duly held in the Meeting Chamber at the Charlotte-Mecklenburg Government Center in Charlotte, North Carolina, the regular place of meeting, at 7:00 P.M. on July 28, 2008.

Members Present: Barnes, Burgess, Carter, Cooksey, Dulin, Foxx, Lassiter, Mitchell, Peacock, and Turner

Members Absent: Kinsey

Also Present:

* * * * *

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, REAUTHORIZING THE CITY OF CHARLOTTE, NORTH CAROLINA WATER AND SEWER SYSTEM COMMERCIAL PAPER REVENUE BOND ANTICIPATION NOTES, SERIES 2004 AND AUTHORIZING CERTAIN ADDITIONAL DOCUMENTS RELATED THERETO.

WHEREAS, the City of Charlotte, North Carolina (the "City") is authorized by The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 *et seq.* (the "Act"), to issue, subject to the approval of the Local Government Commission of North Carolina, at one time or from time to time revenue bond anticipation notes of the City for the purposes as specified in the Act; and

WHEREAS, the City has previously issued its Water and Sewer System Commercial Paper Revenue Bond Anticipation Notes, Series 2004 (the "Bond Anticipation Notes") in an aggregate principal amount not to exceed \$400,000,000 under the terms of the General Trust Indenture dated as of November 1, 1996 between the City and First Union National Bank of North Carolina, the successor to which is U. S. Bank National Association, as trustee, (the "Trustee"), as amended (the "General Indenture"), Series Indenture, Number 7 dated as of August 1, 2004 (the "Series Indenture") between the City and the Trustee and the bond order adopted by the City Council on July 26, 2004 (the "Bond Order");

WHEREAS, the City has used the proceeds of the Bond Anticipation Notes to finance the capital costs of improvements to the water and sanitary sewer systems of the City (the "Water and Sewer System"), including, but not limited to, the extension of existing water and sewer lines and rehabilitation or replacement of others; construction of new water and sewer mains and outfalls;

rehabilitation and upgrades of water and wastewater treatment plants; and acquisition of land for the Water and Sewer System, all as described in the Bond Order;

WHEREAS, the City intends to refinance the outstanding principal amount of the Bond Anticipation Notes with the proceeds of long-term bonds (the "2008 Bonds") issued under the General Indenture and Series Indenture, Number 10 to be dated as of August 1, 2008 between the City and the Trustee; and

WHEREAS, the City has determined that after the issuance of the 2008 Bonds and discharge of the outstanding Bond Anticipation Notes, as permitted under the terms of the Series Indenture, the City desires to continue utilizing the Bond Anticipation Notes program and issue additional Bond Anticipation Notes in an aggregate principal amount not to exceed \$400,000,000 to pay costs of improving the Water and Sewer System;

WHEREAS, the City will enter into a Commercial Paper Dealer Agreement dated as of August 1, 2008 (the "Dealer Agreement") with Wachovia Bank, National Association (the "Dealer"), and the North Carolina Local Government Commission (the "Commission"), under which the Dealer will place the Bond Anticipation Notes on behalf of the City and the Commission under the terms and conditions set forth therein and in the Series Indenture; and

WHEREAS, the City desires to enter into a Standby Note Purchase Agreement dated as of August 1, 2008 (the "Liquidity Facility") among the City, U. S. Bank National Association, as issuing and paying agent, and Wachovia Bank, National Association, as liquidity provider, to provide liquidity for the Bond Anticipation Notes;

WHEREAS, a copy of the form of the Liquidity Facility has been filed with the City;

WHEREAS, the City Council has considered and recognizes that variable interest rate debt instruments may subject the City to the risk of higher interest rates in the future and that in addition to the variable interest cost, the City must pay the fees of the provider of a Liquidity Facility and the Dealer, which fees will increase the variable interest cost to the City;

WHEREAS, the City Council believes that utilizing the commercial paper financing as an interim source of funding for improving the Water and Sewer System lowers the City's overall cost of capital and therefore is superior to issuing fixed rate bonds for such purpose at this time;

WHEREAS, the City Council directs the Director of Finance of the City to file with the Local Government Commission of North Carolina (the "Commission") an application for its reapproval of the Bond Anticipation Notes in an aggregate principal amount not to exceed \$400,000,000, on a form prescribed by the Commission, and (1) request in such application that the Commission approve (A) the negotiation of the sale of the Bond Anticipation Notes to the Dealer in accordance with the Series Indenture and the Dealer Agreement, (B) the City's use of Parker Poe Adams & Bernstein LLP, as bond counsel for the City, (C) the Dealer's use of McGuireWoods LLP, as dealer's counsel, (D) the City's use of DEC Associates Inc. and Waters and Company, LLC, as financial advisors, (E) the City's use of U. S. Bank National Association, as issuing and paying agent for the Bond Anticipation Notes, and (F) the City's use of Wachovia Bank, National Association, as the liquidity provider for such Bond Anticipation Notes (collectively, the "Financing Team") and (2) state in such application such facts and to attach thereto such exhibits in regard to the Bond Anticipation Notes and to the City and its financial condition, as may be required by the Commission, and to take all other action necessary to the reauthorization of the Bond Anticipation Notes.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA DOES RESOLVE AS FOLLOWS:

Section 1. That following the issuance of the 2008 Bonds and the discharge of the then outstanding Bond Anticipation Notes, the issuance of the Bond Anticipation Notes by the City is reauthorized in the principal amount not to exceed \$400,000,000, in substantially the form and content set forth in the Series Indenture, subject to appropriate insertions and revisions in order to comply with the provisions of the General Indenture and the Series Indenture, be and the same hereby are in all respects approved and confirmed, and the form and content of the Bond Anticipation Notes set forth in the Series Indenture be and the same hereby are in all respects approved and confirmed, and the provisions of the General Indenture and the Series Indenture with respect to the Bond Anticipation Notes (including without limitation the maturities and rate setting mechanisms) be and the same hereby are approved and confirmed and are incorporated herein by reference.

The proceeds of the Bond Anticipation Notes will provide funds (1) to finance the costs of improving the Water and Sewer System (the "Project") and (2) to pay the costs of issuing the Bond Anticipation Notes. The use of the proceeds of the Bond Anticipation Notes, as described, is necessary in order to meet the expanding needs of the users of the Water and Sewer System and to assure that the Water and Sewer System remains in full compliance with all state and federal requirements for the provision of water and sanitary sewer services.

The Bond Anticipation Notes shall be special obligations of the City. The principal of, premium, if any, and interest on the Bond Anticipation Notes shall not be payable from the general funds of the City, nor shall they constitute a legal or equitable pledge, charge, lien or encumbrance upon any of its property or upon any of its income, receipts or revenues except the funds which are pledged under the General Indenture and the Series Indenture. Neither the credit nor the taxing power of the State of North Carolina or the City are pledged for the payment of the principal of, premium, if any, or interest on the Bond Anticipation Notes, and no holder of Bond Anticipation Notes has the right to compel the exercise of the taxing power by the State of North Carolina or the City or the forfeiture of any of its property in connection with any default thereon.

Section 2. That the Financing Team is hereby approved in connection with the reauthorization of the Bond Anticipation Notes.

Section 3. That the Director of Finance of the City with advice from the City Manager and bond counsel, is hereby authorized, directed and designated to file an application with the North Carolina Local Government Commission for its reapproval of the issuance of the Bond Anticipation Notes.

Section 4. That the City Council finds and determines and asks the Commission to find and determine from the City's application and supporting documentation:

- (a) that the issuance of the Bond Anticipation Notes is necessary or expedient;
- (b) that the not to exceed stated principal amount of the Bond Anticipation Notes will be sufficient but is not excessive, when added to other moneys available to the Water and Sewer System, for the proposed Project;
- (c) that the Water and Sewer System as now constituted and as it will be constituted after the completion of the Project is feasible;
- (d) that the City's debt management procedure and policies are excellent; and
- (e) that the Bond Anticipation Notes can be marketed at a reasonable interest cost to the City.

Section 5. That the form and content of the Dealer Agreement and the Liquidity Facility be and the same hereby are in all respects approved and confirmed, and the Mayor, the City Manager, the Director of Finance and City Clerk of the City, or their respective designees, each be and they hereby are authorized, empowered and directed to execute and deliver the Dealer Agreement and the Liquidity Facility for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions therein, and that from and after the execution and delivery of the Dealer Agreement and the Liquidity Facility, each of the Mayor, the City Manager, the Director of Finance and City Clerk of the City, or their respective designees, are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Dealer Agreement and the Liquidity Facility as executed. To the extent that either of the Dealer Agreement or the Liquidity Facility is terminated or expires in accordance with its terms, each of the Mayor, the City Manager, the Director of Finance and City Clerk of the City, or their respective designees, are hereby authorized, empowered and directed to negotiate and execute and deliver a new dealer agreement or liquidity facility on such terms and with a new dealer or liquidity provider in substantially the form and content as the Dealer Agreement or the Liquidity Facility, as the case may be, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate as is in the best interests of the City.

Section 6. That the City Council requests that the Commission sell the Bond Anticipation Notes through negotiation to the Dealer pursuant to the terms of the Dealer Agreement.

Section 7. The form and content of the Offering Memorandum prepared in connection with the reauthorization of the Bond Anticipation Notes are in all respects authorized, approved and confirmed, and the use of the Offering Memorandum by the Dealer in connection with the sale of the Bond Anticipation Notes is hereby in all respects authorized, approved and confirmed.

Section 8. No stipulation, obligation or agreement herein contained or contained in the Bond Anticipation Notes, the Dealer Agreement, the Liquidity Facility or any other instrument related to the issuance of the Bond Anticipation Notes shall be deemed to be a stipulation, obligation or agreement of any officer, agent or employee of the City in his or her individual capacity, and no such officer, agent or employee shall be personally liable on the Bond Anticipation Notes or be subject to personal liability or accountability by reason of the issuance thereof.

Section 9. The Mayor, the City Manager, the Director of Finance and the City Clerk of the City, or their respective designees, are each hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate in order to consummate the transactions contemplated by this Resolution.

Section 10. If any one or more of the agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof or of the Bond Anticipation Notes authorized hereunder.

Section 11. All resolutions or parts thereof of the Board in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 12. This Resolution is effective on its adoption.

Upon motion of Councilmember Mitchell, seconded by Councilmember Burgess, the foregoing order entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, REAUTHORIZING THE CITY OF CHARLOTTE, NORTH CAROLINA WATER AND SEWER SYSTEM COMMERCIAL PAPER REVENUE BOND ANTICIPATION NOTES, SERIES 2004 AND AUTHORIZING CERTAIN ADDITIONAL DOCUMENTS RELATED THERETO" was adopted by the following vote: Unanimous

AYES:


NAYS:

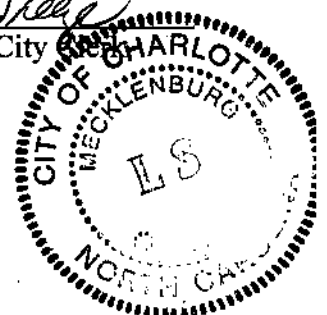
PASSED, ADOPTED AND APPROVED this 28th day of July, 2008.

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 28th day of July, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (427-431).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 2008.


Brenda R. Freeze, CMC, City of Charlotte



ACTION A

RESOLUTION

EXTRACT FROM THE MINUTES OF A regular
MEETING OF THE Charlotte City Council
HELD ON July 28, 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 AGREEMENTS FOR PROJECT
NUMBERS 36244.17.9.1 BETWEEN THE NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION AND THE CITY OF CHARLOTTE, NORTH CAROLINA

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

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

SECTION 3. That the Aviation Director is hereby
authorized to execute payment requests under these Grant Agreements
on behalf of said City of Charlotte.

July 28, 2008

Resolution Book 41, Page 433

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th day of July, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (432-433).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 2008.


Brenda R. Freeze, CMC, City Clerk



RESOLUTION TO GRANT AIR RIGHTS EASEMENT BY THE CITY COUNCIL
CITY OF CHARLOTTE, NORTH CAROLINA

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

WHEREAS, the City Council has the authority to grant air right easements over public rights-of-way and it is the City's Policy to charge for such rights; and,

WHEREAS, Charlotte Downtown Apartments, LLC has requested the granting of air rights over South College Street to construct a pedestrian bridge connecting a proposed residential building to a proposed new parking deck and,

WHEREAS, the proposed pedestrian bridge is in conformance with the City's Overstreet Connections Policy and has been reviewed by Charlotte Department of Transportation, Engineering and Property Management Department, and Planning Commission staff; and,

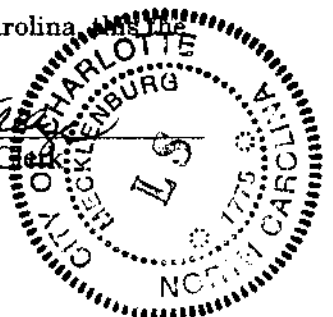
NOW, THEREFORE, BE IT RESOLVED that the Charlotte City Council approves the granting of air rights to Charlotte Downtown Apartments, LLC for the construction of a pedestrian bridge across South College Street and authorizes the City Manager to execute a Crosswalk Agreement and Term Air Rights Easement granting such rights.

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th day of July, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (434-472).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 30th day of July, 2008.


Brenda R. Freeze, CMC, City Clerk



Prepared by and return to:
Slobin & Slobin, P.C.
2500 Tanglewilde, Suite 275
Houston, Texas 77057

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

TEMPORARY CONSTRUCTION AND
TERM AIR RIGHTS EASEMENT

This TEMPORARY CONSTRUCTION AND TERM AIR EASEMENT ("EASEMENT"), given this ____ day of _____, 2008, by THE CITY OF CHARLOTTE, a municipal corporation organized and existing under the laws of the State of North Carolina (hereinafter referred to as "City") to CHARLOTTE DOWNTOWN APARTMENTS, L.P., a Delaware limited partnership (hereinafter referred to as "Owner").

WITNESSETH:

WHEREAS, City is the owner of that certain public right-of-way known as College Street ("College Street") in the City of Charlotte, North Carolina; and

WHEREAS, Owner is the owner of land, and any improvements located or to be located thereon, abutting on the northerly side of College Street, said land being more fully described in Exhibit A-1 attached hereto and incorporated herein by reference (the "North Tract"); and

WHEREAS, Owner is also the owner of land, and any improvements located or to be located thereon, abutting on the southerly side of College Street, said land being more fully described in Exhibit A-2 attached hereto and incorporated herein by reference (the "South Tract") (the North Tract and the South Tract being hereinafter collectively referred to as the "Property", said Property being divided by College Street); and

WHEREAS, Owner and City have entered into an agreement (the "Cross Walk Agreement") whereby City has approved the construction of the Encroaching Structure, as defined therein, and has agreed to grant to Owner an easement for the construction, use and maintenance of the Encroaching Structure over College Street.

NOW, THEREFORE, in consideration of the premises, Seven Thousand Nine Hundred Forty-Two and 32/100 Dollars (\$7,942.32) paid by Owner to City, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City hereby grants and conveys unto Owner, its respective successors, designees, mortgagees and assigns, those easements described in Exhibit B-1 and depicted in Exhibit A-2 attached hereto and by this reference made a part hereof, for (i) construction of the Encroaching Structure in the air space over and above College Street, in the right-of-way of College Street and in the set back lines on each side of College Street as depicted in Exhibit C attached hereto and by this reference made a part hereof; and (ii) maintenance and use of the Encroaching Structure as constructed ("Easements"), all in accordance with the requirements of the Cross Walk Agreement.

TO HAVE AND TO HOLD, unto the Owner and its successors, designees, mortgagees and assigns, until the 31st day of December, 2100, and thereafter, unless sooner terminated by City or by Owner or its successors, designees, mortgagees and assigns, pursuant to the terms of the Cross Walk Agreement, for successive ten (10) year periods commencing January 1, 2101, unless sooner terminated pursuant to the terms of the Cross Walk Agreement; subject, however, to all the terms and conditions of the Cross Walk Agreement.

The Easements granted in this instrument shall be appurtenant to and run with the Property. Said Easements shall inure to the benefit of Owner, its respective designees, mortgagees, successors and assigns. City agrees that Owner may, by separate recorded instrument, redefine the Property to which the Easements granted herein shall be appurtenant without terminating or otherwise affecting the Easements granted herein.

By execution hereof, the City consents to the transfer or encumbrance by Owner of its interest in the Easements granted herein, provided, however, that the transferee or subsequent owner by foreclosure, deed in lieu of foreclosure or otherwise shall be bound by the terms of the Cross Walk Agreement from and after the date of acquisition of the Property encumbered to the extent such obligations are within the reasonable control of the party acquiring such Property. The provisions of this paragraph will apply for any and all deeds of trust now existing or hereafter given by Owner, its successors or assigns against the Property to which the Easements granted herein are appurtenant.

Owner, on behalf of itself and its successors and assigns, agrees to indemnify and hold harmless, except for the negligence or willful misconduct of, the City, its officers and employees, from and against damages resulting from injury to persons or damage to property and expenses or other liability which result from or arise out of the Encroaching Structure that

is the subject of the Easements. Owner, on behalf of itself and its successors and assigns, further agrees to pay such claims or defend any lawsuits which may be brought against the City, its officers and employees, by reason of the construction or maintenance of the Encroaching Structure that is the subject of the Easements in such manner that City, its officers and employees, will suffer no liability or expense by reason of any such claims or legal actions. Owner, at its expense, shall purchase and maintain for the duration of the Easements, comprehensive general liability insurance, including coverages for collapsed and underground property damage ("C" and "U") and contractual liability assumed under these Easements. Such policy or policies of insurance shall be for limits of not less than Seven Million and No/100 Dollars (\$7,000,000.00) bodily injury and property damage liability, and will be subject to future review and reasonable adjustment from time to time by and at the request of City. Certificates of Insurance shall be furnished to the Charlotte Department of Transportation containing a provision that thirty (30) days written notice will be given to City prior to cancellation or change in the required coverages. City shall be named on the policies as a named additional insured.

[SIGNATURE INCLUDED ON FOLLOWING PAGE]

IN WITNESS WHEREOF, City has caused this instrument to be signed in its corporate name and by its duly authorized officials and its seal to be affixed by authority of the City Council, the day and year first above written.

CITY OF CHARLOTTE

ATTEST:

By: _____
Name: _____
City Manager

City Clerk

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public of the County and State above, certify that _____ personally came before me this day and acknowledged that (s)he is _____ of the City of Charlotte, a body politic and corporate and by authority duly given, the foregoing instrument was signed in its name by _____ as its _____.

WITNESS my hand and official stamp or seal this _____ day of _____ 2008.

Official Signature of Notary

My Commission Expires: _____

[AFFIX NOTARIAL STAMP-SEAL]

EXHIBIT A-1

DESCRIPTION OF NORTH TRACT

Being all of a 1.710 acre parcel of land situated in The City of Charlotte Mecklenburg County, North Carolina being all of that property as described in Deed Book 10588, Page 786, Mecklenburg County Registry, all of Tract IVII as described in Deed Book 11942, Page 722, Mecklenburg County Registry, property also being Parcel 1 as shown in Recombination Plat filed in Map Book 47, Page 757, Mecklenburg County Registry and more particularly described by metes and bounds as follows:

BEGINNING at a new PK nail at the intersection of the southeasterly right of way line of South Tryon Street and the southwesterly right of way line of Catherine Street.

Thence, with the southeasterly right of way line of Catherine Street, S 46°48'51" E, 203.30 feet to a new PK nail on the intersection of the southwesterly right of way line of Catherine Street and the northwesterly right of way line of South College Street.

Thence, with the northwesterly right of way line of South College Street, S 43°45'07" W, 391.91 feet to a new PK nail on the intersection of the northwesterly right of way line of S. College Street and the northeasterly right of way line of East Bland Street.

Thence, with the northeasterly right of way line of East Bland Street, N 40°14'53" W, 189.16 feet to a new PK nail on the intersection of the southeasterly right of way line of South Tryon Street and the southwesterly right of way line of East Bland Street.

Thence, with the southeasterly right of way line of South Tryon Street N 41°24'28" E, 370.44 feet to the POINT OF BEGINNING, and containing within these metes and bounds 74,502 Square Feet, or 1.710 Acres, more or less, as shown on that "ALTA/ACSM Land Title Survey for DDC Construction, Inc., Tryon Street and Bland Street", by Geoscience Group, Inc., dated: August 13, 2007, and signed and sealed by Scott Alan Tierney, NCPLS L-3166 to which reference is hereby made.

EXHIBIT A-2

DESCRIPTION OF SOUTH TRACT

Being all of a 1.266 acre parcel of land situated in The City of Charlotte Mecklenburg County, North Carolina being all of Tract V and VI as described in Deed Book 11942, Page 722, Mecklenburg County Registry, property also being Parcels 2, 3, and former right of way of Catherine Street as shown in Recombination Plat filed in Map Book 47, Page 757, Mecklenburg County Registry and more particularly described by metes and bounds as follows:

BEGINNING at an existing iron pin on the southwesterly line of an 8 foot alley, said iron pin also being on the southeasterly right of way line of South College Street.

Thence, with the southwesterly line of said 8 foot alley, S 46°44'43" E, passing a new iron pin at 176.35 feet, a total distance of 213.19 feet to a new iron pin in the right of way of Southern Railway.

Thence, through the Southern railway right of way line the following three courses:

1. S 50°31'57" W, 100.14 feet to a new iron rod.
2. S 49°16'36" W, 26.08 feet to a new iron rod.
3. S 50°40'34" W, 160.20 feet to a new iron rod, the northeasterly corner of property of 200 East Bland Street, LLC as described in Map Book 29, Page 465, Mecklenburg County Register of Deeds.

Thence, with the northeasterly property line of said 200 East Bland, Street, the following two courses:

1. N 46°49'11" W, passing a new iron rod at 37.54 feet, a total distance of 137.21 feet to an existing iron rod.
2. N 49°01'12" W, 38.98 feet to an existing iron rod on the Southeasterly right of way line of South College Street.

Thence, with the southeasterly right of way line of South College Street, the following three courses:

1. N 43°45'07" E, 161.09 feet to a new iron pin.
2. N 42°20'45" E, 24.88 feet to an existing iron pin.
3. N 42°09'17" E, 99.91 feet to the POINT OF BEGINNING, and containing within these metes and bounds 55,128 Square Feet, or 1.266 Acres, more or less as shown on that "ALTA/ACSM Land Title Survey for DDCCConstruction, Inc., Tryon Street and Bland Street", by Geoscience Group, Inc., dated: August 13, 2007, and signed and sealed by Scott Alan Tierney, NCPLS L-3166 to which reference is hereby made.

EXHIBIT B-1

DESCRIPTION OF LOCATION OF EASEMENT

Being all of a 0.007 acre parcel of land situated in The City of Charlotte Mecklenburg County, North Carolina being in the public right of way of South College Street, and more particularly described by metes and bounds as follows:

BEGINNING at a computed point on the northwesterly right of way line of South College Street on the southeasterly property line of Tract 1 of the LP Charlotte Downtown Apartments and Dinerstien Companies tract as described in Deed Book 21873 Page 611, Mecklenburg County Register of Deeds, said point being S 43°45'07" W, 80.84 feet from an existing PK nail on the intersection of the southwesterly right of way line of Catherine Street and the northwesterly right of way line of South College Street.

Thence, through the existing right of way of South College Street, S 46°01'34" E, 30.00 feet to a computed point on the southeasterly right of way line of South College Street, said point being on the northwesterly line of Tract 2 of the LP Charlotte Downtown Apartments and Dinerstien Companies tract as described in Deed Book 21873 Page 611, Mecklenburg County Register of Deeds.

Thence, with the northwesterly line of said Tract 2, S 43°45'07" W, 10.00 feet to a computed point.

Thence, through the existing right of way of said South College Street, N 46°01'34" W, 30.00 feet to a computed point on the southeasterly line of said Tract 1 of the LP Charlotte Downtown Apartments Tract.

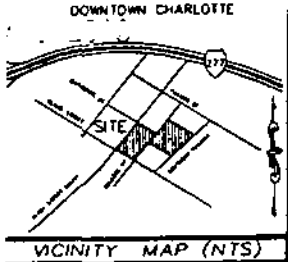
Thence, with the southeasterly line of Tract 1, N 43°45'07" E, 10.00 feet to the POINT OF BEGINNING and containing within these metes and bounds 300 square feet or 0.007 acres of land, more or less as shown on that "Exhibit Map Skywalk Easement", by Geoscience Group, Inc., dated: March 27, 2008, to which reference is hereby made.

EXHIBIT B-2

PLAT OF LOCATION OF EASEMENT

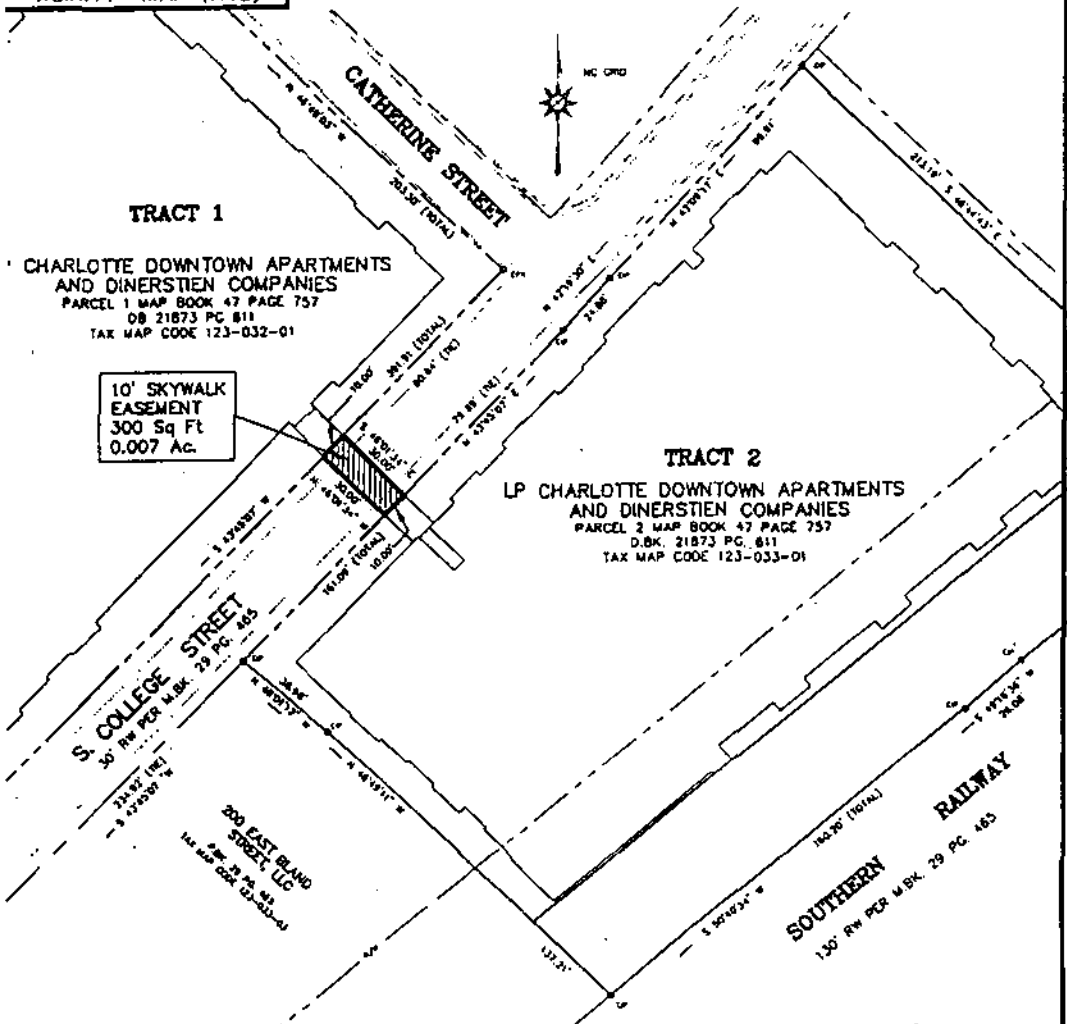
[SEE ATTACHED PAGE]

DOWNTOWN CHARLOTTE



I, SCOTT ALAN TIERNEY, certify that this plot was drawn under my supervision from an actual survey made under my supervision and this map and the survey upon which it is based conform to the standards of practice for land surveying in North Carolina (section .1800 of board rules).

SCOTT ALAN TIERNEY REGISTRATION No. L-3158



PRELIMINARY PLAT

Legend

DEIP	Existing Iron Pin
DNIP	New Iron Pin
•	Computed Point
—	Property Line Surveyed
—	Right of Way Line
—	Line Not Surveyed
R/W	Right of Way
EPK	Existing PK Ngt
BC	Back of Curb
EP	Edge of Pavement
N/F	Now or formerly

Notes

- All distances shown hereon are surface horizontal distance; areas are computed by the coordinate computation method.
- No NCGS monument was found to exist within 2000' of subject property.



EXHIBIT MAP

Skywalk Easement

CITY OF CHARLOTTE
 MECKLENBURG COUNTY, NORTH CAROLINA

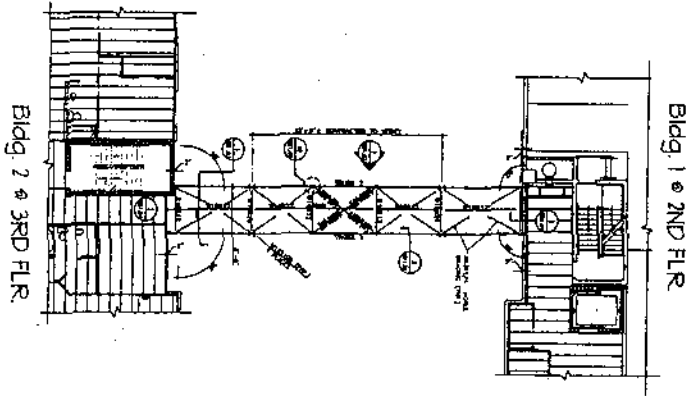
DATE: 03/27/08 SHEET: 1 OF 1
 SCALE: 1" = 50' SkybridgeEasement.DWG

GEOSCIENCE GROUP, INC.
 500-K Clanton Road
 Charlotte, NC 28217
 704-525-2003
 704-525-2051(fax)

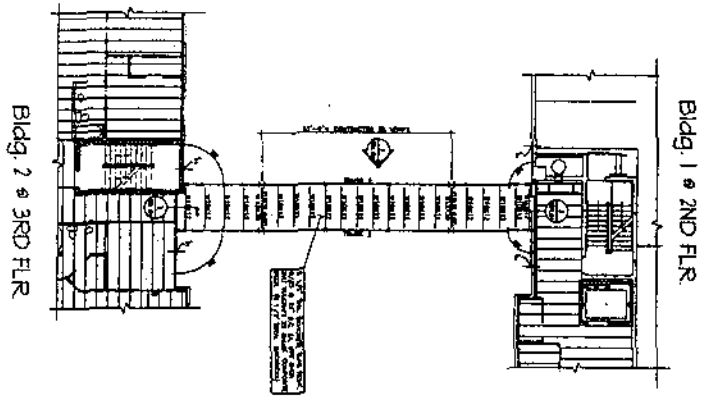
EXHIBIT C

PLANS AND SPECIFICATIONS FOR CROSSWALK

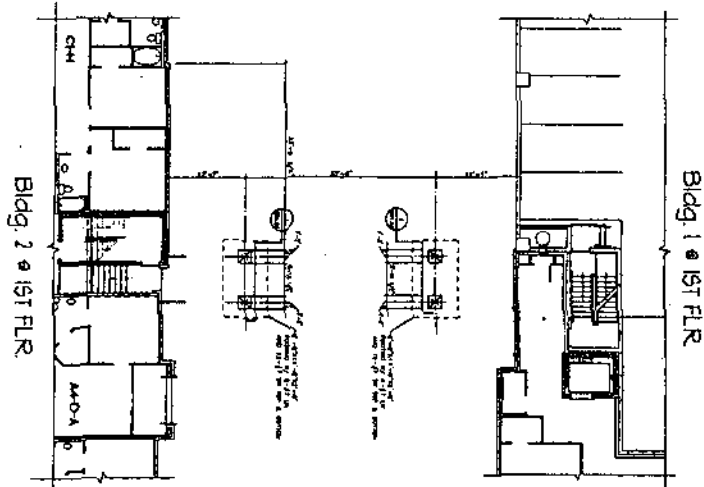
[SEE ATTACHED PAGES]



ROOF PLAN



FRAMING PLAN



FOUNDATION PLAN

TRAYN STREET APARTMENTS
 CHARLOTTE, NORTH CAROLINA
 DEC. COMPLETION, 2008

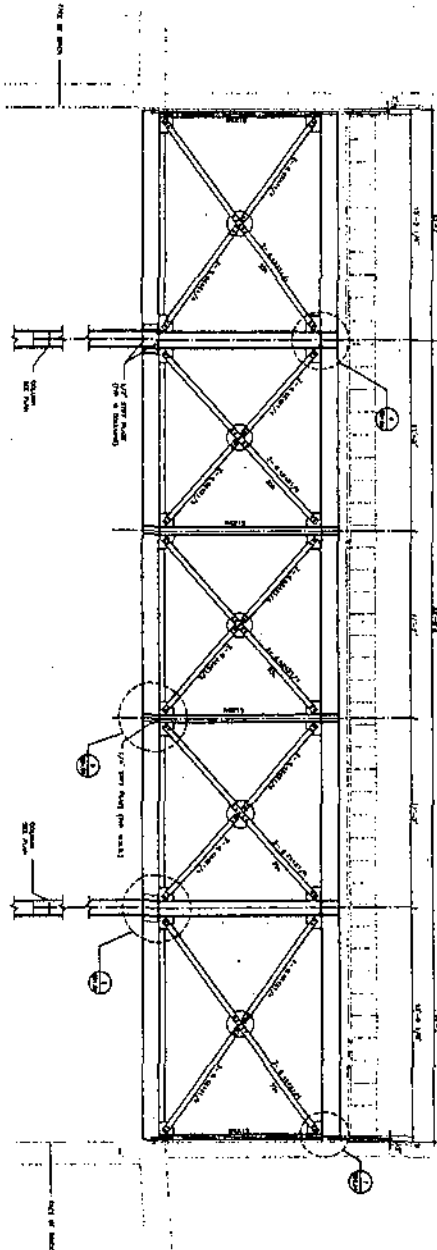
SPENCER ENGINEERS
 ARCHITECTS AND ENGINEERS
 1000 W. WILSON AVENUE, SUITE 100
 CHARLOTTE, NORTH CAROLINA 28202
 TEL: 704.375.1100 FAX: 704.375.1101
 WWW.SPENCERENGINEERS.COM

SPENCER ENGINEERS
 ARCHITECTS AND ENGINEERS
 1000 W. WILSON AVENUE, SUITE 100
 CHARLOTTE, NORTH CAROLINA 28202
 TEL: 704.375.1100 FAX: 704.375.1101
 WWW.SPENCERENGINEERS.COM

PROJECT NO. 08-001
 SHEET NO. 23573
 DATE: 7/28/08

REVISIONS: NONE
 DRAWN BY: JTB
 CHECKED BY: JTB
 DATE: 7/28/08

88101

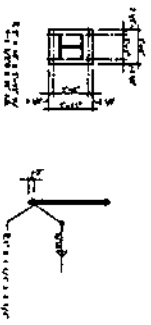


TRUSS 2

TRYPON STREET APARTMENTS
 CHARLOTTE, NORTH CAROLINA
 GDC CONSULTING, INC.

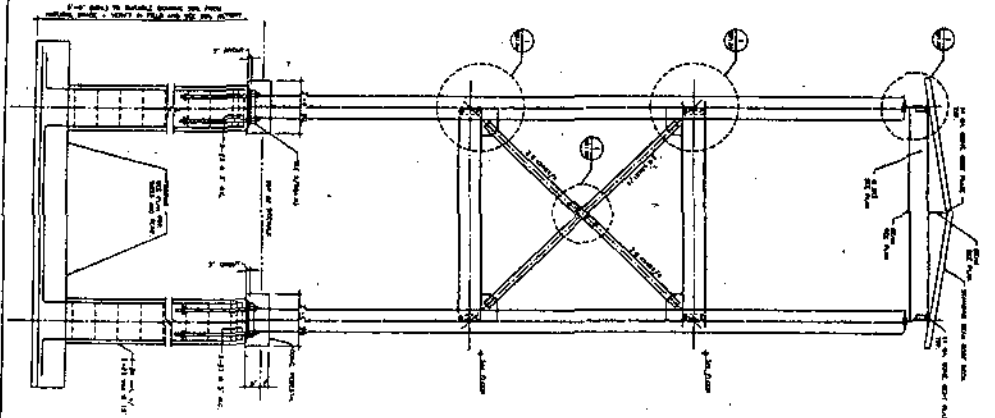
CONSULTING ENGINEERS
 CONSULTING ENGINEERS
 1000 W. 10TH STREET, SUITE 100
 CHARLOTTE, NORTH CAROLINA 28202
 PHONE: 704.375.1100
 FAX: 704.375.1101
 WWW.GDCCONSULTING.COM

BRIDGE ELEVATION
 DRAWING TYPE 1.1.1
 SHEET 25417A
 58102



BASE PLATE

2



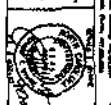
SECTION AT

1

TRIXON STREET
 APARTMENTS
 CHASE LITTLE ARCHITECTURAL
 ARCHITECTURE, INC.



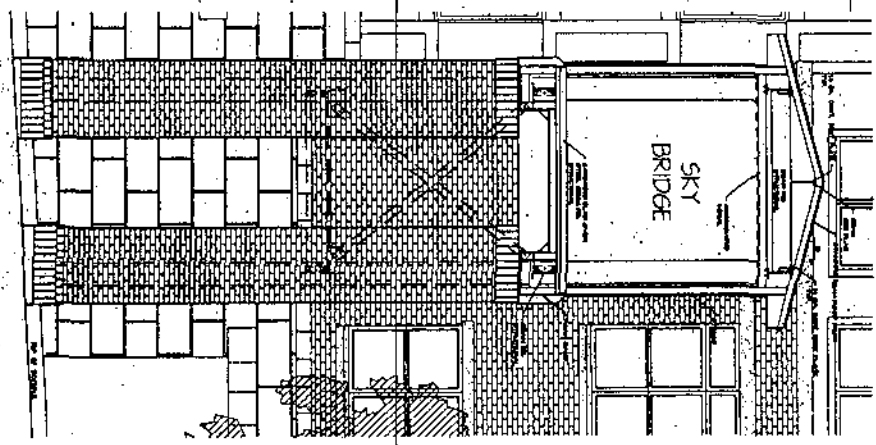
CHASE LITTLE ARCHITECTURAL ARCHITECTURE, INC.
 1000 COMMERCIAL AVENUE, SUITE 100
 DENVER, CO 80202
 TEL: 303.733.1111
 FAX: 303.733.1112
 WWW.CLAA.COM



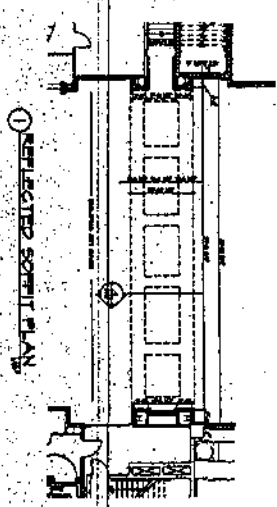
BRIDGE ELEVATION

BUILDING TYPE: A & B

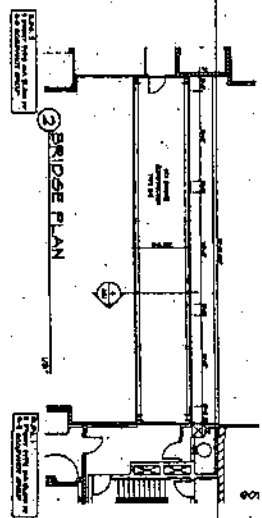
SB103



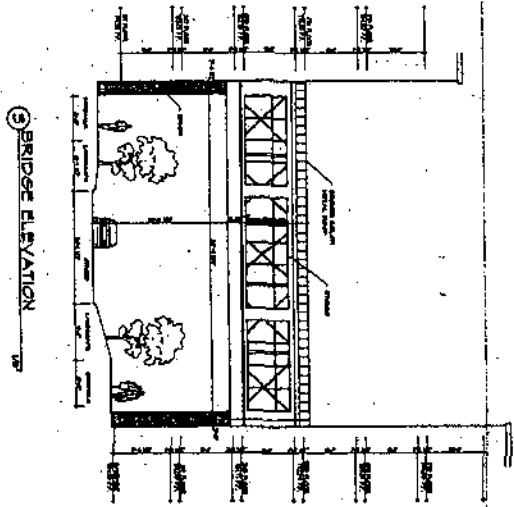
2 BRIDGE SECTION



1 REFLECTED SLOPE PLAN

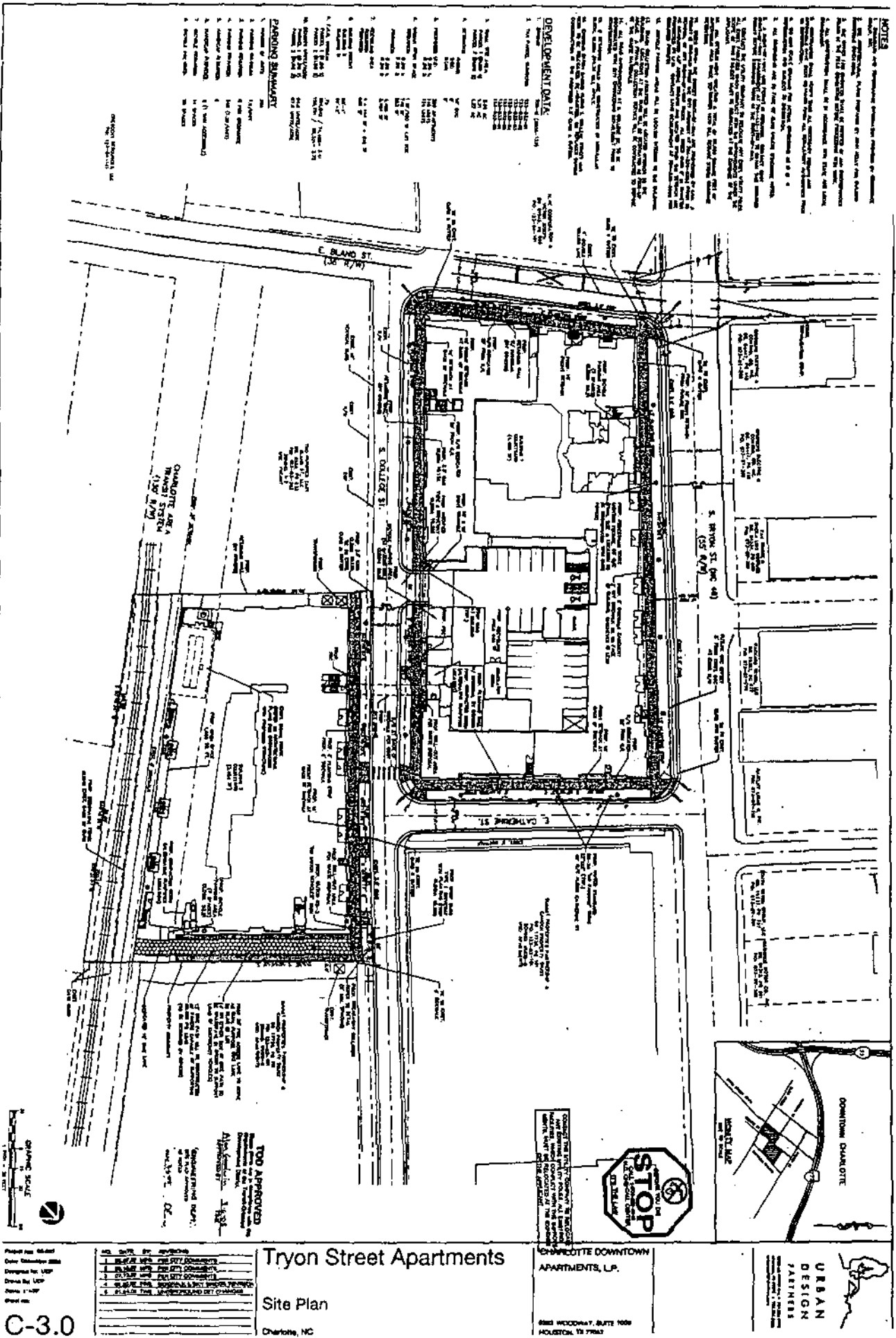


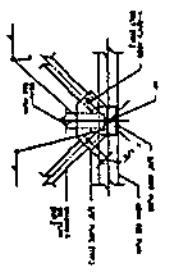
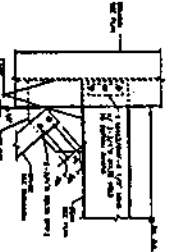
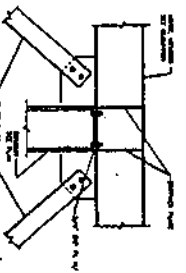
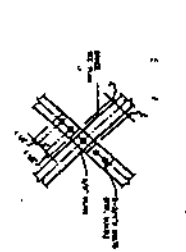
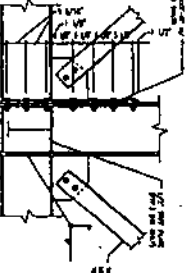
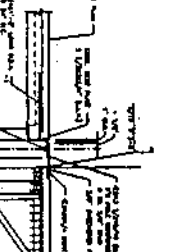
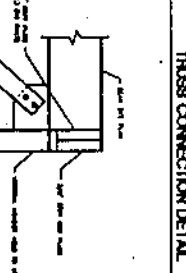
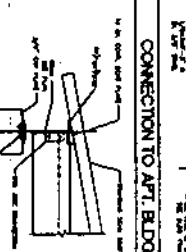
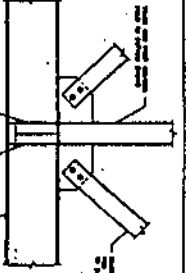
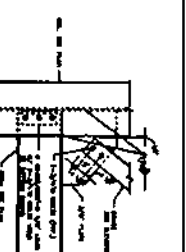
2 BRIDGE PLAN



3 BRIDGE ELEVATION

TRYON STREET APARTMENTS BLDG 2 1305 S. COLLEGE STREET CHARLOTTE, NC		DDC CONSTRUCTION INC. 4363 Woodway Suite 1000 Mooresville, NC 28067 (713) 879-8306		
PROJECT NO. 08-001 DATE 07/28/08 DRAWN BY J. KELLY CHECKED BY J. KELLY SCALE AS SHOWN SHEET 1 OF 1	PROJECT NO. 08-001 DATE 07/28/08 DRAWN BY J. KELLY CHECKED BY J. KELLY SCALE AS SHOWN SHEET 1 OF 1	PROJECT NO. 08-001 DATE 07/28/08 DRAWN BY J. KELLY CHECKED BY J. KELLY SCALE AS SHOWN SHEET 1 OF 1	PROJECT NO. 08-001 DATE 07/28/08 DRAWN BY J. KELLY CHECKED BY J. KELLY SCALE AS SHOWN SHEET 1 OF 1	PROJECT NO. 08-001 DATE 07/28/08 DRAWN BY J. KELLY CHECKED BY J. KELLY SCALE AS SHOWN SHEET 1 OF 1



				<p>SECTION OF BRIDGE ROOF</p> <p>BRACE CONNECTION</p>
				<p>TRUSS CONNECTION DETAIL</p> <p>BRACE CONNECTION</p>
				<p>TRUSS CONNECTION DETAIL</p> <p>CONNECTION TO APT. BLDG.</p>
				<p>TRUSS CONNECTION DETAIL</p> <p>BRACE CONNECTION</p>
				<p>TRUSS CONNECTION DETAIL</p> <p>BRACE CONNECTION</p>
				<p>TRUSS CONNECTION DETAIL</p> <p>BRACE CONNECTION</p>

SEA
 STRUCTURAL ENGINEERING ARCHITECTS
 1000 UNIVERSITY AVENUE, SUITE 1000
 ANN ARBOR, MI 48106
 (734) 769-1000
 www.sea-engineers.com

TRAYON STREET
 APARTMENTS
 CIVIL/ARCHT. NORTH CAMPUS
 1000 UNIVERSITY AVENUE
 ANN ARBOR, MI 48106

DETAILS
 BRIDGE
 BUILDING TRUSS
 2/23/08
 SB104

Prepared by and return to:
Slobin & Slobin, P.C.
2500 Tanglewilde, Suite 275
Houston, Texas 77063

STATE OF NORTH CAROLINA

CROSS WALK AGREEMENT

COUNTY OF MECKLENBURG

THIS CROSS WALK AGREEMENT is made and entered into as of this the _____ day of _____ 2008, by and between THE CITY OF CHARLOTTE, North Carolina (hereinafter referred to as "City") and CHARLOTTE DOWNTOWN APARTMENTS, L.P., a Delaware limited partnership (hereinafter referred to as "Owner").

WITNESSETH:

WHEREAS, City is the owner of that certain public right-of-way known as College Street ("College Street"); and

WHEREAS, Owner is the owner of land, and any improvements located thereon, abutting on the northerly side of College Street, said land being more fully described in Exhibit A-1 attached hereto and incorporated herein by reference (the "North Tract"); and

WHEREAS, Owner is also the owner of land, and any improvements located thereon, abutting on the southerly side of College Street, said land being more fully described in Exhibit A-2 (the "South Tract"); and

WHEREAS, the North Tract and the South Tract collectively, shall hereinafter be referred to as the "Property", and the Property is divided by College Street; and

WHEREAS, Owner desires to encroach on the right-of-way of College Street, into the air space over and above College Street and in the set back lines on each side of College Street

which adjoin the boundaries of the Property, for the purpose of constructing an overhead pedestrian crosswalk (hereinafter referred to as "Encroaching Structure" or "Encroachment") between certain improvements located or to be located on the Property; and

WHEREAS, City is expressly authorized by North Carolina General Statutes §160A-273 to grant rights for encroachment over, through, under or across its property or the right-of-way of any public street or alley that is not part of the State Highway system; and

WHEREAS, the Encroaching Structure does not appear to be detrimental to the public interest and the Encroaching Structure does not appear to materially impair or hinder the use of any public right-of-way and/or College Street, and it is to the material advantage of Owner and City for City to permit the Encroaching Structure subject to the conditions of this Agreement.

NOW, THEREFORE, in consideration of the premises and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, City and Owner hereby covenant and agree as follows:

1. GRANT. City hereby grants and conveys to Owner, its successors and assigns, upon the terms and conditions herein set forth, easement rights and privileges to construct and maintain the Encroaching Structure, TO HAVE AND TO HOLD said rights and privileges unto Owner, its successors and assigns, for a term of years commencing on the date hereof and ending December 31, 2100, and thereafter for successive ten (10) year periods commencing January 1, 2101 unless the easements, rights, privileges and obligations created hereunder (the "Easement Rights") are sooner terminated as follows:

(a) Owner may terminate the Easement Rights at any time.

(b) The Easement Rights shall terminate automatically if either the Encroaching Structure, or either of the improvements connected thereby is completely destroyed or demolished and not restored or reconstructed within five (5) years thereafter.

(c) The City may terminate the Easement Rights as of the end of the initial term or as of the end of any ten-year renewal term by written notice to Owner at least one (1) year prior to the termination date.

(d) The City may terminate the Easement Rights if Owner is in default of any of its obligations hereunder and such default is not cured within thirty (30) days after receipt of written notice thereof by Owner, or after such additional period of time as may be reasonably necessary to cure the default if the default is of such a nature that it cannot reasonably be cured within said 30-day period and if Owner commences a cure within said 30-day period and thereafter proceeds diligently to completion.

In the event of termination of the Easement Rights, upon written demand by City to Owner given within thirty (30) days after the effective date of termination, Owner shall within a reasonable time and at its expense remove the Encroaching Structure.

The rights and privileges hereby granted and conveyed are appurtenant to and run with the Property and are subject to the conditions hereof.

2. GRANT AND TERMS OF ENCROACHING STRUCTURE. The Encroaching Structure that is the subject of this Agreement shall be constructed over the right-of-way of College Street, in the air rights over and above the right-of-way of College Street and over and into the set back lines on each side of College Street to be located as described on Exhibit B-1 and as depicted on Exhibit B-2, which are attached hereto and incorporated herein by reference. Owner binds and obligates itself to erect and maintain the Encroaching Structure in such reasonably safe and proper condition that will not interfere with or endanger travel upon College Street, nor obstruct, nor interfere with the proper maintenance thereof. Owner binds and obligates itself, its successors and assigns to secure and comply with all necessary and required permits and approvals for the erection, maintenance, and modification of such Encroaching Structure. The Encroaching Structure shall be the private property of Owner, its successors and assigns to be used by Owner, and Owner's employees, agents, licensees, tenants and invitees as Owner, in its discretion, deems appropriate. Owner agrees that if, at any time, the Encroaching Structure deteriorates or weakens so as to constitute a safety hazard, as determined by either the Owner or City, the Owner agrees to promptly repair or replace same to the extent necessary to eliminate any such safety hazard. Owner binds and obligates itself, its successors and assigns to have an annual inspection of the Encroaching Structure and its supports completed by a registered professional engineer. Said report shall be sealed by the professional engineer and furnished to the Director of the Charlotte Department of Transportation by March 1 of each year. The report shall be of sufficient detail to the reasonable satisfaction of City and include a description of any identified deficiencies and recommendations for corrective action. Further, the report must identify those deficiencies as being "critical" or "non-critical." Critical deficiencies are those that have the potential to adversely affect public safety. The Charlotte Department of Transportation retains the right and privilege in its sole discretion to make the final determination for classification of "critical" deficiencies. The report and any periodic monitoring schedules/reports must be submitted with a cover letter from Owner, its successors, or assigns, outlining a schedule to correct "critical" deficiencies within forty-five (45) days and construction plans/details for City's review and approval. Plans for the correction of "critical" deficiencies must be approved by City prior to the beginning of work and must include traffic control plans, as necessary. The City's approval of the plans for the correction of "critical" deficiencies shall not be unreasonably withheld or delayed, and, if there is no response from the City within sixty (60) days after the plans have been submitted to the City, the plans shall be deemed to be approved. Corrective action for all deficiencies must be completed within ninety (90) days of the approval of same in writing by the Director of the Charlotte Department of Transportation or from the deemed approved date. The Charlotte Department of Transportation shall be notified in writing of the completion/acceptance date for all corrective actions and will be furnished copies of final inspection reports or other certifications of work performed. Any deficiency/default not corrected within these time limits will result in a default to be resolved as set forth in paragraph 1(d) of this Agreement. The Owner further agrees that the Director of the Charlotte Department of Transportation shall, at all reasonable times, have the right to inspect the Encroaching Structure for repairs in order to determine the extent, if any, that the Encroaching Structure may have deteriorated or weakened. All maintenance and operational costs associated with the Encroaching Structure shall be the responsibility of Owner and not of City.

3. RELOCATION OF UTILITIES. Should construction of the Encroaching Structure require relocation of any telephone, electric, water, sewage or other utility lines, mains or other facilities, Owner shall bear the total cost of relocation, including the relocation of City-owned facilities. The City agrees to cooperate fully with the Owner in connection with the relocation of any City-owned facilities.

4. TRAFFIC. Before beginning construction or maintenance work on the Encroaching Structure, Owner, its employees, agents or assigns shall obtain from the Director of the Charlotte Department of Transportation written approval of a traffic control plan detailing the traffic control devices to be used during construction or maintenance of the Encroaching Structure. This plan shall be developed in accordance with the City's Work Area Traffic Control Handbook and shall include all relevant provisions contained therein. Owner agrees that it shall be responsible for compliance with all other fees and procedures pertaining to work in the right-of-way of College Street. Owner, its employees, agents or assigns, further agrees to obtain written approval executed by the Charlotte Department of Transportation for any construction or maintenance activities in the right-of-way of College Street which require the closure of any sidewalk(s), travel lane(s) or street(s), and such written approval shall contain a provision whereby Owner agrees to hold the City harmless in connection with such activities.

5. INDEMNIFICATION AND INSURANCE. Owner, on behalf of itself and its successors and assigns, agrees to indemnify and hold harmless, except for the negligence or willful misconduct of, the City, its officers and employees, from and against damages resulting from injury to persons or damage to property and expenses or other liability which result from or arise out of the Encroaching Structure that is the subject of this Agreement. Owner, on behalf of itself and its successors and assigns, further agrees to pay such claims or defend any lawsuits which may be brought against the City, its officers and employees, by reason of the construction or maintenance of the Encroaching Structure that is the subject of this Agreement in such manner that the City, its officers and employees, will suffer no liability or expense by reason of any such claims or legal actions. Owner, at its expense, shall purchase and maintain for the duration of this Agreement, comprehensive general liability insurance, including coverages for collapsed and underground property damage ("C" and "U") and contractual liability assumed under this Agreement. Such policy or policies of insurance shall be for limits of not less than Seven Million and No/100 Dollars (\$7,000,000.00) bodily injury and property damage liability, and will be subject to future review and reasonable adjustment from time to time by and at the request of the City. Certificates of insurance shall be furnished to the Charlotte Department of Transportation containing the provision that thirty (30) days written notice will be given to the City prior to cancellation or change in the required coverages. The City shall be named on the policies as a named additional insured.

6. WARRANTIES. Owner covenants and warrants to City that it owns the Property in fee simple and that it has the right and authority to accept the rights and privileges granted and conveyed by City hereunder and to make the covenants and agreements herein contained. City covenants and warrants that the Encroaching Structure as depicted in Exhibit C attached hereto and incorporated herein by reference, is located within the right-of-way of College Street or other property of City, and that City has the right and authority to convey to Owner the rights and privileges herein set forth.

7. BINDING AGREEMENT. This Agreement, and the covenants, terms and conditions herein set forth, shall be binding upon and inure to the benefit of the parties hereto and their successors and assigns. This Agreement may be modified from time to time by written instrument duly recorded in the Office of the Register of Deeds, Mecklenburg County, North Carolina, duly executed and acknowledged by City and Owner, their respective successors and assigns, without the joinder of any other person.

If Owner should sell or otherwise transfer title to its interest in the Property, Owner shall notify the Charlotte Department of Transportation of the transfer and provide such evidence that its successor or assign has obtained the insurance required under the provisions of this Agreement and has otherwise agreed to assume the liabilities and obligations set forth herein. Upon the giving of such notice and the proof of such insurance and assumption of the liabilities and obligations set forth herein, Owner shall be released from all liabilities and obligations arising under this Agreement by reason of any act or omission occurring after the giving of such notice and the proof of such insurance and assumption of the liabilities and obligations set forth herein.

Should a portion of the Property be sold, conveyed or otherwise transferred such that the improvements connected by the Encroaching Structure shall have separate ownership, the rights and obligations of Owner hereunder may be divided and/or assigned to one or more of such separate owners as they may agree in a writing duly recorded in the Mecklenburg County Public Registry. In the absence of such a writing, the easements created herein shall run with the land for the benefit of, and the obligations and rights of Owner hereunder shall be the rights and obligations of, the owner of the improvements located on each parcel as tenants in common.

8. NOTICES. City agrees not to file a notice of termination of this Agreement until the passage of thirty (30) days after it has given written notice to Owner by certified mail, return receipt requested, of its intent to file such notice and such notice and any other notices provided for under the terms hereof shall be provided by mailing such notice to the parties at the following addresses:

If to Owner:

Charlotte Downtown Apartments, L.P.
3411 Richmond Avenue, Suite 200
Houston, Texas 77046
Attention: Mr. Tom Caltagirone

If to City:

City of Charlotte
Charlotte-Mecklenburg Government Center
600 East Fourth Street
Charlotte, North Carolina 28202-2841
Attention: Director of the Charlotte
Department of Transportation

The parties hereto may change the address to which notices are to be sent or the persons to receive any such notices upon providing written notice thereof to the other party in accordance with the provisions of this paragraph.

9. MAINTENANCE OF ENCROACHING STRUCTURE. Owner, for itself and its successors and assigns, agrees to construct and maintain the Encroaching Structure in a reasonably safe and proper condition, including aesthetic appearance, such that the Encroaching Structure shall not interfere with or endanger travel upon the right-of-way of College Street, nor obstruct, nor interfere with the proper maintenance thereof, and Owner shall have the right, from time to time, to remove, repair or alter the Encroaching Structure at its own cost and expense provided that the conditions of this Agreement are and remain satisfied.

[SIGNATURES INCLUDED ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed by duly authorized officers and sealed as of the day and year first above written.

CITY OF CHARLOTTE

ATTEST:

By: _____
Name: _____
City Manager

City Clerk

[SEAL]

APPROVED AS TO INSURANCE:

Division of Insurance and Risk Management

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public of the County and State above, certify that _____ personally came before me this day and acknowledged that (s)he is _____ of the City of Charlotte, a body politic and corporate and by authority duly given, the foregoing instrument was signed in its name by _____ as its _____.

WITNESS my hand and official stamp or seal this _____ day of _____, 2008.

Official Signature of Notary

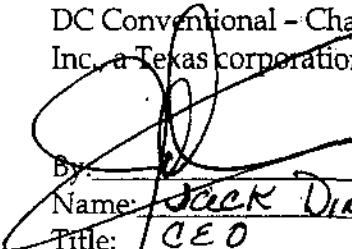
My Commission Expires: _____

[AFFIX NOTARIAL STAMP-SEAL]

OWNER:

CHARLOTTE DOWNTOWN APARTMENTS, L.P.,
a Delaware limited partnership

BY: DC Conventional - Charlotte Downtown,
Inc., a Texas corporation, its General Partner

By: 
Name: JACK DINERSTEIN
Title: CEO

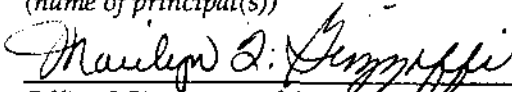
STATE OF Texas

COUNTY OF HARRIS

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: JACK DINERSTEIN

(name of principal(s))

Date: 6-26-2008



Official Signature of Notary Public

MARILYN T. GRIZZAFFI

Notary printed or typed name

My commission expires: 7/13/2010



[OFFICIAL SEAL]

EXHIBIT A-1

DESCRIPTION OF NORTH TRACT

Being all of a 1.710 acre parcel of land situated in The City of Charlotte Mecklenburg County, North Carolina being all of that property as described in Deed Book 10588, Page 786, Mecklenburg County Registry, all of Tract IVII as described in Deed Book 11942, Page 722, Mecklenburg County Registry, property also being Parcel 1 as shown in Recombination Plat filed in Map Book 47, Page 757, Mecklenburg County Registry and more particularly described by metes and bounds as follows:

BEGINNING at a new PK nail at the intersection of the southeasterly right of way line of South Tryon Street and the southwesterly right of way line of Catherine Street.

Thence, with the southeasterly right of way line of Catherine Street, S 46°48'51" E, 203.30 feet to a new PK nail on the intersection of the southwesterly right of way line of Catherine Street and the northwesterly right of way line of South College Street.

Thence, with the northwesterly right of way line of South College Street, S 43°45'07" W, 391.91 feet to a new PK nail on the intersection of the northwesterly right of way line of S. College Street and the northeasterly right of way line of East Bland Street.

Thence, with the northeasterly right of way line of East Bland Street, N 40°14'53" W, 189.16 feet to a new PK nail on the intersection of the southeasterly right of way line of South Tryon Street and the southwesterly right of way line of East Bland Street.

Thence, with the southeasterly right of way line of South Tryon Street N 41°24'28" E, 370.44 feet to the POINT OF BEGINNING, and containing within these metes and bounds 74,502 Square Feet, or 1.710 Acres, more or less, as shown on that "ALTA/ACSM Land Title Survey for DDC Construction, Inc., Tryon Street and Bland Street", by Geoscience Group, Inc., dated: August 13, 2007, and signed and sealed by Scott Alan Tierney, NCPLS L-3166 to which reference is hereby made.

EXHIBIT A-2

DESCRIPTION OF SOUTH TRACT

Being all of a 1.266 acre parcel of land situated in The City of Charlotte Mecklenburg County, North Carolina being all of Tract V and VI as described in Deed Book 11942, Page 722, Mecklenburg County Registry, property also being Parcels 2, 3, and former right of way of Catherine Street as shown in Recombination Plat filed in Map Book 47, Page 757, Mecklenburg County Registry and more particularly described by metes and bounds as follows:

BEGINNING at an existing iron pin on the southwesterly line of an 8 foot alley, said iron pin also being on the southeasterly right of way line of South College Street.

Thence, with the southwesterly line of said 8 foot alley, S 46°44'43" E, passing a new iron pin at 176.35 feet, a total distance of 213.19 feet to a new iron pin in the right of way of Southern Railway.

Thence, through the Southern railway right of way line the following three courses:

1. S 50°31'57" W, 100.14 feet to a new iron rod.
2. S 49°16'36" W, 26.08 feet to a new iron rod.
3. S 50°40'34" W, 160.20 feet to a new iron rod, the northeasterly corner of property of 200 East Bland Street, LLC as described in Map Book 29, Page 465, Mecklenburg County Register of Deeds.

Thence, with the northeasterly property line of said 200 East Bland, Street, the following two courses:

1. N 46°49'11" W, passing a new iron rod at 37.54 feet, a total distance of 137.21 feet to an existing iron rod.
2. N 49°01'12" W, 38.98 feet to an existing iron rod on the Southeasterly right of way line of South College Street.

Thence, with the southeasterly right of way line of South College Street, the following three courses:

1. N 43°45'07" E, 161.09 feet to a new iron pin.
2. N 42°20'45" E, 24.88 feet to an existing iron pin.
3. N 42°09'17" E, 99.91 feet to the POINT OF BEGINNING, and containing within these metes and bounds 55,128 Square Feet, or 1.266 Acres, more or less as shown on that "ALTA/ACSM Land Title Survey for DDCCConstruction, Inc., Tryon Street and Bland Street", by Geoscience Group, Inc., dated: August 13, 2007, and signed and sealed by Scott Alan Tierney, NCPLS L-3166 to which reference is hereby made.

EXHIBIT B-1

DESCRIPTION OF LOCATION OF ENCROACHING STRUCTURE

Being all of a 0.007 acre parcel of land situated in The City of Charlotte Mecklenburg County, North Carolina being in the public right of way of South College Street, and more particularly described by metes and bounds as follows:

BEGINNING at a computed point on the northwesterly right of way line of South College Street on the southeasterly property line of Tract 1 of the LP Charlotte Downtown Apartments and Dinerstien Companies tract as described in Deed Book 21873 Page 611, Mecklenburg County Register of Deeds, said point being S 43°45'07" W, 80.84 feet from an existing PK nail on the intersection of the southwesterly right of way line of Catherine Street and the northwesterly right of way line of South College Street.

Thence, through the existing right of way of South College Street, S 46°01'34" E, 30.00 feet to a computed point on the southeasterly right of way line of South College Street, said point being on the northwesterly line of Tract 2 of the LP Charlotte Downtown Apartments and Dinerstien Companies tract as described in Deed Book 21873 Page 611, Mecklenburg County Register of Deeds.

Thence, with the northwesterly line of said Tract 2, S 43°45'07" W, 10.00 feet to a computed point.

Thence, through the existing right of way of said South College Street, N 46°01'34" W, 30.00 feet to a computed point on the southeasterly line of said Tract 1 of the LP Charlotte Downtown Apartments Tract.

Thence, with the southeasterly line of Tract 1, N 43°45'07" E, 10.00 feet to the POINT OF BEGINNING and containing within these metes and bounds 300 square feet or 0.007 acres of land, more or less as shown on that "Exhibit Map Skywalk Easement", by Geoscience Group, Inc., dated: March 27, 2008, to which reference is hereby made.

EXHIBIT B-2

PLAT OF LOCATION OF ENCROACHING STRUCTURE

[SEE ATTACHED PAGE]

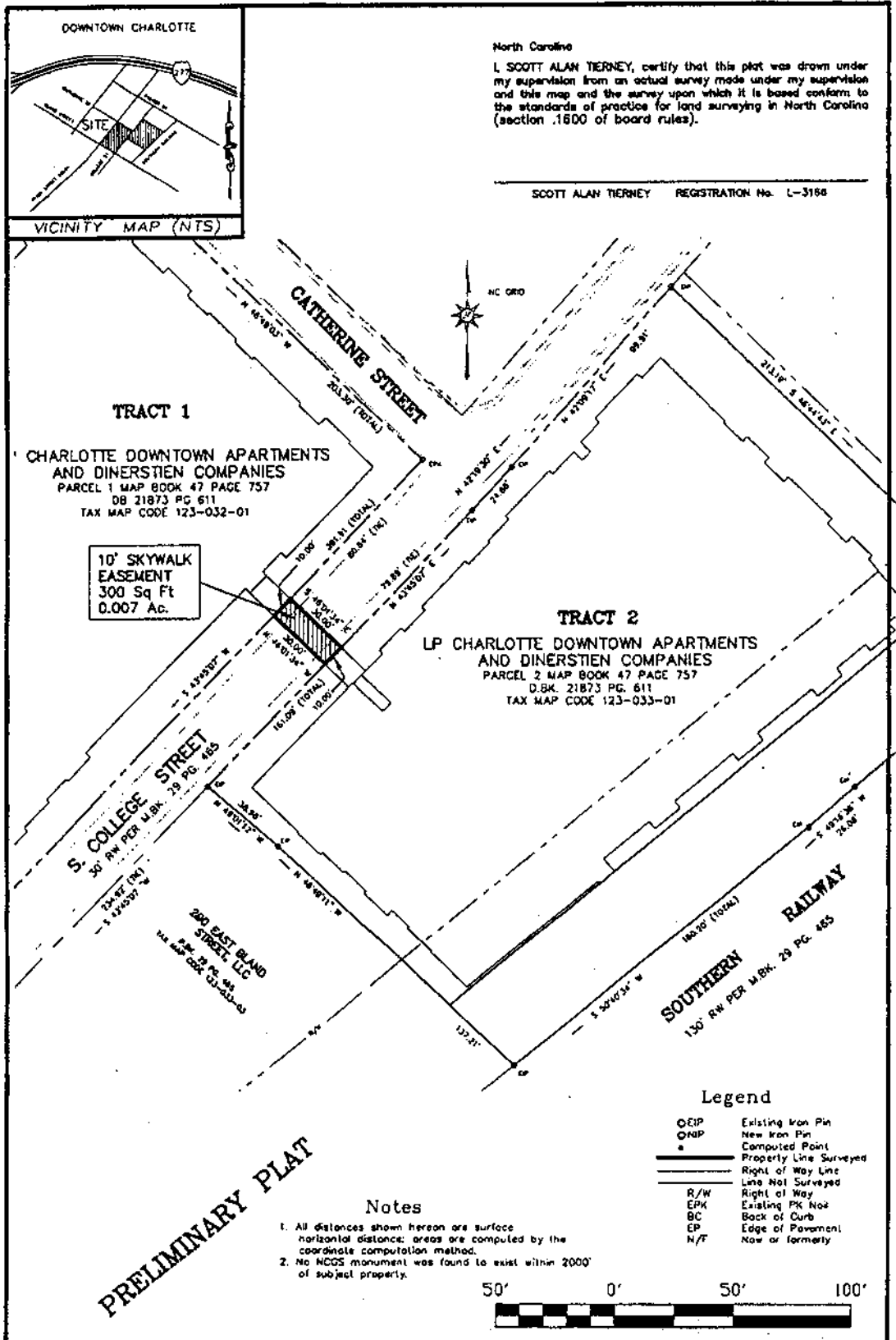


EXHIBIT MAP

Skywalk Easement

CITY OF CHARLOTTE
 MECKLENBURG COUNTY, NORTH CAROLINA

DATE: 03/27/08 SHEET: 1 OF 1
 SCALE: 1" = 50' SkybridgeEasement.DWG

GEOSCIENCE GROUP, INC.

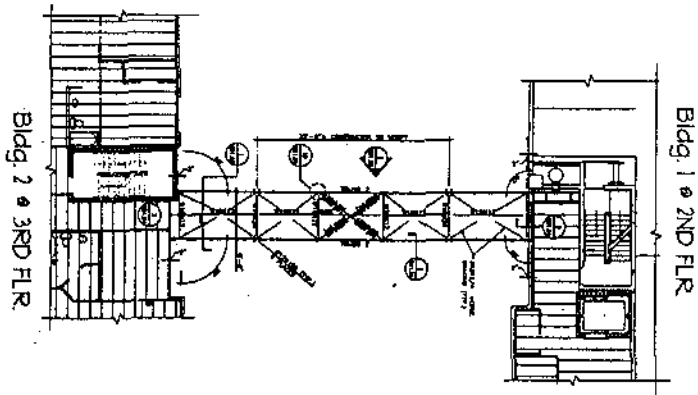
500-K Clanton Road
 Charlotte, NC 28217
 704-525-2003
 704-525-2051(fax)

EXHIBIT C

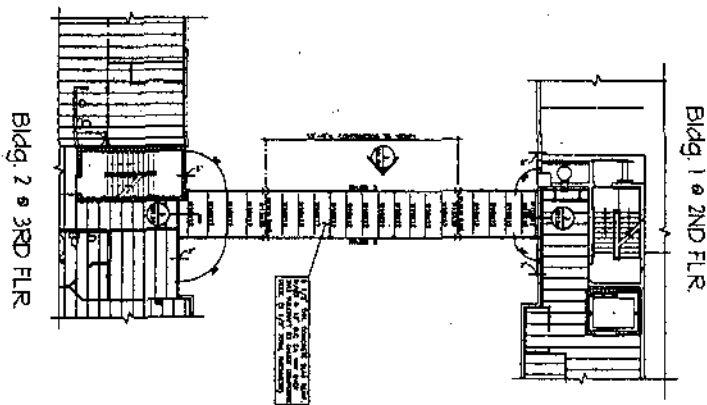
PLANS AND SPECIFICATIONS FOR
ENCROACHING STRUCTURE

[SEE ATTACHED PAGES]

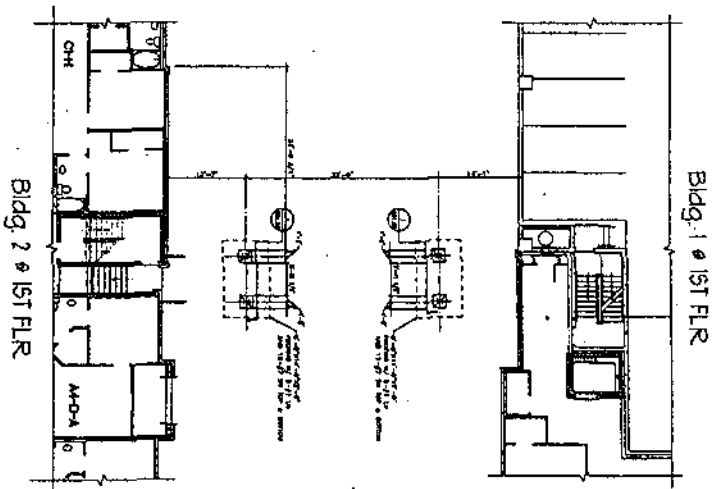
ROOF PLAN



FRAMING PLAN



FOUNDATION PLAN



TRYON STREET APARTMENTS
 OWENSVILLE, MISSOURI 64455
 ZOO CONSTRUCTION, INC.

ARCHITECT
 JAMES W. HARRIS
 ARCHITECT
 1000 N. 10TH ST.
 OWENSVILLE, MO 64455
 (660) 325-1111

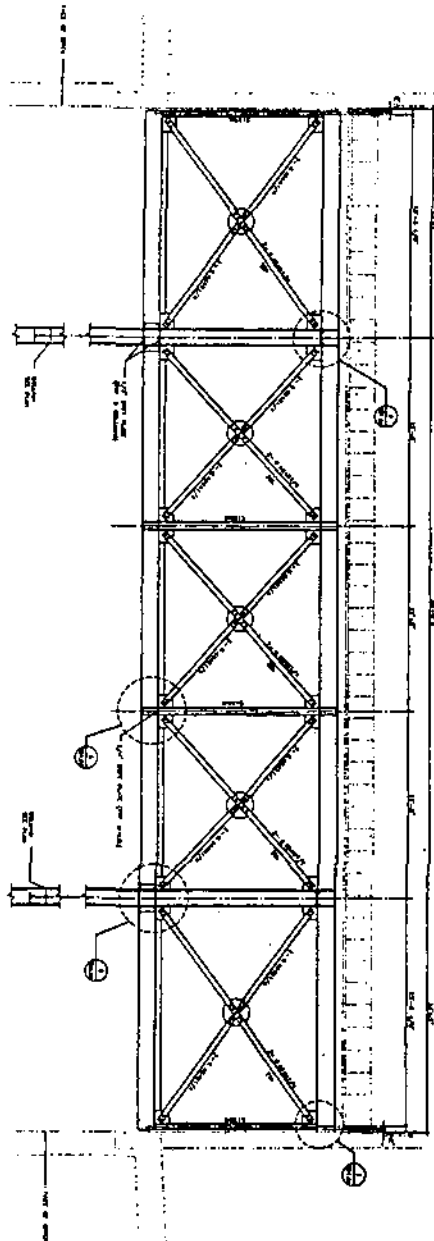
ENGINEER
 JAMES W. HARRIS
 CIVIL ENGINEER
 1000 N. 10TH ST.
 OWENSVILLE, MO 64455
 (660) 325-1111

DATE
 07/28/08

PROJECT
 BUILDING TYPE 1 & 2

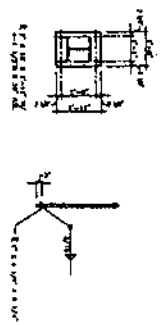
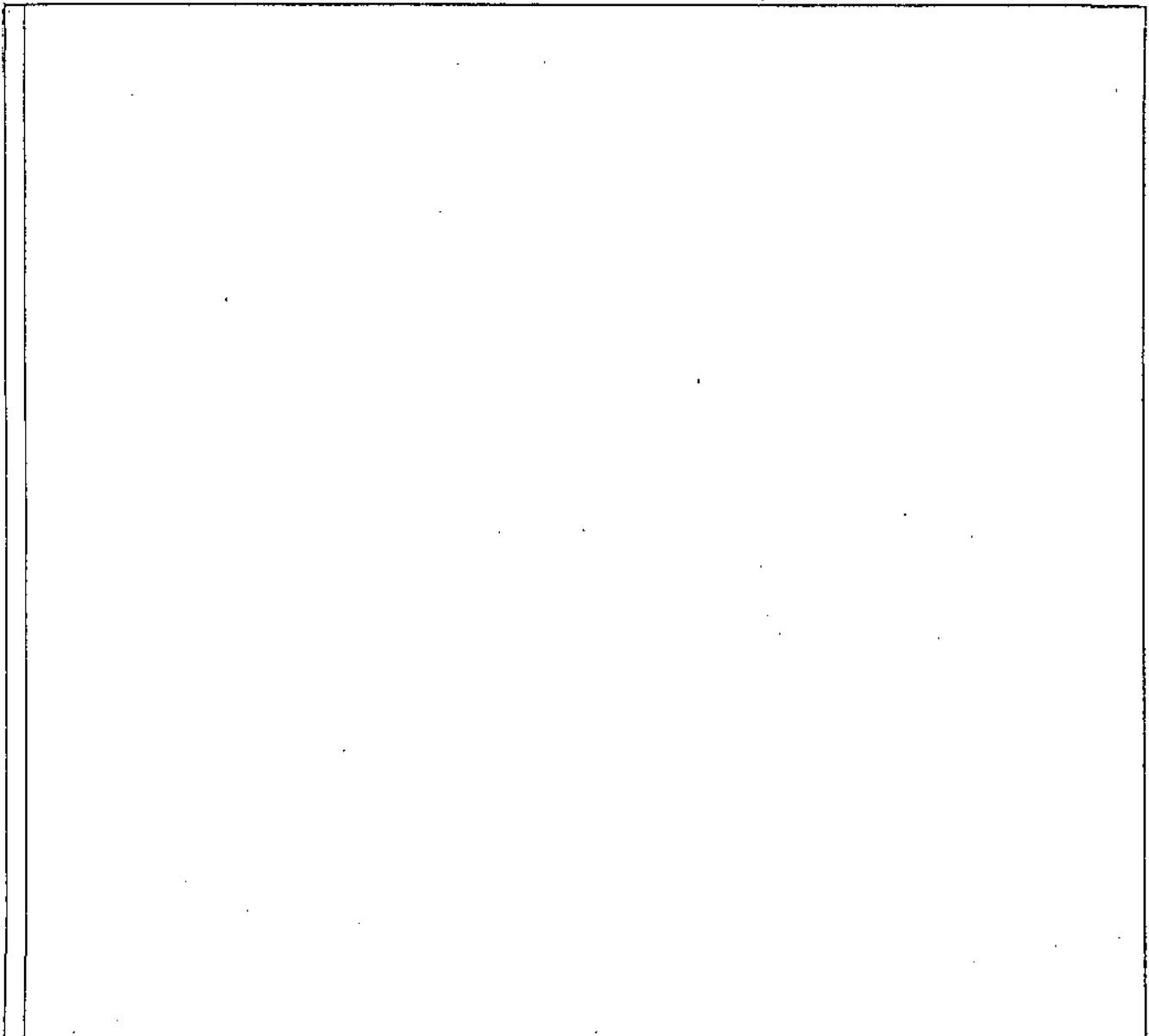
PROJECT NO.
 26727

PROJECT NAME
 SB101

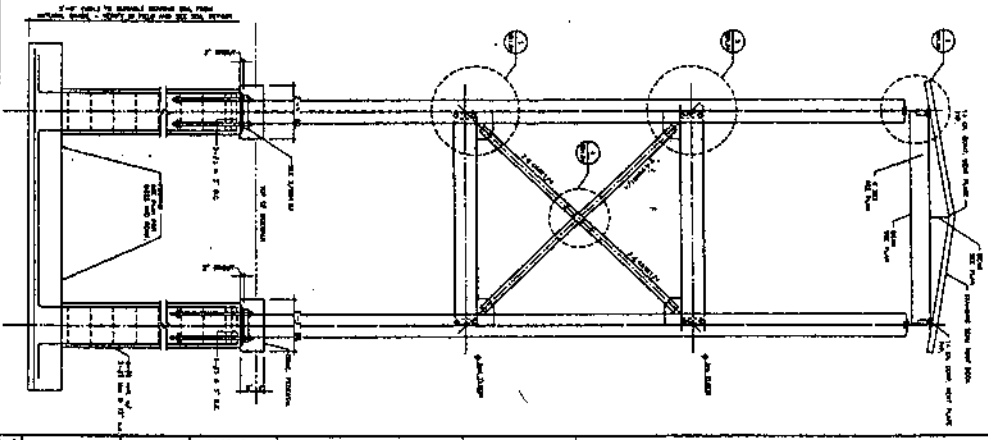


TRUSS 2

<p>TRAYON STREET APARTMENTS CHARLOTTE, NORTH CAROLINA EDC CONSTRUCTION, INC.</p>			<p>OWNER: TRAYON STREET APARTMENTS ARCHITECT: [unreadable] ENGINEER: [unreadable] CONTRACT NO. [unreadable] PROJECT NO. [unreadable] SHEET NO. [unreadable]</p>
<p>BRIDGE ELEVATION BUILDING TYPE 1 & 1</p>			
<p>DATE: 7/28/08</p>			<p>36873 SBI-02</p>



BASE PLATE



SECTION A1

Project: **TRIVON STREET APARTMENTS**
 CHANLOTTE, NORTH CAROLINA
 DCO CONSTRUCTION, INC.

Contractor: **SEA**
 Structural Engineering Associates, Inc.
 10000 Park Road, Suite 100
 Charlotte, NC 28226
 Phone: 704.375.1100
 Fax: 704.375.1101

Scale: 1/4" = 1'-0"

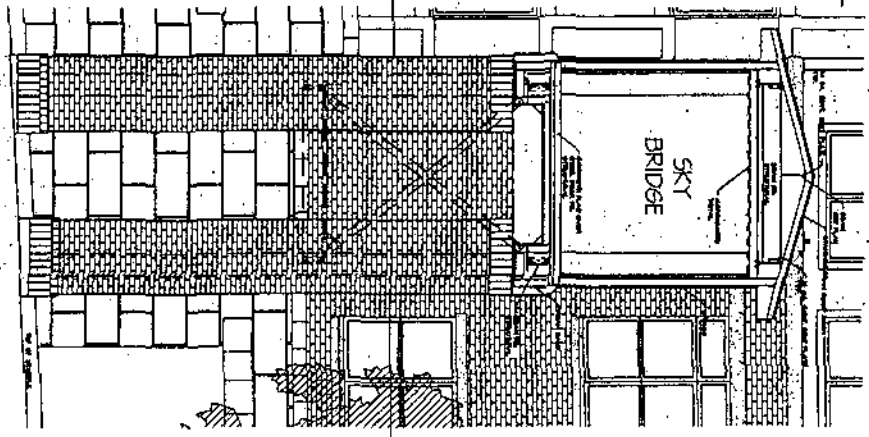
Sheet: **SB103**

Revision: 26/7/8

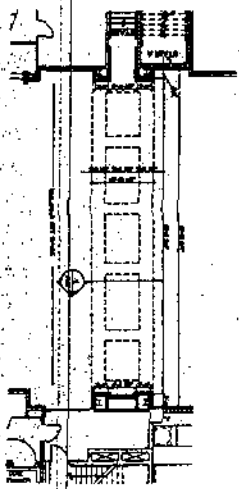
Building Type: I & B

Single Elevation

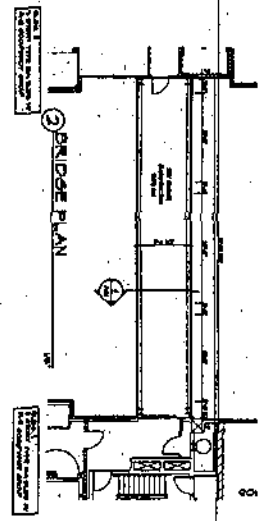
2 BRIDGE SECTION



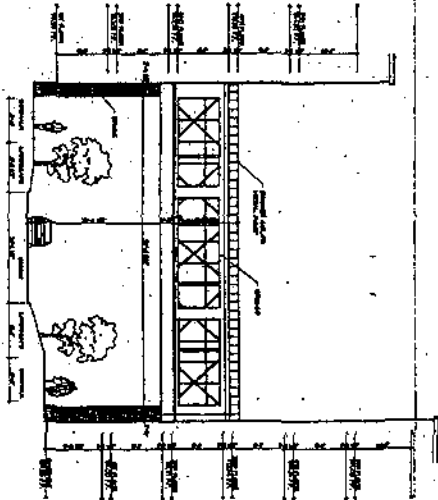
1 REPLICATED SCOFFIT PLAN



3 BRIDGE PLAN



3 BRIDGE ELEVATION



TRYON STREET
 APARTMENTS
 BLDG 2

1300 E. COLLEGE STREET
 CHARLOTTE, NC

DDC CONSTRUCTION INC.

2202 Woodway
 Suite 1000
 Houston, Texas 77057
 (713) 878-8306



NO.	DATE	DESCRIPTION
1	7/28/08	ISSUED FOR PERMITS
2	7/28/08	ISSUED FOR PERMITS
3	7/28/08	ISSUED FOR PERMITS
4	7/28/08	ISSUED FOR PERMITS
5	7/28/08	ISSUED FOR PERMITS
6	7/28/08	ISSUED FOR PERMITS
7	7/28/08	ISSUED FOR PERMITS
8	7/28/08	ISSUED FOR PERMITS
9	7/28/08	ISSUED FOR PERMITS
10	7/28/08	ISSUED FOR PERMITS
11	7/28/08	ISSUED FOR PERMITS
12	7/28/08	ISSUED FOR PERMITS
13	7/28/08	ISSUED FOR PERMITS
14	7/28/08	ISSUED FOR PERMITS
15	7/28/08	ISSUED FOR PERMITS
16	7/28/08	ISSUED FOR PERMITS
17	7/28/08	ISSUED FOR PERMITS
18	7/28/08	ISSUED FOR PERMITS
19	7/28/08	ISSUED FOR PERMITS
20	7/28/08	ISSUED FOR PERMITS
21	7/28/08	ISSUED FOR PERMITS
22	7/28/08	ISSUED FOR PERMITS
23	7/28/08	ISSUED FOR PERMITS
24	7/28/08	ISSUED FOR PERMITS
25	7/28/08	ISSUED FOR PERMITS
26	7/28/08	ISSUED FOR PERMITS
27	7/28/08	ISSUED FOR PERMITS
28	7/28/08	ISSUED FOR PERMITS
29	7/28/08	ISSUED FOR PERMITS
30	7/28/08	ISSUED FOR PERMITS
31	7/28/08	ISSUED FOR PERMITS
32	7/28/08	ISSUED FOR PERMITS
33	7/28/08	ISSUED FOR PERMITS
34	7/28/08	ISSUED FOR PERMITS
35	7/28/08	ISSUED FOR PERMITS
36	7/28/08	ISSUED FOR PERMITS
37	7/28/08	ISSUED FOR PERMITS
38	7/28/08	ISSUED FOR PERMITS
39	7/28/08	ISSUED FOR PERMITS
40	7/28/08	ISSUED FOR PERMITS
41	7/28/08	ISSUED FOR PERMITS
42	7/28/08	ISSUED FOR PERMITS
43	7/28/08	ISSUED FOR PERMITS
44	7/28/08	ISSUED FOR PERMITS
45	7/28/08	ISSUED FOR PERMITS
46	7/28/08	ISSUED FOR PERMITS
47	7/28/08	ISSUED FOR PERMITS
48	7/28/08	ISSUED FOR PERMITS
49	7/28/08	ISSUED FOR PERMITS
50	7/28/08	ISSUED FOR PERMITS

Scale: 1/8" = 1'-0"
 Date: 7/28/08
 Project: TRYON STREET APARTMENTS BLDG 2
 Location: 1300 E. COLLEGE STREET, CHARLOTTE, NC
 Client: [Name Redacted]
 Designer: [Name Redacted]
 Checker: [Name Redacted]
 Title: [Name Redacted]

C-3.0

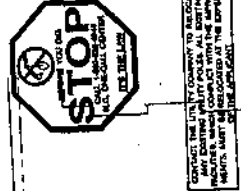
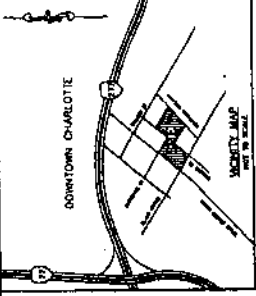
1. DATE OF PRELIMINARY PLAN	07/28/08
2. DATE OF PRELIMINARY PLAN	07/28/08
3. DATE OF PRELIMINARY PLAN	07/28/08
4. DATE OF PRELIMINARY PLAN	07/28/08
5. DATE OF PRELIMINARY PLAN	07/28/08
6. DATE OF PRELIMINARY PLAN	07/28/08
7. DATE OF PRELIMINARY PLAN	07/28/08
8. DATE OF PRELIMINARY PLAN	07/28/08
9. DATE OF PRELIMINARY PLAN	07/28/08
10. DATE OF PRELIMINARY PLAN	07/28/08

Site Plan

Tryon Street Apartments

CHARLOTTE, NC
 3000 WOODWAY, SUITE 1000
 HOUSTON, TX 77057

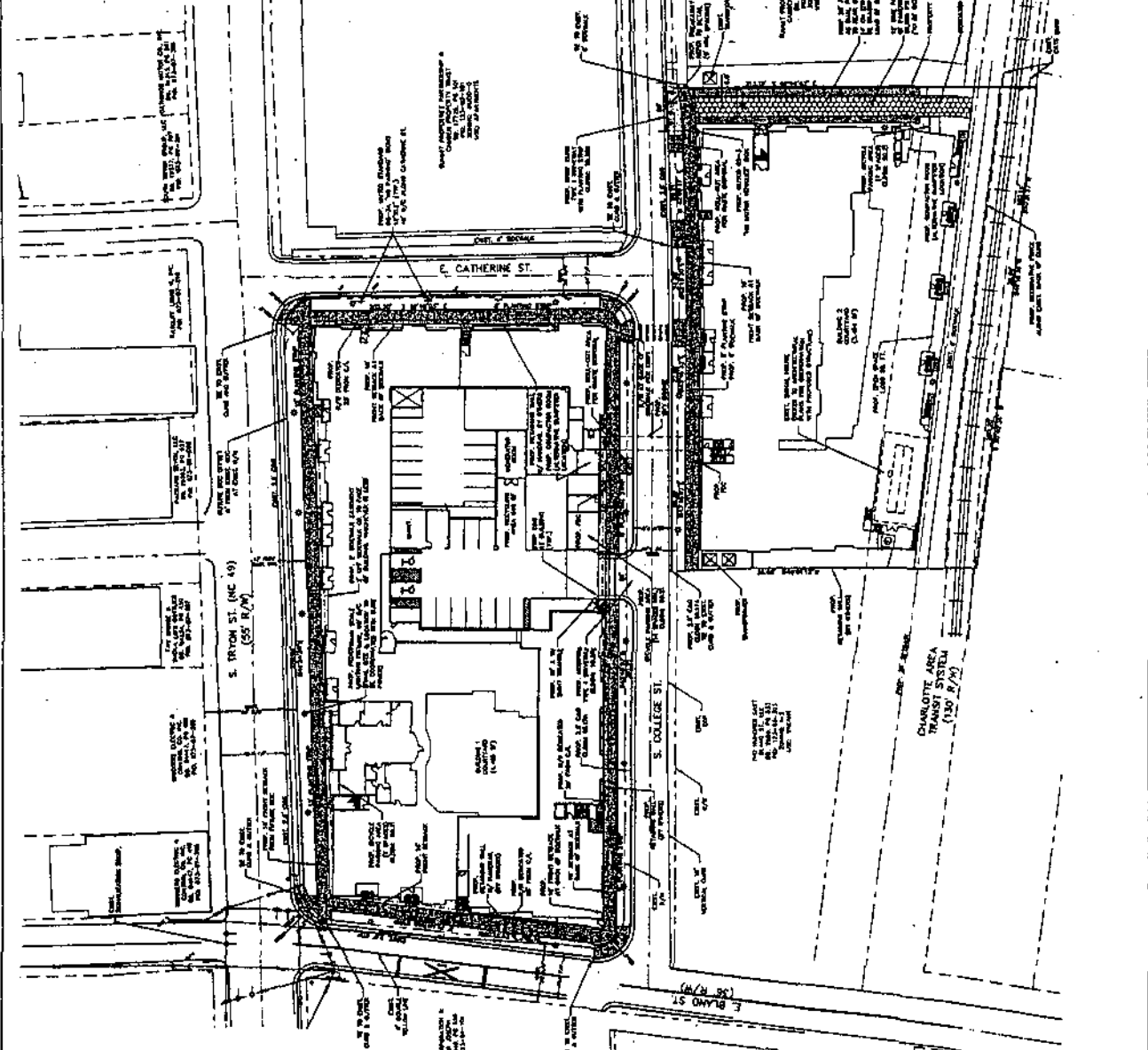
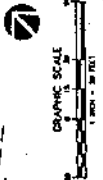
APARTMENTS, L.P.



CONTACT THE CITY OF CHARLOTTE TO REVIEW AND OBTAIN NECESSARY PERMITS. ALL PERMITS MUST BE OBTAINED PRIOR TO CONSTRUCTION. PERMITS MUST BE OBTAINED AT THE DEPARTMENT OF PERMITS AND INSPECTION.

TOD APPROVED
 This plan was approved by the City of Charlotte on 07/28/08. The City Engineer's Office has reviewed the plan and found it to be in compliance with the applicable codes and ordinances. The City Engineer's Office has also reviewed the plan and found it to be in compliance with the applicable codes and ordinances.

APPROVED BY: [Signature]
 DATE: 07/28/08



NOTES

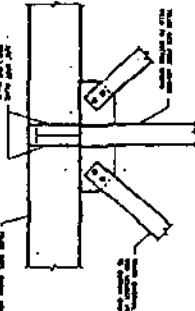
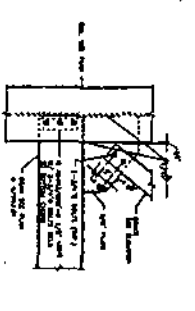
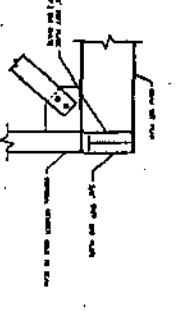
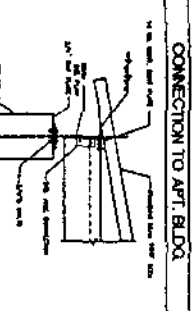

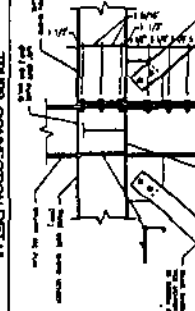
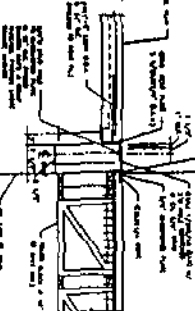
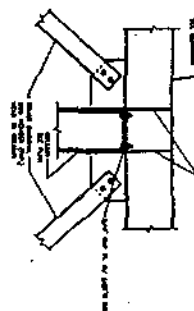
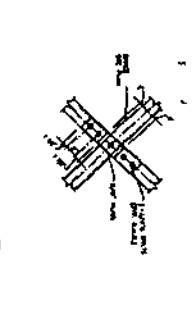
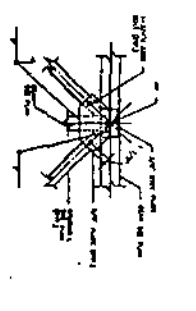
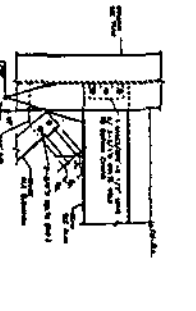
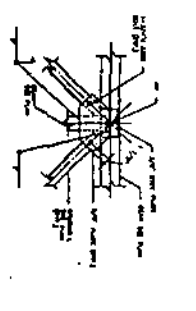
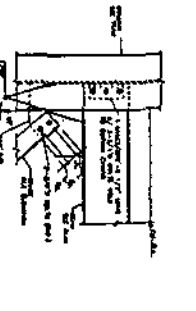
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
11. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
12. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
13. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
14. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
15. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
16. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
17. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
18. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
19. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
20. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

DEVELOPMENT DATA:

1. TOTAL AREA	12,000 SQ FT
2. TOTAL AREA	12,000 SQ FT
3. TOTAL AREA	12,000 SQ FT
4. TOTAL AREA	12,000 SQ FT
5. TOTAL AREA	12,000 SQ FT
6. TOTAL AREA	12,000 SQ FT
7. TOTAL AREA	12,000 SQ FT
8. TOTAL AREA	12,000 SQ FT
9. TOTAL AREA	12,000 SQ FT
10. TOTAL AREA	12,000 SQ FT
11. TOTAL AREA	12,000 SQ FT
12. TOTAL AREA	12,000 SQ FT
13. TOTAL AREA	12,000 SQ FT
14. TOTAL AREA	12,000 SQ FT
15. TOTAL AREA	12,000 SQ FT
16. TOTAL AREA	12,000 SQ FT
17. TOTAL AREA	12,000 SQ FT
18. TOTAL AREA	12,000 SQ FT
19. TOTAL AREA	12,000 SQ FT
20. TOTAL AREA	12,000 SQ FT

PARKING SUMMARY

1. PARKING SPACES	100
2. PARKING SPACES	100
3. PARKING SPACES	100
4. PARKING SPACES	100
5. PARKING SPACES	100
6. PARKING SPACES	100
7. PARKING SPACES	100
8. PARKING SPACES	100
9. PARKING SPACES	100
10. PARKING SPACES	100
11. PARKING SPACES	100
12. PARKING SPACES	100
13. PARKING SPACES	100
14. PARKING SPACES	100
15. PARKING SPACES	100
16. PARKING SPACES	100
17. PARKING SPACES	100
18. PARKING SPACES	100
19. PARKING SPACES	100
20. PARKING SPACES	100

		 <p>TRUSS CONNECTION DETAIL</p>	 <p>TRUSS CONNECTION DETAIL</p>	<p>DETAILS BRIDGE BALKING TYPE I & II 28321 SB104</p>
		 <p>TRUSS CONNECTION DETAIL</p>	 <p>TRUSS CONNECTION DETAIL</p>	
		 <p>TRUSS CONNECTION DETAIL</p>	 <p>TRUSS CONNECTION DETAIL</p>	<p>TRAYON STREET APARTMENTS CIVIL ENGINEERING, INC.</p>
		 <p>TRUSS CONNECTION DETAIL</p>	 <p>TRUSS CONNECTION DETAIL</p>	<p>TRUSS CONNECTION DETAIL</p>
		 <p>SECTION AT BRIDGE ROOF</p>	 <p>BRACE CONNECTION</p>	<p>BRACE CONNECTION</p>
		 <p>TRUSS CONNECTION DETAIL</p>	 <p>TRUSS CONNECTION DETAIL</p>	<p>BRACE CONNECTION</p>

RESOLUTION AUTHORIZING THE UPSET BID PROCESS

WHEREAS, the City of Charlotte expects to own certain property, consisting of 3.7 + acres located between I-277 and Stonewall Street on the west side of the I-277 ramp to Stonewall Street; and

WHEREAS, North Carolina General Statute §160A-269 permits the City to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the City has received an offer to purchase the property described above, in the amount of \$145 per square foot as determined by final survey, approximately \$21,222,339, submitted by Prada, LLC;

THEREFORE, THE CITY COUNCIL OF THE CITY OF CHARLOTTE RESOLVES THAT:

1. The City Council authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute §160A-269.
2. A notice of the proposed sale shall be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Any person may submit an upset bid to the office of the Real Estate Manager by 12:00 PM (Noon) on the 11th day after the notice of sale is published. Once a qualifying higher bid has been received, that bid will become the new offer.
4. If a qualifying higher bid is received, a new notice of upset bid shall be published, and this process shall be repeated until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer, and equals or exceeds all other material terms of the previous offer to the advantage of the City.
6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, certified check, or wire transfer. The City will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The City will return the deposit of the final high bidder in accordance with the purchase contract.
7. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted and the appropriate City officials are authorized to execute the documents necessary to convey the property to Prada, LLC.

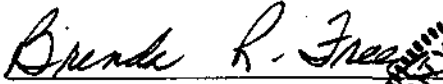
8. The City reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.


Adopted July 28, 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 28th day of July, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (473-475).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 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 **DORMAN ROAD AREA SANITARY SEWER OUTFALL TO McALPINE WATER WATER TREATMENT PLANT 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 **DORMAN ROAD AREA SANITARY SEWER OUTFALL TO McALPINE WATER WATER TREATMENT PLANT PROJECT** and estimated to be approximately 14,895 square feet (.342 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. 221-501-05, said property currently owned by **VICTORIA VILLAGE, L. P.; TIM, INC., Trustee; NATIONSBANK, N. A., Beneficiary; LAWYERS TITLE REALTY SERVICES, INC., Trustee; FIRST UNION NATIONAL BANK, Beneficiary, Any Other Parties in Interest, or the owners' successor-in-interest.**

ESTIMATED JUST COMPENSATION:


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

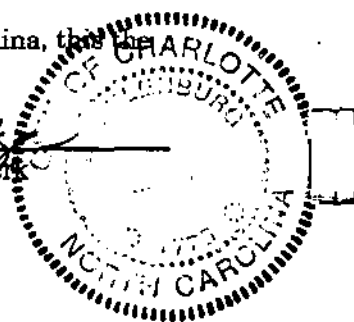
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th day of July, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Page 476.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 30th day of July, 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 SHOPTON ROAD WEST IMPROVEMENT 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 SHOPTON ROAD WEST IMPROVEMENT PROJECT and estimated to be approximately 21,019 square feet (.483 acre) of fee-simple interest 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. 199-211-55, said property currently owned by DARRELL W. DELOACH and wife, JANET M. DELOACH; RICHARD H. ROBERTSON, Trustee; JAMES H. DELOACH, Beneficiary, Any Other Parties in Interest, or the owners successor-in-interest.

ESTIMATED JUST COMPENSATION:

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

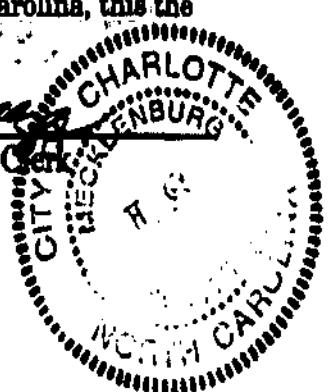
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th day of July, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Page 477.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 2008.

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



July 28, 2008

Resolution Book 41, Page 478

FOR REGISTRATION JUDITH A. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2008 SEP 23 12:28 PM
BK:24139 PG:485-488 FEE:\$18.00

INSTRUMENT # 2008157012



2008157012

**RESOLUTION CLOSING A PORTION OF PEACHTREE DRIVE SOUTH 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 abandon a portion of Peachtree Drive South which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to abandon a portion of Peachtree Drive South 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 28th day of July 2008 and City Council determined that the closing of the right-of-way known as a portion of Peachtree Drive South 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.

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


NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of July 28, 2008, that the Council hereby orders the closing of a portion of Peachtree Drive South 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 right-of-way for the proposed cul-de-sac is conveyed, recorded and accepted by the City of Charlotte for maintenance. The abandonment approval shall be void if the above conditions are not met within one year of this date.

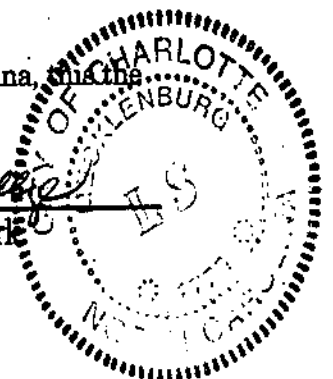
BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th day of July, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (478-480).

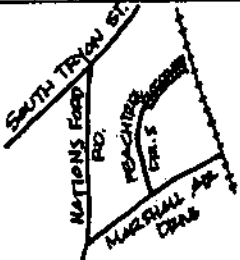
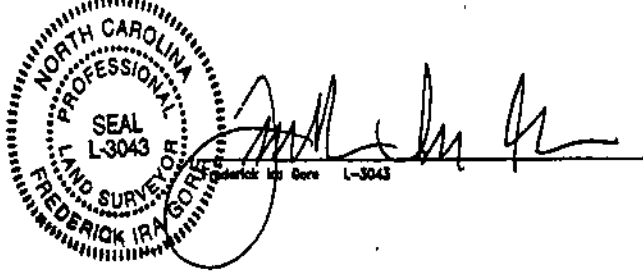
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 2008.


Brenda R. Freeze, CMC, City Clerk



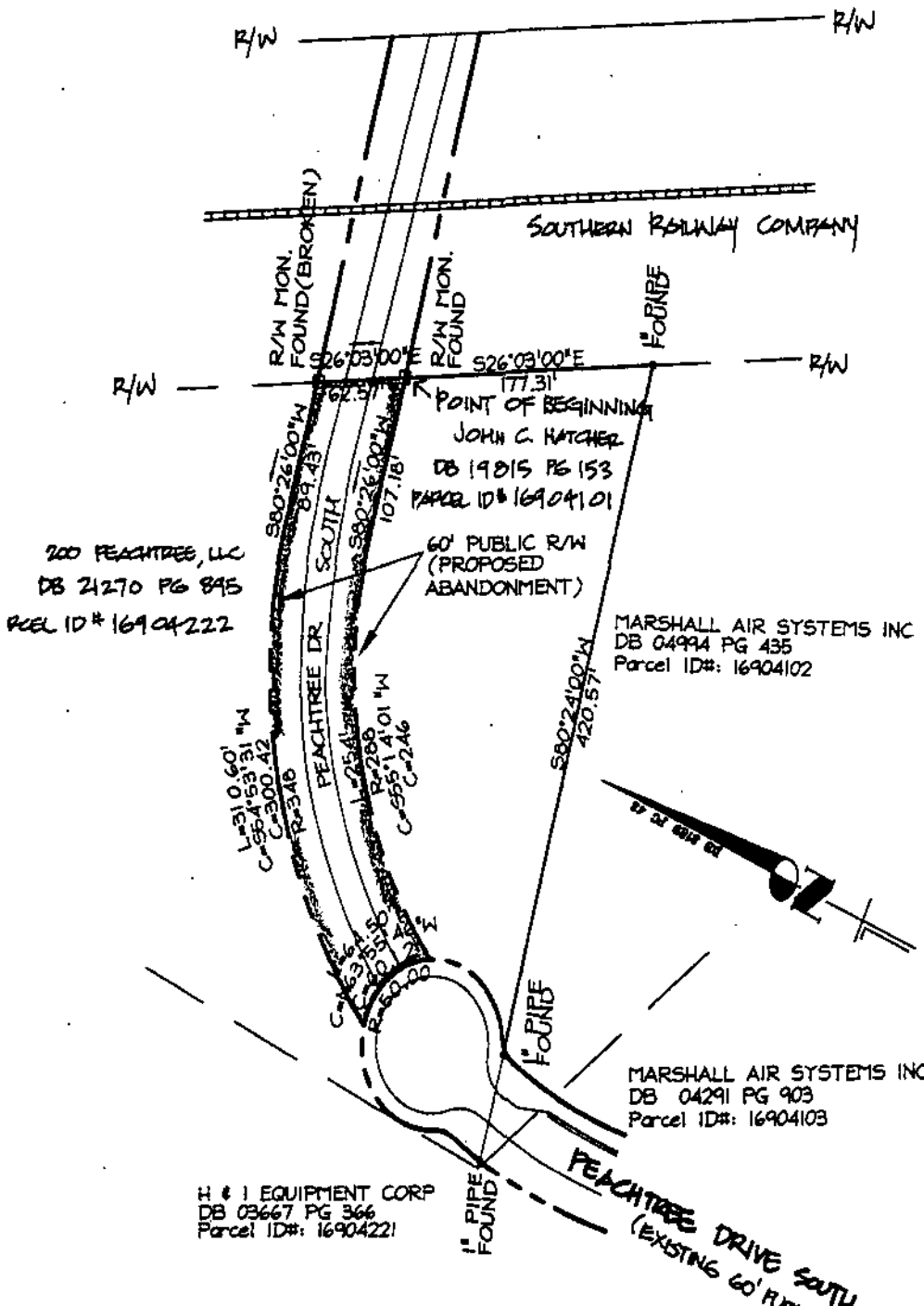
Drawn By: City of Charlotte
Return to: City of Charlotte-Box 227

Civiltek Associates
 Engineering Planning Surveying
 1318 ED Central Ave. PHONE (704) 332-9004
 Charlotte, NC 28205 FAX (704) 344-9872



VICINITY MAP
 NTS

EASEMENT IN FAVOR OF CITY OF CHARLOTTE, BELLSOUTH TELECOMMUNICATIONS, INC. AND ALL OTHER OWNERS OF EXISTING UNDERGROUND TELECOMMUNICATIONS FACILITIES UPON, UNDER AND ACROSS THE ENTIRE PROPERTY DESCRIBED ABOVE FOR ACCESS TO AND FOR THE INSTALLATION, MAINTANANCE AND REPAIR OF STORM DRAIN LINES, CONDUITS, CABLE, WIRES AND RELATED EQUIPMENT, IS HEREBY GRANTED.



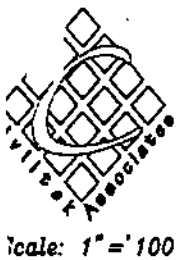
I, Linda B. Poissant, Review Officer
 Of Mecklenburg County, certify that the
 map or plat to which this certificate is
 affixed meets all statutory requirements
 for recording
 Linda B. Poissant
 Review Officer
 Date 8/5/08

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

Exhibit A
 Physical Survey
 Proposed Street Abandonment

of
 Peachtree Drive South

City of Charlotte
 Mecklenburg County, North Carolina



Scale: 1" = 100'

July 28, 2008

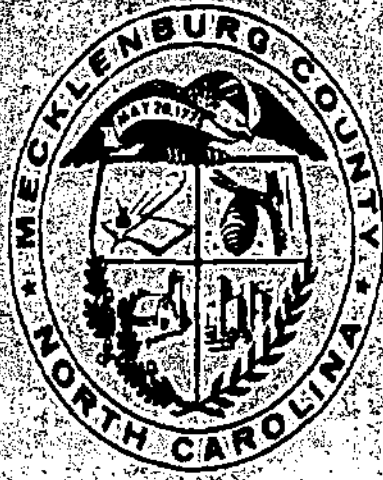
Resolution Book 41, Page 480

Exhibit B

Legal Description of a Proposed Abandonment of a Portion of Peachtree Drive South, Within the City of Charlotte, Mecklenburg County, NC

BEGINNING at an existing Concrete Monument, being the intersection of the westerly right of way of the Southern Railway Company and the southerly right of way of Peachtree Drive South; thence with the southerly right of way of Peachtree Drive South S 80 26 00 W, 107.18 feet to a point; thence continuing with said right of way with a curve to the left having a radius of 288.00 feet, an arc length of 254.00 feet and a chord bearing and distance of S 55 14 01 W, 246.00 feet to a point in the right of way of a new, proposed cul-de-sac; thence with a curve to the left having a radius of 50.00 feet, an arc length of 64.50 feet and a chord bearing and distance of N 63 55 46 W, 600.12 feet to a point in the northerly right of way of Peachtree Drive South; thence with said right of way with a curve to the right having a radius of 348.00 feet, an arc length of 310.60 feet and a chord bearing and distance of N 54 43 31 W, 300.42 feet to a point; thence N 80 26 00 E, 89.43 feet to an existing concrete monument at the intersection of the northerly right of way of Peachtree Drive South and the westerly right of way of the Southern Railway Company; thence with the Southern Railroad Company right of way S 26 03 00 E, 62.57 feet to the POINT OF BEGINNING.

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: 09/23/2008 12:28 PM

Book: RE 24139 Page: 485-488

Document No.: 2008157012

RESOL 4 PGS \$18.00

Recorder: KAMIL COOPER



2008157012

FOR REGISTRATION JUDITH A. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2008 SEP 23 12:28 PM
BK:24139 PG:497-503 FEE:\$27.00

INSTRUMENT # 2008157015



2008157015

RESOLUTION CLOSING AN UNOPENED PORTION OF N. MYERS STREET AND N. ALEXANDER 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 abandon an unopened portion of N. Myers Street and N. Alexander Street which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to abandon an unopened portion of N. Myers Street and N. Alexander 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 28th day of July 2008 and City Council determined that the closing of unopened rights-of-way on N. Myers Street and N. Alexander Street are 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.

WHEREAS, the petitioner will provide an access easement to the City of Charlotte, AT&T, and all other owners of existing underground utilities and telecommunications to maintain their facilities and a pedestrian pathway as shown on the attached maps marked "Exhibits A1-A2, and C-1".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of July 28, 2008, that the Council hereby orders the closing of an unopened portion of N. Myers Street and N. Alexander Street in the City of Charlotte Mecklenburg County, North Carolina as shown in the maps marked "Exhibits A1-A2, and A-3", and is more particularly described by metes and bounds in document marked "Exhibits B1-B2", both of which are attached hereto and made a part hereof. This action shall be effective on the date that the petitioner obtains subdivision plan approval from the Charlotte-Mecklenburg Planning Commission and the pedestrian access easement is obtained and recorded at the Register of Deeds Office. The abandonment approval shall be void if the above conditions are not met within one year of this date.

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

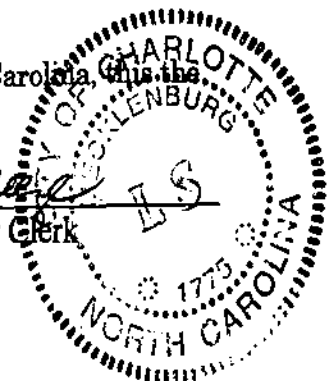
CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th day of July, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (481-486).


WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 30th day of July, 2008.

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

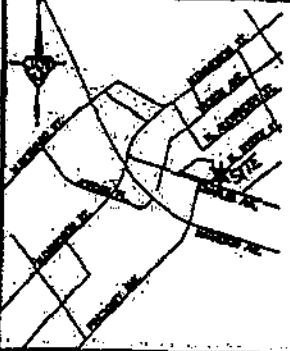

Brenda R. Freeze, CMC, City Clerk



BOUNDARY SURVEY OF
 PORTION OF N. MYERS STREET
 MAP BOOK 6, PAGE 901
 PREPARED FOR
 LIBERATE FINANCIAL, LLC
 CITY OF CHARLOTTE MECKLENBURG COUNTY
 NORTH CAROLINA
 1 INCH = 48 FEET



John W. Stevens
 Professional Land Surveying
 16020 Kisten Nicole Road Charlotte, North Carolina 28278
 Office (704) 594-8890 Fax (704) 594-8899
 Cellular (704) 280-9980
 johnstevensurvey@bellsouth.net



MAX PARCEL: UNIMPROVED ROAD REFERENCE: MAP BOOK 6, PAGE 901
 DRAWN: JWS DATE: JWC-028

CURVE TABLE

LINE	CHD. BEARING	CHD. LENGTH	RADIUS	ARC LENGTH
C1	N 28°21'18" E	94.23'	180.89'	95.33'
C2	S 28°38'22" W	73.12'	144.47'	73.93'

LINE TABLE

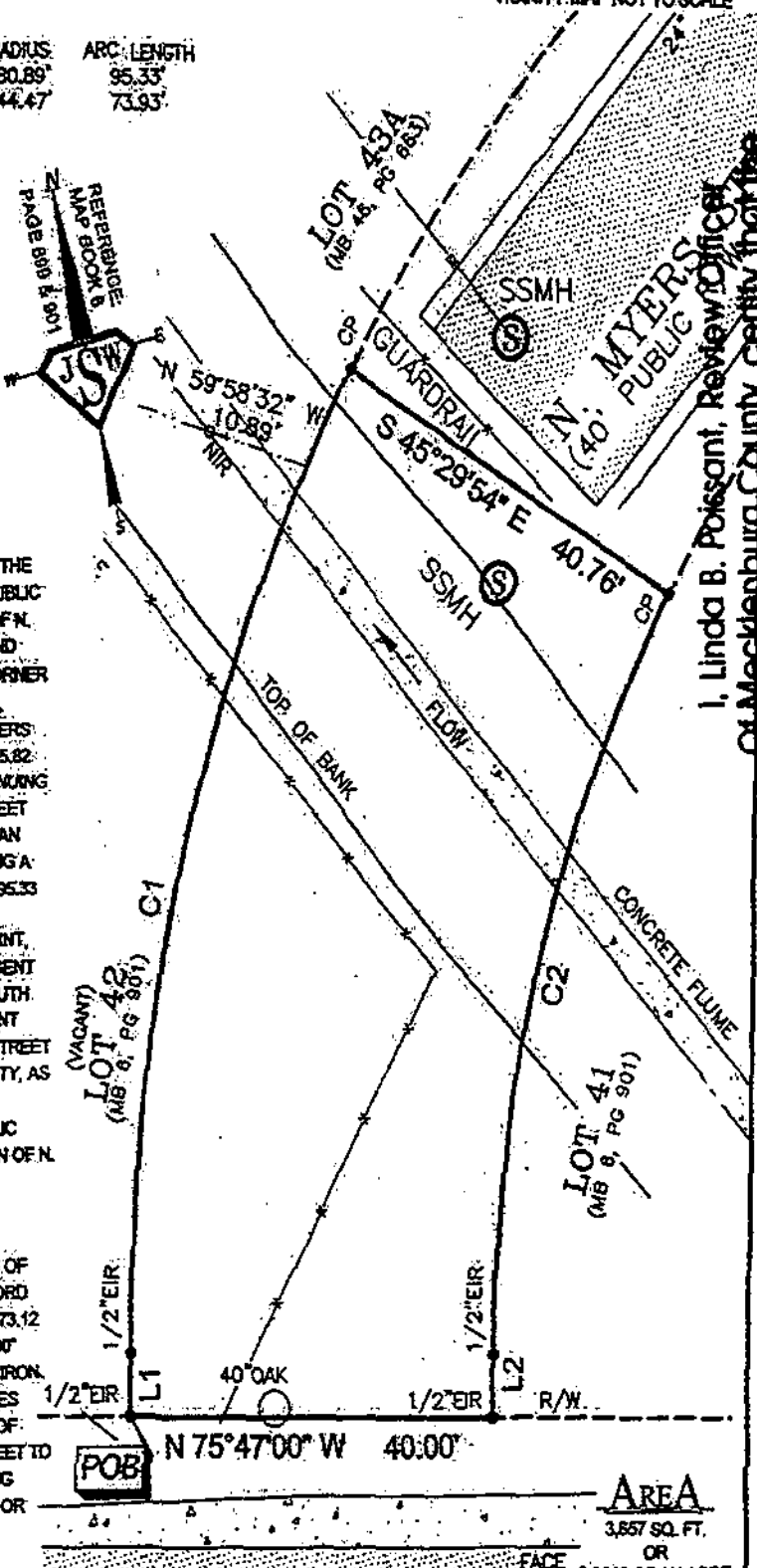
LINE	BEARING	LENGTH
L1	N 14°13'00" E	5.82'
L2	S 14°13'00" W	5.82'

LEGEND

EUR - EXISTING IRON ROD
 MB - MAP BOOK
 NIR - NEW IRON ROD
 PG - PAGE
 R/W - RIGHT-OF-WAY

LEGAL

BEGINNING AT AN EXISTING IRON ROD LYING IN THE NORTHERN MARGIN OF CHARLES AVENUE (45' PUBLIC ROW, MB 6, PG 901) AND THE WESTERN MARGIN OF N. MYERS STREET (40' PUBLIC ROW, MB 6, PG 901) AND ALSO BEING THE SOUTHEASTERN PROPERTY CORNER OF LOT 42 AS SHOWN ON MAP BOOK 6, PAGE 901, THENCE WITH THE NORTHERN MARGIN OF N. MYERS STREET AND WITH LOT 42 NORTH 14°13'00" EAST 5.82 FEET TO AN EXISTING IRON ROD, THENCE CONTINUING WITH THE NORTHERN MARGIN OF N. MYERS STREET AND LOT 42 AND CONTINUING WITH LOT 43 WITH AN ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 180.89 FEET AND AN ARC LENGTH OF 95.33 FEET (CHORD BEARING AND LENGTH OF NORTH 28°21'18" EAST 94.23 FEET) TO A CALCULATED POINT, THENCE WITH A NEW LINE NORMAL TO THE TANGENT OF THE AFOREMENTIONED CIRCULAR CURVE SOUTH 45°29'54" EAST 40.76 FEET TO A CALCULATED POINT LYING IN THE SOUTHERN MARGIN OF N. MYERS STREET AND IN THE LINE OF SEAN G. HARDESTY PROPERTY, AS ACQUIRED BY DEED BOOK 22,680, PAGE 286 AND RECORDED IN THE MECKLENBURG COUNTY PUBLIC REGISTRY, THENCE WITH THE SOUTHERN MARGIN OF N. MYERS STREET AND WITH THE LINE OF SEAN G. HARDESTY PROPERTY THE FOLLOWING TWO (2) COURSES AND DISTANCES: (1) WITH AN ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 144.47 FEET AND ARC LENGTH OF 73.93 FEET (CHORD BEARING AND LENGTH OF SOUTH 28°38'22" WEST 73.12 FEET TO AN EXISTING IRON ROD AND 2) SOUTH 14°13'00" WEST 5.82 FEET TO AN EXISTING IRON ROD, SAID IRON ROD LYING IN THE NORTHERN MARGIN OF CHARLES AVENUE, THENCE WITH THE NORTHERN MARGIN OF CHARLES AVENUE NORTH 75°47'00" WEST 40.00 FEET TO THE POINT AND PLACE OF BEGINNING, CONTAINING 3,657 SQUARE FEET OR 0.0840 OF AN ACRE MORE OR LESS.



AREA: 3,657 SQ. FT. OR 0.0840 OF AN ACRE

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.

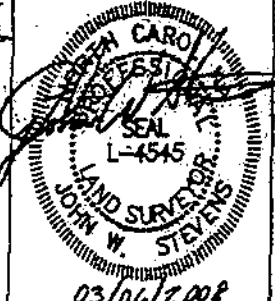
Linda B. Poissant
 Review Officer

8/5/08
 Date

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

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. COMMUNITY PANEL No.: 370156-0167 E.



03/06/2008

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT ON THE 22ND DAY OF OCTOBER 2007 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 THEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE 1800 (21 NCAC 59) 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: *John W. Stevens*

EXHIBIT
 A-1

July 28, 2008

Resolution Book 41, Page 483

N. Myers Street Abandonment

BEGINNING AT AN EXISTING IRON ROD LYING IN THE NORTHERN MARGIN OF CHARLES AVENUE (45' PUBLIC R/W, MB 6, PG 901) AND THE WESTERN MARGIN OF N. MYERS STREET (40' PUBLIC R/W, MB 6, PG 901) AND ALSO BEING THE SOUTHEASTERN PROPERTY CORNER OF LOT 42 AS SHOWN ON MAP BOOK 6, PAGE 901, THENCE WITH THE NORTHERN MARGIN OF N. MYERS STREET AND WITH LOT 42 NORTH $14^{\circ}13'00''$ EAST 5.82 FEET TO AN EXISTING IRON ROD, THENCE CONTINUING WITH THE NORTHERN MARGIN OF N. MYERS STREET AND LOT 42 AND CONTINUING WITH LOT 43 WITH AN ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 180.89 FEET AND AN ARC LENGTH OF 95.33 FEET (CHORD BEARING AND LENGTH OF NORTH $28^{\circ}21'18''$ EAST 94.23 FEET) TO A CALCULATED POINT, THENCE WITH A NEW LINE NORMAL TO THE TANGENT OF THE AFOREMENTIONED CIRCULAR CURVE SOUTH $45^{\circ}29'54''$ EAST 40.76 FEET TO A CALCULATED POINT LYING IN THE SOUTHERN MARGIN OF N. MYERS STREET AND IN THE LINE OF SEAN G. HARDESTY PROPERTY, AS ACQUIRED BY DEED BOOK 22,680, PAGE 286 AND RECORDED IN THE MECKLENBURG COUNTY PUBLIC REGISTRY, THENCE WITH THE SOUTHERN MARGIN OF N. MYERS STREET AND WITH THE LINE OF SEAN G. HARDESTY PROPERTY THE FOLLOWING TWO (2) COURSES AND DISTANCES 1.) WITH AN ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 144.47 FEET AND ARC LENGTH OF 73.93 FEET (CHORD BEARING AND LENGTH OF SOUTH $28^{\circ}38'22''$ WEST 73.12 FEET TO AN EXISTING IRON AND 2.) SOUTH $14^{\circ}13'00''$ WEST 5.82 FEET TO AN EXISTING IRON ROD, SAID IRON ROD LYING IN THE NORTHERN MARGIN OF CHARLES AVENUE, THENCE WITH THE NORTHERN MARGIN OF CHARLES AVENUE NORTH $75^{\circ}47'00''$ WEST 40.00 FEET TO THE POINT AND PLACE OF BEGINNING, CONTAINING 3,657 SQUARE FEET OR 0.0840 OF AN ACRE MORE OR LESS.

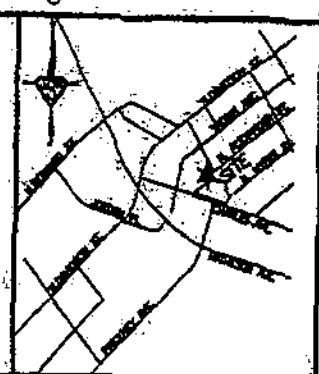
**EXHIBIT
B-1**

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

BOUNDARY / PHYSICAL SURVEY OF
 PORTION OF N. ALEXANDER STREET
 (UNOPENED)
 PREPARED FOR
 LIBERATE FINANCIAL, LLC
 CITY OF CHARLOTTE MECKLENBURG COUNTY
 NORTH CAROLINA
 1 INCH = 40 FEET



John W. Stevens
 Professional Land Surveying
 16020 Kintner Strick Blvd. Charlotte, North Carolina 28228
 Office (704) 904-8890 Fax (704) 904-8899
 Cellular (704) 980-9980
 johnstevenspl@bellsouth.net



BY ENGINEER: JWS
 PORTION OF N. ALEXANDER ST. MAP BOOK 6, PAGE 899
 DRAWN: JWS
 CHECKED: JWS
 JOB NUMBER: JWS-028

LEGAL

VICINITY MAP NOT TO SCALE

BEGINNING AT AN EXISTING IRON ROD LOCATED ON THE NORTHERN MARGIN OF CHARLES AVENUE (45' PUBLIC R/W, MB 5, PG 889) AND THE SOUTHERN MARGIN OF N. ALEXANDER STREET (UNOPENED) 57' PUBLIC R/W, MB 8, PG 899) AND ALSO BEING

OF CHARLES AVENUE NORTH 75°47'00" WEST 64.27 FEET TO A CALCULATED POINT, SAID POINT LYING ON THE NORTHERN MARGIN OF N. ALEXANDER STREET AND BEING THE SOUTHEASTERN CORNER OF CAMERON R. MACDONNACHIE AND VAN M. MACDONNACHIE, AS ACQUIRED BY DEED BOOK 15,034, PAGE 878 AND SHOWN ON MAP BOOK 34, PAGE 777, BOTH RECORDED IN THE MECKLENBURG COUNTY PUBLIC REGISTRY, THENCE WITH THE NORTHERN MARGIN OF N. ALEXANDER STREET (UNOPENED) AND WITH THE MACDONNACHIE PROPERTY AND CONTINUING WITH PERRY AND LAURA POOLE PROPERTY, AS ACQUIRED BY DEED BOOK 20,882, PAGE 303 AND STEPHANIE L. KORNEGAY, AS ACQUIRED BY DEED BOOK 15,735, PAGE 777 AND SHOWN ON MAP BOOK 48, PAGE 88 ALL BEING RECORDED IN THE MECKLENBURG COUNTY PUBLIC REGISTRY NORTH 54°47'10" EAST, PASSING AN EXISTING IRON ROD AT 54.28 FEET, AN EXISTING IRON PIPE AT 228.47 FEET, FOR A TOTAL DISTANCE OF 847.35 FEET TO AN EXISTING IRON PIPE, SAID PIPE BEING THE NORTHEASTERN CORNER OF LOT 718 AS SHOWN ON MAP BOOK 48, PAGE 92, THENCE WITH A NEW LINE NORMAL TO THE AFOREMENTIONED NORTHERN MARGIN OF N. ALEXANDER STREET SOUTH 35°12'50" EAST 48.77 FEET TO A CALCULATED POINT, SAID POINT LYING IN THE SOUTHERN MARGIN OF N. ALEXANDER STREET AND IN THE LINE OF STEPHANIE L. KORNEGAY PROPERTY, AS ACQUIRED BY DEED BOOK 15,735, PAGE 773 AND RECORDED IN THE MECKLENBURG COUNTY PUBLIC REGISTRY, THENCE WITH THE SOUTHERN MARGIN OF N. ALEXANDER STREET AND STEPHANIE L. KORNEGAY PROPERTY AND CONTINUING WITH LIBERATE FINANCIAL, LLC PROPERTIES, AS ACQUIRED BY DEED BOOK 22,708, PAGE 82 AND 22,898, PAGE 815 BOTH BEING RECORDED IN THE MECKLENBURG COUNTY PUBLIC REGISTRY SOUTH 54°47'10" WEST, PASSING AN EXISTING IRON ROD AT 74.85 FEET AND 211.85 FEET, FOR A TOTAL DISTANCE OF 286.77 FEET TO SAID POINT AND PLACE OF BEGINNING, CONTAINING 15,830 SQUARE FEET OR 0.3657 OF AN ACRE MORE OR LESS.

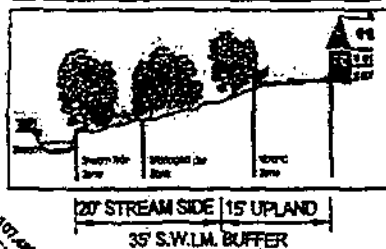
ZONING

CITY OF CHARLOTTE ZONING
 ORDINANCE SUBJECT PROPERTY
 ZONED: R-6 - SINGLE FAMILY DISTRICT

LEGEND

- ER - EXISTING IRON ROD
- M.B. - MAP BOOK
- NIR - NEW IRON ROD
- PG - PAGE
- R/W - RIGHT-OF-WAY

REQUIRED BUFFER ZONES



AREA
 15,830 SQ. FT.
 OR
 0.3657 OF AN ACRE

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. COMMUNITY PANEL No.: 370158/0707 E.



SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT ON THE 22ND DAY OF OCTOBER 2007 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 2600 (21 N.C.A.C. 2600) AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED (OR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED).

SIGNED: *John W. Stevens*

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

Date 8/5/08
 Signature: *Linda B. Poyssant*
 Review Officer

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

EXHIBIT A-Z

July 28, 2008

Resolution Book 41, Page 485

N. Alexander Street Abandonment

BEGINNING AT AN EXISTING IRON ROD LOCATED ON THE NORTHERN MARGIN OF CHARLES AVENUE (45' PUBLIC R/W, MB 6, PG 899) AND THE SOUTHERN MARGIN OF N. ALEXANDER STREET ((UNOPENED) 50' PUBLIC R/W, MB 6, PG 899) AND ALSO BEING THE WESTERN CORNER OF LOT 68 AS SHOWN ON MAP BOOK 6, PAGE 899, THENCE WITH THE NORTHERN MARGIN OF CHARLES AVENUE NORTH 75°47'00" WEST 64.20 FEET TO A CALCULATED POINT, SAID POINT LYING ON THE NORTHERN MARGIN OF N. ALEXANDER STREET AND BEING THE SOUTHEASTERN CORNER OF CAMERON R. MACCONNACHIE AND IAN M. MACCONNACHIE, AS ACQUIRED BY DEED BOOK 15,624, PAGE 976 AND SHOWN ON MAP BOOK 39, PAGE 717, BOTH RECORDED IN THE MECKLENBURG COUNTY PUBLIC REGISTRY, THENCE WITH THE NORTHERN MARGIN OF N. ALEXANDER STREET (UNOPENED) AND WITH THE MACCONNACHIE PROPERTY LINE AND CONTINUING WITH PERRY AND LAURA POOLE PROPERTY AS ACQUIRED BY DEED BOOK 20,682, PAGE 303 AND STEPHANIE L. KORNEGAY, AS ACQUIRED BY DEED BOOK 15,735, PAGE 73 AND SHOWN ON MAP BOOK 46, PAGE 93 ALL BEING RECORDED IN THE MECKLENBURG COUNTY PUBLIC REGISTRY NORTH 54°47'10" EAST, PASSING AN EXISTING IRON ROD AT 54.28 FEET, AN EXISTING IRON PIPE AT 220.47 FEET, FOR A TOTAL DISTANCE OF 347.53 FEET TO AN EXISTING IRON PIPE, SAID PIPE BEING THE NORTHEASTERN CORNER OF LOT 71B AS SHOWN ON MAP BOOK 46, PAGE 93, THENCE WITH A NEW LINE NORMAL TO THE AFOREMENTIONED NORTHERN MARGIN OF N. ALEXANDER STREET SOUTH 35°12'50" EAST 48.77 FEET TO A CALCULATED POINT, SAID POINT LYING IN THE SOUTHERN MARGIN OF N. ALEXANDER STREET AND IN THE LINE OF STEPHANIE L. KORNEGAY PROPERTY, AS ACQUIRED BY DEED BOOK 15,735, PAGE 73 AND RECORDED IN THE MECKLENBURG COUNTY PUBLIC REGISTRY, THENCE WITH THE SOUTHERN MARGIN OF N. ALEXANDER STREET AND STEPHANIE L. KORNEGAY PROPERTY AND CONTINUING WITH LIBERATE FINANCIAL, LLC PROPERTIES, AS ACQUIRED BY DEED BOOK 22,708, PAGE 62 AND 22,856, PAGE 815 BOTH BEING RECORDED IN THE MECKLENBURG COUNTY PUBLIC REGISTRY SOUTH 54°47'10" WEST, PASSING AN EXISTING IRON ROD AT 74.66 FEET AND 211.66 FEET, FOR A TOTAL DISTANCE OF 305.77 FEET TO SAID POINT AND PLACE OF BEGINNING, CONTAINING 15,930 SQUARE FEET OR 0.3657 OF AN ACRE MORE OR LESS.

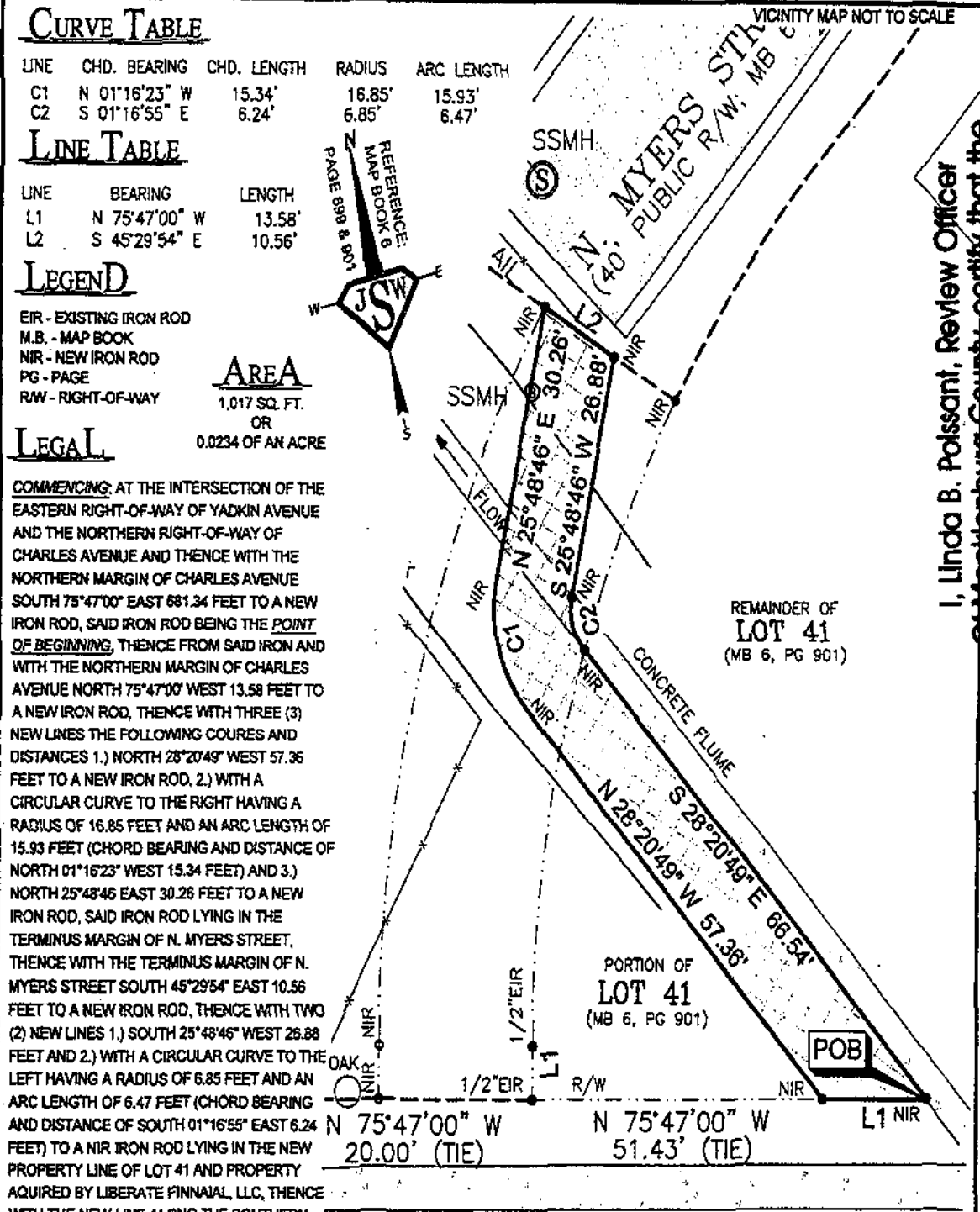
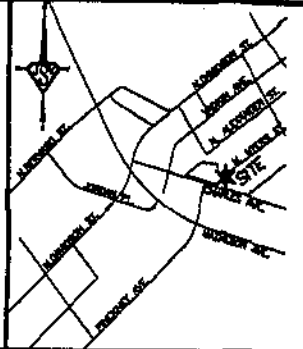
Drawn By: City of Charlotte
Return to: City of Charlotte-Box

EXHIBIT
B-2

BIKE PATH EASEMENT ON
 PORTION OF LOT 41
 MAP BOOK 6, PAGE 901
 PREPARED FOR
LIBERATE FINANCIAL, LLC
 CITY OF CHARLOTTE MECKLENBURG COUNTY
 NORTH CAROLINA
 1 INCH = 16 FEET

TAX PARCEL: PORTION OF 083-077-16 REFERENCE: MAP BOOK 6, PAGE 901
 JOB NUMBER: JWS-028

JSW
 John W. Stevens
 Professional Land Surveying
 16020 Kirsten Nicole Road Charlotte, North Carolina 28278
 Office (704) 504-8830 Fax (704) 504-8829
 Cellular (704) 280-9980
 johnwstevensprof@bellsouth.net



I, Linda B. Polssant, 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. Polssant 8/5/08
 Review Officer Date

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

FACE OF WALK
CHARLES AVENUE
 (45' PUBLIC R/W; MB 6-899 & 901)

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; COMMUNITY PANEL No.: 370158 0167 E.

SEAL
 L-4545
 LAND SURVEYOR
 JOHN W. STEVENS
 08/22/2008

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT ON THE 22ND DAY OF MAY 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 1600 (21 NCAC 96) 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 *John W. Stevens*

EXHIBIT C-1



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: 09/23/2008 12:28 PM
Book: RE 24139 Page: 497-503
Document No.: 2008157015
RESOL 7 PGS \$27.00
Recorder: KAMIL COOPER



2008157015

July 28, 2008

Resolution Book 41, Page 487

FOR REGISTRATION JUDITH A. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2008 SEP 23 12:28 PM
BK: 24139 PG: 489-492 FEE: \$18.00

INSTRUMENT # 2008157013



RESOLUTION CLOSING A RESIDUAL PORTION OF ATANDO 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 abandon a residual portion of Atando Avenue which calls for a public hearing on the question and:

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

WHEREAS, the public hearing was held on the 28th day of July 2008 and City Council determined that the closing of a residual portion of Atando 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.

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of July 28, 2008, that the Council hereby orders the closing of a residual portion of Atando 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.

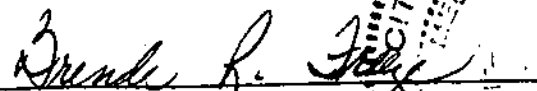
BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

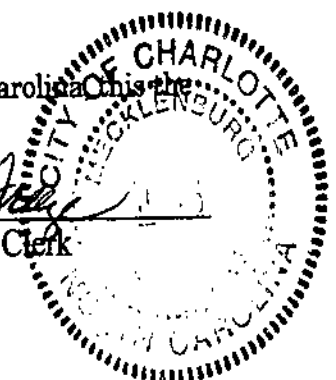
CERTIFICATION

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 28th day of July, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (487-489).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 30th day of July, 2008.

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

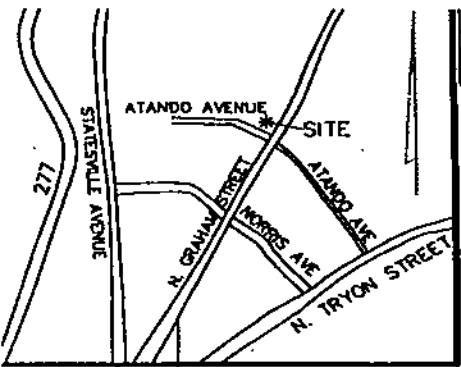

Brenda R. Freeze, CMC, City Clerk



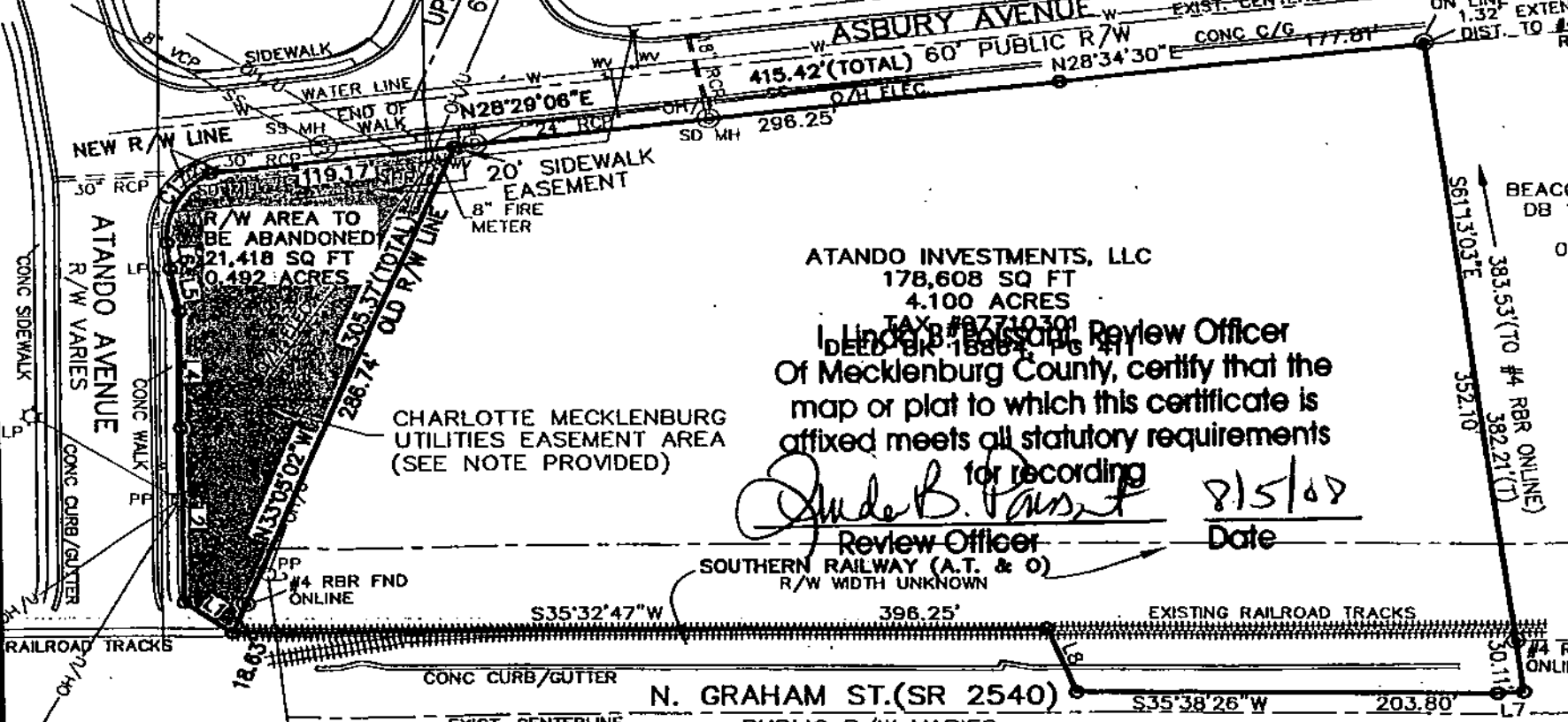
kc

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA
C1	42.00	49.39	N25°21'48"W	46.60	67°22'54"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S73°17'30"W	30.23
L2	N54°28'55"W	102.06
L4	N54°22'10"W	67.70
L5	N64°39'43"W	25.64
L6	N59°03'15"W	15.56
L7	S31°53'30"W	12.24
L8	N75°33'30"W	40.33



VICINITY MAP NOT TO SCALE



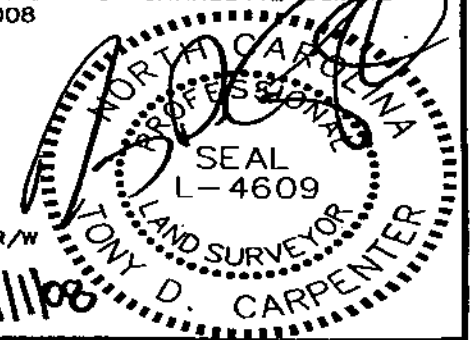
ATANDO INVESTMENTS, LLC
 178,608 SQ FT
 4.100 ACRES
 TAX # 07710301
 DEED BK 18864 PG 411

Linda B. Bassett
 Review Officer
 Of Mecklenburg County, certify that the
 map or plat to which this certificate is
 affixed meets all statutory requirements
 for recording
[Signature] 8/15/08
 Review Officer Date

- SUBJECT TO ANY AND ALL RIGHTS OF WAY, EASEMENTS, COVENANTS AND RESTRICTIONS, APPURTENANCES OF RECORD, HOWEVER RECORDED AND/OR IMPLIED.
- MONUMENTATION FOUND OR SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.
- BOUNDARY INFORMATION SUPPLIED BY LAND DESIGN SURVEYING.
- SUBJECT PARCEL TAX ID'S: 07710301
- CURRENT ZONING: I-2
- SUBJECT PARCEL DEED REFERENCES: DEED BK. 18864 PG. 411
- EASEMENT IN FAVOR OF CHARLOTTE-MECKLENBURG UTILITIES, CITY OF CHARLOTTE AND ALL OTHER OWNERS OF EXISTING UNDERGROUND TELECOMMUNICATION FACILITIES, UPON, UNDER, AND ACROSS THE ENTIRE PROPERTY DESCRIBED ABOVE FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT, AND REPAIR OF WATER LINES, STORM DRAINAGE LINES, CONDUIT, CABLE WIRES, AND RELATED EQUIPMENT.

- LEGEND:
- R/W RIGHT OF WAY
 - IP(F) IRON PIN FOUND (AS NOTED)
 - CM(F) CONCRETE MONUMENT FOUND
 - IP(F) IRON PIN SET (#4 REBAR)
 - WV CALCULATED POINT
 - WVP WATER VALVE
 - LP LIGHT POLE
 - DM DRAINAGE MANHOLE
 - SM SEWER MANHOLE
 - PP POWER POLE
 - OHU OVERHEAD ELECTRIC LINE

** REVISED PER CITY OF CHARLOTTE COMMENTS APRIL 1, 2008



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

FLOOD CERTIFICATION
 THIS IS TO CERTIFY THAT THE PROPERTY SHOWN ON THIS PLAT IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, COMMUNITY NUMBER 37119C-0167-E, DATED FEBRUARY 4, 2004.

THE ISAACS GROUP
 8720 RED OAK BLVD. SUITE 420
 CHARLOTTE, N.C. 28217
 PHONE (704) 527-3440 FAX (704) 527-8335

GRAPHIC SCALE
 1 INCH = 100 FEET

EXHIBIT A:
ATANDO INVESTMENTS, LLC
 CITY OF CHARLOTTE
 MECKLENBURG COUNTY, NORTH CAROLINA
 PREPARED FOR: SNIDER TIRE

File #:	07026-EXHIBIT	Date:	10-26-2007	Project P.L.S.:	TDC
Surveyed By:	BDM				
Drawn By:	MWJ				
Scale:	1"=100'				

THE ISAACS GROUP
 CIVIL ENGINEERING DESIGN AND LAND SURVEYING

July 28, 2008

Resolution Book 41, Page 489

Exhibit B

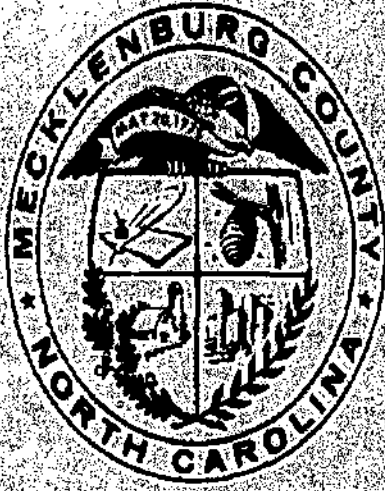
Parcel Description

R/W To Be Abandoned by the City of Charlotte

Beginning at an iron pin set at the intersection of the right-of-way of Upper Asbury Avenue (60' Public R/W) and Asbury Avenue (60' Public R/W), a common corner with lands now or formerly of Atando Investments, LLC (Deed Book 18864, Page 411) being POINT AND PLACE OF BEGINNING; thence S. 33-05-02 E. a total distance of 305.37 feet (passing a found #4 rebar at 286.74 feet) to an intersection at the centerline between two railroad tracks operated by Southern Railway (R/W width unknown), and the northerly margin of North Graham Street (SR 2540) (Public R/W Varies); thence along a new property line the following seven (7) courses and distances:

- (1) S. 75-33-30 W. 40.33 feet to a point;
- (2) N. 54-28-55 W. 102.06 feet to a point;
- (3) N. 54-22-10 W. 67.70 feet to a point;
- (4) N. 64-39-43 W. 25.64 feet to a point;
- (5) N. 59-03-15 W. 15.56 feet to a point;
- (6) With the arc of a curve to the right having a radius of 42.00 feet, with an arc length of 49.39 feet, subtended by a chord N. 25-21-48 W. 46.60 feet;
- (7) N. 28-29-06 E. 119.17 feet to an iron pin set; being the POINT AND PLACE OF BEGINNING, and containing 0.492 Acres (21,418 square feet) more or less.

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

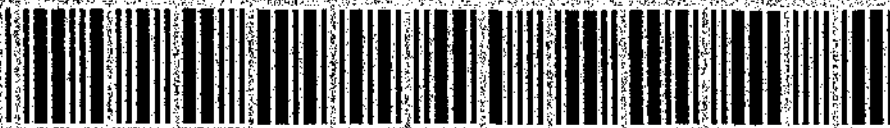


JUDITH A. GIBSON
REGISTER OF DEEDS, MECKLENBURG
COUNTY & COURTS OFFICE BUILDING
720 EAST FOURTH STREET
CHARLOTTE, NC 28202

PLEASE RETAIN YELLOW TRAILER PAGE

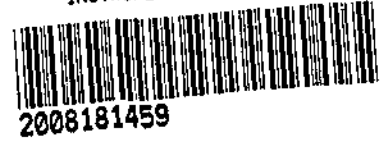
It is part of the recorded document, and must be submitted with original for re-recording
and/or cancellation.

Filed For Registration: 09/23/2008 12:28 PM
Book: RE 24139 Page: 489-492
Document No.: 2008157013
RESOL 4 PGS \$18.00
Recorder: KAMIL COOPER



2008157013

FOR REGISTRATION JUDITH A. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2008 NOV 19 02:25:48 PM
BK: 24265 PG: 442-447 FEE: \$24.00
INSTRUMENT # 2008181459



RESOLUTION CLOSING A RESIDUAL PORTION OF DENBUR DRIVE (FORMERLY KNOWN AS FAYETTE 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 Denbur Drive (formerly known as Fayette 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 Denbur Drive (formerly known as Fayette 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 petitioner will provide an access easement to City of Charlotte, Charlotte Mecklenburg Utilities, 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 the abutting property owner have agreed to a distribution of right-of-way as shown in Exhibits C and C-1 attached hereto and made part hereof.

WHEREAS, the public hearing was held on the 28th day of July, 2008 and City Council determined that the closing of a residual portion of Denbur Drive (formerly known as Fayette 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 July 28, 2008, that the Council hereby orders the closing of a residual portion of Denbur Drive (formerly known as Fayette 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 28th day of July, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (490-494).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this 30th day of July, 2008.

Drawn By: City of Charlotte
Return to: City of Charlotte-Box 287

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

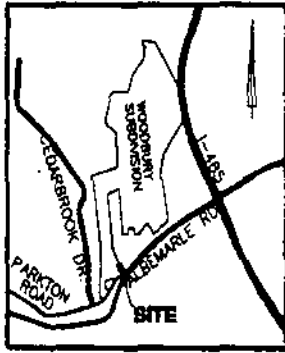


40

July 28, 2008

Resolution Book 41, Page 491

THIS IS TO CERTIFY THAT ON THE 21ST 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 1600 (2) NCAC 56) 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.



VICINITY MAP
NTS



SIGNED

James H. Mauney, Jr.
JAMES MAUNEY & ASSOCIATES, P.A.
PROFESSIONAL SURVEYORS
6405 WILKINSON BLVD., SUITE 11
BELMONT, NC 28012
TEL: 704-987-3862
FAX: 704-829-9625

NOTES:
THE PURPOSE OF THIS MAP IS TO SHOW AREA OF FAYETTE ROAD TO BE REMOVED FROM DEDICATION.



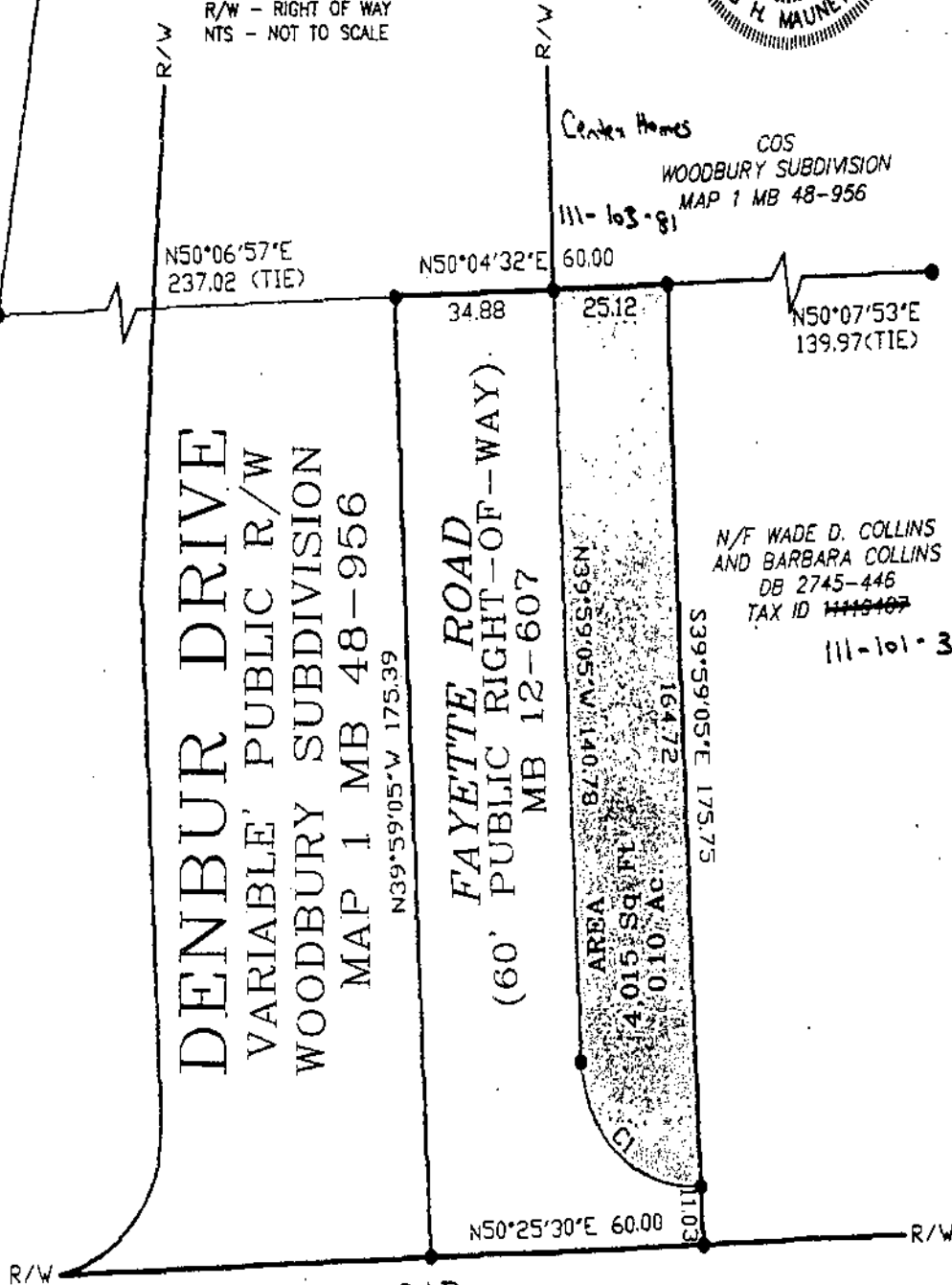
LEGEND
EIR - EXISTING IRON ROD
R/W - RIGHT OF WAY
NTS - NOT TO SCALE

JACKIE D. WHITE AND
BARBARA H. WHITE
DB 4869-521
TAX ID 11119423

I, 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

Linda B. Poissant
Review Officer
Date 10/31/08

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



ALBEMARLE ROAD
NC HWY 27
(VARIABLE PUBLIC RIGHT-OF-WAY)
NCDOT PROJECT NO: 6.679003 T

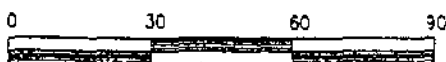
JAMES MAUNEY & ASSOCIATES, P.A.
6405 WILKINSON BLVD., SUITE 11
BELMONT, N.C. 28012
704-829-9623

MAP OF
RIGHT-OF-WAY
ABANDONMENT
FAYETTE ROAD

JOB NO. FILE NO.
SCALE 1"=20'
DATE 11-21-2008

FOR
CENTEX HOMES
WOODBURY SUBDIVISION
MECKLENBURG COUNTY,

CURVE TABLE			
CURVE	LENGTH	RADIUS	CHORD
C1	38.82	24.00	S86°19'17"E 34.72



AJ 800-831-6988

EXHIBIT

A

EXHIBIT "B"
LEGAL DESCRIPTION

Lying and being in the City of Charlotte, Mecklenburg County, North Carolina, and more particularly described as follows:

BEGINNING at an existing iron pin located in the northwesterly corner of property owned (now or formerly) by Wade and Barbara Collins, as recorded in Deed Book 2745 at Page 446, Mecklenburg County Public Registry, and the southerly boundary of COS of Woodbury Subdivision, as recorded in Map Book 48 at Page 956, Mecklenburg County Public Registry, said point also being in the easterly margin of the Right-of-Way of Fayette Road (60' Public Right-of-way); thence continuing along the easterly margin of Fayette Road, S 39-59-05 E 164.72 feet to a point; thence the following two (2) courses and distances: (1) along the arc of a curve to the right, having a radius of 24.00 feet, an arc distance of 38.82 feet, and chord bearing and distance N 86-19-17 W 34.72 feet to a point, and (2) N 39-59-05 W 140.78 feet to a point; thence along a new line N 50-04-32 E 25.12 feet to the point and place of BEGINNING.

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

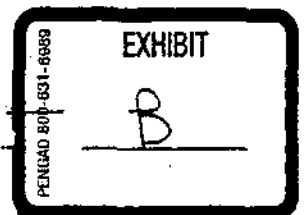
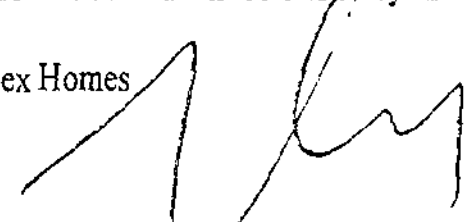


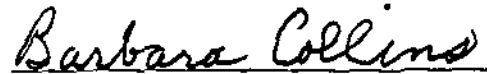
EXHIBIT C

Centex Homes, the owner of that certain parcel of land designated as Parcel No. 111-103-81 on the Mecklenburg County Tax Maps, and Wade Dalton Collins and Barbara Collins (the "Collins"), the owners of that certain parcel of land designated as Parcel No. 111-101-30 on the Mecklenburg County Tax Maps, do hereby affirm their consent to the abandonment of a portion of the Fayette Road right of way (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. Centex Homes and the Collins further agree that once abandoned, that portion of the Right of Way designated as "Area 1" on Exhibit C-1 attached hereto and incorporated herein by reference and containing 2,007 square feet of area will be owned by Centex Homes and incorporated into Parcel No. 111-103-81, and that portion of the Right of Way designated as "Area 2" on Exhibit C-1 and containing 2,008 square feet of area will be owned by the Collins and incorporated into Parcel No. 111-101-30.

Centex Homes

By: 
Its: Division President
Date: 2.1.08


Wade Dalton Collins


Barbara Collins

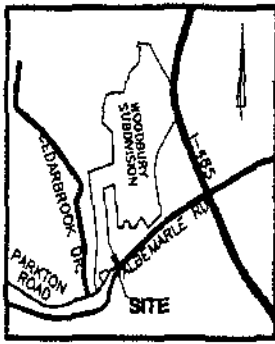
Date: 2/1/08

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

July 28, 2008

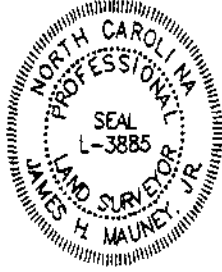
Resolution Book 41 Page 494

THIS IS TO CERTIFY THAT ON THE 7TH DAY OF DECEMBER, 2007, 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 .1600 (21 NCAC 56) 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
 6405 WILKINSON BLVD., SUITE 11
 BELMONT, NC 28012
 TEL: 704-987-3862
 FAX: 704-829-9625



VERIFY MAP NTS

LOT 10
 MAP 1 MB 48-956

LOT 11

COS
 Coker WOODBURY SUBDIVISION
 Homes MAP 1 MB 48-956

11-103-81
 N60°04'32"E
 25.12

N31°51'14"E 64.95
 TIE

N50°07'53"E 139.97
 TIE

2.56 2.56 EIR

DENBUR DRIVE
 VARIABLE PUBLIC R/W
 MB 48-956

FAYETTE ROAD
 (60' PUBLIC RIGHT-OF-WAY)
 MB 12-607

N39°59'05"W 140.78

AREA 1
 2,007 Sq. Ft.
 0.06 Ac.

S39°59'05"E 140.76
 AREA 2
 2,008 Sq. Ft.
 0.06 Ac.

S39°59'05"E 164.72

N/F WADE D. COLLINS
 AND BARBARA COLLINS
 DB 2745-446
 TAX ID ~~111-101-30~~ 111-101-30
 P48 & 49

LINE TABLE		
LINE	LENGTH	BEARING
L1	23.54	S51°40'04"E

CURVE TABLE			
CURVE	LENGTH	RADIUS	CHORD
C1	38.82	24.00	S86°19'17"E 34.72
C2	30.34	24.00	S76°54'46"E 28.84
C3	7.88	24.00	N56°45'02"E 7.85

Linda B. Poissaint
 Review Officer
 I, Linda B. Poissaint, Review Officer
 of Mecklenburg County, certify that the
 map or plat to which this certificate is
 affixed meets all statutory requirements
 for recording
 10/29/08
 Date

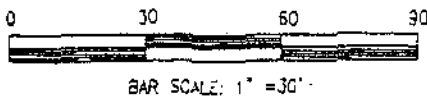
Drawn By: City of Charlotte
 Return to: City of Charlotte-Box

NOTES:
 THE PURPOSE FOR THIS MAP IS TO REMOVE PART OF
 FAYETTE ROAD FROM DEDICATION AS SHOWN.

ALBEMARLE ROAD
NC HWY 27
 (VARIABLE PUBLIC RIGHT-OF-WAY)
 NCDOT PROJECT NO: 6.679003 T.

TOTAL AREA
 4,015 Sq Ft
 0.10Ac.

LEGEND
 EIR - EXISTING IRON ROD
 R/W - RIGHT OF WAY
 NTS - NOT TO SCALE

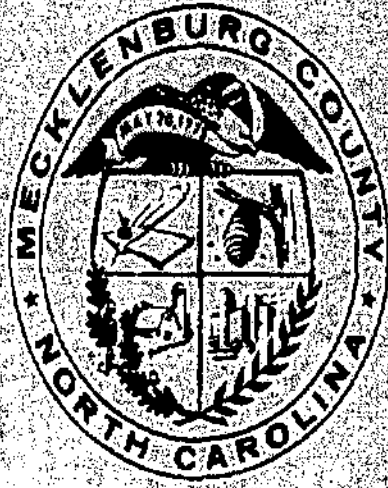


JOB NO. FILE NO.	MAP OF
SCALE	RIGHT-OF-ABANDONMENT
1"=30'	FAYETTE R
12-13-2007	DATE
JM	PREPARED BY
Drawn By	CENTEX HO
	MECKLENBURG C

PENNSAD 800-631-6989

EXHIBIT

C-1



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: 11/19/2008 02:25 PM
Book: RE 24265 Page: 442-447
Document No.: 2008181459
RESOL 6 PGS \$24.00
Recorder: LYVANH PHETSARATH



2008181459

A RESOLUTION STATING THE INTENT OF THE CITY OF CHARLOTTE TO
CONSIDER ANNEXATION OF THE EASTFIELD AREA, AS DESCRIBED HEREIN, AND FIXING
THE DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION

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

Section 1. That it is the intent of the City Council of the City of Charlotte to consider annexation of the area known as Eastfield as described in **Exhibit A**, attached hereto and incorporated herewith in this resolution, pursuant to Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

Section 2. That a public informational meeting on the question of annexing the attached described area will be held in Room 267 of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina, at 7:00 o'clock p.m. on Thursday, September 18, 2008, at which time plans for extending services to said area will be explained and all persons resident or owning property in said area and all residents of the City of Charlotte will be given an opportunity to ask questions and receive answers regarding the proposed annexation.

Section 3. That a public hearing on the question of annexing the attached described area will be held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina, at 7:00 p.m. on Monday, October 27, 2008, at which time plans for extending services to said area will be explained and all persons resident or owning property in said area and all residents of the City of Charlotte will be given an opportunity to be heard.

Section 4. That a report of plans for extending services to the attached described area be made available for public inspection at the office of the City Clerk of the City of Charlotte in the Charlotte-Mecklenburg Government Center, at least thirty (30) days prior to the date of said public informational meeting. The statement of financial impact contained in the report shall be delivered to the County Clerk of the Mecklenburg County Board of Commissioners at least thirty (30) days prior to the date of the public informational meeting.

Section 5. That there shall be posted in the office of the City Clerk at least thirty (30) days prior to the date of said public informational meeting a legible map of the area to be annexed and a list of persons holding freehold interests in property in the attached described area who have been identified.

Section 6. That notice of said public informational meeting and public hearing shall be given by publication in a local newspaper and by mail as required by law.

Adopted this 28 day of July, 2008.

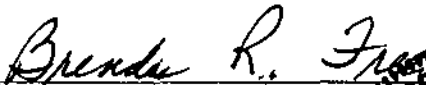
July 28, 2008

Resolution Book 41, Page 496

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th day of July, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (495-501).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 2008.


Brenda R. Freeze, CMC, City Clerk

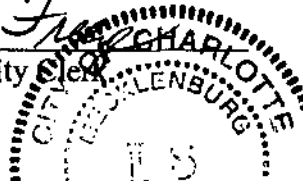


EXHIBIT A

2009 ANNEXATION AREA BOUNDARY DESCRIPTION

EASTFIELD ANNEXATION AREA

Beginning at a point on the existing CHARLOTTE CITY LIMITS LINE, said point being the intersection of a line 30 feet North of and parallel with Eastfield Road and the Northeasterly right-of way margin of Highland Creek Parkway (extended); thence in a Southeasterly direction following along the Existing Charlotte City Limits Line, also being the Northeasterly right-of-way margin of Highland Creek Parkway approximately 2,836 feet to a point, said point being located on the North right-of-way margin of Highland Creek Parkway described on a map titled Highland Creek Parkway Phase 3B, Map 2 recorded on Map Book 28 page 733; thence in a Northerly direction following along the Existing Charlotte City Limits Line also being the Easterly boundary line of Deed Book 1820 page 171 and the Westerly line of Map Book 28 page 733 with a bearing and distance of North 10-50-36 East 6.41 feet to a point, said point being located on the Northwest corner of the Common Area #5 as recorded in said Map Book 28 Page 733 and also being the point of beginning for Deed Book 10042 page 234 Mecklenburg Registry; thence continuing with the Existing Charlotte City Limits Line also being the Easterly line of said Deed Book 1820 page 171 and the Westerly boundary line of Said Deed Book 10042 page 234 with a bearing and distance of: North 09—06-49 East 671.77 feet to a point, said point being an angle point on said boundary line and also being the Northeast corner of said Deed Book 1820 page 171 and also being the Southeasterly corner of Deed Book 3737 page 816; thence continuing along the Existing Charlotte City Limits Line, also being the Westerly boundary line of Said Deed Book 10042 page 234 and the Easterly line of Deed Book 3737 page 816, with a bearing and distance of North 08-31-44 East 78.24 feet to a point, said point being the Northwesterly corner of Deed Book 10042 page 234 located on the boundary line of said Deed Book 3737 page 816; thence in a Southeasterly direction following along the Existing Charlotte City Limits Line, also being the Northerly line of said Deed Book 10042 page 234, with a bearing and distance of South 79-09-24 East 407.11 feet to a point, said point being the Southwesterly corner of Lot 17 Block 51 of Highland Creek Hidden Meadow Village Map 1 Recorded in Map Book 30 page 821 located on the said Northerly line of said Deed Book 10042 page 234; thence in a Northeasterly direction following along the Existing Charlotte City Limits Line, also being the Northerly line of Lot 17 and Lot 18 of Block 51 and the Common Area 1 with a bearing and distance of North 10-51-40 East 232.26 feet to a point, said point being an angle point on the Northerly boundary line of said Common Area 1; thence following along the Northerly boundary line of the said Common Area 1 with the following bearings and distances: North 48-35-44 East 200.05 feet to a point, North 55-41-16 East 162.42 feet to a point, North 21-48-52 East 132.73 feet to a point, North 42-51-24 East 213.96 feet to a point, North 27-44-33 East 127.27 feet to a point, said point being located on the Westerly right-of-way margin of Laurel Run Drive; Thence in a Northwesterly direction following along the Existing Charlotte City Limits Line, also being the Westerly right-of-way margin of said Laurel Run Drive, with a bearing and distance of North 47-37-29 West 104.37 feet to a point, said point being located at the Northwesterly end of said Road; thence in a Northeasterly direction following along the end of said Road with a bearing and distance of North 42-22-31 East 50.00 feet to a point, said point being the Northeasterly end of said Road; thence in a Southeasterly direction following along the Existing Charlotte City Limits Line, also being the Easterly right-of-way margin of said Road, with a bearing and distance of South 47-37-29 East 75.81 feet to a point, said point being located on the Northwesterly most corner of Common Area 2; thence in an Easterly direction following along the Northerly boundary line of said Common Area 2; with the following bearing and distances: North 27-44-33 East 29.73 feet to a point; North 44-22-21 East 210.17 feet to a point; North 00-00-00 East 154.48 feet to a point; South 90-00-00 East 231.45 feet to a point; North 75-29-52 East 647.45 feet to a point; South 63-28-27 East 44.11 feet to a point, said point being the Southeasterly most point of said Common Area 2 located on Northerly boundary line of Common Area 3 recorded in Map Book 30 page 445; thence in a Northeasterly direction with the Existing Charlotte City Limits Line, crossing Wildbrook Drive with a bearing and distance of North 78-40-12 East 109.03 feet to a point, said point being located on the Southerly right-of-way margin of said Wildbrook Drive and also being the

July 28, 2008

Resolution Book 41, Page 498

Northwesterly most point of a 30 foot radius at the Southwesterly corner of the intersection of Wildbrook Drive and Wren Creek Drive; thence in a Southeasterly direction with the Existing Charlotte City Limits Line, following a circular curve to the right with a radius of 30.00 feet and an arc length of 36.93 feet, having a chord bearing and distance of North 66-43-54 East 34.64 feet to a point, said point being the Northeasterly most corner of the common Area 4 recorded in said Map Book 30 page 445; thence in a Southwesterly direction following along the Existing Charlotte City Limits Line, also being the Southerly boundary line of said Common Area 4, with a bearing and distance of South 31-28-02 West 336.44 feet to a point; thence continuing in a Southwesterly direction with a circular curve to the right with a radius of 1,550 feet an arc length of 153.54 feet to a point, said point being the Northeasterly corner of Lot 31 of Highland Creek Subdivision, Laurel Run Village, recorded in Map Book 31 page 535; thence in a Southeasterly direction following along the Existing Charlotte City Limits Line, also being the Northeasterly line of Lots 31,30,29,28,27 and 26 of said Laurel Run Village with a bearing and distance of South 58-53-22 East 609.63 feet to a point, said point being the Northeasterly most corner of Lot 26 recorded in said Map Book 31 page 535; thence in a Southwesterly direction following along the Easterly lines of Lots 26,25,24,23, 22,21,20,19 and a .0785 ac common area with a bearing and distance of South 22-18-40 West 906.19 feet to a point, said point being the Southeasterly corner of said Map Book 31 page 535 located on the Southerly line of an area labeled 40' Common Area; Thence continuing with said line approximately 15 feet to the Northerly right-of-way line of Highland Creek Parkway, also being the Southwesterly corner of said Hole #12 as shown on a map entitled Golf Course Composite Plat prepared by E.S.P. Associates; thence in a Southeasterly direction following along the Existing Charlotte City Limits Line, also being the Northerly right-of-way margin of said Highland Creek Parkway, with a circular curve to the right having a radius of 1052.14 feet and an Arc length of 151.45 feet to a point, said point being the Southeasterly corner of said Hole #12 and also being the Southwesterly corner of Deed Book 9210 page 877; thence; continuing along said right-of way in a Southeasterly direction following the Southerly boundary line of Deed Book 9210 page 877 approximately 195 feet to a point, said point being a located on the Northerly right-of-way line of Highland Creek Parkway as described on a Map labeled Final Plat Of Highland Creek Parkway Phase 3B, Map 1 Tract "C" Highland Creek Subdivision recorded in Map Book 28 page 310, said point also being approximately 224 feet Northwest of the centerline of McChesney Drive; thence continuing with said right-of-way margin in a Southeasterly direction with a circular curve to the right having a radius of 1052.14 feet and an arc length of 175.71 feet to a point, said point being located on the point of a circular curve to the left; thence with the circular curve to the left having a radius of 30.00 feet and an arc length of 31.06 to a point, said point being located on the westerly right-of way margin of McChesney Drive; thence with a circular curve to the left along the said right-of-way having a radius of 30.00 feet and an arc length of 14.38 feet to a point, said point being located on the end of said curve; thence following along said right-of-way in a North Northeasterly direction with a bearing and distance of North 28-18-18 East 26.72 feet to a point, said point being the Northwesterly most point of the Westerly right-of-way margin of Said McChesney Drive as shown on said recorded Map Book 28 page 310; thence continuing with the Existing Charlotte City Limits Line, also being the said right-of-way line and also being the Southeasterly boundary line of Deed Book 9210 page 877 as shown on Map Book 28 page 328, with bearings and distances as follows: North 28-18-17 East 115.90 feet to a point thence following a circular curve to a right having a radius of 831.00 feet and an arc length of 493.11 feet to a point; thence North 62-18-13 East 12.26 feet to a point, thence with a circular curve to the Left having a radius of 25.00 feet and an arc length of 19.88 feet to a point; thence with a circular curve to the right having a radius of 55.00 feet and an arc length of 73.01 feet to a point, said point being located on the Northerly right-of-way line of McChesney Drive and also being the Southwesterly corner of Lot 1 Block 35 of the Final Plat of Highland Creek (Village Center Phase 1 Map 1 Tract "D") recorded in Map Book 28 page 328; thence in a northerly direction leaving said right-of-way line and following along the boundary line of Deed Book 9210 page 877 and said Lot 35 Block 35 with the following bearings and distances: North 02-47-33 East 593.68 feet to a point, thence North 88-40-28 East 613.99 feet to a point; thence South 03-46-33 West 245.14 feet to a point, thence South 30-38-00 East 589.54 feet to a point, thence South 13-12-31 West 388.59 feet to a point, said point being the Southeasterly most corner of Lot 1 Block 35, located on the Northerly right-of-way margin of Clarke Creek Parkway as shown on said Map Book 28 page 328; thence in a Northeasterly direction following along the Existing Charlotte City Limits Line, also being the Northerly right-of-way margin of Clarke Creek Parkway, with the following eight calls: 1) with a circular curve to the right having a radius of 1535.42 feet and an

July 28, 2008

Resolution Book 41, Page 499

arc length of 85.43 feet to a point, 2) with a curve to the left having a radius of 30.00 feet and an arc length of 43.65 feet to a point, 3) with a circular curve to the right having a radius of 275.00 feet and an arc length of 22.62 feet to a point, 4) South 77-30-01 East 49.57 feet to a point, 5) with a circular curve to the left having a radius of 30.00 feet and an arc length of 54.23 feet to a point, 6) with a circular curve to the right having a radius of 1530.00 feet and an arc length of 103.75 feet to a point, 7) South 83-38-03 East 158.96 feet to a point, said point being at the end of said right-of-way as recorded in Map Book 28 page 433; thence crossing said Clarke Creek Parkway in a Southerly direction with a bearing and distance of South 06-21-57 West 60.05 feet to a point, said point being the Northeast corner of Lot 40 Block 32, located on the Southerly right-of-way of said Clarke Creek Parkway, Fairmeadows Village Highland Creek Subdivision Tract "D" recorded in Map Book 28 page 433; thence continuing in a Southerly direction with the easterly boundary line of Lot 40 and the Westerly boundary line of Hole #15, as shown on that said plat map entitled Golf Course Composite Plat prepared by E.S.P. Associates, P.A., with a bearing and distance of South 09-19-24 West approximately 40 feet to a point, said point being the Northwesterly corner of Highland Creek Golf Club Hole #15; thence following along the Existing Charlotte City Limits Line, also being the northerly line of said Hole #15, with a bearing and distance of North 82-45-39 East 143.26 feet to a point, said point being the northeast corner of said Hole #15; thence in a Southwesterly direction following along the Easterly boundary line of Hole #15 with bearings and distances as follows: South 00-08-32 West 787.11 feet to a point; thence South 55-46-10 East 441.27 feet to a point, thence South 06-08-02 East 304.35 feet to a point, thence South 19-08-35 West 209.12 feet to a point, thence South 21-08-20 West 174.66 feet to a point, thence South 20-45-37 West 44.39 feet to a point, said point being the Northerly most corner of Lot 14 Block 5 recorded in Map Book 26 Page 262; thence continuing in a Southerly direction along the Eastern boundary line of Lots 14 through 7 and a Common Area, the following bearings and distances: South 50-06-50 East 34.33 feet to a point; thence South 27-49-06 East 128.84 feet to a point; thence South 28-34-29 West 104.54 feet to a point; thence South 07-40-37 West 79.70 feet to a point; thence South 45-51-47 West 54.41 feet to a point; thence South 03-24-27 West 31.49 feet to a point; thence South 21-26-27 West 240.57 feet to a point; thence South 30-15-24 West 91.70 feet to a point; thence South 51-42-37 West 100.83 feet to a point; thence South 88-50-18 West 80.60 feet to a point; thence South 49-45-28 West 94.63 feet to a point; thence South 09-54-19 West 115.42 feet to a point; thence South 15-43-53 West 63.39 feet to a point, said point being the Southeasterly most point of Common Area #1 as shown on said Recorded Map Book 26 page 262; thence continuing with the Existing Charlotte City Limits Line in a Southerly direction along the Eastern boundary line of Lots 7 through 5 Block 2 and Common Area #1 crossing Duke Power's right-of-way as shown on Recorded Map Book 26 page 376 the following bearings and distances: South 15-43-53 West 24.48 feet to a point; thence South 43-02-08 West 194.00 feet to a point; thence South 15-50-28 West 162.95 feet to a point; thence South 35-34-30 West 137.08 feet to a point; thence South 23-48-12 West 100.65 feet to a point; thence South 14-25-37 West 34.94 feet to a point, said point being the Southeasterly most corner of Lot 5 Block 2 as shown on said map; thence continuing with the Existing Charlotte City Limits Line in a Southerly direction along the Eastern boundary line of Lot 2 Block 3, as shown on said map, South 14-25-37 West 118.69 feet to a point, said point being the intersection of a point on the line of said property with the Northwesterly most corner of the Common Area as shown on Recorded Map Book 26 page 851; thence continuing in an Easterly direction along the Northern boundary line of the Common Area and Lots 1 through 8 Block 12 the following bearings and distances: North 89-06-47 East 64.55 feet to a point; thence South 85-51-05 East 924.92 feet, crossing a Duke Power right-of-way, to a point, said point being on the northerly line of common area 1, as shown on said recorded Map Book 27 page 74; thence South 85-49-57 East 560.72 feet to a point, said point being the Northeastly most corner of Common Area #1 as shown on Recorded Map Book 27 page 74; thence continuing in a Southerly direction along the Existing Charlotte City Limits Line, also being the Eastern boundary line of Common Area #1 and Lots 70 through 73 the following bearing and distance: South 02-40-58 East 1,248.52 feet to a point, said point being the Southeasterly most corner of Lot 73 as shown on said map; thence South 70-59-35 East 581.02 feet to a point, said point being the Northeastly most corner of Common Area #1 as shown on Recorded Map Book 26 page 357; thence continuing in a Southwesterly direction along the Southeastern boundary line of Common Area #1 and Lots 113 through 104 Block 20 the following bearing and distance: South 63-20-46 West 670.66 feet to a point, said point being the Southwesterly most point of Lot 104 Block 20 as shown on said map, said point also being a point on the line of the property as described in Deed

Book 6220 page 175; thence South 63-20-54 West approximately 1,955 feet to a point, said point being the intersection of said property with the Northerly most point of the property as described in Deed Book 1840 page 183; thence South 39-30-00 East 254.00 feet to a point; thence South 54-00-00 West 660.80 feet to a point, said point being the intersection of said property with the Northerly right-of-way margin of Ridge Road; thence continuing in a Southeasterly direction following along the Existing Charlotte City Limits Line, also being the Northerly right-of-way margin of Ridge Road approximately 670 feet to a point, said point being the intersection of said right-of-way with the Easterly boundary line of the property as described in Deed Book 7400 page 766 if extended; thence in a Southwesterly direction approximately 30.00 feet to a point, said point being the centerline of Ridge Road, said point also being the Northerly most point of the property as described in Deed Book 7400 page 766; thence South 54-00-00 West 165.35 feet to a point, said point being the intersection of the Southwesterly most corner of said property with the centerline of a creek; thence in a Southwesterly direction following along the Existing Charlotte City Limits Line, also being the centerline of said creek approximately 900 feet to a point, said point being the intersection of said creek with Little Stoney Creek; thence in a Southerly direction following the Existing Charlotte City Limits Line, also being the centerline of Little Stoney Creek, approximately 2,300 feet to a point, said point being the intersection of said creek with a point on the line of the property as described in Deed Book 3636 page 746; thence South 03-19-02 West approximately 260 feet to a point, said point being the Southeasterly most point of said property, said point also being the Northeasterly most corner of Lot 38 as shown on Recorded Map Book 26 page 875; thence South 30-09-56 West 767.42 feet along and with the easterly line of Lots 38 – 31 and a common area as shown on aforesaid Map Book 26 Page 875 and Map 26 Page 646 to a point, said point being on the Northerly right-of-way margin of Mallard Creek Road; thence continuing in a Northeasterly direction along the Existing Charlotte City Limits Line also being the North/Northwesterly right-of-way margin of Mallard Creek Road, crossing over Ridge Road, approximately 2,800 feet to a point, said point being the intersection of the North/Northwesterly right-of-way margin Of Mallard Creek Road and the Westerly lot line of the property as described in Deed 15578 page 240 (if extended); thence crossing Mallard Creek Road with the Existing Charlotte City Limits Line approximately 30 feet to a point, said point being on the centerline of Mallard Creek Road; thence with the Existing Charlotte City Limits Line approximately 100 feet in an Easterly direction along the centerline of Mallard Creek Road to a point, said point being the intersection of the centerline of Mallard Creek Road and the easterly lot line as described in Deed Book 3237 Page 484 (extended), thence **leaving the existing Charlotte City Limits line along** the easterly line of the property as described in Deed Book 3237 page 484, N 16-00-00 W 906.99 feet to a point, said point being the Northeasterly corner of Deed Book 3237 page 484, a common corner with Deed Book 5683 page 149; thence N 4-11-37 E 175 feet to a point, said point being the Southeasterly corner of Deed Book 6805 page 214; thence N 4-11-37 E 572.47 feet to a point, said point being the Southeasterly corner of Deed Book 3482 page 007; thence N 4-11-40 E 467.40 feet to a point, said point being Southeasterly corner of Deed Book 3482 page 010; thence N 4-11-40 E 530.15 feet to a point, said point being the Southeasterly corner of Deed Book 3482 page 001; thence N 4-11-40 E 1034.85 feet to a point, said point being the Northerly corner of Deed Book 3482 page 001; thence S 74-07-33 E 210 feet to a point, said point the Southeasterly corner of Deed Book 7964 page 449 and the Southwesterly corner of Deed Book 7730 page 814; thence S 74-07-33 E 497.11 feet to a point, said point being the Southwesterly corner of Lot 61 Phase 1 Map 3 as shown on Map Book 35 Page 399; thence southeasterly following along the southwesterly lines of lots 61,60,59,58,55, crossing Branscomb Drive and continuing along lots 54 and 51, S 72-42-55 E 600.52 feet to a point, said point being the Southern most point on Lot 51 as shown on said Map Book 35 Page 399; thence northeasterly following along the southeasterly lines of 51 through 43 and part of lot 42, N 58-56-59 E 631.24 feet to a point, said point being on the southeasterly line of lot 42, as shown on map 35 page 399, thence N 60-55-43 E 28.03 feet to a point, said point being the southern most corner of lot 41 as shown on said Map Book 35 Page 267, thence northeasterly following along lot 41 and a common open space N 60-55-43 E 466.79 feet to a point, said point being the Northeastern corner of a 1.839 acre Common Open Space; thence along the northern line of said common open space N 46-50-42 W 275.89 feet to a point, said point being the most Southern point of the Common Open Space as shown on Map Book 36 Page 279; thence in a Northeasterly direction following along the Easterly line of the common open space with the following bearings and distances: N 21-06-57 E 249.22 feet to a point, thence N 25-18-32 E 120.29 feet to a point, thence N 18-45-32 E 132.46 feet to a point, thence crossing Carolina Lily lane N 13-25-47 E 201.95 feet to a point, thence