

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 27<sup>th</sup> day of May, 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 27<sup>th</sup> day of May, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (328-329).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of May, 2008.

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

May 27, 2008

Resolution Book 41, Page 229

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

<b>NAME</b>	<b>AMOUNT</b>
HORTON SHINITA M	\$ 43.11
HORTON SHINITA M	43.11
DUGUID VALERIE C	280.56
DUGUID VALERIE C	306.34
DUGUID VALERIE C	306.34
GRUBBS BARBARA	8.25
COX JEFFERY L	70.17
GRUBBS BARBARA	8.25
GRUBBS BARBARA	7.56
COX JEFFERY L	64.26
GRUBBS BARBARA	7.56
GRUBBS BARBARA	7.56
KEANE DAVID M	238.01
KEANE DAVID M	238.01
LEWIS DAVID F L/T	2,004.08
HERSKOVIC JOSEPH E	152.26
HERSKOVIC JOSEPH E	152.26
HERSKOVIC JOSEPH E	139.44
BURRILL SERINA	27.06
BURRILL SERINA	27.06
<b>TOTAL</b>	<b>\$ 4,131.25</b>

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

Reference is made to the schedule of "Business Privilege License Refunds Requested" attached to the Docket for consideration of the City Council. On the basis of that schedule, which is incorporated herein, the following facts are found:

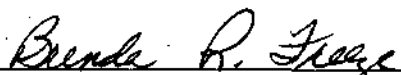
1. The City-County Tax Collector has collected certain taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time limits.
3. The amounts listed on the schedule were collected through either a clerical or assessor error.

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 27th day of May, 2008 that those taxpayers listed on the schedule of "Business Privilege License Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 27th day of May, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (330-331).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of May, 2008.

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

May 27, 2008

BUSINESS PRIVILEGE LICENSE

Resolution Book 41, Page 331 REFUNDS REQUESTED

<u>NAME</u>	<u>AMOUNT</u>
ADS PAINTING	\$ 1,361.77
AKO CORPORATION	50.00
ANTHONY JOHNSON - RAJON STUDIO SALON	57.50
BABIES R US - ATTN TAX DEPT. - CINDY PURTILL	4,277.14
BNB FOODS LLC	389.63
CAROLINA WHOLESALE	12,500.00
FOUR BROTHER RESTAURANT GROUP LLC - EAT HERE NOW	80.00
FUJO UPTOWN BISTRO	509.51
HOTEL CHARLOTTE	613.48
ION BUILDERS	20.00
JERSEY MIKES	190.77
KFC #Y33062 ATTN: CORI MUCCI	565.51
M & J FOOD MART INC	18.00
PACKAGING SYSTEMS INTEGRATION	135.00
SISTA LOCKS AND BRAIDS II	50.00
SOUTHERN PARTS & SUPPLY	664.50
STANDARD CONTRACTING INC	304.48
TOTAL	<u>\$ 21,787.29</u>

## RESOLUTION

### **RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON MAY 27, 2008 AUTHORIZING THE FILING AND EXECUTION OF APPLICATIONS WITH THE U.S. DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR TRANSIT ASSISTANCE GRANTS UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED.**

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

**WHEREAS**, the Secretary of Transportation is authorized to make grants for mass transportation projects;

**WHEREAS**, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs;

**WHEREAS**, it is required by the U.S. Department of Transportation in accordance with the provision of Title VI of Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

**WHEREAS**, it is the goal of the Applicant that minority business enterprise be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies equipment contracts, or consultant and other services.

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


1. That the City Manager or designee is authorized to execute and file applications on behalf of the City of Charlotte with the U.S. Department of Transportation to aid in the financing of transit assistance; and that the Chief Executive Officer of the Charlotte Area Transit System is authorized to execute and file applications with the North Carolina Department of Transportation, to aid in the financing of transit assistance.
2. That the City Manager or designee is authorized to execute and file with such applications an assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964; and that the Chief Executive Officer or designee of the Charlotte Area Transit System is authorized to execute and file with such applications an assurance or any other document required by the North Carolina Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.

3. That the Chief Executive Officer of the Charlotte Area Transit System is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application for the project
4. That the City Manager or designee is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.
5. That the City Manager or designee is authorized to execute grant agreements and any amendments thereto on behalf of the City of Charlotte with the U.S. Department of Transportation for aid in the financing of the transit assistance projects; and that the Chief Executive Officer or designee is authorized to execute grant agreements and any amendments thereto on behalf of the Charlotte Area Transit System with the North Carolina Department of Transportation for aid in the financing of the transit assistance projects.

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 27<sup>th</sup> day of May, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (332-333).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of May, 2008.



Brenda R. Freeze, CMC, City Clerk

RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE CHARLOTTE FIRE DEPARTMENT TO ACCEPT DESIGNATION AS THE REGIONAL HAZARDOUS MATERIALS RESPONSE TEAM AND AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE NORTH CAROLINA OFFICE OF EMERGENCY MANAGEMENT TO FUND THE RESPONSE TEAM

WHEREAS, the Charlotte Fire Department has competed for designation by the State of North Carolina as a hazardous materials regional response team; and

WHEREAS, the State of North Carolina has chosen the Charlotte Fire Department as the hazardous materials regional response team for our area; and

WHEREAS, in order for the designation to become effective, the State requires the City Council to adopt a resolution authorizing the Charlotte Fire Department to accept the designation as the hazardous materials regional response team.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session duly assembled, that the City of Charlotte Fire Department is hereby authorized to accept designation by the State of North Carolina as the hazardous materials regional response team, and the City Manager is hereby authorized to sign a contract with the North Carolina Office of Emergency Management for the State to provide funding for the response team.

This the 27<sup>th</sup> day of May, 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 27<sup>th</sup> day of May, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Page 334.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of May, 2008.

  
Brenda R. Freeze, CMC, City Clerk

**CHARLOTTE, NORTH CAROLINA  
CITY COUCIL**

**RESOLUTION AUTHORIZING EXECUTION OF INTERLOCAL AGREEMENT  
FOR UMBRELLA MITIGATION BANK**

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

WHEREAS, the City of Charlotte and Mecklenburg County wish to enter into the attached Interlocal Agreement for Umbrella Mitigation Bank (the "Interlocal Agreement") under which the City of Charlotte and Mecklenburg County will have the rights and responsibilities with respect to the sale and purchase of mitigation credits in the manner described in the Interlocal Agreement.

**NOW THEREFORE BE IT RESOLVED** that the Charlotte City Council hereby:

1. Approves and ratifies the attached Interlocal Agreement; and
2. Authorizes the City Manager to execute the Interlocal Agreements in substantially the form presented to City Council with technical corrections and minor modifications as he may deem necessary consistent with the spirit and intent of the transactions; and
3. Authorizes the City Manager to take all actions contemplated by the Interlocal Agreement, including such amendments as are permitted therein; and
4. Directs that this resolution be reflected in the minutes of the Charlotte City Council.

**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 27<sup>th</sup> day of May, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Page 334.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of May, 2008.

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



**CHARLOTTE, NORTH CAROLINA  
CITY COUCIL**

**RESOLUTION AUTHORIZING EXECUTION OF INTERLOCAL AGREEMENT  
FOR FUNDING THE McALPINE CREEK WATER QUALITY IMPROVEMENT  
PROJECT**

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

WHEREAS, the City of Charlotte and Mecklenburg County wish to enter into the attached Interlocal Agreement for funding the McAlpine Creek Water Quality Improvement Project (the "Interlocal Agreement") under which the City of Charlotte and Mecklenburg County will have the rights and responsibilities with respect to the funding of the water quality improvement project in the manner described in the Interlocal Agreement.


**NOW THEREFORE BE IT RESOLVED** that the Charlotte City Council hereby:

1. Approves and ratifies the attached Interlocal Agreement; and
2. Authorizes the City Manager to execute the Interlocal Agreement in substantially the form presented to City Council with technical corrections and minor modifications as he may deem necessary consistent with the spirit and intent of the transactions; and
3. Authorizes the City Manager to take all actions contemplated by the Interlocal Agreement, including such amendments as are permitted therein; and
4. Directs that this resolution be reflected in the minutes the Charlotte City Council.

**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 27<sup>th</sup> day of May, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Page 336.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of May, 2008.

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

RESOLUTION AUTHORIZING THE LEASE OF ARENA STREET LEVEL  
RETAIL SPACE TO NO GREASE, INC.”

WHEREAS, the City of Charlotte owns property more particularly identified as Time Warner Arena located at 333 E. Trade St. in Charlotte, Mecklenburg County, North Carolina; and

WHEREAS, the Arena contains a certain amount of vacant street level activity or retail space (“the Property”) which is suitable for retail business or restaurant development, which has not been incorporated into the Arena and which the council finds is currently surplus to its needs; and

WHEREAS, the Arena Use and Operating Agreement gives the City the right and option to lease the Property for its own benefit upon such market terms and conditions it determines; and

WHEREAS, “No Grease” desires to lease approximately 1,974 square feet of the Property for a hair salon for a term of five years, with the right to renew the lease for one additional five year term; and

WHEREAS, in consideration of leasing the Property, “NO GREASE” has agreed to pay market rent in the amount of Forty-Six Thousand Three Hundred Eighty-Nine Dollars (\$46,389) for the first 5 years and to increase that amount to Fifty-Three Thousand, Three Hundred Forty-Seven and 32/100(\$27.03PSF) for the lease renewal year, and thereafter to increase the amount of annual rent by three percent (3%) for each successive year of the option period; and

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Charlotte, pursuant to Section 8.131 of the City of Charlotte Charter, that it hereby authorizes the lease of the above referenced Property as follows:

The City Council hereby approves lease of the city property described above to No Grease, Inc. for five years, with the lessee holding a right to renew for one additional five-year period, and authorizes the City Manager or his Designee to execute any instruments necessary to the lease.

THIS THE 27th DAY OF MAY, 2008.

May 27, 2008

Resolution Book 41, Page 338

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 27<sup>th</sup> day of May, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (337-338).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of May, 2008.



Brenda R. Freeze, CMC, City Clerk

May 27, 2008

Resolution Book 41, Page 339

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE  
ADOPTING AND APPROVING THE EXCHANGE OF LAND RIGHTS WITH  
BSP Foster LLC.**

WHEREAS, the City of Charlotte (the "City") purchased the 130 foot wide Charter Right-of-Way, formerly owned by the Norfolk Southern Railroad, located between Scaleybark and Uptown; and

WHEREAS, in 2005, the City through the action of its council adopted Transit Station Area Principles to guide the development along the buffer area of the 130-foot wide Rail Corridor and since that time, a Station Area Plan for the New Bern Station has been drafted and taken to the public for comment; and

WHEREAS, the Staff is working with BSP Foster LLC, who has purchased the property having a tax I. D. number 14702120; and

WHEREAS, the buffer area in the Charter Right-of-Way in which BSP Foster LLC, is interested lies outside of the currently preserved transit corridor; and

WHEREAS, in order to proceed with the development of the for mentioned property, the City of Charlotte agrees to exchange property rights for a full and fair compensation, as provided by the North Carolina General Statutes; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte, in its regular session duly assembled, as follows:

- A. The City shall receive from BSP Foster LLC, the following, which is a full and fair compensation for the exchange of property rights:
1. "Fee" title and rights to approximately .62 acre of underlying fee simple interest that will remain in use as the rail corridor being a portion of tax parcel numbers 14702120.
  2. Other improvements within and/or adjacent to the rail corridor.
  3. Other temporary and permanent easements as required.

B. The City will release approximately .05 acre of charter rail right of way from the westerly edge of the Rail Corridor being a portion of tax parcel numbers 14702120, and other temporary and permanent easements as required.

FURTHER RESOLVED, that the City Council for the City of Charlotte authorizes the City Manager to execute the necessary legal documents to complete the exchange of the land rights between the City and BSP Foster, LLC, its successors and assigns,

ADOPTED this 27th day of May, 2008.

May 27, 2008

Resolution Book 41, Page 340

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 27<sup>th</sup> day of May, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (339-340).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of May, 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 **JEFFERSON STORM WATER CAPITAL IMPROVEMENT PROJECT-PHASE II**; 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 **JEFFERSON STORM WATER CAPITAL IMPROVEMENT PROJECT-PHASE II** and estimated to be approximately **1,315 square feet (.030 acre) of storm drainage easement, guy wire and overhead 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. 187-061-47, said property currently owned by **KATHI LEVINE and spouse, if any; ROBEY C. BEST, JR., Trustee; AMERISOUTH MORTGAGE CORPORATION, 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 27<sup>th</sup> day of May, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Page 341.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of May, 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 **REEDY CREEK BASIN-MECKLENBURG COUNTY 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 **REEDY CREEK BASIN-MECKLENBURG COUNTY PROJECT** and estimated to be approximately **3,876 square feet (.089 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. 108-112-19, said property currently owned by **CHARLES H. GRIER and wife, LOIS JANE GRIER; MECKLENBURG COUNTY TAX COLLECTOR; THE PRESBYTERIAN HOSPITAL, Possible Judgment Creditor, 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 27<sup>th</sup> day of May, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Page 342.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of May, 2008.

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



**MECKLENBURG COUNTY**  
Park and Recreation Department

**RESOLUTION TO ENDORSE THE PARK AND RECREATION 10 YEAR  
MASTERPLAN**

**Whereas**, the citizens of Mecklenburg County desire a world class park and recreation system and

**Whereas**, it is the responsibility of the Park and Recreation Department to be good stewards of the environment, to provide opportunities for recreation in nature preserves, on greenways, in recreation centers, on athletic fields, in parks, in pools and aquatic facilities, and

**Whereas**, access to parks and participation in recreation programs provide an improved quality of life for all Mecklenburg County residents, and

**Whereas**, recreation promotes physical fitness and healthy lifestyles, and

**Whereas**, all citizens will have access to parks, recreation centers, aquatic facilities, nature preserves, greenways, and

**Whereas**, a comprehensive park and recreation master plan will provide guidance for decision-making for future planning and development, and

**Whereas**, Mecklenburg County Park and Recreation has worked cooperatively with the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, Pineville, and the City of Charlotte, and

**Whereas**, the Mecklenburg County Park and Recreation 10 Year Master Plan is a plan for all citizens in Mecklenburg County,

**Now, therefore, be it resolved** that the City of Charlotte City Council endorses the Mecklenburg County Park and Recreation 10 Year Master Plan.

**PEOPLE • PRIDE • PROGRESS • PARTNERSHIPS**

5841 Brookshire Boulevard • Charlotte, North Carolina 28216-2403 • (704) 336-3854 • Fax (704) 336-5472

[www.parkandrec.com](http://www.parkandrec.com)

*All services are available without regard to origin, sex, or disability*



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 27<sup>th</sup> day of May, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (343-344).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of May, 2008.

  
Brenda R. Freeze, CMC, City Clerk

**RESOLUTION AUTHORIZING THE UPSET BID PROCESS  
FOR THE SALE OF PARCEL 3 OF SURPLUS I-277 RIGHT OF WAY (MAP ATTACHED)**

WHEREAS, the City of Charlotte expects to own certain property, consisting of 1.6 ± acres located between I-277 and Stonewall Street on the east side of the I-277 ramp to Stonewall Street; and

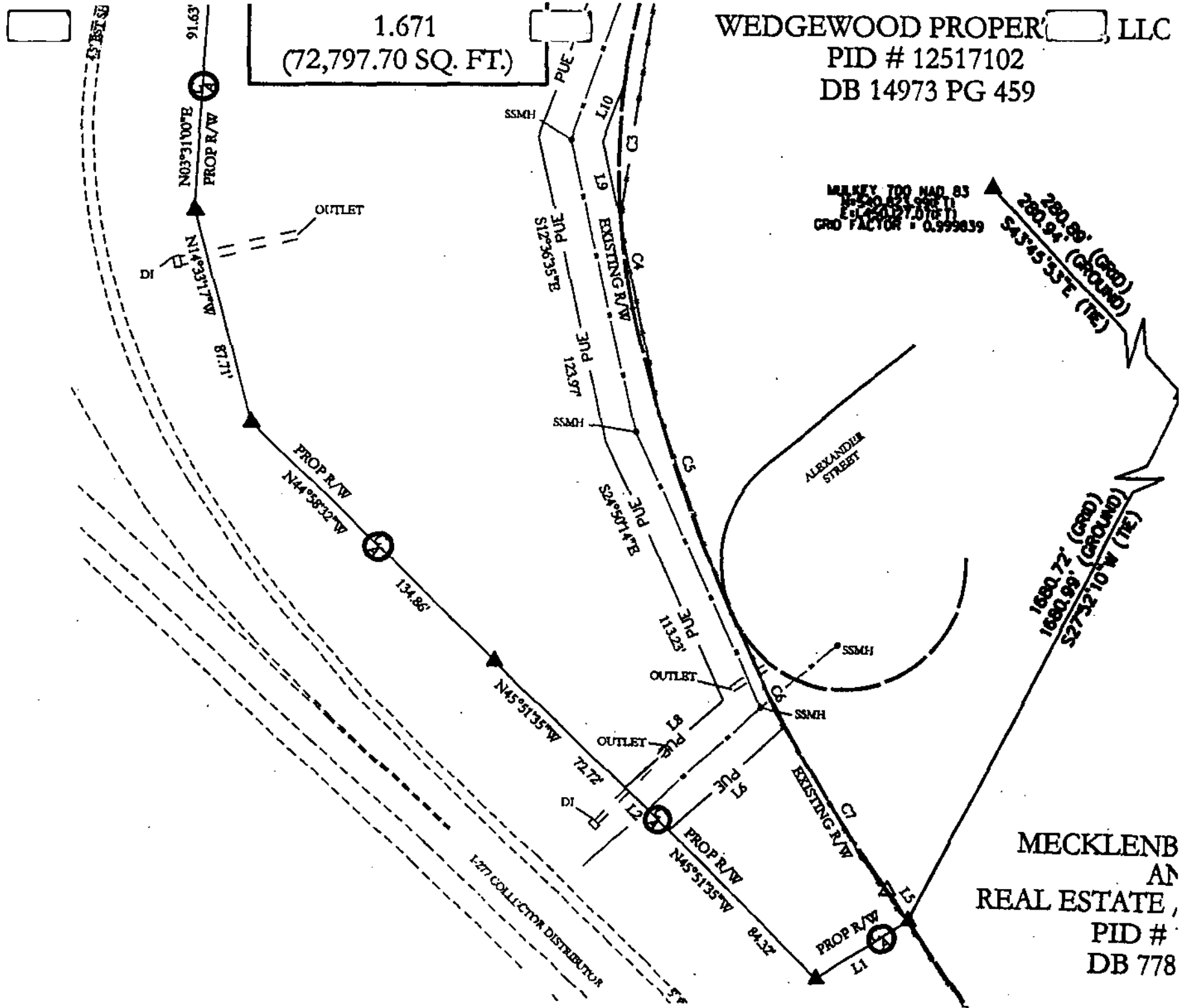
WHEREAS, North Carolina General Statute §160A-269 permits the city to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the city has received an offer to purchase the property described above, in the amount of \$96 per square foot as determined by final survey, approximately \$6,988,579, submitted by Lincoln Harris Properties, 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 City of Charlotte Real Estate Manager by 12:00 PM (Noon) of the 11<sup>th</sup> 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.
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, cashier's check, 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 pursuant to the terms of the purchase agreement.
7. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate city officials are authorized to execute the instruments necessary to convey the property to Lincoln Harris Properties, 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 May 27, 2008



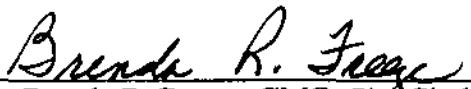
May 27, 2008

Resolution Book 41, Page 347

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 27<sup>th</sup> day of May, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (345-347).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of May, 2008.

A handwritten signature in cursive script that reads "Brenda R. Freeze". The signature is written in black ink and is positioned above a horizontal line.

Brenda R. Freeze, CMC, City Clerk

**RESOLUTION AUTHORIZING THE UPSET BID PROCESS  
FOR THE SALE OF PARCEL 1 OF SURPLUS I-277 RIGHT OF WAY (MAP ATTACHED)**

WHEREAS, the City of Charlotte expects to own certain property, consisting of 3.6 ± acres located between I-277 and Stonewall Street at South Blvd. and S. Caldwell St.; 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

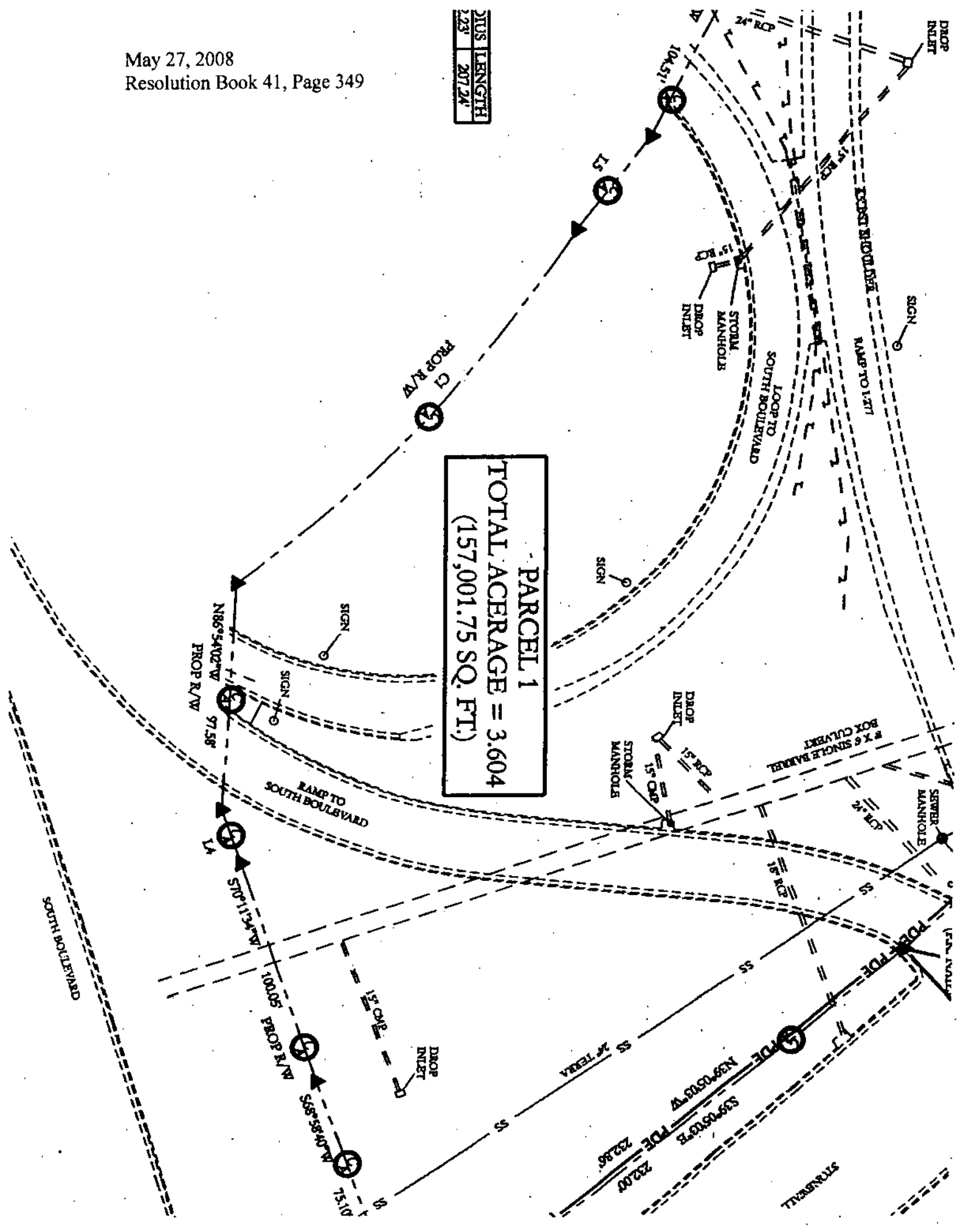
WHEREAS, the city has received an offer to purchase the property described above at such time that it is owned by the City, in the amount of \$180 per square foot as determined by final survey, approximately \$28,270,000, submitted by NC Land Investors, LLC;

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 City of Charlotte Real Estate Manager by 12:00 PM (Noon) on the 11<sup>th</sup> day after the date of the advertisement. If 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.
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, cashier's check, 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 City Manager and appropriate designees are authorized to execute the instruments necessary to convey the property to NC Land Investors, 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.

JUST LENGTH	207.24'
223	

**PARCEL 1**  
 TOTAL ACERAGE = 3.604  
 (157,001.75 SQ. FT.)



May 27, 2008

Resolution Book 41, Page 350

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 27<sup>th</sup> day of May, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (348-350).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of May, 2008.



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Brenda R. Freeze, CMC, City Clerk