

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:

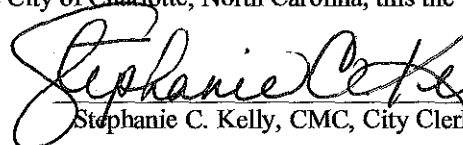
1. The City-County Tax Collector has collected property taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time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

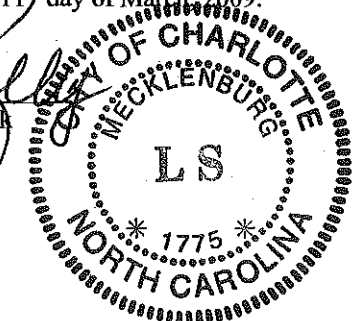
NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 9th day of March, 2009 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

CERTIFICATION

I, Stephanie C. Kelly, 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 9th day of March, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 41, Pages (880-881).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of March, 2009.


Stephanie C. Kelly, CMC, City Clerk



TAXPAYERS AND REFUNDS REQUESTED
(Clerical Error)

<u>NAME</u>	<u>AMOUNT</u>
CARPENTER INVESTMENT PROPERTIES	\$ 93.78
TAPIA, EMILIANO	24.93
BOXER, MICHAEL	188.81
MISHELLAS SALON & SPA	269.39
SCHULTZ , KENNETH R	87.14
WHITEHALL CORPORATE CENTER #2 LLC	9,847.58
CARPENTER INVESTMENT PROPERTIES	187.57
CHINNIS, WILLIAM EDWARD	28.44
TRIVEN PROPERTIES LLC	330.18
PROPST, DAVID G	120.38
	<hr/>
TOTAL	\$ 11,178.20

RESOLUTION REGARDING PROPOSED DECLARATION OF WITHDRAWAL

WHEREAS, Beltway Properties, LLC has submitted to the City of Charlotte a proposed Declaration of Withdrawal of Dedication regarding Reeves Ridge Drive and a portion of Beltway Boulevard as depicted on a survey attached hereto as 'Exhibit A'; and recorded in the Mecklenburg County Registry of Deeds Office in Map Book 20812, Page 387.

WHEREAS, pursuant to G.S. 136-96, the Property owners have requested that the City adopt a resolution indicating that the dedicated described in the proposed declaration of withdrawal is not part of a street plan adopted under G.S. 136-66.2

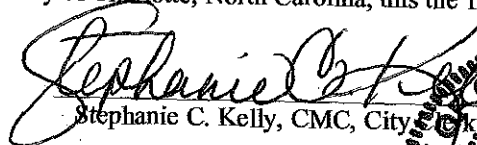
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina that the streets depicted on 'Exhibit A attached hereto is not part of a street plan adopted under G.S. 136-66.2.

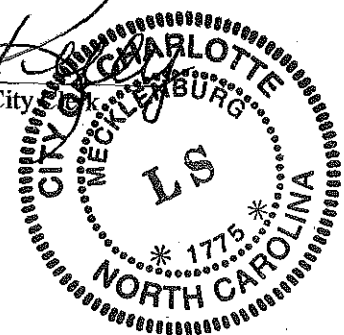
BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

CERTIFICATION

I, Stephanie C. Kelly, 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 9th day of March, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 41, Pages (883-884).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of March, 2009.

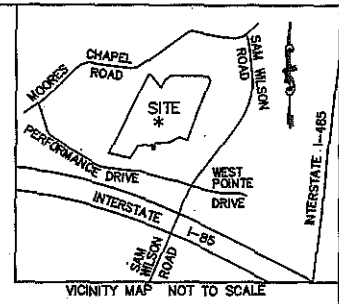

Stephanie C. Kelly, CMC, City



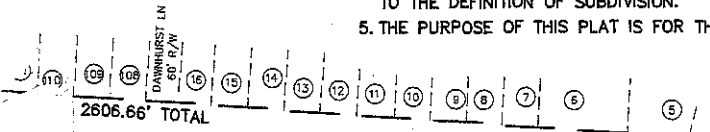


NOTES:

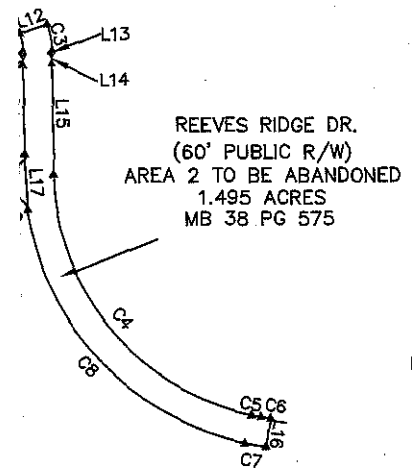
1. BEARINGS BASED ON NCGS MONUMENT "M 041".
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
3. NO NEW PROPERTY LINES CREATED.
4. THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.
5. THE PURPOSE OF THIS PLAT IS FOR THE ATTACHMENT TO A DEED.



WESTWOOD FOREST
MB 14 PG 287



IT IS TO ABANDON A
AND ALL OF REEVES



REEVES RIDGE DR.
(60' PUBLIC R/W)
AREA 2 TO BE ABANDONED
1.495 ACRES
MB 38 PG 575

N/F
FRANKLIN J. JOHNSON &
W/F HILDA SANDERSON
053-201-12
MB 17 PG 435

N/F
BELTWAY PROPERTIES, LLC
AND % VERSUS LLC
053-201-02
DB 20812 PG 387

N/F
SHARPE H. CRAIG JR.
053-201-13
MB 29 PG 278

N/F
LEONARD
MARGUERITE
053-201-06
DB 1852 PG 136

N/F
ORIAL PRESBYTERIAN
CHURCH TRUSTEES
053-144-01
DB 3511 PG 233

S21°15'11"W
1914.06'

N/F
CHARLES DENTON
FERNALD
053-143-02
DB 3982 PG 601

N/F
JERRY DALE PRICE
& W/F PAULA AUTEN
053-201-04
DB 3620 PG 308

GRAPHIC SCALE



(IN FEET)
1 inch = 400 ft.

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANG	CHORD	BEARING	DELTA
C1	44.32	30.00	27.32	40.40	N25°37'21"W	84°38'59"
C2	38.06	120.00	19.19	37.90	N77°02'08"W	18°10'19"
C3	57.09	180.00	28.79	56.85	N77°02'08"W	18°10'19"
C4	696.77	520.00	411.95	645.80	N73°39'48"E	76°46'22"
C5	20.18	519.86	10.09	20.18	N34°09'52"E	2°13'27"
C6	20.00	520.00	10.00	20.00	N31°57'02"E	2°12'14"
C7	44.82	579.87	22.42	44.81	N33°03'45"E	4°25'43"
C8	705.67	580.00	403.94	662.95	N70°07'56"E	69°42'38"
C9	46.22	30.00	29.11	41.79	S60°50'47"W	88°16'56"
C10	49.09	170.00	24.72	48.92	S08°25'53"W	16°32'48"

LINE TABLE		
LINE	LENGTH	BEARING
L1	22.10	S62°59'59"E
L2	49.65	S86°44'13"E
L3	127.62	S25°14'54"E
L4	183.77	S02°04'34"E
L5	60.00	N87°52'56"E
L6	126.57	N02°03'27"W
L7	207.79	N02°07'03"W
L8	285.76	N16°42'19"E
L9	187.59	N67°57'00"W
L10	20.17	N67°57'00"W
L11	7.79	N67°57'00"W
L12	60.00	N03°52'46"E
L13	5.73	N67°57'00"W
L14	20.83	S67°57'00"E
L15	234.08	S67°57'00"E
L16	60.00	S59°09'05"E
L17	116.48	N70°06'55"W
L18	427.44	S16°42'19"W

EXHIBIT A

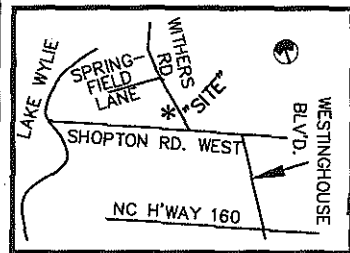
ABANDONMENT PLAT FOR
A PORTION OF BELTWAY BLVD.
AND ALL OF REEVES RIDGE DR.
CHARLOTTE, NORTH CAROLINA

MAPPED FOR CURRENT OWNER:
BELTWAY PROPERTIES, LLC
9525 W BRYN MAWR AVE STE 950
ROSEMONT, IL 60018

R. Joe Harris & Associates, P.L.L.C.
Engineering & Land Surveying
1998 W. HWY 160, SUITE 131, FORT MILL, SC
Phone: (803) 802-1799



DWS:	
1384	
JOB NO.	
01-07-08	
DATE	
R/J & ASSOC	
SURVEYED BY	
1" = 200'	
SCALE	
PREPARED BY	RFF
CHECKED BY	KMG
SHEET	1
OF	1



GENERAL NOTES:

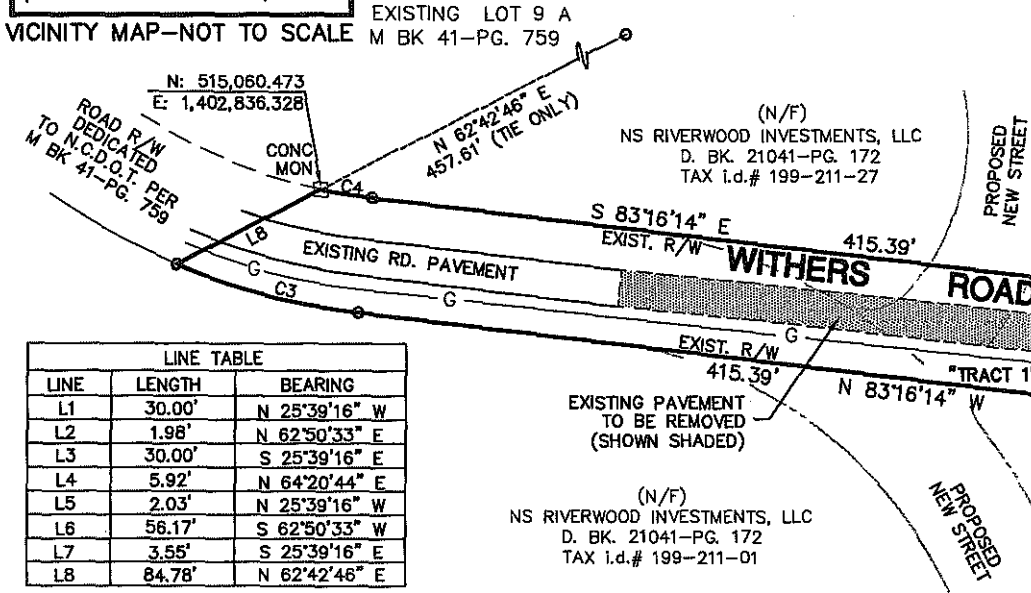
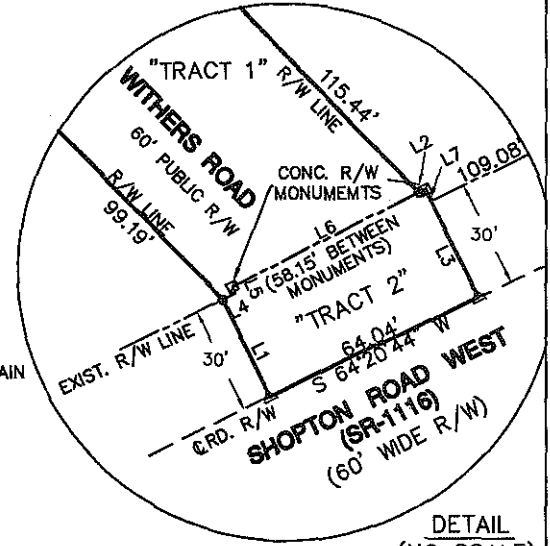
WITHERS RD. ACCEPTED FOR CITY OF CHAR. MAINTENANCE PER 2005 CITY ANNEXATION. (FORMERLY SR # 1353)

IRON PINS "FOUND" OR "SET" AT ALL CORNERS UNLESS OTHERWISE NOTED.

EASEMENT IN FAVOR OF PIEDMONT NATURAL GAS, TIME WARNER CABLE, CHARLOTTE-MECKLENBURG UTILITIES, DUKE ENERGY, AT&T AND ALL OTHER OWNERS OF EXISTING UNDERGROUND UTILITIES AND TELECOMMUNICATION FACILITIES, UPON, UNDER, AND ACROSS THE ENTIRE PROPERTY DESCRIBED ABOVE FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT, AND REPAIR OF CONDUIT, CABLE, WIRES, AND RELATED EQUIPMENT.

LEGEND:

- CONC CONCRETE
- NOT TO SCALE
- EX. # 4 REBAR
- MH MANHOLE
- WATER VALVE
- TRANSFORMER
- TRAFFIC SIGN
- ▲ CALC. POINT ONLY
- N/F NOW OR FORMERLY
- EIP EX. IRON PIPE
- U UTIL. POLE
- C CENTER LINE
- P PROPERTY LINE
- POB POINT OF BEGINNING (PROPOSED DEED)
- G- EX. NATURAL GAS MAIN
- W- EX. WATER MAIN

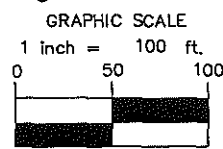
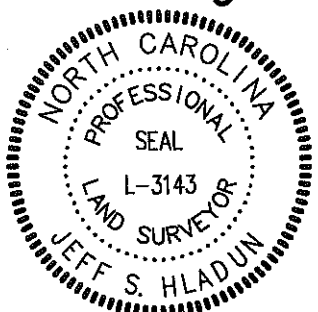


LINE TABLE		
LINE	LENGTH	BEARING
L1	30.00'	N 25°39'16" W
L2	1.98'	N 62°50'33" E
L3	30.00'	S 25°39'16" E
L4	5.92'	N 64°20'44" E
L5	2.03'	N 25°39'16" W
L6	56.17'	S 62°50'33" W
L7	3.55'	S 25°39'16" E
L8	84.78'	N 62°42'46" E

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	BEARING	CHORD	DELTA
C1	20.00	13.69	7.13	N 63°39'25" W	13.43	39°13'37"
C2	80.00	54.77	28.51	N 63°39'25" W	53.71	39°13'37"
C3	340.00	98.46	49.58	S 75°14'15" E	98.12	16°35'33"
C4	280.00	26.91	13.47	S 80°50'09" E	26.90	5°30'26"

"I, JEFF S. HLADUN, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN AS RECORDED IN DEED BOOK 21041 PAGE 172 IN THE MECKLENBURG COUNTY PUBLIC REGISTRY; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED; AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:20,000 OR ABOVE, AND THAT THIS SURVEY & PLAT COMPLIES WITH THE STANDARDS OF PRACTICE MANUAL FOR LAND SURVEYING IN No. CAROLINA (BOARD RULE .1600)." DATE OF FIELD SURVEY: FEB. 28, 2008

SIGNED Jeff S. Hladun 12-15-08
JEFF S. HLADUN, N.C.P.L.S # 3143



SURVEY PLAT SHOWING:
PARTIAL ABANDONMENT of:
WITHERS ROAD
CITY OF CHARLOTTE
MECKLENBURG Co., No. CAROLINA

Map Date:	Drawn:	Checked:	Job No.:
MAY 29, 2008	JSH	EAB	20806

- REFERENCES:**
- BOUNDARY SURVEY MAP BY: J. S. HLADUN, DATED 9-28-06.
 - SITE PLAN MAP, BY DPR ASSOCIATES.

12/15/08 ADDED NOTE.
9/03/08 PER CMUD COMMENTS.
REVISIONS

AREA	
TRACT 1	37,189 S.F. (0.854 ac.)
TRACT 2	2,083 S.F. (0.048 ac.)



HARRIS ENGINEERING
Engineering
Planning • Surveying

1325 Harding Place
Charlotte, NC 28204
704.354.1325
704.354.1330 Fax

(N/F)
SIEMENS REAL ESTATE, INC.
ZONED: I-2
DB 9880-PG 604
TAX I.D. # 199-531-01

EXHIBIT 'A'

Exhibit B-1

Withers Road Abandonment

Tract 1

All that tract or parcel of land situate in The City of Charlotte, County of Mecklenburg, State of North Carolina and being a portion of lands within the existing R/W of Withers Rd., at Shopton Road West, and being more particularly bounded and described as follows:

BEGINNING at an exist. Iron rebar, in the westerly Right-of-way line of Withers Rd. (60' wide public R/W), said point formed by the intersection of the existing Right-Of-Way (R/W) line of Withers Rd. with the northerly line of Shopton Rd. West (S.R. # 1116), and said point being also located N. 64-20'-44" E., 121.60 ft. from an existing iron rebar located in said northerly R/W line of Shopton Rd. West;

Thence from said **BEGINNING** Point, and running along the existing westerly R/W line of said Withers Rd., the following:

- (1) N. 44-02'-37" W., 99.19 ft. to an exist. Iron rebar; thence
- (2) along a curve to the left having a radius of 20 ft., an arc dist. of 13.69 ft. to an exist. Iron rebar (chord = N. 63-39'-25" W., 13.43 ft.); thence
- (3) N. 83-16'-14" W., 415.39 ft. to an exist. Iron rebar;
- (4) along a curve to the right having a radius of 340 ft., an arc dist. of 98.46 ft. to an exist. iron rebar (chord = N. 75-14'15" W., 98.12 ft.);

Thence running across and through said Withers Rd., (5) N. 62-42'-46" E., 84.78 ft. to a exist. conc. monument located in the existing easterly r/w line of said rd.;

Thence running along the easterly right-of-way line of said Withers Rd., the following:

- (6) along a curve to the left having a radius of 260 ft., an arc dist. Of 26.91 ft. to an exist. iron rebar (chord = S. 80-50'-09" E., 26.90 ft.); thence
- (7) S. 83-16'-14" E., 415.39 ft. to a point; thence
- (8) along a curve to the right having a radius of 80 ft., an arc dist. of 54.77 ft. to an exist. Iron rebar (chord = S. 63-39'-25" E., 53.71 ft.); thence
- (9) S. 44-02'-37" E., 115.44 ft. to a point in the existing R/W line of Shopton Rd. West; and said point being located 1.98 ft. from an existing conc. R/W monument;

Thence along the northerly right-of-way line of said Shopton Rd., the following:

- (10) S. 62-50'-33" W., 56.17 ft. to an existing conc. r/w monument;
- (11) S. 25-39'-16" E., 2.03 ft. to a point;
- (12) S. 64-20'-44" W., 5.92 ft. to the **POINT and Place of BEGINNING**;

Said parcel containing 37,189 sq. ft of land (0.854 acres) all as shown on a Survey Plat by Harris Engineering, Char., N C , (Jeff S. Hladun, NCPLS) dated May 29, 2008;

It being the intent of this instrument to describe a partial existing 60 ft. wide road R/W also known as "Tract No. 8" on a survey plat by Jeff S. Hladun, NCPLS, dated Sept. 28, 2006.

RESOLUTION BY GOVERNING BODY OF THE APPLICANT

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water treatment works and drinking water distribution system projects, and

WHEREAS, The City of Charlotte has need for and intends to construct the following drinking water projects:

- Water Main Rehabilitation consisting of cleaning and relining existing older water lines that are experiencing water quality or high maintenance ,
- Vest Water Plant Repairs to replace the roof and windows that are failing, repair and painting of interior and exterior walls, and repairs to water storage basins,
- Beatties Ford Water Main is about a mile of water main in the Huntersville area to complete the water line from north Charlotte up to Hwy 73 in Huntersville,
- Albemarle Road Water Main is 4500 feet of water main along Albemarle Road leading out toward Clear Creek Elementary to replace a smaller section of water main and improve fire flows to the area,
- Franklin Water Plant Reservoir Expansion combines and enlarges two existing raw water storage reservoirs at the Franklin Water Plant,
- Toilet Replacement Program for Aging Neighborhoods. Program designed to replace older, high flow toilets in residential properties of challenged neighborhoods, usually occupied by low or fixed income residents with high efficiency toilets. This program presents opportunities for significant water savings and reduced water bills for the residents,
- ET Controller Pilot Program. Program designed to replace day-of-the-week irrigation system controllers with ET (evapo-transpiration) controllers that receive satellite weather data to control irrigation. These devices are programmed to calculate amount of water needed based on site conditions, such as plant material, type of irrigation devices and slope of property. The estimated savings over day of use controllers is in the range of 25 – 40%. The top 100 irrigation customers used over 500 million gallons from May to September in 2007. A 20% reduction would mean 100 million gallons of water would remain in the Catawba River Basin, and

WHEREAS, The City of Charlotte intends to request state grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE

That the City of Charlotte, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Charlotte to make scheduled repayment of the loan, to withhold from the City of Charlotte any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Patrick L. McCrory, Mayor, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be

RESOLUTION BY GOVERNING BODY OF THE APPLICANT

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of Wastewater Treatment and Collection system improvements, and

WHEREAS, The City of Charlotte has need for and intends to construct the following wastewater projects:

- Wastewater Collection System Rehabilitation contract for rehabbing system manholes and pipes,
- McAlpine Creek Relief Sewer Phase 2 to reduce sanitary sewer overflows that occur on the existing sewer outfall during heavy rain events,
- Griffith Street Wastewater Liftstation Upgrade to improve the reliability for this liftstation in the Town of Davidson that on the Lake Norman shoreline,
- Digester pumps at McAlpine Creek Wastewater Plant for process improvements,
- McAlpine Creek Wastewater Plant Water Piping Improvements to improve the plant drinking water and cooling water piping system and reduce the amount of drinking water used for pump cooling resulting a seven year payback on piping cost, and

WHEREAS, The City of Charlotte intends to request state grant assistance for the projects,

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

That the City of Charlotte, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

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That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

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RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of projects that protect drinking water and enhance surface waters through stormwater management, and

WHEREAS, The City of Charlotte has a need for and intends to construct environmental protection projects to protect drinking water and surface water resources specifically described as the Wilora Lake Rehabilitation Project, the Revolution Park Water Reuse project, and the Park Road Park Pond Rehabilitation project, all three which will improve surface waters and reduce pollutants to South Carolina drinking water supplies, and

WHEREAS, The City of Charlotte intends to request state grant assistance for the projects,

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 9th of March, 2009 at the Charlotte-Mecklenburg Government Center, Charlotte, North Carolina.

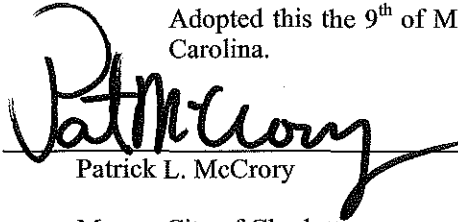
March 9, 2009

Resolution Book 41, Page 889

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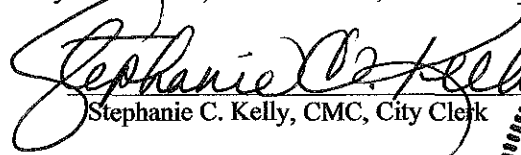
Patrick L. McCrory

Mayor, City of Charlotte

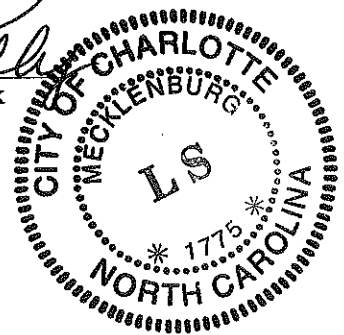
CERTIFICATION

I, Stephanie C. Kelly, 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 9th day of March, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 41, Pages (888-889).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of March, 2009.

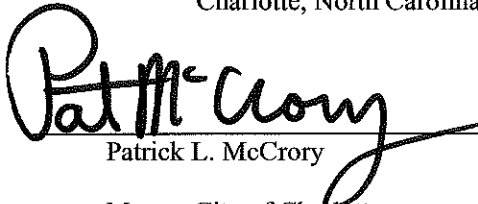


Stephanie C. Kelly, CMC, City Clerk



That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.


Adopted this the 9th of March, 2009 at the Charlotte-Mecklenburg Government Center, Charlotte, North Carolina.


Patrick L. McCrory
Mayor, City of Charlotte

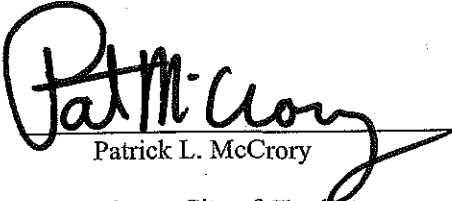
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