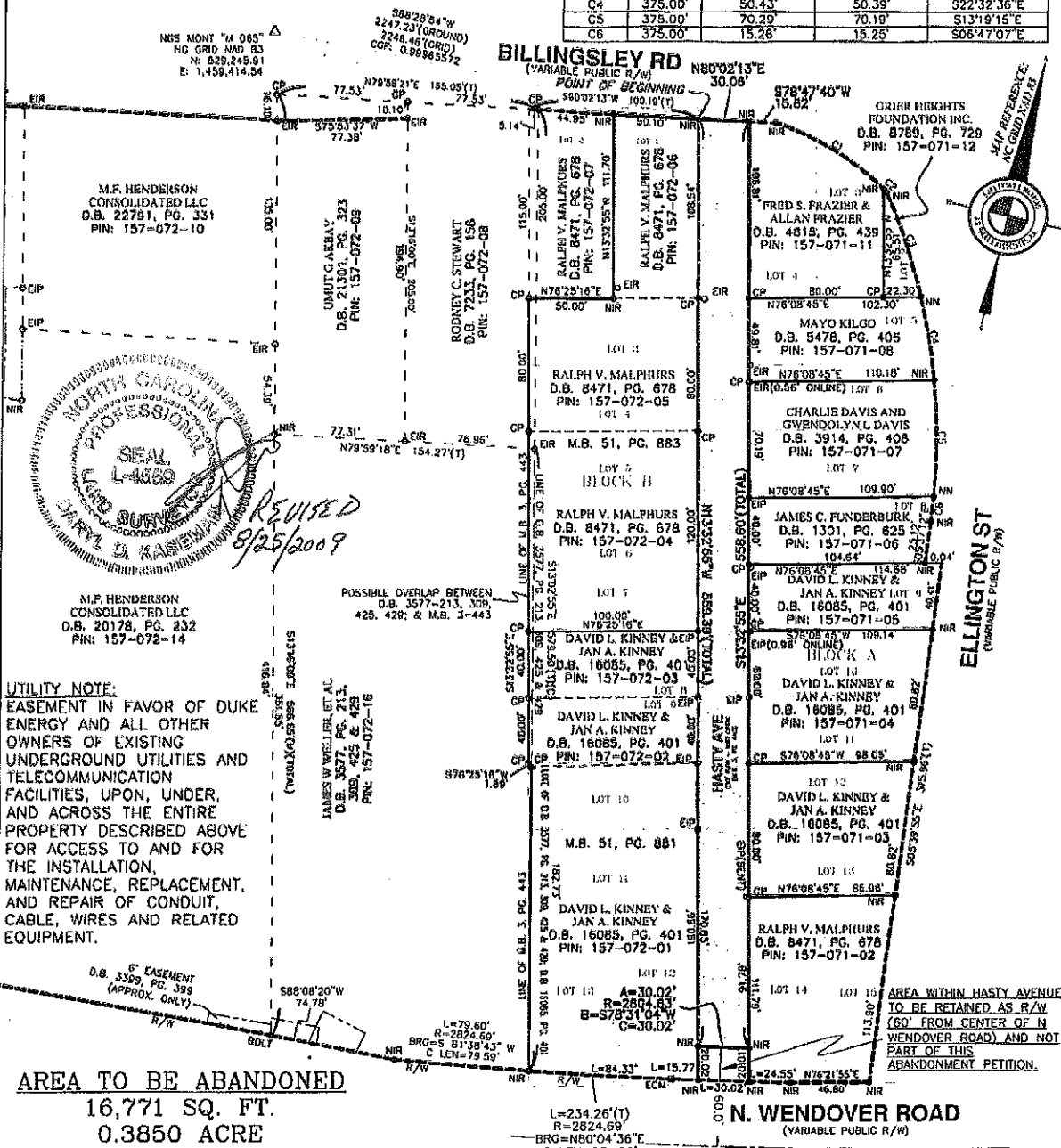


THIS IS TO CERTIFY THAT ON THE 28TH DAY OF SEPTEMBER, 2007 AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINKS AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE 1.600 (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 *[Signature]*

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 MARCH 2, 2009
 COMMUNITY PANEL NO: 370159 4562; ZONE 'X'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	165.00'	76.44'	75.78'	S71°28'30"E
C2	165.00'	2.34'	2.34'	S57°47'51"E
C3	375.00'	67.07'	66.98'	S31°31'11"E
C4	375.00'	50.43'	50.39'	S22°32'36"E
C5	375.00'	70.29'	70.19'	S13°19'15"E
C6	375.00'	15.28'	15.25'	S06°47'07"E



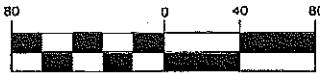
UTILITY NOTE:
 EASEMENT IN FAVOR OF DUKE ENERGY AND ALL OTHER OWNERS OF EXISTING UNDERGROUND UTILITIES AND TELECOMMUNICATION FACILITIES, UPON, UNDER, AND ACROSS THE ENTIRE PROPERTY DESCRIBED ABOVE FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT, AND REPAIR OF CONDUIT, CABLE, WIRES AND RELATED EQUIPMENT.

AREA TO BE ABANDONED
 16,771 SQ. FT.
 0.3850 ACRE

LEGEND:

- D.B. - DEED BOOK
- ECM - EXISTING CONCRETE MONUMENT
- EIP - EXISTING IRON PIPE
- EIR - EXISTING IRON ROD
- EMM - EXISTING METAL MONUMENT
- EN - EXISTING NAIL
- M.B. - MAP BOOK
- N.C.G.S. - NORTH CAROLINA GEODETIC SURVEY
- NIR - NEW IRON ROD
- NN - NEW NAIL
- PG. - PAGE
- R/W - RIGHT-OF-WAY
- PROPERTY LINE
- PROPERTY LINE (NOT SURVEYED)
- RIGHT-OF-WAY
- RIGHT-OF-WAY (NOT SURVEYED)
- EASEMENT
- SETBACK

GRAPHIC SCALE



(IN FEET)
 1 inch = 80 ft.

EXHIBIT A

RIGHT-OF-WAY ABANDONMENT EXHIBIT OF:
HASTY AVENUE
 RECORDED IN MB 3 - 443
 CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C.
 DEED REFERENCE: AS SHOWN
 TAX PARCELS: AS SHOWN

R.B. PHARR AND ASSOCIATES, P.A.
 SURVEYING AND MAPPING
 420 HAWTHORNE LANE CHARLOTTE, N.C. 28204 TEL (704) 376-2188

CREW: RBP	DRAWN: NM	REVISED:	SCALE: 1" = 80'	DATE: JUNE 22, 2009	JOB NO. 75323
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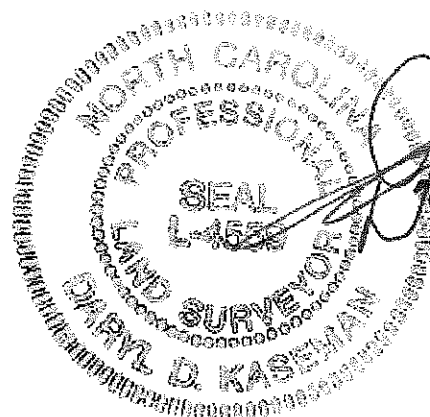
EXHIBIT B**LEGAL DESCRIPTION HASTY AVENUE**

THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED, LYING AND BEING IN THE CITY OF CHARLOTTE, COUNTY OF MECKLENBURG, STATE OF NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A NEW IRON ROD IN THE SOUTHERLY RIGHT-OF-WAY MARGIN OF BILLINGSLEY ROAD (VARIABLE PUBLIC RIGHT-OF-WAY), SAID POINT BEING LOCATED SOUTH 88°28'54" WEST A DISTANCE OF 2247.23 FEET FROM N.G.S. MONUMENT "M 065" (NC GRID NAD 83 NORTHING: 529,245.91, EASTING: 1,459,414.54); THENCE NORTH 80°02'13" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY MARGIN A DISTANCE OF 30.06 FEET TO A NEW IRON ROD, SAID POINT BEING IN THE WESTERLY MARGIN OF BLOCK A, AS RECORDED IN MAP BOOK 3, PAGE 443, MECKLENBURG COUNTY REGISTRY; THENCE SOUTH 13°32'55" EAST ALONG THE SAID WESTERLY MARGIN OF BLOCK A FOR A DISTANCE OF 558.60 FEET TO A NEW IRON ROD LOCATED APPROXIMATELY 20 (TWENTY) FEET NORTH OF THE NORTHERLY RIGHT-OF-WAY OF NORTH WENDOVER ROAD (VARIABLE PUBLIC RIGHT-OF-WAY); THENCE PARALELL WITH AND 20 (TWENTY) FEET NORTH OF THE SAID NORTHERLY RIGHT-OF-WAY WITH A CURVE TURNING TO THE RIGHT HAVING A RADIUS OF 2804.63 FEET AND AN ARC LENGTH OF 30.02 FEET (CHORD BEARING OF SOUTH 78°31'04" WEST AND CHORD LENGTH OF 30.02 FEET) TO A NEW IRON ROD, SAID POINT BEING IN THE EASTERLY MARGIN OF BLOCK B, AS RECORDED IN MAP BOOK 51, PAGES 881 & 883, MECKLENBURG COUNTY REGISTRY; THENCE NORTH 13°32'55" WEST ALONG SAID EASTERLY MARGIN OF BLOCK B A DISTANCE OF 559.39 FEET TO THE POINT OF **BEGINNING**;

HAVING AN AREA OF 16,771 SQUARE FEET OR 0.3850 ACRES, AS SHOWN ON A SURVEY PREPARED BY R. B. PHARR & ASSOCIATES, P.A. DATED, JUNE 22, 2009 (MAP FILE W-3537A).

*REVISED
8/25/2009*



TAXPAYERS AND REFUNDS REQUESTED
(Clerical Error)

NAME	AMOUNT
BRITTON & COPSIS HAIR DESIGN LTD	\$ 3.73
TILLER, WILLIAM POTTER JR	253.67
WACHOVIA MORTGAGE	475.04
STATE EMPLOYEE'S CREDIT UNION	116.73
CROZIER, ANGELA ADAMS	70.67
PALMER, EMERY A JR	3.35
HOLLOMAN CHARLES PRODUCTIONS	76.32
HALL, DALE ROBERT	131.30
BANK OF AMERICA	9.63
WACHOVIA MTG	161.42
FAIRVIEW PLAZA ASSOCIATES	<u>49,203.50</u>
TOTAL	<u>\$ 50,505.36</u>

**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:

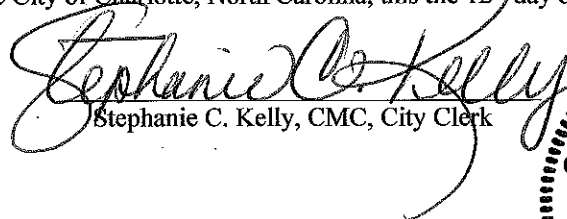
1. The City-County Tax Collector has collected certain taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time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

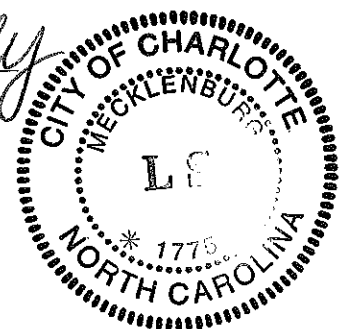
NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 9th day of November 2009 that those taxpayers listed on the schedule of "Business Privilege License Refunds Requested" be refunded in the amounts therein set up and that the schedule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

CERTIFICATION

I, 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 11th day November, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Pages (247-248).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of November, 2009.


Stephanie C. Kelly, CMC, City Clerk



BUSINESS PRIVILEGE LICENSE
REFUNDS REQUESTED

<u>NAME</u>	<u>AMOUNT</u>
Diversified Dental Staffing, Inc	\$ 102.00
Pizza Wholesale of Lexington, inc	<u>445.00</u>
TOTAL	<u>\$ 547.00</u>

Section 6. If any one or more of the agreements or provisions herein contained is 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 for any reason whatsoever is held invalid, then such covenants, agreements or provisions are null and void and are to be deemed separable from the remaining agreements and provisions and in no way affect the validity of any of the other agreements and provisions hereof or of the 2009B Bonds authorized hereunder.

Section 7. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 8. This Bond Order is effective immediately on its adoption and pursuant to §159-88 of the General Statutes of North Carolina, as amended, need not be published or subjected to any procedural requirements governing the adoption of ordinances or resolutions by the City Council other than the procedures set out in the Act.

On motion of Councilmember Burgess, seconded by Councilmember Carter, the foregoing resolution titled **“RESOLUTION ADOPTING THE BOND ORDER AUTHORIZING THE ISSUANCE OF WATER AND SEWER SYSTEM REVENUE BONDS OF THE CITY OF CHARLOTTE, NORTH CAROLINA IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$400,000,000”** was duly adopted by the following vote: Unanimous

AYES:

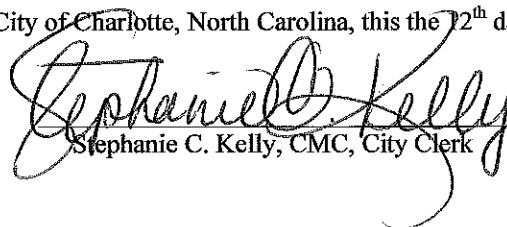
NAYS:

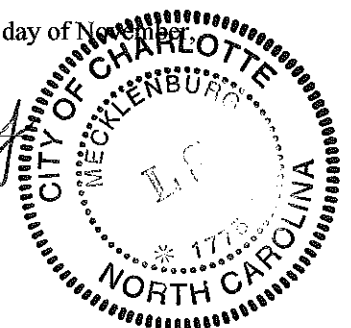
PASSED, ADOPTED AND APPROVED this 9th day of November, 2009.

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 11th day November, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Pages (253-255).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of November, 2009.


Stephanie C. Kelly, CMC, City Clerk



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; (2) finance additional improvements to the Water and Sewer System (collectively with the projects being refinanced, the "Project") and (3) pay a portion of the interest on the 2009B Bonds through January 1, 2011, as described in the Bond Order of the City adopted on November 9, 2009;

WHEREAS, the City will issue the 2009B Bonds under the General Trust Indenture dated as of November 1, 1996, as amended (the "General Indenture") 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"), and Series Indenture, Number 12 dated as of November 15, 2009 (the "Series Indenture") between the City and the Trustee;

WHEREAS, the City desires to execute and deliver a Bond Purchase Agreement dated November 20, 2009 (the "Purchase Agreement") among the City, the Local Government Commission of North Carolina (the "Commission") and Wachovia Bank, National Association (d/b/a Wells Fargo Securities), Merrill Lynch, Pierce, Fenner & Smith Incorporated and BB&T Capital Markets, a division of Scott & Stringfellow, LLC (collectively, the "Underwriters"), pursuant to which the City and the Commission will sell the 2009B Bonds to the Underwriters in accordance with the terms and conditions set forth therein;

WHEREAS, copies of the forms of the following documents relating to the transactions described above have been filed with the City:

1. the Series Indenture;
2. the Purchase Agreement;
3. the Official Statement dated November 20, 2009 (the "Official Statement") with respect to the 2009B Bonds.

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

Section 1. That the issuance of the 2009B Bonds by the City in the aggregate 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 2009B Bonds 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 2009B Bonds (including without limitation the maturity dates and rates of interest) be and the same hereby are approved and confirmed and are incorporated herein by reference.

The 2009B Bonds shall be special obligations of the City. The principal of, premium, if any, and interest on the 2009B Bonds 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 2009B Bonds, and no holder of 2009B Bonds 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 form and content of the Series Indenture and the exhibits thereto be and the same hereby are in all respects approved and confirmed, and the Mayor, the City Manager and City Clerk of the City, or their respective designees, be and they hereby are authorized, empowered and directed to execute and deliver the Series Indenture 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 they may deem 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 Series Indenture, 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 Series Indenture as executed. The Trustee is hereby appointed as Registrar and Paying Agent thereunder.

Section 3. That the 2009B Bonds shall be sold to the Underwriters pursuant to the terms of the Purchase Agreement. The form and content of the Purchase Agreement are in all respects approved and confirmed, and the Mayor, the City Manager or the Director of Finance of the City, or their respective designees, are hereby authorized, empowered and directed to execute and deliver the Purchase Agreement 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 they may deem 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 Purchase Agreement, the Mayor, the City Manager and the Director of Finance 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 Purchase Agreement as executed.

Section 4. That the form and content of the Official Statement are in all respects authorized, approved and confirmed, and the use of the Official Statement by the Underwriters in connection with the sale of the 2009B Bonds is hereby in all respects authorized, approved and confirmed. The Mayor, the City Manager or Director of Finance of the City is authorized to execute the Official Statement on behalf of the City.

Section 5. The City Manager or Director of Finance of the City is hereby authorized to execute a no-arbitrage certificate in order to comply with Section 148 of the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder.

Section 6. No stipulation, obligation or agreement herein contained or contained in the 2009B Bonds, the General Indenture, the Series Indenture and the Purchase Agreement, or any other instrument related to the issuance of the 2009B Bonds is to 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 is personally liable on the 2009B Bonds or subject to personal liability or accountability by reason of the issuance thereof.

Section 7. The Mayor, the City Manager, the Director of Finance and the City Clerk of the City, or their respective designees, are 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 (a) this Resolution and the Bond Order, (b) the General Indenture, (c) the Series Indenture, and (d) the Purchase Agreement, except that none of the above is authorized or empowered to do anything or execute any document which is in

WHEREAS, the City will issue the 2009B Bonds under the General Trust Indenture dated as of November 1, 1996, as amended (the "*General Indenture*") 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*"), and Series Indenture, Number 12 dated as of November 15, 2009 (the "*Series Indenture*") between the City and the Trustee;

WHEREAS, the City and the LGC have arranged for the sale of the 2009B Bonds to Wachovia Bank, National Association (d/b/a Wells Fargo Securities), Merrill Lynch, Pierce, Fenner & Smith Incorporated and BB&T Capital Markets, a division of Scott & Stringfellow, LLC (collectively, the "*Underwriters*"), under the terms of a Bond Purchase Agreement dated November 20, 2009 (the "*Purchase Agreement*");

WHEREAS, an application has been filed with the LGC requesting approval of the 2009B Bonds as required by the Act, and the Secretary of the LGC has notified the City Council (the "*City Council*") of the City that the application has been approved by the LGC.

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 to refinance the costs of the Project, in addition to any funds which may be made available for such purpose from any other source, the 2009B Bonds are hereby authorized and shall be issued pursuant to the Act.

Section 2. The aggregate principal amount of the 2009B Bonds authorized by this order shall not exceed \$400,000,000. The 2009B Bonds hereby authorized shall be special obligations of the City, secured by and paid solely from the proceeds thereof or from revenues, income, receipts and other money received or accrued by or on behalf of the City from or in connection with the operation of the City's Water and Sewer System (as defined in the General Indenture).

Section 3. The issuance of the 2009B Bonds by the City, in substantially the form to be set forth in the Series Indenture, be and the same hereby is in all respects approved and confirmed. The form and content of the 2009B Bonds and the provisions of the Series Indenture with respect to the 2009B Bonds (including without limitation the maturity dates and rates of interest) shall be approved and confirmed in a subsequent resolution of the City Council.

The principal of, premium, if any, and interest on the 2009B Bonds 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. 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, purchase price or interest on the 2009B Bonds, and no holder of the 2009B Bonds 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 4. The 2009B Bonds are to be sold to the Underwriters under the terms of the Purchase Agreement, as shall be approved in a subsequent resolution of the City Council.

Section 5. The proceeds from the sale of the 2009B Bonds are to be deposited in accordance with the Series Indenture.

contravention, in any way, of (1) the specific provisions of this Resolution or the Bond Order, (2) the specific provisions of the General Indenture or the Series Indenture, (3) the specific provisions of the Purchase Agreement, (4) any agreement to which the City is bound, (5) any rule or regulation of the City or (6) any applicable law, statute, ordinance, rule or regulation of the United States of America or the State of North Carolina.

Section 8. The Mayor, the City Manager, the Director of Finance and the City Clerk of the City, or their respective designees, are hereby authorized and directed to prepare and furnish, when the 2009B Bonds are issued, certified copies of all the proceedings and records of the City Council relating to the 2009B Bonds, and such other affidavits, certificates and documents as may be required to show the facts relating to the legality and marketability of the 2009B Bonds as such facts appear on the books and records in such party's custody and control or as otherwise known to them; and all such certified copies, certificates, affidavits and documents, including any heretofore furnished, constitute representations of the City as to the truth of all statements contained therein.

Section 9. All acts and doings of the Mayor, the City Manager, the Director of Finance and the City Clerk of the City, and their respective designees, that are in conformity with the purposes and intents of this Resolution and in the furtherance of the issuance of the 2009B Bonds and the execution, delivery and performance of the Series Indenture and the Purchase Agreement are in all respects approved and confirmed.

Section 10. If any one or more of the agreements or provisions herein contained is 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 is for any reason whatsoever held invalid, then such covenants, agreements or provisions are null and void and are to be deemed separable from the remaining agreements and provisions and in no way affect the validity of any of the other agreements and provisions hereof or of the 2009B Bonds authorized hereunder.

Section 11. All resolutions or parts thereof of the City Council 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 the date of its adoption.

On motion of Councilmember Burgess, seconded by Councilmember Carter, the foregoing resolution titled **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AUTHORIZING THE APPROVAL, EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF CITY OF CHARLOTTE, NORTH CAROLINA WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2009B; PROVIDING FOR THE SALE OF THE BONDS; SETTING FORTH THE TERMS AND CONDITIONS ON WHICH THE BONDS ARE TO BE ISSUED; AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE BONDS"** was duly adopted by the following vote: Unanimous

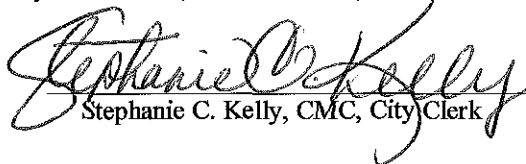
AYES:

NAYS:

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 11th day November, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Pages (256-260).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of November, 2009.


Stephanie C. Kelly, CMC, City Clerk

