

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, ON AUGUST 24 2009, AUTHORIZING THE FILING AND EXECUTION OF APPLICATIONS WITH THE U.S. DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA FOR TRANSIT ASSISTANCE GRANTS.**

A motion was made by Councilmember Foxx and seconded by

Councilmember Bar for the adoption of the following Resolution and upon being put to a vote was duly adopted:

**WHEREAS**, the federal and state governments are authorized to make grants for mass transportation projects;

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

**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.

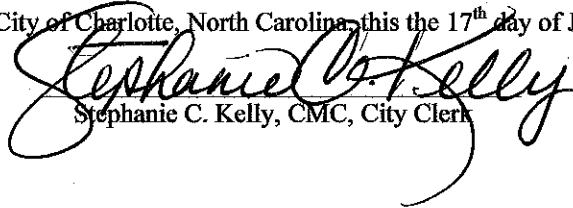
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Charlotte, North Carolina, in its regular session duly assembled, as follows:

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;
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;
3. 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;
4. 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.

**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 14<sup>th</sup> day September, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Page 64.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of July, 2009.

  
Stephanie C. Kelly, CMC, City Clerk

**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.

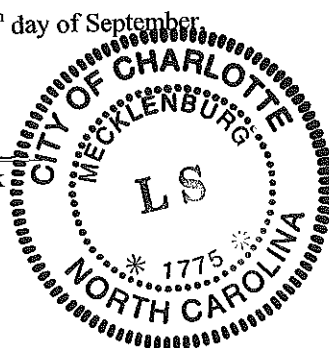
NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 14th day of September 2009 that those taxpayers listed on the schedule of "Business Privilege License Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

**CERTIFICATION**

I, Melissa T. Johnson, Deputy 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 14<sup>th</sup> day September, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Pages (97-98).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of September 2009.

  
Melissa T. Johnson, Deputy City Clerk



BUSINESS PRIVILEGE LICENSE  
REFUNDS REQUESTED

<u>NAME</u>	<u>AMOUNT</u>
Divine Appointment LLC	\$ 55.00
5 Point Discount Beverage, Inc	<u>449.10</u>
TOTAL	<u>\$ 504.10</u>

EXTRACTS FROM MINUTES OF CITY COUNCIL

\* \* \*

A Regular Meeting of the City Council of the City of Charlotte, North Carolina (the "City Council") was duly held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, the regular place of meeting, at 7:00 p.m. on September 14, 2009:

Members Present: All

Members Absent:

\* \* \* \* \*  
\* \* \*

Councilmember Burgess introduced the following resolution, a summary of which had been provided to each Councilmember, 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 MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE**

*WHEREAS*, the City Council is considering the issuance of bonds of the City of Charlotte, North Carolina (the "City") which shall be for the following purposes and in the following maximum amount:

Not to exceed \$92,000,000 of General Obligation Refunding Bonds to pay the costs of refunding in advance of their maturities \$90,000,000 aggregate principal amount of the City of Charlotte, North Carolina Variable Rate General Obligation Bonds, Series 2007 (the "2007 Bonds").

*WHEREAS*, the City Council must make certain findings of fact to enable the Local Government Commission of the State of North Carolina to make certain determinations as set forth in Section 159-52 of the General Statutes of North Carolina.

*NOW, THEREFORE, BE IT RESOLVED* that the City Council meeting in open session on the 14th day of September, 2009, has made the following factual findings in regard to this matter:

A. ***Facts Regarding Necessity of Proposed Financing.*** The proposed bonds are necessary and expedient to fix the City's debt service costs related to projects financed and refinanced with the 2007 Bonds.

B. ***Facts Supporting the Amount of Bonds Proposed.*** The sums estimated for these bonds are adequate and not excessive for the proposed purpose.

C. **Past Debt Management Policies.** The City's debt management policies have been carried out in compliance with law. The City employs a Director of Finance to oversee compliance with applicable laws relating to debt management. The City Council requires annual audits of City finances. In connection with these audits, compliance with laws is reviewed. The City is not in default in any of its debt service obligations. The City Attorney reviews all debt-related documents for compliance with laws.

D. **Past Budgetary and Fiscal Management Policies.** The City's budgetary and fiscal management policies have been carried out in compliance with laws. Annual budgets are closely reviewed by the City Council before final approval of budget ordinances. Budget amendments changing a function total or between functions are presented to the City Council at regular City Council meetings. The Director of Finance presents financial information to City Council which shows budget to actual comparisons annually and otherwise as the City Manager deems necessary or as a member of the City Council may request.

E. **Retirement of Debt.** The schedule for issuing the bonds does not require a property tax increase. The schedule for issuance calls for issuing all of the bonds in Fiscal Year 2010, but issuance may be delayed until such time as the City determines that the market is more favorable for the issuance of the bonds.

F. **Financing Team.** The City Manager and the Director of Finance, with advice from the City Attorney, are hereby authorized and directed to (1) retain Parker Poe Adams & Bernstein LLP, Charlotte, North Carolina, as bond counsel, (2) retain Wachovia Bank, National Association and Merrill Lynch, Pierce, Fenner & Smith Incorporated, each of Charlotte, North Carolina, as underwriters for the Bonds, (3) retain DEC Associates, Inc., Charlotte, North Carolina, as financial advisor, and (4) approve the selection of McGuireWoods LLP, Charlotte, North Carolina, as counsel to the underwriters.

On motion of Councilmember Burges, seconded by Councilmember Kenney, the foregoing resolution titled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE" was adopted by the following vote:

AYES: Unanimous

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS: None

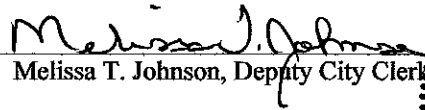
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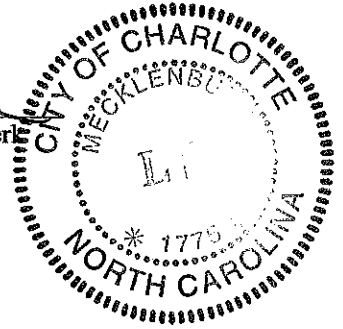
PASSED, ADOPTED AND APPROVED this 14th day of September, 2009.

**CERTIFICATION**

I, Melissa T. Johnson, Deputy 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 14<sup>th</sup> day September, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Pages (99-101).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of September, 2009.

  
Melissa T. Johnson, Deputy City Clerk



Councilmember Burgess introduced the following bond order by reading the title thereof:

**BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$92,000,000  
GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF CHARLOTTE, NORTH CAROLINA**

*WHEREAS*, the City of Charlotte, North Carolina (the "City") has issued \$100,000,000 aggregate principal amount of its Variable Rate General Obligation Bonds, Series 2007 (the "2007 Bonds"), of which \$90,000,000 remains outstanding;

*WHEREAS*, the City Council of the City (the "City Council") deems it advisable to refund \$90,000,000 in aggregate principal amount of the 2007 Bonds;

*WHEREAS*, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the bonds hereinafter described as required by the Local Government Bond Act, and the Secretary of the Local Government Commission 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. The City Council deems it advisable to refund \$90,000,000 in aggregate principal amount of the 2007 Bonds.

Section 2. To raise the money required to pay the costs of refunding the 2007 Bonds as set forth above, General Obligation Refunding Bonds of the City are hereby authorized and shall be issued pursuant to the Local Government Bond Act of North Carolina. The maximum aggregate principal amount of such General Obligation Refunding Bonds authorized by this bond order shall be and not exceed \$92,000,000.

Section 3. A tax sufficient to pay the principal of and interest on said General Obligation Refunding Bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 5. This bond order shall take effect on its adoption.

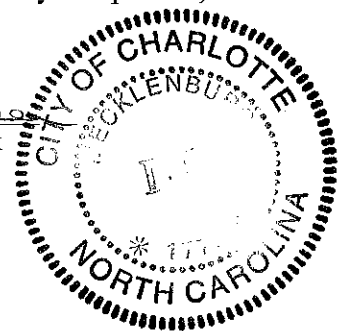


**CERTIFICATION**

I, Melissa T. Johnson, Deputy 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 14<sup>th</sup> day September, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Pages (~~101-103~~).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of September, 2009.

  
Melissa T. Johnson, Deputy City Clerk



After the introduction of the bond order, Councilmember Burgess introduced the following resolution, a summary of which had been provided to each Councilmember, a copy of which was available with the City Clerk and which was read by title:

**A RESOLUTION OF THE CITY OF CHARLOTTE, NORTH CAROLINA CALLING A PUBLIC HEARING ON THE BOND ORDER, DIRECTING PUBLICATION OF NOTICE OF SAID PUBLIC HEARING AND FILING OF A DEBT STATEMENT.**

WHEREAS, a bond order titled:

**“BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$92,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF CHARLOTTE, NORTH CAROLINA.”**

has been introduced at a meeting of the City Council (the “City Council”) of the City of Charlotte, North Carolina (the “City”) this 14th day of September, 2009, and the City Council desires to provide for the holding of a public hearing thereon on Monday, September 28, 2009, and the submission of a statement of debt in connection therewith as required by the Local Government Bond Act;

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

1. The public hearing on said bond order shall be held on the 28th day of September, 2009 in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. or as soon thereafter as practicable.
2. The City Clerk is hereby directed to cause a copy of the bond order to be published with a notice of such hearing in the form prescribed by law in a qualified newspaper no fewer than six days before such public hearing.
3. The City’s Director of Finance is hereby directed to file with the City Clerk before publication of the bond order with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the appraised value of property subject to taxation by the City and the net debt of the City.

On motion of Councilmember Burgess, seconded by Councilmember Minsey, the foregoing order titled: **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA CALLING A PUBLIC HEARING ON THE BOND ORDER, DIRECTING PUBLICATION OF NOTICE OF SAID PUBLIC HEARING AND FILING OF A DEBT STATEMENT”** was adopted by the following vote:

AYES: unanimous - Turner  
Foxy                      Mitchell  
Carter                     Prasoch  
Minsey                    Burgess  
Barnes                    Lassiter  
Cooksey                  DuLin

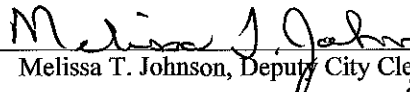
NAYS: None  
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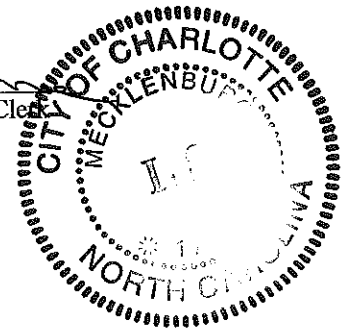
*PASSED, ADOPTED AND APPROVED* this 14th day of September, 2009.

**CERTIFICATION**

I, Melissa T. Johnson, Deputy 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 14<sup>th</sup> day September, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Pages (104-105).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of September, 2009.

  
Melissa T. Johnson, Deputy City Clerk



**RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON September 14, 2009**

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

WHEREAS, this Municipal Agreement is to provide for the undertaking of public transportation studies described in each cycle of the Planning Work Program; and,

WHEREAS, the NCDOT will reimburse the City up to \$426,582 for FY 2009; and,

WHEREAS, the format and cost sharing philosophy is consistent with past municipal agreements; and,

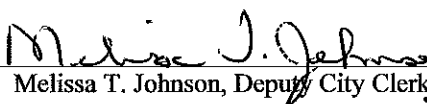
WHEREAS, the City Manager and City Clerk are hereby empowered to sign and execute the Agreement with the North Carolina Department of Transportation; and,

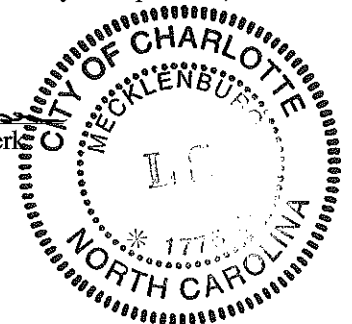
NOW, THEREFORE, BE IT RESOLVED that the Municipal Agreement between the North Carolina Department of Transportation and the City of Charlotte Department of Transportation, is hereby formally approved by the City Council of the City of Charlotte.

**CERTIFICATION**

I, Melissa T. Johnson, Deputy 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 14<sup>th</sup> day September, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Page 106.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of September, 2009.

  
Melissa T. Johnson, Deputy City Clerk



ACTION A

**RESOLUTION**

EXTRACT FROM THE MINUTES OF A regular  
MEETING OF THE Charlotte City Council  
HELD ON September 14, 2009

The following resolution was introduced by Burgess,  
seconded by Kinsey, considered and adopted.

RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND  
RATIFYING THE EXECUTION OF THE GRANT AGREEMENT FOR PROJECT  
NUMBER 3-37-0012-60 BETWEEN THE UNITED STATES OF AMERICA 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 between the Federal Aviation Administration on  
behalf of the United States of America 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 Stephanie Kelly; City Clerk is  
hereby authorized, adopted, approved, accepted and ratified.

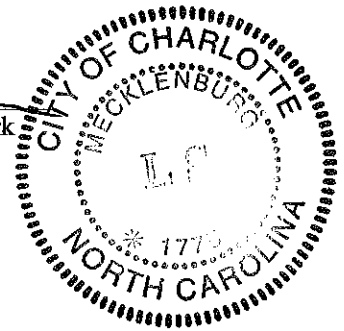
SECTION 3. That the Aviation Director is hereby  
authorized to execute payment requests under these Grant Agreements  
on behalf of said City of Charlotte.

**CERTIFICATION**

I, Melissa T. Johnson, Deputy 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 14<sup>th</sup> day September, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Pages (161-109).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of September, 2009.

  
Melissa T. Johnson, Deputy City Clerk



**RESOLUTION OF THE CITY OF CHARLOTTE, COUNTY OF MECKLENBURG, AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE CITY OF PITTSBURGH PENNSYLVANIA, BUREAU OF POLICE TO PROVIDE POLICE SERVICES DURING THE G20 SUMMIT TO BE HELD SEPTEMBER 24-25 OF 2009.**

**WHEREAS**, The City of Pittsburgh Pennsylvania is the host city for the G20 summit, a forum for the discussion of international finance issues, to be held September 24-25 2009;

**WHEREAS**, the City of Pittsburgh acting through its Bureau of Police is responsible for coordinating local law enforcement protection for the event;

**WHEREAS**, the City of Pittsburgh is in need of procuring the assistance of additional law enforcement personnel to provide police services for the G20 summit;

**WHEREAS**, the City of Charlotte, Charlotte – Mecklenburg Police Department is willing to provide police services to the City of Pittsburgh which will in turn provide valuable training to the City of Charlotte, Charlotte-Mecklenburg Police in providing security to the City of Charlotte for large scale major city events;

**WHEREAS**, the City of Charlotte will be reimbursed by the City of Pittsburgh for its costs in providing police services to the City of Pittsburgh;

**WHEREAS**, G.S. §160A-461 permits any unit of local government in this State to enter into an agreement with a governmental unit of another State to participate in a specific undertaking for a reasonable duration;

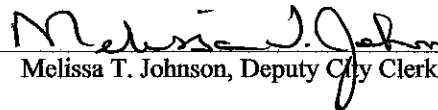
**WHEREAS**, G.S. §160A-461 requires that the agreement be ratified by resolution of the governing board of the local governmental entity;

**THEREFORE, BE IT RESOLVED THAT**, the attached Agreement between the City of Charlotte North Carolina, Charlotte-Mecklenburg Police Department and the City of Pittsburgh Pennsylvania, Bureau of Police is hereby ratified.

**CERTIFICATION**

I, Melissa T. Johnson, Deputy 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 14<sup>th</sup> day September, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Pages (109-110).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of September, 2009.

  
Melissa T. Johnson, Deputy City Clerk





RESOLUTION AUTHORIZING THE SUB-LEASE OF CELL TOWER PROPERTY  
TO  
DUKE ENERGY CAROLINAS, LLC

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WHEREAS, the City of Charlotte leases approximately 3.65 acres of a larger property owned by Martin Marietta, having an address of 1011 Sam Newell Road in Matthews, Mecklenburg County, North Carolina (the "Property"); and

WHEREAS, the Property contains a telecommunications tower, constructed and used by the City, which has square footage and space which is suitable for the placement of additional communications equipment which will not interfere with the City's current or future needs; and

WHEREAS, Duke Energy Carolinas, LLC desires to lease approximately 433 square feet of the Property, along with space on the tower, for the installation and maintenance of personal communications equipment, services and related facilities for a term of five years, with the right to renew for four additional five year terms; and

WHEREAS, in consideration of leasing this portion of the Property, Duke Energy Carolinas, LLC has agreed to pay market rent in the monthly amount of Two Thousand Three Hundred Dollars (\$2,300) through June 30, 2011, with the monthly rent increasing by three percent (3%) on July 1, 2011 and on July 1 of each successive year of the lease term; and

WHEREAS, Section 8.131 of the Charter of the City of Charlotte authorizes the city to lease its property for terms of more than ten years upon resolution of the City Council adopted at a regular meeting after public notice; and

WHEREAS, the required notice has been published and Council is convened in a regular meeting;

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:

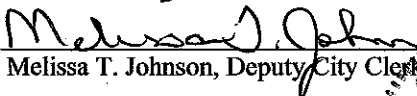
The City Council hereby approves lease of the city property described above to Duke Energy Carolinas, LLC for five years, with the lessee holding a right to renew for four additional five-year periods, and authorizes the City Manager or her Designee to execute any instruments necessary to the lease.

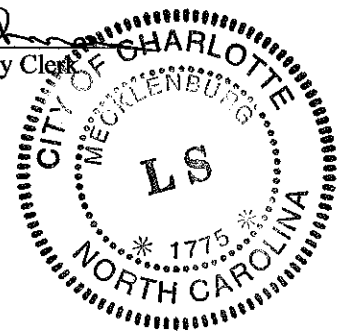
THIS THE 14<sup>th</sup> DAY OF SEPTEMBER, 2009.

**CERTIFICATION**

I, Melissa T. Johnson, Deputy 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 14<sup>th</sup> day September, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Pages (111-112).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of September, 2009.

  
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Melissa T. Johnson, Deputy City Clerk



RESOLUTION AUTHORIZING SALE OF PROPERTY AT 1447 SOUTH TRYON STREET  
BY UPSET BID

WHEREAS, the City of Charlotte owns a .026-acre property more particularly identified as being a portion of Tax Parcel Numbers 12304198 and 12304143, located at 1447 South Tryon Street in Charlotte, Mecklenburg County, North Carolina (the "Property"); 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, City has advertised the Property for sale pursuant to the upset bid process; and

WHEREAS, the City received an offer to purchase the property described above in the amount of \$44,900.00, submitted by The Boulevard Company; and

WHEREAS, The Boulevard Company paid the required five percent (5 %) deposit on the offer; and

WHEREAS, the offer was published on 8/29/09 in a notice of sale by upset bid which included a description of the property, the amount of the offer, and the terms under which the offer might be upset; and

WHEREAS, the terms of the final sale are that Council must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed; the buyer must pay cash at closing; and the property will be sold subject to the condition that the property must be part of a larger development or something other than parking or landscaping; and

WHEREAS, a ten-day period has passed without any qualifying upset bid having been received;

WHEREAS, pursuant to Council policy, the proceeds from the sale of this property will be dedicated to the Capital fund;

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

Sale of the property described above through the upset bid procedure of North Carolina General Statute § 160A-269, and upon the terms as set forth in the public notice described above, is authorized; and


No qualifying upset bid having been received after the public notice, the offer described above is hereby accepted, and the Manager or his Designee is authorized to execute the Purchase Contract and such other documents necessary to complete the sale of the Property to The Boulevard Company in accordance with the terms and conditions as advertised.

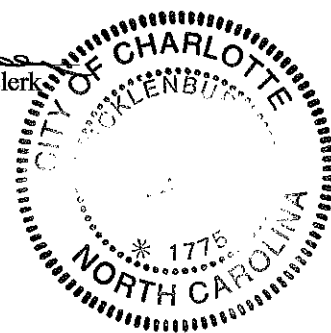
THIS THE 14<sup>th</sup> DAY OF SEPTEMBER, 2009.

**CERTIFICATION**

I, Melissa T. Johnson, Deputy 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 14<sup>th</sup> day September, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Pages (113-114).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of September, 2009.

  
Melissa T. Johnson, Deputy 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 **FREEDOM DRIVE WIDENING 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 **FREEDOM DRIVE WIDENING PROJECT** and estimated to be approximately **33,971 square feet (.780 acre) of sidewalk/utility easement, utility easement, and temporary construction easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 057-071-14, said property currently owned by **PARK FAIRFAX ASSOCIATES, LLC; EDMUND A. HAWES, Trustee; REGIONS BANK, Beneficiary; LAWYERS TITLE OF NORTH CAROLINA, INC., Trustee; MORGAN GUARANTY TRUST COMPANY OF NEW YORK, 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.

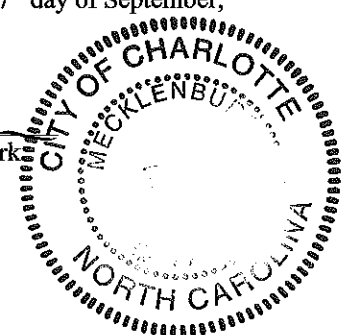
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

**CERTIFICATION**

I, Melissa T. Johnson, Deputy 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 14<sup>th</sup> day September, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Page 115.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of September, 2009.

  
Melissa T. Johnson, Deputy 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 **FREEDOM DRIVE WIDENING 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 **FREEDOM DRIVE WIDENING PROJECT** and estimated to be approximately **4,962 square feet (.114 acre) of fee-simple area, storm drainage easement, sidewalk/utility easement, and temporary construction easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 063-091-32, said property currently owned by **THE HUFNAL FAMILY LIMITED PARTNERSHIP; STATE OF NORTH CAROLINA, Possible Judgment Creditor; U. S. DEPT. OF THE TREASURY, INTERNAL REVENUE SERVICE, 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.

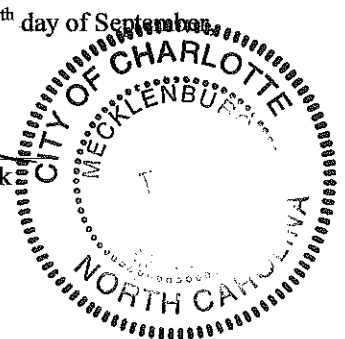
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

**CERTIFICATION**

I, Melissa T. Johnson, Deputy 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 14<sup>th</sup> day September, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Page 116.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of September, 2009.

  
Melissa T. Johnson, Deputy 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 **FREEDOM DRIVE WIDENING 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 **FREEDOM DRIVE WIDENING PROJECT** and estimated to be approximately **8,490 square feet (.195 acre) of fee-simple area, storm drainage easement, sidewalk/utility easement, and temporary construction easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 059-041-03, said property currently owned by **GREAT KIDS LEARNING CENTER, INC.; INVESTORS TITLE INSURANCE COMPANY, Trustee; BAYVIEW LOAN SERVICING, LLC, Beneficiary (by assignment); MECKLENBURG COUNTY TAX COLLECTOR, (Delinquent personal property taxes), 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.

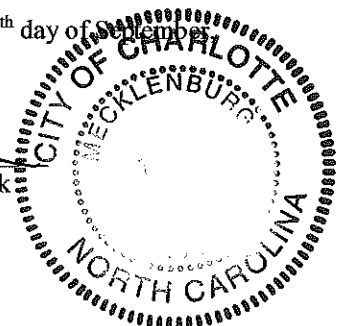
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

**CERTIFICATION**

I, Melissa T. Johnson, Deputy 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 14<sup>th</sup> day September, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Page 117.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of September, 2009.

  
Melissa T. Johnson Deputy 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 **US29/NC49-UNIVERSITY CITY BOULEVARD PHASE 1 AND PHASE 2-NORTH TRYON WIDENING 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 **US29/NC49-UNIVERSITY CITY BOULEVARD PHASE 1 AND PHASE 2-NORTH TRYON WIDENING PROJECT** and estimated to be approximately **4,389 square feet (.101 acre) of fee-simple area 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. 047-221-20, said property currently owned by **ALFRED MARK GREEN and spouse, if any, Any Other Parties in Interest**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

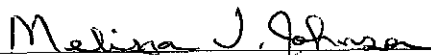
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

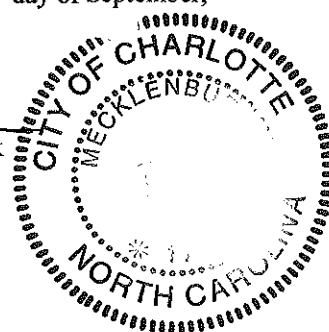
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

**CERTIFICATION**

I, Melissa T. Johnson, Deputy 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 14<sup>th</sup> day September, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Page 118.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of September, 2009.

  
Melissa T. Johnson, Deputy 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 **US29/NC49-UNIVERSITY CITY BOULEVARD-PH. 1 AND PH. 2-NORTH TRYON WIDENING 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 **US29/NC49-UNIVERSITY CITY BOULEVARD-PH. 1 AND PH. 2-NORTH TRYON WIDENING PROJECT** and estimated to be approximately 7,588 square feet (.174 acre) of **fee-simple area, storm drainage easement, utility easement, and temporary construction easement**, and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 047-221-24, said property currently owned by **CROWN ATLANTIC COMPANY, LLC; CELLCO PARTNERSHIP, Any Other Parties in Interest**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

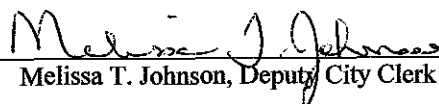
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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, Melissa T. Johnson, Deputy 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 14<sup>th</sup> day September, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Page 119.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17<sup>th</sup> day of September, 2009.

  
Melissa T. Johnson, Deputy City Clerk

