

ACTION A

**RESOLUTION**

EXTRACT FROM THE MINUTES OF A regular MEETING OF THE Charlotte City Council HELD ON September 13, 2010  
The following resolution was introduced by

Councilmember Cannon seconded by Councilmember Mitchell,  
read in full, considered and adopted.

RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND  
RATIFYING THE EXECUTION OF THE GRANT AGREEMENTS FOR PROJECT  
NUMBER 3-37-0012-62 BETWEEN THE DEPARTMENT OF TRANSPORTATION'S  
FEDERAL AVIATION ADMINISTRATION AND THE CITY  
OF CHARLOTTE, NORTH CAROLINA

BE IT RESOLVED, by the \_\_\_\_\_ CITY COUNCIL \_\_\_\_\_ of  
THE CITY OF CHARLOTTE, NORTH CAROLINA

SECTION 1. That said City Council hereby  
authorizes, adopts, approves, accepts and ratifies the execution  
of a Grant Agreement with the Department of Transportation's  
Federal Aviation Administration 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 \_\_\_\_\_;  
City Clerk is hereby authorized, adopted, approved,  
accepted and ratified.

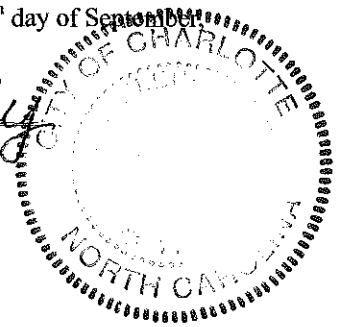
SECTION 3. That the \_\_\_\_\_ Aviation Director is  
hereby authorized to execute payment requests under these Grant  
Agreements on behalf of said City of Charlotte.

**CERTIFICATION**

I, 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 13<sup>th</sup> day September, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Pages (700-701).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16<sup>th</sup> day of September, 2010.

  
Stephanie C. Kelly, CMC, City Clerk



**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:

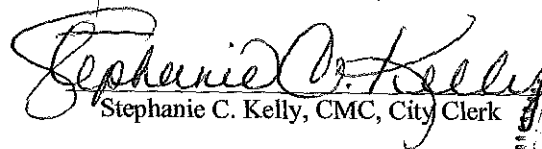
1. The City-County Tax Collector has collected property taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time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

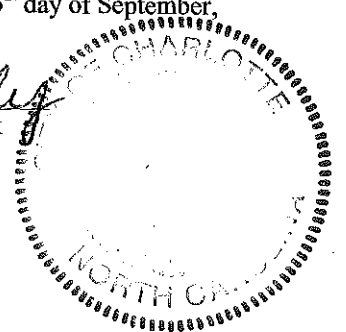
NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 13th day of September, 2010 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and 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 13<sup>th</sup> day September, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Pages (702-703).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16<sup>th</sup> day of September, 2010.

  
Stephanie C. Kelly, CMC, City Clerk



TAXPAYERS AND REFUNDS REQUESTED  
(Clerical Error)

<u>NAME</u>	<u>AMOUNT</u>
BLACKHAWK MANAGEMENT LLC	\$ 103.76
PAIR-A-DICE TRAVEL INC	1,104.61
PERIMETER WOODS RETAIL SAE LLC	2,541.56
MCCULLOUGH, WILLIE	38.34
PERIMETER WOODS RETAIL SAE LLC	6,436.90
BULLARD, TAMALA	278.84
BAC TAX SERVICES CORPORATION	157.76
SHEETS, JAMES MICHAEL	23.37
COUNTRYWIDE TAX SERVICE CORP	275.71
PEAK, THOMAS W	31.19
FITZHUGH, ANN M	227.01
WHELAN, BRIAN DANIEL	603.64
SELECTIVE MARKETING COMMUNICATIONS INC	156.94
LEWELLYN, FRANK	151.36
TOTAL	<u>\$ 12,130.99</u>

**RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE Emery Street, a portion of N. Church Street, and an alleyway off of Ashby Street in the City of Charlotte, Mecklenburg County, North Carolina**

Whereas, **Cutter Family Properties, LLC** has filed a petition to close **Emery Street, a portion of N. Church Street, and an alleyway off of Ashby Street** in the City of Charlotte; and

Whereas, Emery Street, a portion of N. Church Street, and an alleyway off of Ashby Street lie within the Lockwood Community; North Church Street is a varying right-of-way beginning at Ashby Street and continuing approximately 400 feet westward and turning southward for an additional 300 feet to its terminus at Emery Street and consisting of 16,446 square feet, and Emery Street is a 25-foot wide right-of-way beginning at its intersecting point with N. Church Street and continuing approximately 300 feet south to its terminus at Ashby Street and consisting of 8,679 square feet, and an alleyway off of Ashby Street is an 8-foot wide right-of-way beginning at Ashby Street and continuing approximately 150 feet to its terminus and consisting of 1,214 square feet, as shown in the maps marked "Exhibits A-1, A-2, and A-3" and is more particularly described by metes and bounds in the document marked "Exhibit B" all of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina; and

Whereas, the procedure for closing streets and alleys as outlined in G.S. §160A-299, requires that City Council first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said statute further requires that the resolution shall be published once a week for two successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley.

Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of September 13, 2010, that it intends to close Emery Street, a portion of N. Church Street, and an alleyway off of Ashby Street and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 11<sup>th</sup> day of October 2010, in CMGC meeting chamber, 600 East 4<sup>th</sup> Street, Charlotte, North Carolina.

The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing as required by G.S. §160A-299.

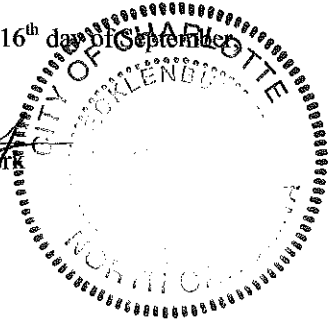
September 13, 2010  
Resolution Book 42, Page 705

**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 13<sup>th</sup> day September, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Pages (704-705).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16<sup>th</sup> day of September 2010.

  
Stephanie C. Kelly, CMC, City Clerk



September 13, 2010  
Resolution Book 42, Page 706

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 **REA ROAD WIDENING/IMPROVEMENTS 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 **REA ROAD WIDENING/IMPROVEMENTS PROJECT** and estimated to be approximately **5,303 square feet (.122 acre) of storm drainage 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 Nos.: 211-253-53, 211-253-54 and 211-253-93, said property currently owned by **AMHERST GREEN TOWNHOME ASSOCIATION, INC.**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

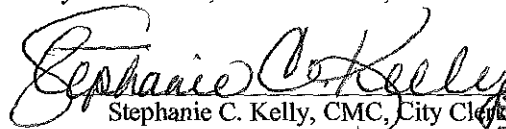
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

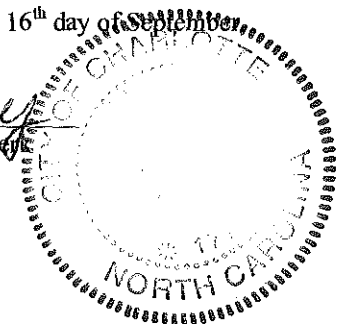
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

CERTIFICATION

I, 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 13<sup>th</sup> day September, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Page 706.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16<sup>th</sup> day of September 2010.

  
Stephanie C. Kelly, CMC, City Clerk



September 13, 2010  
Resolution Book 42, Page 707

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 **REA ROAD WIDENING/IMPROVEMENTS 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 **REA ROAD WIDENING/IMPROVEMENTS PROJECT** and estimated to be approximately **7,664 square feet (.176 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: 211-532-07, said property currently owned by **JAMES C. DUTTON, JR. and wife, ELIZABETH J. DUTTON; TRSTE, INC., Trustee; WELLS FARGO BANK, N. A., Assignee/Beneficiary**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

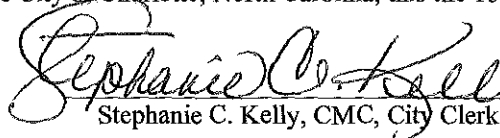
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

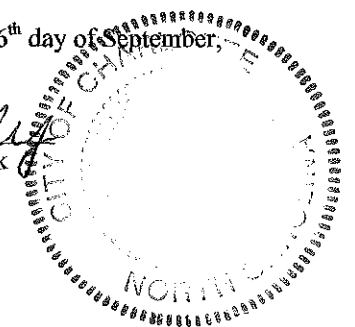
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

CERTIFICATION

I, 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 13<sup>th</sup> day September, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Page 707.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16<sup>th</sup> day of September, 2010.

  
Stephanie C. Kelly, CMC, City Clerk





A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS  
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **REA ROAD WIDENING/IMPROVEMENTS 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 **REA ROAD WIDENING/IMPROVEMENTS PROJECT** and estimated to be approximately **7,403 square feet (.170 acre) of fee-simple area, storm drainage easement, temporary road 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: 211-235-08, said property currently owned by **JEFFERY L. WALKER and wife, EMILY BLANCHARD WALKER**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

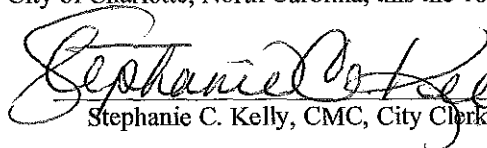
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

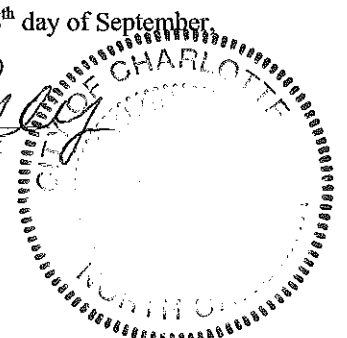
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

CERTIFICATION

I, 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 13<sup>th</sup> day September, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Page 708.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16<sup>th</sup> day of September, 2010.

  
Stephanie C. Kelly, CMC, City Clerk



September 13, 2010  
Resolution Book 42, Page 709

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 **REA ROAD WIDENING/IMPROVEMENTS 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 **REA ROAD WIDENING/IMPROVEMENTS PROJECT** and estimated to be approximately **40,863 square feet (.938 acre) of fee-simple area, storm drainage easement, slope easement, temporary road 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: 211-235-07, said property currently owned by **ANGUS W. MERCER and wife, JOYCE M. MERCER**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

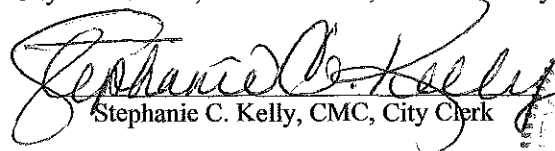
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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, 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 13<sup>th</sup> day September, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Page 709.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16<sup>th</sup> day of September, 2010.

  
Stephanie C. Kelly, CMC, City Clerk

