

RESOLUTION CLOSING MOSS STREET, BENSON STREET, AND PORTIONS OF DEARBORN AVENUE, BADGER COURT, AND HORNE DRIVE IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close a portion of Horne Drive which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close Moss Street, Benson Street, and portions of Dearborn Avenue, Badger Court, and Horne Drive to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

WHEREAS, the petitioner will provide an access easement to Charlotte-Mecklenburg Utilities, Duke Energy, Piedmont Natural Gas, and all other owners of existing underground utilities and telecommunications to maintain their facilities as shown on the attached maps marked Exhibits A-1, A-2, A-3, A-4 and A-5.

WHEREAS, the public hearing was held on the 27th day of September, 2010, and City Council determined that the closing of Moss Street, Benson Street, and portions of Dearborn Avenue, Badger Court, and Horne Drive is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

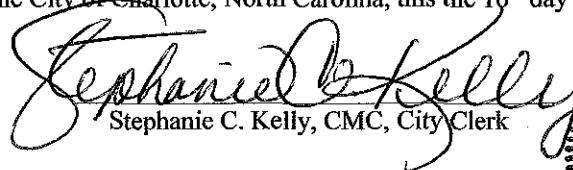
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of September 27, 2010, that the Council hereby orders the closing of Moss Street, Benson Street, and portions of Dearborn Avenue, Badger Court, and Horne Drive in the City of Charlotte Mecklenburg County, North Carolina as shown in the maps marked "Exhibits A-1, A-2, A-3, A-4 and A-5", and is more particularly described by metes and bounds in documents marked "Exhibits B-1, B-2, B-3, B-4, and B-5", both of which are attached hereto and made a part hereof. This action shall be effective on the date that the right-of-way for the proposed turn-around on Dearborn Avenue is conveyed to the City of Charlotte and dedicated as public right-of-way. The abandonment approval shall be void if the above conditions are not met within three years of this date.

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 27th day September, 2010, the reference having been made in Minute Book 131, and recorded in full in Resolution Book 42, Pages (710-720).

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


Stephanie C. Kelly, CMC, City Clerk

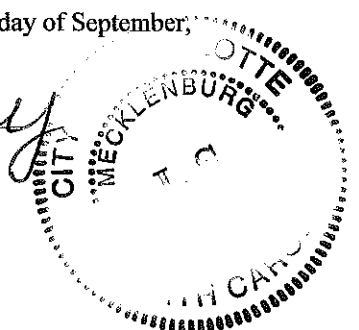
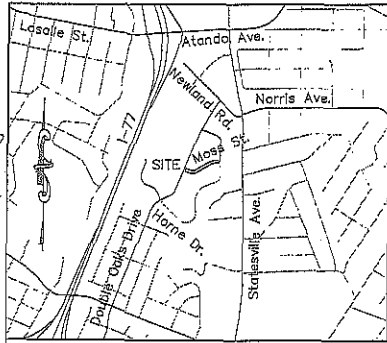


Exhibit A-1 Resolution Book 42, Page 711

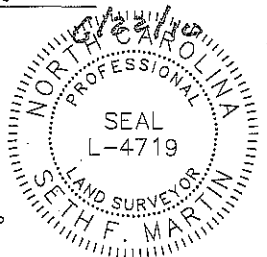
September 27, 2010



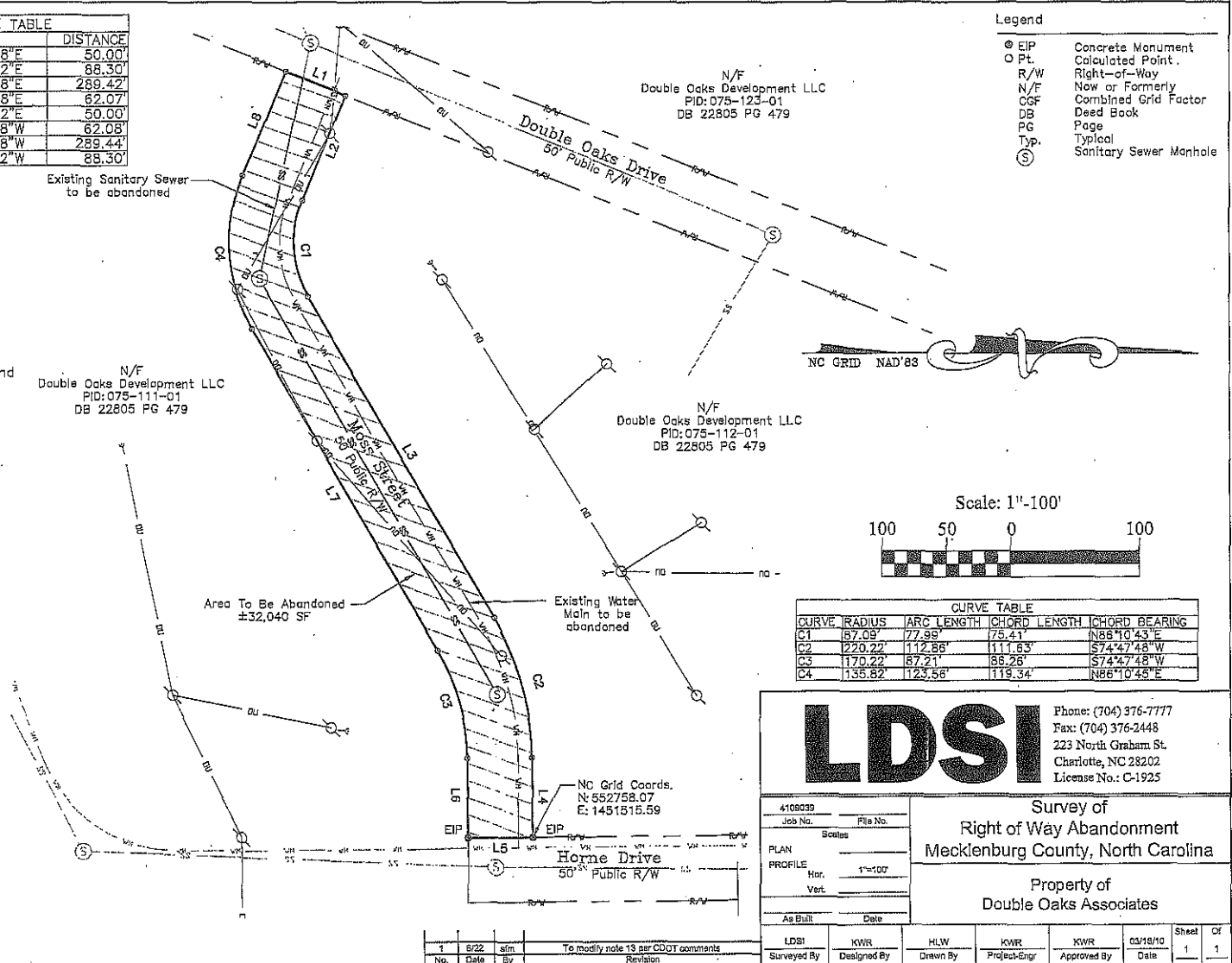
LINE	BEARING	DISTANCE
L1	N22°14'28"E	50.00'
L2	S67°45'32"E	86.30'
L3	N60°07'08"E	289.42'
L4	N89°28'28"E	62.07'
L5	S00°31'32"E	50.00'
L6	S89°28'28"W	62.08'
L7	S60°07'08"W	289.44'
L8	N67°45'32"W	86.30'

I, Seth F. Martin, certify that this map was drawn from an actual survey made under my supervision. The ratio of precision as calculated is 1/10,000+. I hereby affix my hand and seal this 22nd day of June, 2010.

Seth F. Martin
Seth F. Martin L-4719

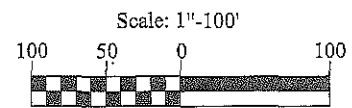


- Notes:
1. Deed Reference(s) - See Map
 2. Tax Parcel ID - See Map
 3. Current Owner - See Map
 4. All bearings are NC Grid bearings.
 5. All distances are shown horizontal.
 6. Grid dist. = Horizontal dist. x Combined Grid Factor (0.9998706)
 7. Area to be Abandoned - ±32,040 Square Feet
 8. Areas have been determined by coordinate computation.
 9. Iron pins (#5 Rebar) or other monumentation (as shown) found or set at all property corners.
 10. This survey was performed without benefit of a Title Commitment Report. LandDesign Surveying, Inc. does not claim that all matters of record which may affect the subject property are shown hereon.
 11. The North Carolina Grid Coordinates shown on this map were derived by GPS observations using Trimble R8 receivers, and the North Carolina RTK Net System, all coordinates are NSRS 2007.
 12. Boundary information obtained from survey by NorStar Land Surveying, Inc. dated April 2, 2007.
 13. Easement in favor of Charlotte-Mecklenburg Utilities, Duke Energy, Piedmont Natural Gas, 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 water lines, sanitary sewer lines, conduit, cable, wires, gas lines and related equipment.



Legend

⊙ EIP	Concrete Monument
○ Pt.	Calculated Point
R/W	Right-of-Way
N/F	Now or Formerly
CGF	Combined Grid Factor
DB	Deed Book
PG	Page
Typ.	Typical
⊙	Sanitary Sewer Manhole



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	87.09'	77.89'	75.41'	N88°10'43"E
C2	120.22'	112.86'	111.63'	S74°47'48"W
C3	170.22'	67.21'	86.26'	S74°47'48"W
C4	135.82'	123.56'	119.34'	N86°10'43"E



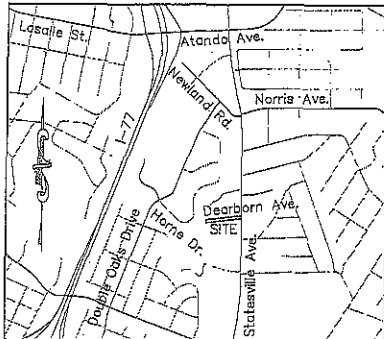
Phone: (704) 376-7777
Fax: (704) 376-2448
223 North Graham St.
Charlotte, NC 28202
License No.: C-1925

4105039 Job No.		File No.		Survey of Right of Way Abandonment Mecklenburg County, North Carolina			
PLAN PROFILE		Scale: Hor. 1"=100' Vert.					
As Built		Date		03/18/10			
LDSI Surveyed By	KWR Designed By	HLW Drawn By	KWR Project-Eng	KWR Approved By	03/18/10 Date	Sheet 1	Of 1

No.	Date	By	Revision
1	9/22	sfm	To modify note 13 per CDOT comments

Exhibit A-2 Resolution Book 42, Page 712

September 27, 2010

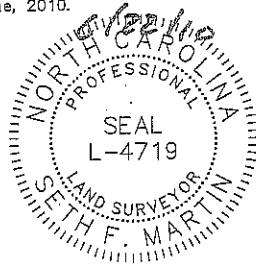


- Legend**
- ⊙ EIP Concrete Monument
 - Pt. Calculated Point
 - R/W Right-of-Way
 - N/F Now or Formerly
 - CGF Combined Grid Factor
 - DB Deed Book
 - PG Page
 - Typ. Typical
 - ⊙ Sanitary Sewer Manhole

LINE TABLE		
LINE	LENGTH	BEARING
L1	31.11	N00°48'03"W
L2	53.38	N84°21'57"E
L3	31.00	S06°18'10"E
L4	56.36	S84°21'57"W

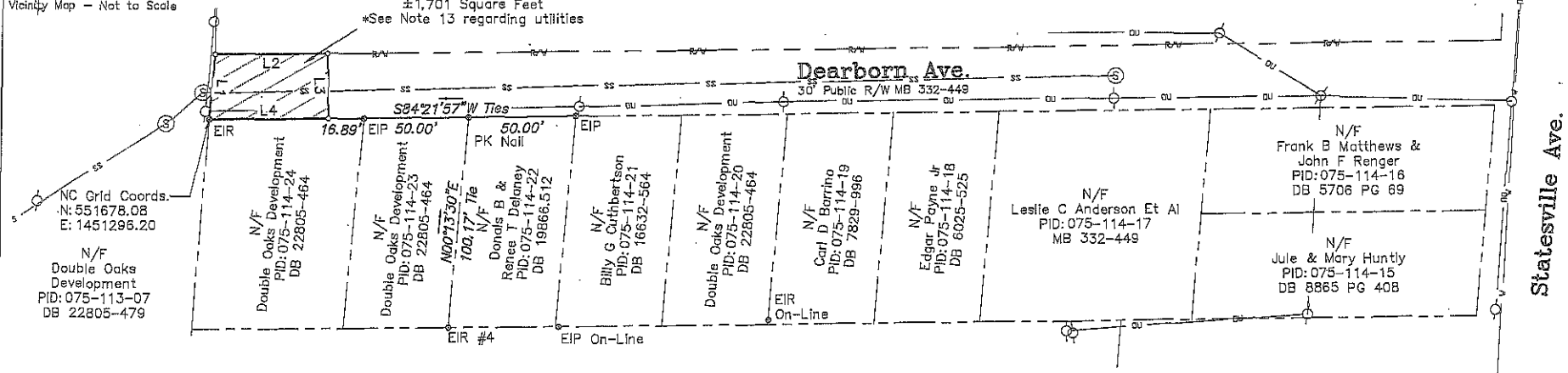
I, Seth F. Martin, certify that this map was drawn from an actual survey made under my supervision. The ratio of precision as calculated is 1/10,000+. I hereby affix my hand and seal this 22nd day of June, 2010.

Seth F. Martin
Seth F. Martin L-4719

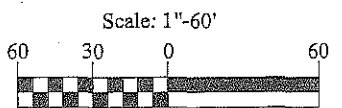


N/F
The Roman Catholic
Diocese of Charlotte
PID: 075-114-25
DB 3387 PG 597
MB M230 PG 180

Area to be Abandoned
±1,701 Square Feet
*See Note 13 regarding utilities



- Notes:**
- Deed Reference(s) - See Map
 - Tax Parcel ID - See Map
 - Current Owner - See Map
 - All bearings are NC Grid bearings.
 - All distances are shown horizontal.
 - Grid dist. = Horizontal dist. x Combined Grid Factor (0.9998708)
 - Area to be Abandoned - ±1,701 Square Feet
 - Areas have been determined by coordinate computation.
 - Iron pins (#5 Rebar) or other monumentation (as shown) found or set at all property corners.
 - This survey was performed without benefit of a Title Commitment Report. LandDesign Surveying, Inc. does not claim that all matters of record which may affect the subject property are shown hereon.
 - The North Carolina Grid Coordinates shown on this map were derived by GPS observations using Trimble RB receivers, and the North Carolina RTK Net System, all coordinates are NSRS 2007.
 - Boundary information obtained from survey by NorStar Land Surveying, Inc. dated April 2, 2007.
 - Easement in favor of Charlotte-Mecklenburg Utilities, Duke Energy, Piedmont Natural Gas, 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 water lines, sanitary sewer lines, conduit, cable, wires, gas lines and related equipment.



LDSI

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License No.: C-1925

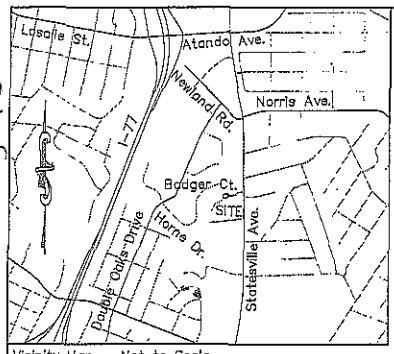
Survey of
Right of Way Abandonment
Mecklenburg County, North Carolina

Property of
Double Oaks Associates

4109039	File No.						
PLAN	Scales						
PROFILE	Hor. 1"=80'						
	Vert.						
As Built	Date						
LDSI	KWR	HLW	KWR	KWR	03/18/10	Sheet	Of
Surveyed By	Designed By	Drawn By	Project-Eng	Approved By	Date	1	1

Exhibit A-3 Resolution Book 48, Page 713

September 27, 2010

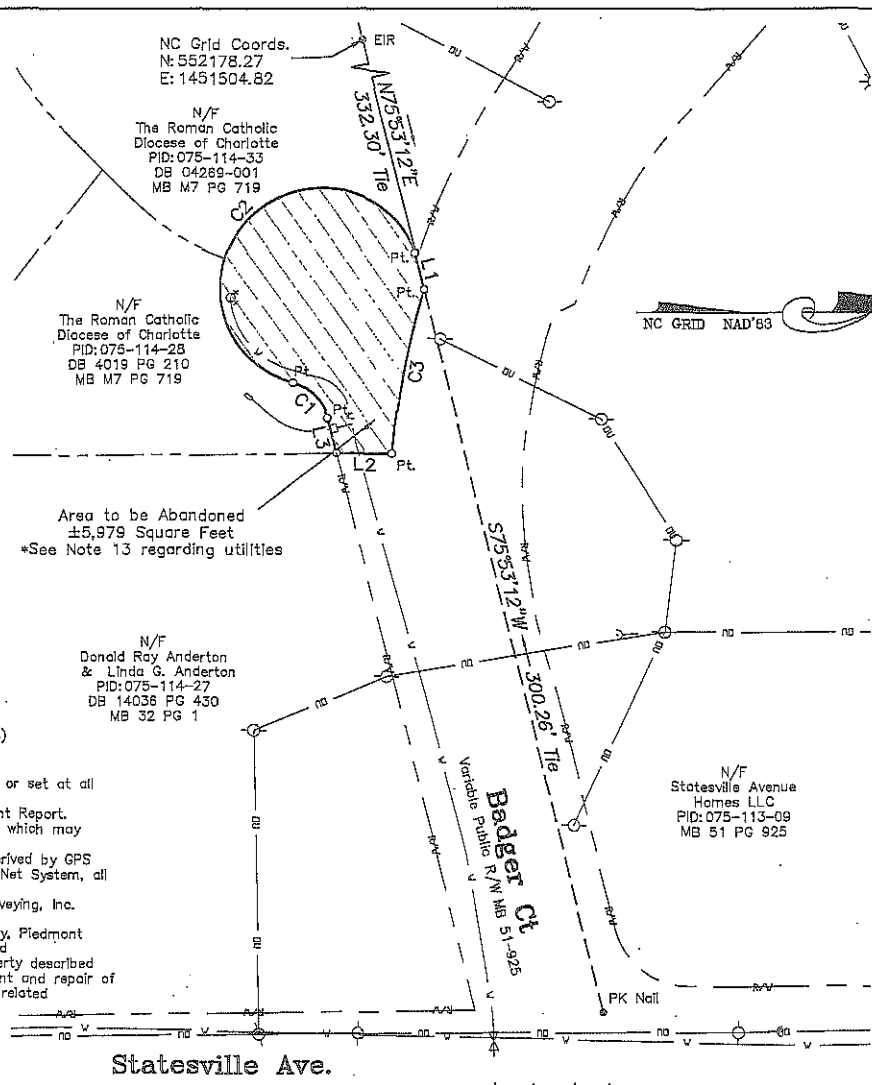


Vicinity Map - Not to Scale

Legend

⊙ EIP	Concrete Monument
○ Pt.	Calculated Point
R/W	Right-of-Way
N/F	Now or Formerly
CGF	Combined Grid Factor
DB	Deed Book
PG	Page
Typ.	Typical
⊙	Sanitary Sewer Manhole

- Notes:**
1. Deed Reference(s) - See Map
 2. Tax Parcel ID - See Map
 3. Current Owner - See Map
 4. All bearings are NC Grid bearings.
 5. All distances are shown horizontal.
 6. Grid dist. = Horizontal dist. x Combined Grid Factor (0.998708)
 7. Area to be Abandoned - ±5,979 Square Feet
 8. Areas have been determined by coordinate computation.
 9. Iron pins (#5 Rebar) or other monumentation (as shown) found or set at all property corners.
 10. This survey was performed without benefit of a Title Commitment Report. LandDesign Surveying, Inc. does not claim that all matters of record which may affect the subject property are shown hereon.
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NC Grid Coords.
N: 552178.27
E: 1451504.82

N/F
The Roman Catholic
Diocese of Charlotte
PID: 075-114-33
DB 04289-001
MB M7 PG 719

N/F
The Roman Catholic
Diocese of Charlotte
PID: 075-114-28
DB 4019 PG 210
MB M7 PG 719

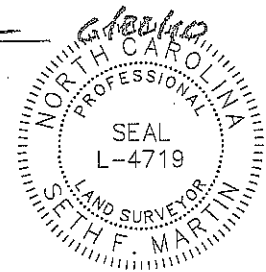
Area to be Abandoned
±5,979 Square Feet
*See Note 13 regarding utilities

N/F
Donald Ray Anderton
& Linda G. Anderton
PID: 075-114-27
DB 14036 PG 430
MB 32 PG 1

NC GRID NAD'83

I, Seth F. Martin, certify that this map was drawn from an actual survey made under my supervision. The ratio of precision as calculated is 1/10,000+. I hereby affix my hand and seal this 22nd day of June, 2010.

Seth F. Martin
Seth F. Martin L-4719

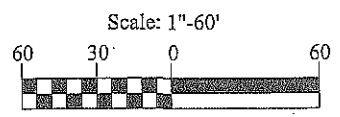


CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	20.94	20.00	20.00	S45°53'17"W
C2	162.77	40.00	71.55	S47°07'20"E
C3	67.54	316.50	67.42	S79°13'58"E

LINE TABLE

LINE	LENGTH	BEARING
L1	15.20	N75°53'12"E
L2	22.26	S00°27'55"E
L2	14.81	S75°53'12"W



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Survey of
Right of Way Abandonment
Mecklenburg County, North Carolina

Property of
Double Oaks Associates

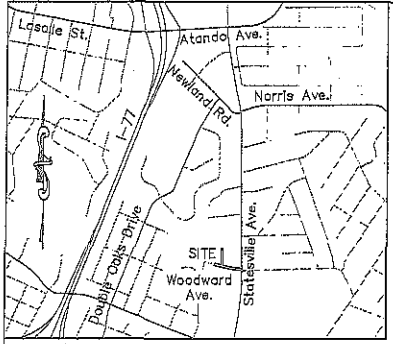
4109039		Job No.		File No.	
PLAN		Scales			
PROFILE		Hor.		1"=60'	
		Vert.			
As Built		Date			
LDSI	KWR	HLW	KWR	KWR	03/18/10
Surveyed By	Designed By	Drawn By	Project-Engr	Approved By	Date

1	6/22	sfm	To modify note 13 per CDOT comments
No.	Date	By	Revision

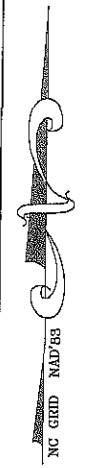
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No.	Date	By	Revision

Exhibit A-4 Resolution Book 42 Page 714

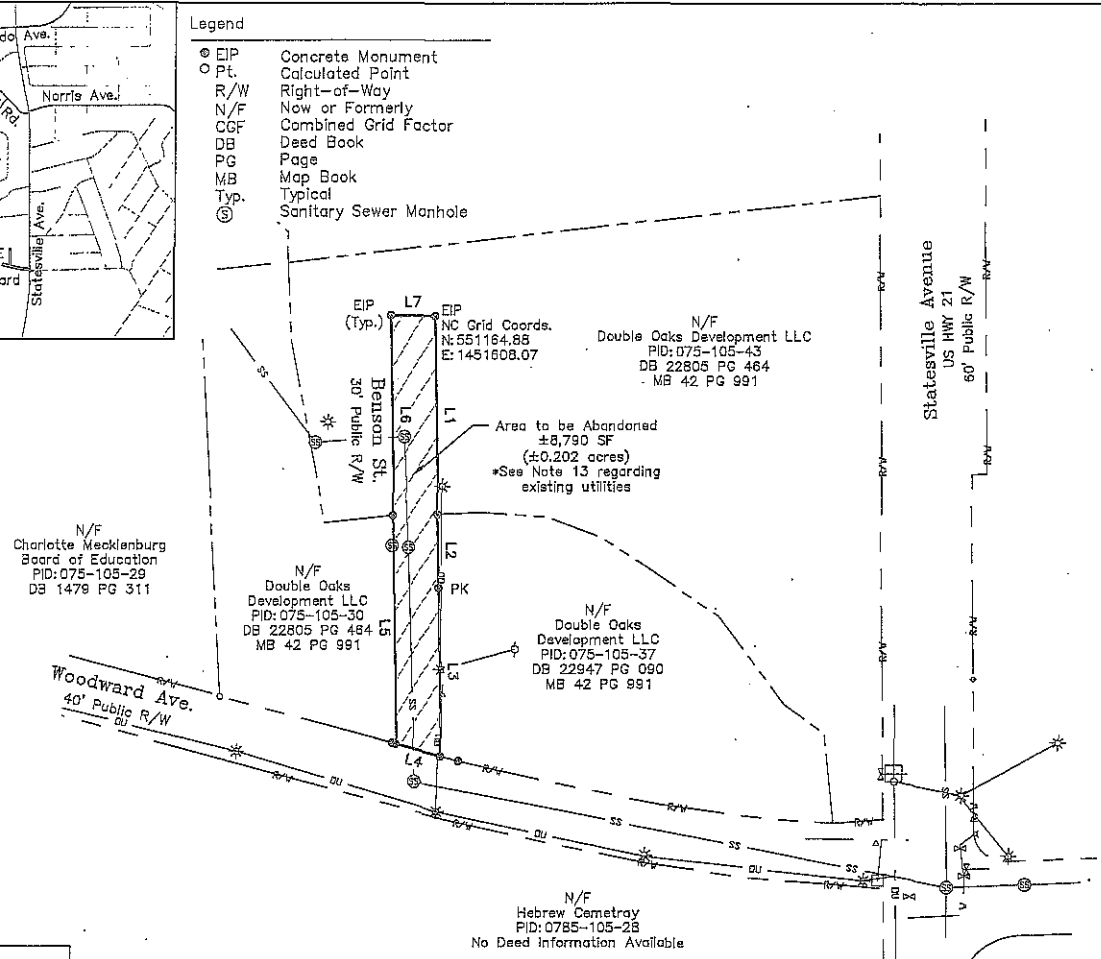
September 27, 2010



Vicinity Map - Not to Scale



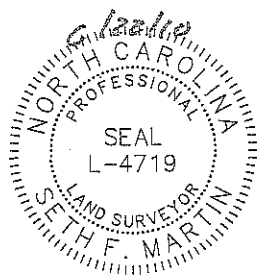
- Legend**
- EIP Concrete Monument
 - Pt. Calculated Point
 - R/W Right-of-Way
 - N/F Now or Formerly
 - CGF Combined Grid Factor
 - DB Deed Book
 - PG Page
 - MB Map Book
 - Typ. Typical
 - Ⓢ Sanitary Sewer Manhole



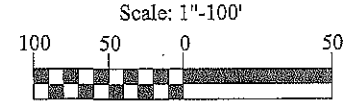
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°59'37"E	133.70
L2	S00°59'37"E	49.88
L3	S00°59'37"E	113.29
L4	N75°13'16"W	31.17
L5	N00°59'37"W	154.10
L6	N00°59'37"W	134.92
L7	S89°59'36"E	30.00

I, Seth F. Martin, certify that this map was drawn from an actual survey made under my supervision. The ratio of precision as calculated is 1/10,000+. I hereby affix my hand and seal this 22nd day of June, 2010.

Seth F. Martin
 Seth F. Martin L-4719



- Notes:**
1. Deed Reference(s) - See Map
 2. Tax Parcel ID - See Map
 3. Current Owner - See Map
 4. All bearings are NC Grid bearings.
 5. All distances are shown horizontal.
 6. Grid dist. = Horizontal dist. x Combined Grid Factor (0.9998708)
 7. Total Area to be Abandoned - ±8,790 Square Feet (±0.202 Acres)
 8. Areas have been determined by coordinate computation.
 9. Iron pins (#5 Rebar) or other monumentation (as shown) found or set at all property corners.
 10. This survey was performed without benefit of a Title Commitment Report. LandDesign Surveying, Inc. does not claim that all matters of record which may affect the subject property are shown hereon.
 11. The North Carolina Grid Coordinates shown on this map were derived by GPS observations using Trimble R8 receivers, and the North Carolina RTK Net System, all coordinates are NSRS 2007.
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LDSI

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Survey of
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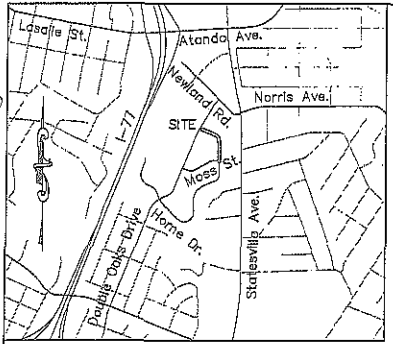
Property of
 Double Oaks Associates

4108039	Job No.	File No.
PLAN	Scales	
PROFILE	Hor. 1"=100'	
	Vert.	
As Built	Data	
LDSI Surveyed By	KWR Designed By	HLW Drawn By
	KWR Project-Engr	KWR Approved By
	03/18/10 Date	Sheet 1 of 1

1	8/22	sfm	To modify note 13 per CDOT comments
No.	Date	By	Revision

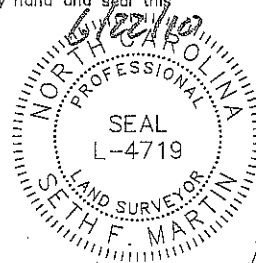
Exhibit A-5 Resolution Book 42, Page 715

September 27, 2010



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Seth F. Martin
Seth F. Martin L-4719



- Legend**
- ⊙ EIP Concrete Monument
 - Pt. Calculated Point
 - R/W Right-of-Way
 - N/F Now or Formerly
 - CGF Combined Grid Factor
 - DB Deed Book
 - PG Page
 - Typ. Typical
 - ⊕ Sanitary Sewer Manhole

N/F
Double Oaks Development LLC
PID: 075-111-01
DB 22805 PG 479

N/F
Double Oaks Development LLC
PID: 075-112-01
DB 22805 PG 479

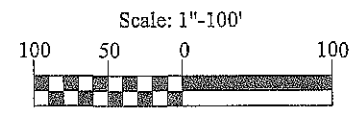
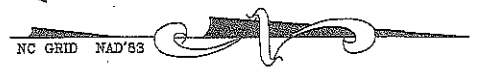
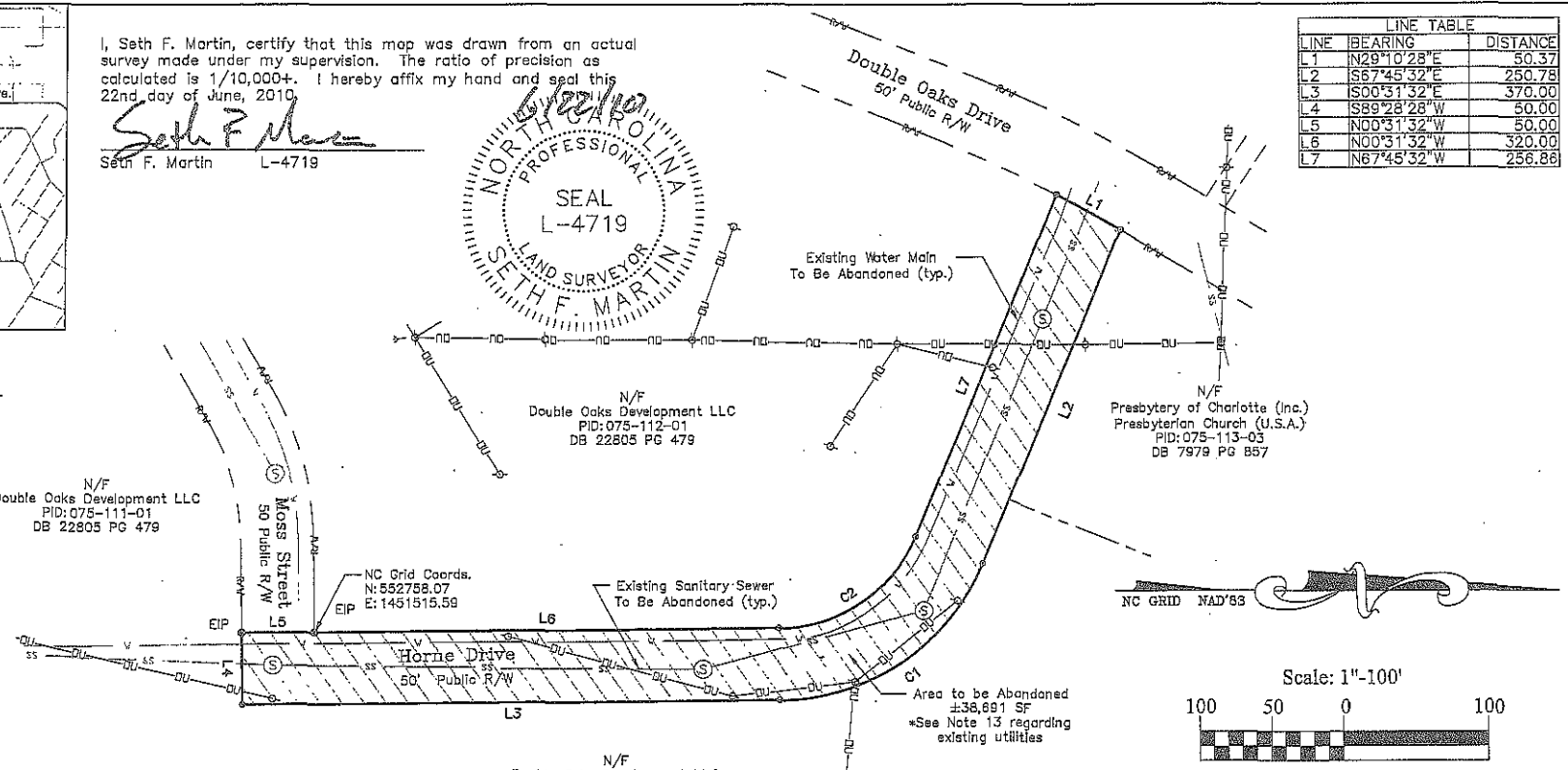
N/F
Presbyterian Church (U.S.A.)
PID: 075-113-03
DB 7979 PG 857

NC Grid Coords.
N: 552758.07
E: 1451515.59

N/F
Double Oaks Development LLC
PID: 075-113-04
DB 22805 PG 479

- Notes:**
- Dead Reference(s) - See Map
 - Tax Parcel ID - See Map
 - Current Owner - See Map
 - All bearings are NC Grid bearings.
 - All distances are shown horizontal.
 - Grid dist. = Horizontal dist. x Combined Grid Factor (0.9998708)
 - Area to be Abandoned - ±38,691 Square Feet
 - Areas have been determined by coordinate computation.
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LINE TABLE		
LINE	BEARING	DISTANCE
L1	N29°10'28"E	50.37
L2	S67°45'32"E	250.78
L3	S00°31'32"E	370.00
L4	S89°28'28"W	50.00
L5	N00°31'32"W	50.00
L6	N00°31'32"W	320.00
L7	N67°45'32"W	256.86



CURVE TABLE			
CURVE	RADIUS	ARC LENGTH	CHORD BEARING
C1	152.83	179.34	N34°08'30"W
C2	102.83	120.67	N34°08'30"W

LDSI

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Right of Way Abandonment
Mecklenburg County, North Carolina**

**Property of
Double Oaks Associates**

4108039 Job No.	File No.
PLAN PROFILE	Scale 1"=100'
As Built	Date
LDSI Surveyed By	KWR Designed By
HLW Drawn By	KWR Project-Engr
KWR Approved By	09/18/10 Date
Sheet 1	Of 1

1	6/22	sfm	To modify note 13 per CDDOT comments
No.	Date	By	Revision

Exhibit B-1

Abandonment Area A-1 Description

BEGINNING at an existing iron pin having North Carolina grid coordinates of N:552758.07 E:1451515.59 being the southeastern corner of Double Oaks Development, LLC (PID:075-112-01), now or formerly, as described in Deed Book 22805, page 479 of the Mecklenburg County Register of Deeds, also marking the western right of way of Horne Drive; THENCE with a new line South 00 degrees 31 minutes 32 seconds East for a distance of 50.00 feet to an existing iron pin; THENCE with the lines of Double Oaks Development, LLC (PID:075-111-01), now or formerly, as described in Deed Book 22805, page 479 the following five (5) courses and distances: 1) South 89 degrees 28 minutes 28 seconds West for a distance of 62.08 feet to a point; 2) THENCE along a curve to the left having a radius of 170.22 feet and an arc length of 87.21 feet, being subtended by a chord bearing of South 74 degrees 47 minutes 48 seconds West a distance of 86.26 feet to a point; 3) THENCE South 60 degrees 07 minutes 08 seconds West for a distance of 289.44 feet to a point; 4) THENCE along a curve to the right having a radius of 135.82 feet and an arc length of 123.56 feet, being subtended by a chord bearing of South 86 degrees 10 minutes 45 seconds West a distance of 119.34 feet to a point; 5) THENCE North 67 degrees 45 minutes 32 seconds West for a distance of 88.30 feet to a point marking the eastern right of way of Double Oaks Drive; THENCE with a new line North 22 degrees 14 minutes 28 seconds East for a distance of 50.00 feet to a point at the southwestern corner of Double Oaks Development, LLC (PID:075-112-01), now or formerly, as described in Deed Book 22805, page 479; THENCE with the lines of Double Oaks Development, LLC the following five (5) courses and distances: 1) South 67 degrees 45 minutes 32 seconds East for a distance of 88.30 feet to a point; 2) THENCE along a curve to the left having a radius of 87.09 feet and an arc length of 77.99 feet, being subtended by a chord bearing of North 86 degrees 10 minutes 43 seconds East a distance of 75.41 feet to a point; 3) THENCE North 60 degrees 07 minutes 08 seconds East for a distance of 289.42 feet to a point; 4) THENCE along a curve to the right having a radius of 220.22 feet and an arc length of 112.86 feet, being subtended by a chord bearing of North 74 degrees 47 minutes 48 seconds East a distance of 111.63 feet to a point; 5) THENCE North 89 degrees 28 minutes 28 seconds East for a distance of 62.07 feet to the POINT OF BEGINNING, having an area of 32,040 Square Feet (0.736 Acres), more or less.

EXHIBIT B-2

Abandonment Area A-2 Description

BEGINNING at an existing iron rebar, having North Carolina Grid Coordinates of N:551678.08 E:1451296.20 and marking the northwest corner of Double Oaks Development (PID:075-114-24), now or formerly, as described in Deed Book 22805, page 464 of the Mecklenburg County Register of Deeds; THENCE with the eastern line of Double Oaks Development (PID:075-113-07), now or formerly, as described in Deed Book 22805, page 479, North 00 degrees 48 minutes 03 seconds West for a distance of 31.11 feet to a point, the southwestern corner of The Roman Catholic Diocese of Charlotte (PID:075-114-25), now or formerly, as described in Deed Book 3387, page 597; THENCE with the southern line of the aforementioned Roman Catholic Diocese of Charlotte North 84 degrees 21 minutes 57 seconds East for a distance of 53.38 feet to a point; THENCE with a new line South 06 degrees 18 minutes 10 seconds East for a distance of 31.00 feet to a point on the northern line of the aforementioned Double Oaks Development (PID:075-113-07), said point being located South 84 degrees 21 minutes 57 seconds West from an existing iron pin, the northwestern corner of Double Oaks Development (PID:075-114-23), now or formerly, as described in Deed Book 22805, page 464; THENCE with the northern line of Double Oaks Development (PID:075-113-07) South 84 degrees 21 minutes 57 seconds West for a distance of 56.36 feet to the POINT OF BEGINNING, having an area of 1,701 Square Feet (0.039 Acres), more or less.

EXHIBIT B-3

Abandonment Area A-3 Description

COMMENCING at an existing iron rebar having North Carolina Grid Coordinates of N:552178.27 E:1451504.82, THENCE with the northern line of The Roman Catholic Diocese of Charlotte (PID:075-114-33), now or formerly, as described in Deed Book 4269, page 1 of the Mecklenburg County Register of Deeds, North 75 degrees 53 minutes 12 seconds East for a distance of 332.30 feet to a point marking the new southern right of way of Badger Court, as shown on Map Book 51 page 925, the POINT OF BEGINNING; THENCE along the variable width right of way of Badger Court, North 75 degrees 53 minutes 12 seconds East for a distance of 15.20 feet to a point, said point being located South 75 degrees 53 minutes 12 seconds West a distance of 300.26 feet from a PK Nail found within the existing right of way of Badger Court at the western margin of Statesville Avenue; THENCE continuing along the right of way of Badger Court along a curve to the left having a radius of 316.50 feet and an arc length of 67.54 feet, and being subtended by a chord bearing of South 79 degrees 13 minutes 58 seconds East a distance of 67.42 feet to a point; THENCE South 00 degrees 27 minutes 55 seconds East for a distance of 22.26 feet to a point at the northwestern corner of Donald R and Linda G Anderton (PID:075-114-27), now or formerly, as described in Deed Book 14036, page 430; THENCE with the lines of The Roman Catholic Diocese of Charlotte (PIDs:075-114-28 & 075-114-33), as described in Deed Book 4019, page 210 and Deed Book 4269, page 1 the following three (3) courses and distances: 1) South 75 degrees 53 minutes 12 seconds West for a distance of 14.81 feet to a point; 2) THENCE along a curve to the left having a radius of 20.00 feet and an arc length of 20.94 feet, and being subtended by a chord bearing of South 45 degrees 53 minutes 17 seconds West a distance of 20.00 feet to a point; 3) THENCE along a curve to the right having a radius of 40.00 feet and an arc length of 162.77 feet, and being subtended by a chord bearing of North 47 degrees 07 minutes 20 seconds West a distance of 71.55 feet to the POINT OF BEGINNING, having an area of 5,979 Square Feet (0.137 Acres), more or less.

EXHIBIT B-4

Abandonment Area A-4 Description

BEGINNING at an existing iron pin, having North Carolina grid coordinates of N:551164.88 E:1451608.07 and lying within the property of Double Oaks Development, LLC (PID:075-105-43), now or formerly, as described in Deed Book 22805, page 464 of the Mecklenburg County Register of Deeds; THENCE South 00 degrees 59 minutes 37 seconds East for a distance of 133.70 feet to an existing iron pin in the line of Double Oaks Development, LLC (PID:075-105-37), now or formerly, as described in Deed Book 22947, page 90; THENCE South 00 degrees 59 minutes 37 seconds East for a distance of 49.98 feet to a PK Nail; THENCE South 00 degrees 59 minutes 37 seconds East for a distance of 113.29 feet to an existing iron pin marking the northern right of way of Woodward Avenue; THENCE along the right of way of Woodward Avenue North 75 degrees 13 minutes 16 seconds West for a distance of 31.17 feet to an existing iron pin in the line of Double Oaks Development, LLC (PID:075-105-30), now or formerly, as described in Deed Book 22805, page 464; THENCE North 00 degrees 59 minutes 37 seconds West for a distance of 154.10 feet to an existing iron pin in the line of Double Oaks Development, LLC (PID:075-105-43), now or formerly, as described in Deed Book 22805, page 464; THENCE within the property of Double Oaks Development, LLC North 00 degrees 59 minutes 37 seconds West for a distance of 134.92 feet to an existing iron pin; THENCE South 89 degrees 59 minutes 36 seconds East for a distance of 30.00 feet to the POINT OF BEGINNING, having an area of 8790 Square Feet (0.202 Acres), more or less.

Exhibit B-5

Abandonment Area A-5 Description

BEGINNING at an existing iron pin having North Carolina grid coordinates of N:552758.07 E:1451515.59 being the southeastern corner of Double Oaks Development, LLC (PID:075-112-01), now or formerly, as recorded in Deed Book 22805, page 479 of the Mecklenburg County Register of Deeds, also marking the northern right of way of Moss Street; THENCE with the lines of the aforementioned Double Oaks Development, LLC the following three (3) courses and distances: 1) North 00 degrees 31 minutes 32 seconds West for a distance of 320.00 feet to a point; 2) THENCE along a curve to the left having a radius of 102.83 feet and an arc length of 120.67 feet, and being subtended by a chord bearing of North 34 degrees 08 minutes 30 seconds West a distance of 113.86 feet to a point; 3) THENCE North 67 degrees 45 minutes 32 seconds West for a distance of 256.86 feet to a point marking the eastern right of way of Double Oaks Drive; THENCE with a new line North 29 degrees 10 minutes 28 seconds East for a distance of 50.37 feet to a point at the southwestern corner of the Presbytery of Charlotte (PID:075-113-03), now or formerly, as recorded in Deed Book 7979, page 857; THENCE with the lines of the aforementioned Presbytery of Charlotte and Double Oaks Development, LLC (PID:075-113-04), now or formerly, as recorded in Deed Book 22805, page 479 the following four (4) courses and distances: 1) South 67 degrees 45 minutes 32 seconds East for a distance of 250.78 feet to a point; 2) THENCE along a curve to the right having a radius of 152.83 feet and an arc length of 179.34 feet, and being subtended by a chord bearing of South 34 degrees 08 minutes 30 seconds East a distance of 169.23 feet to a point; 3) THENCE South 00 degrees 31 minutes 32 seconds East for a distance of 370.00 feet to a point; 4) THENCE South 89 degrees 28 minutes 28 seconds West for a distance of 50.00 feet to an existing iron pin marking the southern right of way of Moss Street; THENCE with a new line North 00 degrees 31 minutes 32 seconds West for a distance of 50.00 feet to the POINT OF BEGINNING, having an area of 38,691 Square Feet (0.888 Acres), more or less.

RESOLUTION CLOSING DUNBAR STREET AND A PORTION OF MCNINCH STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close Dunbar Street and a portion of McNinch Street which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close Dunbar Street and a portion of McNinch Street to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S.160A-299; and

WHEREAS, the public hearing was held on the 27th day of September, 2010, and City Council determined that the closing of Dunbar Street and a portion of McNinch Street is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

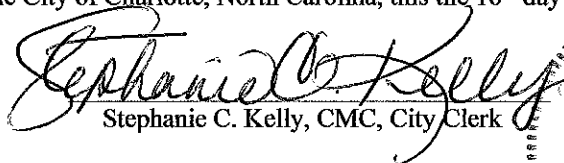
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of September 27, 2010, that the Council hereby orders the closing of Dunbar Street and a portion of McNinch Street in the City of Charlotte Mecklenburg County, North Carolina as shown in the maps marked "Exhibits A-1, A-2, A-3, and A-4", and is more particularly described by metes and bounds in documents marked "Exhibits B-1, B-2, B-3, and B-4", both of which are attached hereto and made a part hereof.

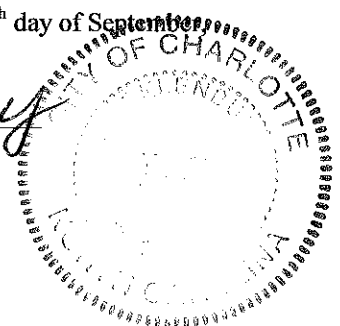
BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

CERTIFICATION

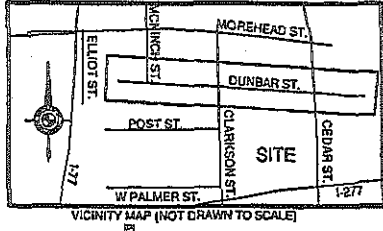
I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the city of Charlotte, North Carolina, in regular session convened on the 27th day September, 2010, the reference having been made in Minute Book 131, and recorded in full in Resolution Book 42, Pages (721-729).

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


Stephanie C. Kelly, CMC, City Clerk

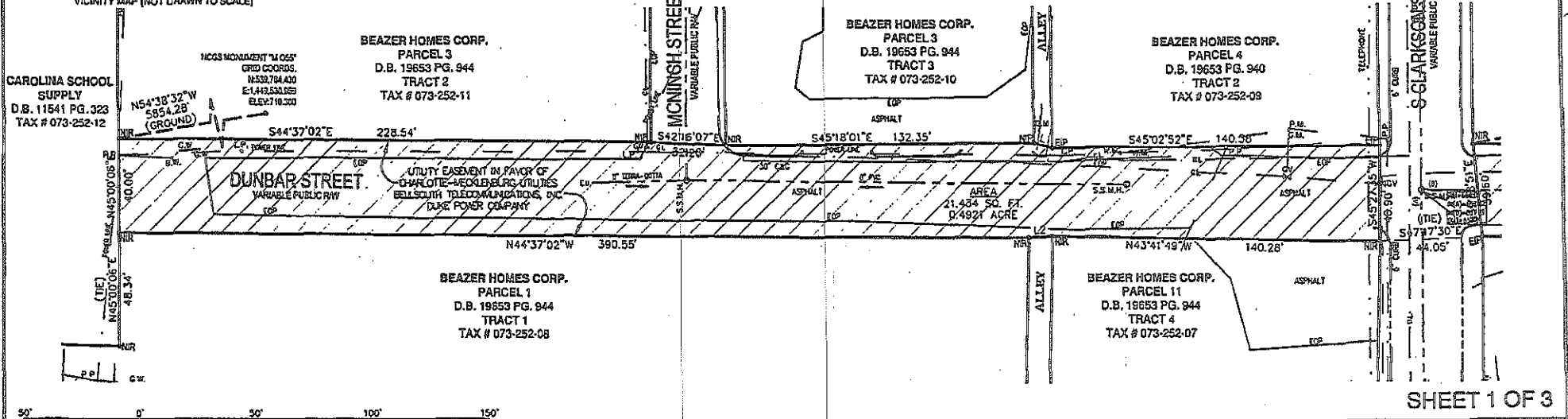
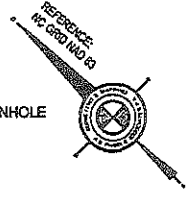


September 27, 2010 Resubmittion Book 42, page 722



- NOTES:**
1. ALL CORNERS MONUMENTED AS SHOWN.
 2. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. R.B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
 3. EASEMENT IN FAVOR OF CHARLOTTE-MECKLENBURG UTILITIES, BELLSOUTH TELECOMMUNICATIONS, INC., DUKE POWER COMPANY AND ALL OTHER OWNERS OF EXISTING UNDERGROUND 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, WATER LINES, SEWER LINES AND RELATED EQUIPMENT.

- LEGEND:**
- C&G - CURB AND GUTTER
 - CL - GAS LINE
 - D.B. - DEED BOOK
 - E.I.P. - EXISTING IRON PIN
 - EOP - EDGE OF PAVEMENT
 - EU - END UNKNOWN
 - GV - GAS VALVE
 - GW - GUY WIRE
 - LP - LIGHT POLE
 - M.B. - MAP BOOK
 - N.I.R. - NEW IRON ROD
 - P/L - PROPERTY LINE
 - PG. - PAGE
 - PP - POWER POLE
 - PVC - POLYVINYL CHLORIDE
 - RAW - RIGHT OF WAY
 - S.S.M.H. - SANITARY SEWER MANHOLE
 - WL - WATER LINE
 - WV - WATER VALVE



CAROLINA SCHOOL SUPPLY
D.B. 11541 PG. 323
TAX # 073-252-12

NGCS MONUMENT "M 055"
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E 1449333.059
ELEV 719.330

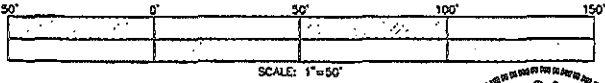
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PARCEL 3
D.B. 19653 PG. 944
TRACT 2
TAX # 073-252-11

BEAZER HOMES CORP.
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D.B. 19653 PG. 944
TRACT 3
TAX # 073-252-10

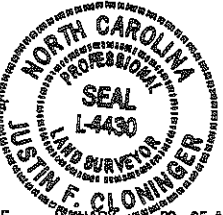
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BEAZER HOMES CORP.
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D.B. 19653 PG. 944
TRACT 1
TAX # 073-252-08

BEAZER HOMES CORP.
PARCEL 11
D.B. 19653 PG. 944
TRACT 4
TAX # 073-252-07



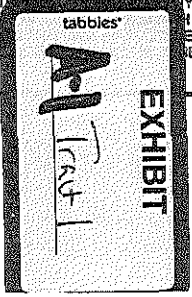
FLOOD CERTIFICATION
THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED FEBRUARY 4, 2004 COMMUNITY PANEL # 370159 0166 E.



LINE TABLE		
LINE	LENGTH	BEARING
L1	7.98	S 29°57'35" E
L2	10.03	N 48°17'22" W

THIS IS TO CERTIFY THAT ON THE 8TH DAY OF JUNE, 2005, AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE AREA THEREON, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR THE STATE OF NORTH CAROLINA, BOARD RULE 1600 (21 NCAC 56) AND THE RATIO OF PRECISION DOES NOT EXCEED ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED FOR 20 SECONDS TIMES THE NUMBER OF ANGLES TURNED.

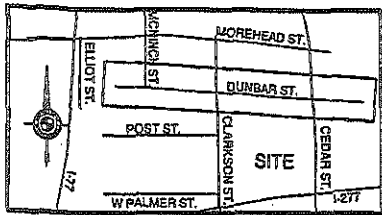
SIGNED: *Justin E. Cloninger*



REVISIONS	ABANDONMENT MAP OF: DUNBAR STREET DEED BOOK: 9101-76; 11274-58; 967-559; 967-561; 230-293 PORTION OF STREET LIES BETWEEN TAX PARCEL #S 073-252-07, 08, 09, 10, 11 MECKLENBURG COUNTY, CITY OF CHARLOTTE, NORTH CAROLINA	
	R.B. PHARR & ASSOCIATES, P.A. SURVEYING & MAPPING 420 HAWTHORNE LANE CHARLOTTE, N.C. 28204 TEL. (704) 376-2186	
CREW: BC/TR	DRAWN: CN	REVISD: SCALE: 1"=50' DATE: JUNE 10, 2005 FILE NO. W-3127 JOB NO. 63700

SHEET 1 OF 3

September 27, 2010
 Resolution Book 42, Page 724



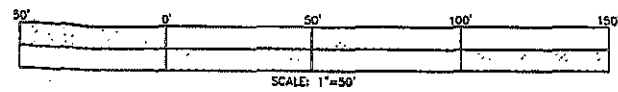
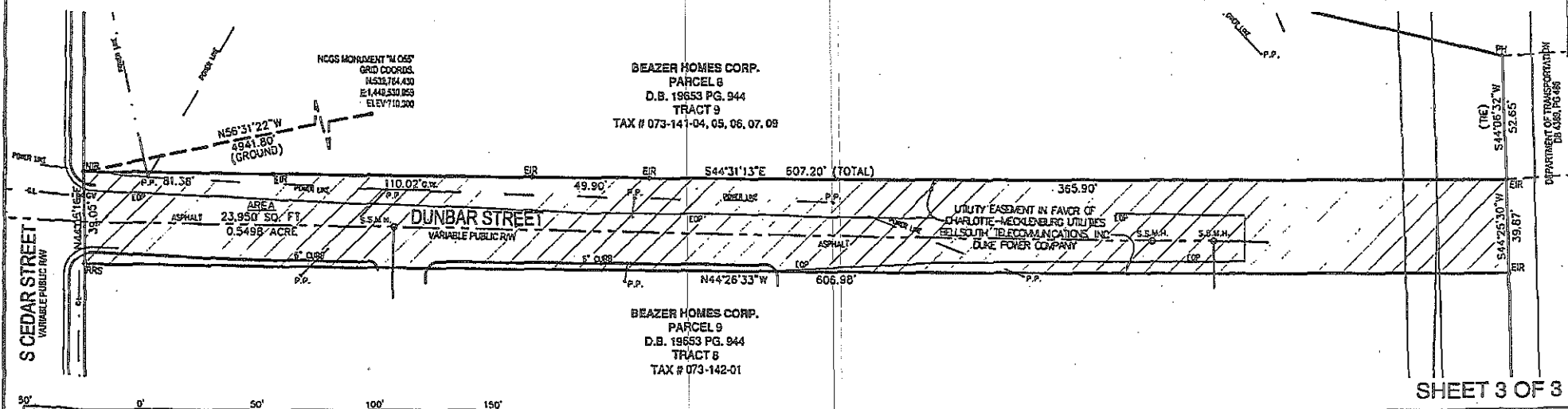
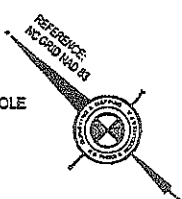
VICINITY MAP (NOT DRAWN TO SCALE)

NOTES:

1. ALL CORNERS MONUMENTED AS SHOWN.
2. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. R.B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
3. EASEMENT IN FAVOR OF CHARLOTTE-MECKLENBURG UTILITIES, BELLSOUTH TELECOMMUNICATIONS, INC., DUKE POWER COMPANY AND ALL OTHER OWNERS OF EXISTING UNDERGROUND 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, WATER LINES, SEWER LINES AND RELATED EQUIPMENT.

LEGEND:

- C&G - CURB AND GUTTER
- CL - GAS LINE
- D.B. - DEED BOOK
- E.I.P. - EXISTING IRON PIN
- EOP - EDGE OF PAVEMENT
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- R/W - RIGHT OF WAY
- S.S.M.H. - SANITARY SEWER MANHOLE
- WL - WATER LINE
- WV - WATER VALVE



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 FEBRUARY 4, 2004 COMMUNITY PANEL # 370159 0186 E.

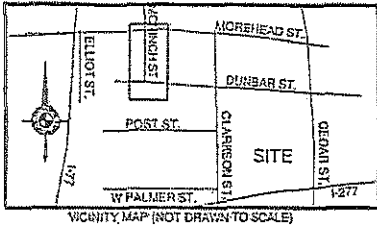


THIS IS TO CERTIFY THAT ON THE 8TH DAY OF JANUARY, 2005 AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS THEREON, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE, 1800 (21 NCAC 56) AND THE RATIO OF PRECISION DOES NOT EXCEED ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE NUMBER OF ANGLES TURNED.

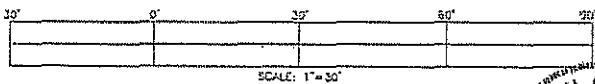
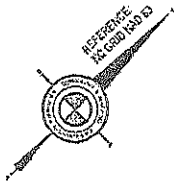
SIGNED: *Justin F. Clowinger*

REVISIONS 6-30-05 CORRECTED AREA		ABANDONMENT MAP OF: DUNBAR STREET DEED BOOK: 9101-76; 11274-58; 967-559; 967-561; 230-293 PORTION OF STREET LIES BETWEEN TAX PARCEL #S 037-141-04, 05, 06, 07, 09 & 073-142-01 MECKLENBURG COUNTY, CITY OF CHARLOTTE, NORTH CAROLINA	
R.B. PHARR & ASSOCIATES, P.A. SURVEYING & MAPPING 420 HAWTHORNE LANE CHARLOTTE, N.C. 28204 TEL (704) 376-2186		FILE NO. W-3127 JOB NO. 63700	SCALE: 1"=50'
CREW: BC/TR	DRAWN: CN	DATE: JUNE 10, 2005	DATE: JUNE 10, 2005

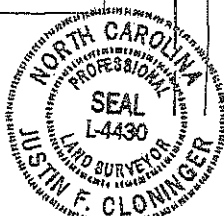




VICINITY MAP (NOT DRAWN TO SCALE)

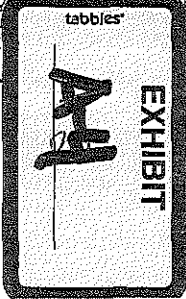


FLOOD CERTIFICATION
 THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED FEBRUARY 4, 2004 COMMUNITY PANEL # 370159 0185 E.



THIS IS TO CERTIFY THAT ON THE 8TH DAY OF JANUARY 2005 AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING AS SET FORTH IN BOARD RULE .1600 (21 NCAC 56) AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF ONE HUNDREDTH OF AN INCH PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE DISTANCE.

SIGNED *Justin F. Clowinger*



NOTES:

- ALL CORNERS MONUMENTED AS SHOWN.
- THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. P.A. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
- THE COMBINED GRID FACTOR FOR THIS SITE IS 0.9994255
- BASEMENT IN FAVOR OF CHARLOTTE-MECKLENBURG UTILITIES, BELLSOUTH TELECOMMUNICATIONS, P.C., DUKE POWER COMPANY AND ALL OTHER OWNERS OF EXISTING UNDERGROUND 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, WATER LINES, SEWER LINES AND RELATED EQUIPMENT.

LEGEND:

- C&G - CURB AND GUTTER
- D.B. - DEED BOOK
- EOP - EDGE OF PAVEMENT
- N.I.R. - NEW IRON ROD
- M.S. - MAP BOOK
- PG. - PAGE
- PL - PROPERTY LINE
- R/W - RIGHT OF WAY

DUNBAR STREET
 VARIABLE PUBLIC R/W
 ASPHALT
 30' C&G
 (CHIEF)
 N45°18'01"W 132.35
 N42°16'07"W 32.20
 N44°37'02"W 228.54

NCGS MONUMENT
 "M 055"
 GRID COORDS.
 N:539,784.430
 E:1,449,530.959
 ELEV:710.300

BEAZER HOMES CORP.
 PARCEL 3
 D.B. 19653 PG. 5M4
 TRACT 2
 TAX # 073-252-11

MCNINCH STREET
 VARIABLE PUBLIC R/W
 4,861 Sq Ft
 0.1116 Ac.
 6" CURB

BEAZER HOMES CORP.
 PARCEL 3
 D.B. 19653 PG. 944
 TRACT 3
 TAX # 073-252-10

N45°22'58"E 152.90

S44°41'59"W 158.30

MOREHEAD STREET
 VARIABLE PUBLIC R/W
 CONG. WALK
 S52°16'39"W 30.56'

UTILITY EASEMENT IN FAVOR OF
 CHARLOTTE-MECKLENBURG UTILITIES
 BELLSOUTH TELECOMMUNICATIONS, INC.
 DUKE POWER COMPANY

REVISIONS		
CREW:	DRAWN:	REVISED:
BC/TR	CN	

SHEET 1 OF 1

**ABANDONMENT MAP OF:
 MCNINCH STREET**

DEED BOOK: 9101-76; 11274-58
 PORTION OF STREET LIES BETWEEN TAX PARCEL #S
 073-252-10 & 11
 MECKLENBURG COUNTY, CITY OF CHARLOTTE, NORTH CAROLINA

**R.B. PHARR & ASSOCIATES, P.A.
 SURVEYING & MAPPING**

420 HAWTHORNE LANE CHARLOTTE, N.C. 28204 TEL. (704) 376-2186

SCALE: 1"=30'	DATE: NOV. 30, 2005	FILE NO. W-3127 JOB NO. 66692
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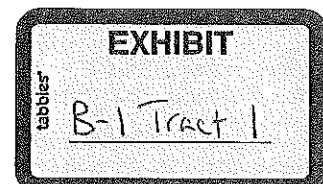
September 27, 2010 Resolution Book 42 Page 725

Legal Description

Dunbar Street Abandonment ~ sheet 1

That certain parcel of land, situated, lying and being in the Charlotte of City; Mecklenburg County North Carolina, and being more particularly described as follows:

COMMENCING at a NCGS Monument "M 055" having coordinates of N:539,784.430, E:1,449,530.959, N 54°38'32" W a distance of 5854.28 feet to a *new iron rod* which is the **POINT AND PLACE OF BEGINNING**; thence with the northern right of way line of Dunbar Street the following five (5) courses and distances: 1) S 44°37'02" E a distance of 228.54 feet to a *new iron rod*, 2) thence S 42°16'07" E a distance of 32.20 feet to a *new iron rod*, 3) thence S 45°18'01" E a distance of 132.35 feet to a *new iron rod*, 4) S 29°57'35" E a distance of 7.98 feet to a *existing iron pin*, 5) S 45°02'52" E a distance of 140.38 feet to an *existing iron pipe* at the on the northern right of way of S. Clarkson Street, thence with the right of way of S. Clarkson Street S 45°27'35" W a distance of 40.90 feet to a *new iron rod*, thence with the southern right of way line of Dunbar Street the following three (3) courses and distances: 1) N 43°41'49" W a distance of 140.28 feet to a *new iron rod*, 2) N 48°17'22" W a distance of 10.03 feet to a *new iron rod*, 3) N 44°37'02" W a distance of 390.55 feet to a *new iron rod* on the southeastern property line of Carolina School Supply as recorded in Deed Book 11541, Page 323 at the Mecklenburg County Register of Deeds, thence with the aforesaid property N 45°00'06" E a distance of 40.00 feet to the **POINT OF BEGINNING**; Containing 21,434. square feet or 0.4921 acres as shown on a survey by R.B. Pharr and Associates P.A. dated June 10, 2005, (Map File W-3127).

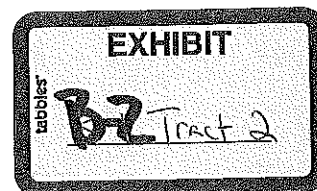


Legal Description

Dunbar Street Abandonment ~ Sheet 2

That certain parcel of land, situated, lying and being in the Charlotte of City;
Mecklenburg County, North Carolina, and being more particularly described as follows:

COMMENCING at a *NCGS Monument "M055"* having coordinates of N:539,784.430, E:1,449,530.959; N 55°44'28" W a distance of 5283.02 feet to a *new iron rod* at the northeastern right of way corner of S. Clarkson Street and Dunbar Street, said point also being the **POINT AND PLACE OF BEGINNING**; thence along the northern right of way line of Dunbar Street the following three (3) courses and distances: 1) S 44°27'09" E a distance of 140.06 feet to a *new iron rod*, 2) S 29°26'15" E a distance of 9.90 feet to a *new iron rod*, 3) S 43°38'23" E a distance of 140.11 feet to a *new iron rod* at the northern intersection of S. Cedar Street and Dunbar Street, thence with the right of way of S. Cedar Street S 45°24'46" W a distance of 35.00 feet to a *new iron rod*, thence along the southern line of Dunbar Street N 44°25'09" W a distance of 285.73 feet to a *existing iron pipe* at the southern right of way corner of S. Clarkson Street and Dunbar Street, thence with the right of way line of S. Clarkson Street N 39°38'51" E a distance of 39.60 feet to the **POINT OF BEGINNING**; Containing 10,846. square feet or 0.2490 acres as shown on a survey by R.B. Pharr and Associates P.A. dated June 10, 2005, (Map File W-3127).



Legal Description

Dunbar Street Abandonment ~ sheet 3

That certain parcel of land, situated, lying and being in the Charlotte of City; Mecklenburg County North Carolina, and being more particularly described as follows:

COMMENCING at a *NCGS Monument "M 055"*, having coordinates of **N:539,784.430, E:1,449,530.959; N 56°31'22" W** a distance of **4941.80** feet to a *new iron rod* at the northeastern right of way corner of S. Cedar Street and Dunbar Street said point being the **POINT AND PLACE OF BEGINNING**; thence along the northern right of way line of Dunbar Street **S 44°31'13" E** a distance of **607.20** feet to a *existing iron rod* on the northern property line of Department of Transportation property as recorded in Deed Book 4389, Page 486 at the Mecklenburg County Register of Deeds, thence with the aforesaid property **S 44°25'30" W** a distance of **39.87** feet to a *existing iron rod*, thence with the southern right of way line of Dunbar Street **N 44°26'33" W** a distance of **606.98** feet to a *railroad spike* on the right of way of S. Cedar Street, thence with the right of way of S. Cedar Street **N 44°05'16" E** a distance of **39.05** feet to the **POINT OF BEGINNING**; Containing **23,949**. square feet or **0.5498** acres as shown on a survey by R.B. Pharr and Associates P.A. dated June 10, 2005, (Map File W-3127).

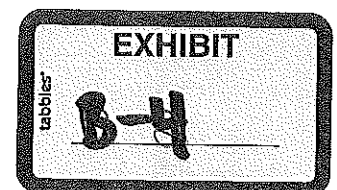


Legal Description

McNinch Street Abandonment

That certain parcel of land, situated, lying and being in the Charlotte of City; Mecklenburg County, North Carolina, and being more particularly described as follows:

Commencing at NCGS Monument "M 055" having coordinates of N:539,784.430, E:1,449,530.959, N 55°07'12" W a distance of 5597.97 feet to a new iron rod at the southeastern corner of the right of way of Dunbar Street and McNinch Street thence with the right of way of Dunbar Street N 42°16'07" W a distance of 32.20 feet to a *new iron rod* thence with the northern right of way line of McNinch Street N 45°22'58" E a distance of 152.90 feet to a *new iron rod* on the western right of way line of Morehead Street, thence with the right of way of Morehead Street S 52°16'39" E a distance of 30.56 feet to a *new iron rod* thence with the southern right of way line of McNinch Street S 44°41'59" W a distance of 158.30 feet to the POINT OF BEGINNING; Containing 4,861. square feet or 0.1116 acres as shown on a survey by R.B. Pharr and Associates P.A. dated November 30, 2005, (Map File W-3127).



Charlotte City Council

Resolution Authorizing Donation of Property to Non-Profit Organization

WHEREAS, North Carolina General Statutes §160A-280 authorizes the City of Charlotte ("City") to donate personal property that is no longer being used by the City to a non-profit organization incorporated in one of the United States upon adoption of a resolution by the Charlotte City Council; and,

WHEREAS, the City owns Trailer FDY009, which are no longer being used by the City; and

WHEREAS, the West Mecklenburg Volunteer Fire Department, Inc. is a non-profit organization organized under the laws of the State of North Carolina; and

WHEREAS, the West Mecklenburg Volunteer Fire Department is in need of a trailer; and

WHEREAS, the Charlotte City Manager has recommended that FDY009 be donated to the West Mecklenburg Volunteer Fire Department.

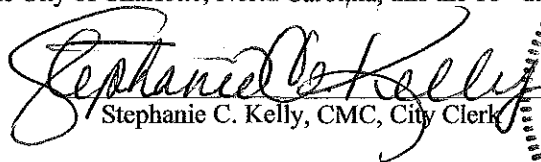
NOW THEREFORE, BE IT RESOLVED by the Charlotte City Council that the City Manager or his designee is authorized to donate to the West Mecklenburg Volunteer Fire Department, the units described on the attached Exhibit A,

Said property is to be donated in accordance with N.C.G.S. 160A-280. The City Manager or his designee posted a public notice of this donation at least five (5) days before the adoption of this resolution.

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 27th day September, 2010, the reference having been made in Minute Book 131, and recorded in full in Resolution Book 42, Page 730.

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


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.

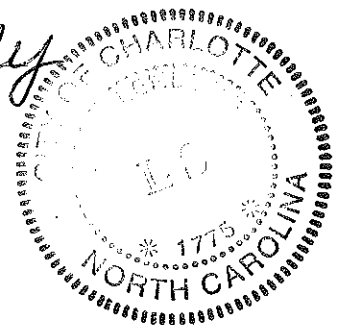
NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 27th day of September 2010 that those taxpayers listed on the schedule of "Business Privilege License Refunds Requested" be refunded in the amounts therein set up and that the schedule 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 27th day September, 2010, the reference having been made in Minute Book 131, and recorded in full in Resolution Book 42, Pages (731-732).

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


Stephanie C. Kelly, CMC, City Clerk



BUSINESS PRIVILEGE LICENSE
REFUNDS REQUESTED

NAME	AMOUNT
Lynette Tuck Cornerstone Investment Services, Inc	\$ 5.00 <u>255.54</u>
Total	<u>\$ 260.54</u>

RESOLUTION AUTHORIZING THE UPSET BID PROCESS

WHEREAS, the City of Charlotte owns certain property, consisting of 5.4 acres located at 922 Louise Avenue in Charlotte, NC (Tax parcel # 081-112-07), a .72-acre portion of which is expected to be determined surplus property through mandatory referral and review of the planning commission; and

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

WHEREAS, the city has received an offer to purchase the .72-acre portion of the property described above, in the amount of \$82,350, submitted by The Salvation Army;

THEREFORE, THE CITY COUNCIL OF THE CITY OF CHARLOTTE
RESOLVES THAT:

1. The City Council authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute §160A-269.
2. A notice of the proposed sale shall be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Any person may submit an upset bid to the office of the Real Estate Manager within 10 days after the notice of sale is published. Once a qualifying higher bid has been received, that bid will become the new offer.
4. If a qualifying higher bid is received, a new notice of upset bid shall be published, and this process shall be repeated until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The city will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The City will return the deposit of the final high bidder at closing.
7. The terms of the final sale are that
 - the City 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, and


- the buyer must pay with cash at the time of closing.
- 8. The City reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
- 9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate City officials are authorized to execute the instruments necessary to convey the property to The Salvation Army.

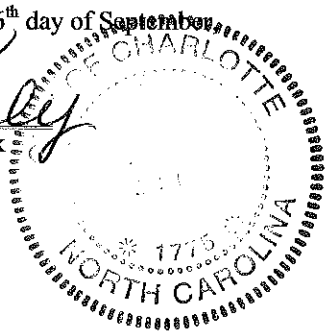
Adopted September 27, 2010.

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 27th day September, 2010, the reference having been made in Minute Book 131, and recorded in full in Resolution Book 42, Pages (733-734).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16th 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 **COLONIAL VILLAGE/SEDGEFIELD NEIGHBORHOOD IMPROVEMENT 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 **COLONIAL VILLAGE/SEDGEFIELD NEIGHBORHOOD IMPROVEMENT PROJECT** and estimated to be approximately **2,457 square feet (.056 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 No: 147-101-57, said property currently owned by **MICHAEL SEATON and spouse, if any; JENNIFER L. SEATON and spouse, if any; JOHN B. STEDMAN, JR., Trustee; THE SCOTTISH BANK, Beneficiary; TRSTE, INC., Trustee; WACHOVIA BANK, NATIONAL ASSOCIATION, 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.

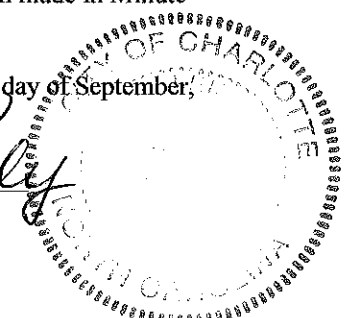
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 27th day September, 2010, the reference having been made in Minute Book 131, and recorded in full in Resolution Book 42, Page 735.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16th 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 **EASTBURN STORM WATER CAPITAL IMPROVEMENT 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 **EASTBURN STORM WATER CAPITAL IMPROVEMENT PROJECT** and estimated to be approximately **2,782 square feet (.064 acre) of 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: 179-032-08, said property currently owned by **ANDREW D. THRASHER and wife, MARSHA H. THRASHER; MICHAEL J. BROKER, Trustee; USAA FEDERAL SAVINGS BANK, Beneficiary**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

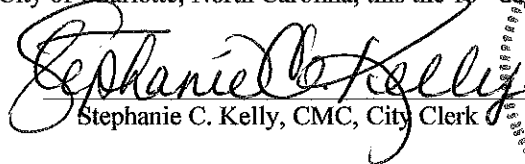
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

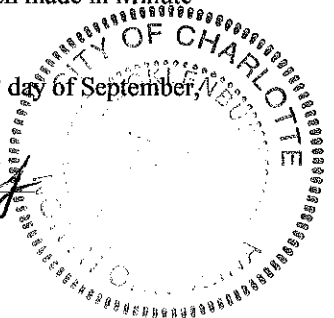
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 27th day September, 2010, the reference having been made in Minute Book 131, and recorded in full in Resolution Book 42, Page 736.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16th 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 **CATS: NORTHEAST CORRIDOR LIGHT RAIL TRANSIT 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 **CATS: NORTHEAST CORRIDOR LIGHT RAIL TRANSIT PROJECT** and estimated to be approximately **99,282 square feet (2.279 acre) of fee-simple area and existing right-of-way** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No: 083-031-01, said property currently owned by **GATEWAY COMMUNITIES, LLC**; or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

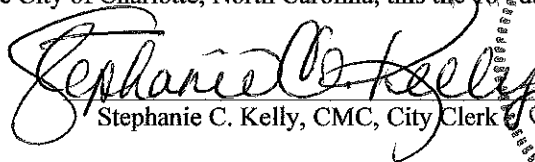
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

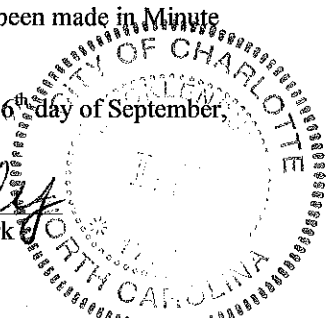
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 27th day September, 2010, the reference having been made in Minute Book 131, and recorded in full in Resolution Book 42, Page 737.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16th 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 **CATS: NORTHWEST CORRIDOR LIGHT RAIL TRANSIT 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 **CATS: NORTHWEST CORRIDOR LIGHT RAIL TRANSIT PROJECT** and estimated to be approximately **18,564 square feet (.426 acre) of fee-simple area and existing right-of-way** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No.: 083-031-42, said property currently owned by **NODA YARDS, LLC; FIRST NATIONAL INVESTOR SERVICES, INC., Trustee; FIRST NATIONAL BANK & TRUST, Beneficiary**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

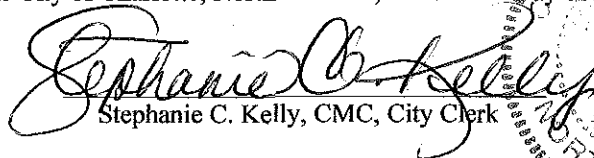
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

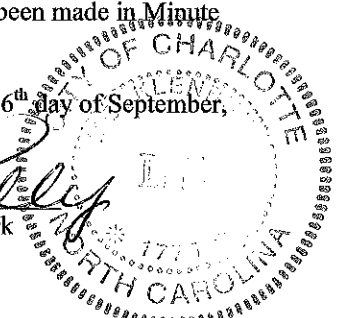
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 27th day September, 2010, the reference having been made in Minute Book 131, and recorded in full in Resolution Book 42, Page 738.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16th 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 for the City of Charlotte finds as a fact that it is necessary to acquire certain real property, as indicated below, for Airport purposes pursuant to the Charlotte Douglas International Airport Master Plan; and

WHEREAS, the City in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owner regarding just compensation, and, therefore, has been unable to negotiate a purchase price; and

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, utilizing the procedures of Article 9 of Chapter 136 of the North Carolina General Statutes as authorized by 7.81 of the Charter of the City of Charlotte, and otherwise under the authority and procedures of the laws of the State of North Carolina.

B. Parties in Interest

Thomas Stephen Autry-	Fee
Southern public Utilities Company-	Easement
Postal Telegraph and Cable Co.-	Easement
City-County Tax Collector-	ad valorem taxes
R. Dale Fussell-	Trustee under Deed of Trust dated June 16, 2003 recorded in Book 15548 at Page 504
Christine H. Autry-	Beneficiary under Deed of Trust dated June 16, 2003 recorded in Book 15548 at Page 504

C. Property description

A Boundary Survey of Property (R.B. Pharr & Associates, registered Surveyors) Tax Pin 14120105, Deed Book 05378 Page 567, Back Deeds; Deed Book 4177 Page 008 and Deed Book 1426 , Page 210 .

Beginning at a point in the northerly margin of the right-of-way of Byrum Drive, said point being the northwesterly corner of property described in Deed Book 3652 at page 220 of the Mecklenburg Public Registry and running thence from said beginning point with the line of Steele Creek Nursery (not or formerly) property N. 11-37 E. 116.77 feet to a point in the line of J.O.Brown (now or formerly) property; thence with his line two calls as follows: (1) N. 59-56 E. 74.10 feet to a point; (2) N. 45-53-50 E. 324.45 feet to a point in the line of City of Charlotte (now for formerly) property as described in the Mecklenburg Public Registry in Deed Book 3477 at page 237; thence with the City of Charlotte (now or formerly) line, S. 14-58-50 E. 283.06 feet to a point in the northerly margin of the right-of-way of said Byrum Drive; thence with said right-of-way of Byrum Drive S. 75-13-35 W. 407.26 feet to

the point or place of Beginning, all as shown on plat of survey dated April 5, 1979 prepared by R.B. Pharr & Associates, Registered Surveyors.

D. Appraised Value

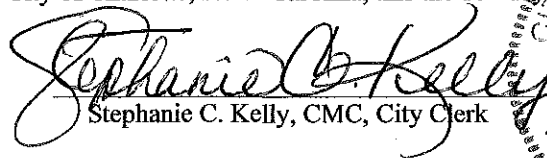
\$235,000 or such other amount as may be subsequently determined pursuant to applicable City, FAA or other Federal Regulations.

IT IS FURTHER RESOLVED that the appraised value of 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 27th day September, 2010, the reference having been made in Minute Book 131, and recorded in full in Resolution Book 42, Pages (739-740).

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


Stephanie C. Kelly, CMC, City Clerk

