# RESOLUTION SUPPORTING THE CITY'S APPLICATION FOR PUBLIC ART AT THE INTERSECTION OF BILLY GRAHAM PARKWAY AND JOSH BIRMINGHAM PARKWAY IN ACCORDANCE WITH THE NORTH CAROLINA PUBLIC ART ON THE RIGHT OF WAY POLICY

A motion was made by	Mitchell	and seconded by
Cannon	for the adopt	ion of the following Resolution and upon being
put to a vote was duly ador	oted:	

Whereas, the City's Public Art Ordinance allocates 1% of eligible Capital Investment Plan dollars to Public Art; and

Whereas, the City Council's Public Art Policy outlines guidelines for choosing Public Art sites, including sites that are highly visible, associated with a specific facility/corridor, and geographically distributed; and

Whereas, City staff, the Arts & Science Council, and Public Art Commission have identified the intersection of Billy Graham Parkway and Josh Birmingham Parkway, a North Carolina Department of Transportation (NCDOT) right-of-way, as a key location for City Public Art; and

Whereas, the NCDOT adopted the North Carolina Public Art on the Right of Way Policy in December 2010, recognizing that transportation facilities enhanced by public art elements provide aesthetic and cultural benefits to a community that can potentially result in positive economic development and tourism both locally and throughout North Carolina:

Whereas, the North Carolina Public Art on the Right of Way Policy provides that local government agencies may request placing Public Art on NCDOT rights of way, provided the local government conforms to the Policy's parameters and procedures, to include, but not limited to an encroachment permit, financial responsibility for construction and maintenance of the Public Art, and an adopted local resolution.

**NOW, THEREFORE, BE IT RESOLVED,** by the City Council of the City of Charlotte, at its regularly scheduled session of April 11, 2011 that it supports the City's application to the NCDOT for locating Public Art at the intersection of Billy Graham Parkway and Josh Birmingham Parkway in accordance with the North Carolina Public Art on the Right of Way Policy.

#### CERTIFICATION

I, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Pages (308-309).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27<sup>th</sup> day of September 2011.

## North Carolina Governor's Highway Safety Program LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, the Charlotte-Mecklenburg Police Department (herein called the
"Agency")  (The Applicant Agency)  has completed an application contract for traffic safety funding; and that  (The Governing Body of the Agency)
,
(herein called the "Governing Body") has thoroughly considered the problem
identified and has reviewed the project as described in the contract;
THEREFORE, NOW BE IT RESOLVED BY THE City Council of the City of Charlotte IN OPEN (Governing Body)
(Governing Body) MEETING ASSEMBLED IN THE CITY OF Charlotte NORTH CAROLINA
MEETING ASSEMBLED IN THE CITY OF Charlotte , NORTH CAROLINA THIS 26th DAY OF September , 20 11 , AS FOLLOWS:
THIS ZOUT DAY OF COPTETITION, 20 11, AS FOLLOWS:
1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Captain Andrew Kornberg is authorized to file, on behalf of the Governing (Name and Title of Representative)
Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal
funding in the amount of \$\frac{82,875}{\(\(\) \) (Federal Dollar Request)\) to be made to the Governing Body to assist in defraying
the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$\frac{27,625}{(Local Cash Appropriation)}} as
required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other
appropriate persons to furnish such information, data, documents and reports as required by the contract, if
approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.
DONE AND ORDERED in open meeting by Mayor Anthony R. Foxx
(Chairperson/Mayor)
ATTESTED BY SEAL
(Clerk)
DATE

#### **CERTIFICATION**

I, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Pages (310-311).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27<sup>th</sup> day of September 2011.

## North Carolina Governor's Highway Safety Program LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, the Charlotte-Wecklenburg Police Department (herein called the
"Agency")  (The Applicant Agency)  has completed an application contract for traffic safety funding; and that  (The Governing Body of the Agency)
(herein called the "Governing Body") has thoroughly considered the problem
identified and has reviewed the project as described in the contract;
THEREFORE, NOW BE IT RESOLVED BY THE City Council of the City of Charlotte (Governing Body)
(Governing Body)
MEETING ASSEMBLED IN THE CITY OF Charlotte , NORTH CAROLIN.
THIS 26th DAY OF September , 20 11 , AS FOLLOWS:
1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Sgt. David B. Sloan is authorized to file, on behalf of the Governing (Name and Title of Representative)
Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federa
funding in the amount of \$\frac{10,000}{\text{(Federal Dollar Request)}}\to be made to the Governing Body to assist in defraying
the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$\frac{-0-}{\text{(Local Cash Appropriation)}}} as
required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other
appropriate persons to furnish such information, data, documents and reports as required by the contract,
approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.
DONE AND ORDERED in open meeting by Mayor Anthony R. Foxx
(Chairperson/Mayor)
ATTESTED BY SEAL
DATE

#### CERTIFICATION

I, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Pages (312-313).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27<sup>th</sup> day of September, 2011.

RESOLUTION PROVIDING APPROVAL OF TWO MULTIFAMILY HOUSING FACILITIES KNOWN AS STRAWN TOWER AND PARKTOWNE TERRACE IN THE CITY OF CHARLOTTE, NORTH CAROLINA AND THE FINANCING THEREOF WITH CAPITAL GRANT FUND REVENUE BONDS IN AN AGGREGATE AMOUNT NOT TO EXCEED \$19,900,000

WHEREAS, the City Council of the City of Charlotte (the "City") met in Charlotte, North Carolina at 6:30 p.m. on the 26th day of September, 2011; and

WHEREAS, the Housing Authority of the City of Charlotte, N.C. (the "Issuer") has tentatively agreed to issue its capital grant fund program revenue bonds in an amount up to \$19,900,000 (the "Bonds") for the purpose of financing the acquisition and renovation by Strawn Parktowne, LLC, a North Carolina limited liability company (the "Company"), or an affiliate or subsidiary thereof, of two low and moderate income multifamily residential rental facilities known as Strawn Tower and Parktowne Terrace (collectively, the "Developments"); and

WHEREAS, Strawn Tower is an existing 135,000 square foot, 12-story apartment building located on approximately .512 acres, which, when renovated, will contain 170 units, located at 1225 S. Caldwell Street, and will be owned and operated by the Company; and

WHEREAS, Parktowne Terrace is an existing 112,000 square foot, 6-story apartment building located on approximately 2.32 acres, which, when renovated, will have 163 units, located at 5800 Fairview Road, and will be owned and operated by the Company,; and

WHEREAS, it is expected that the Bonds will be repaid from capital grant funds received from HUD; and

WHEREAS, Section 147(f) of the Code, requires that any bonds issued by the Issuer for the Developments may only be issued after approval of the plan of financing by the City following a public hearing with respect to such plan; and

WHEREAS, on September 20, 2011, the Issuer held a public hearing with respect to the issuance of the Bonds to finance, in part, the Developments (as evidenced by the Certificate and Summary of Public Hearing attached hereto) and has requested the City to approve the issuance of the Bonds as required by the Code; and

WHEREAS, the City has determined that approval of the issuance of the Bonds is solely to satisfy the requirement of Section 147(f) of the Code and shall in no event constitute an endorsement of the Bonds or the Developments, nor shall such approval in any event be construed to obligate the City of Charlotte, North Carolina for the payment of the principal of or premium or interest on the Bonds or for the performance of any pledge, mortgage or obligation or agreement of any kind whatsoever which may be undertaken by the Issuer, or to constitute the Bonds or any of the agreements or obligations of the Issuer an indebtedness of the City of Charlotte, North Carolina, within the meaning of any constitutional or statutory provision whatsoever.

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

- 1. The issuance of capital grant fund program revenue bonds by the Housing Authority of the City of Charlotte, N.C. in an amount not to exceed \$19,900,000, to be loaned to Strawn Parktowne, LLC to finance the acquisition and renovation of Strawn Tower and Parktowne Terrace, is hereby approved for purposes of Section 147(f) of the Code. The Mayor is hereby authorized to execute such approval certificates as may be required to evidence the City's approval of the issuance of the Bonds for purposes of Section 147(f) of the Code.
  - 2. This resolution shall take effect immediately upon its passage.

Council member Mitchell	moved the passage of the foregoing resolution and
Council member Cannon	seconded the motion, and the resolution was passed by the
following vote: 🗓nanimoušky	
Ayes: Council members	
Nays:	
Not voting:	

#### CERTIFICATION

I, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Pages (314-316).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27<sup>th</sup> day of September, 2011.

# NOTICE OF PUBLIC HEARING ON PROPOSED CAPITAL GRANT FUND REVENUE BONDS FINANCING BY THE HOUSING AUTHORITY OF THE CITY OF CHARLOTTE, N.C.

Notice is hereby given that the Board of Commissioners of the Housing Authority of the City of Charlotte, N.C. (the "Authority") will hold a public hearing on its proposed plan to issue its capital grant fund program revenue bonds in an amount up to \$19,900,000 (the "Bonds") for the financing of the acquisition and renovation by Strawn Parktowne, LLC, a North Carolina limited liability company (the "Company"), or an affiliate or subsidiary thereof, of two low and moderate income multifamily residential rental facilities known as Strawn Tower and Parktowne Terrace. Strawn Tower is an existing 135,000 square foot, 12-story apartment building located on approximately .512 acres, which, when renovated, will contain 170 units, located at 1225 S. Caldwell Street, Charlotte, Mecklenburg County, North Carolina. Parktowne Terrace is an existing 112,000 square foot, 6-story apartment building located on approximately 2.32 acres, which, when renovated, will have 163 units, located at 5800 Fairview Road, Charlotte, Mecklenburg County, North Carolina. The public hearing, which may be continued or adjourned, will be held on September 20, 2011, at 5:00 p.m. (or as soon thereafter as the hearing is held) at the Carol Hoefener Center, 601 E. 7th Street, Charlotte, North Carolina. The housing bonds, when and if issued by the Authority, will be issued pursuant to Chapter 157 of the General Statutes of North Carolina and shall not be a debt of the State of North Carolina (the "State") or the City of Charlotte (the "City"). Any person interested in the issuance of the Bonds or the Development may appear and be heard at the public hearing.

HOUSING AUTHORITY OF THE CITY OF CHARLOTTE, N.C.

By: <u>/s/ Charles Woodyard</u>, Chief Executive Officer

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 ALLENBROOK/WESTRIDGE STREAM RESTORATION 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 ALLENBROOK/WESTRIDGE STREAM RESTORATION PROJECT and estimated to be approximately 1,480 square feet (.034 acre) of storm drainage easement, and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No.: 057-056-25, said property currently owned by NATHANIEL A. ADAMS and spouse, if any; KELLY A. LEEPER and spouse, if any; BANK OF AMERICA, N. A., (a/k/a "Bank of America Corporation"), 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, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Page 317.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27<sup>th</sup> day of September, 2011.

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 ALLENBROOK/WESTRIDGE STREAM RESTORATION 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 ALLENBROOK/WESTRIDGE STREAM RESTORATION PROJECT and estimated to be approximately 2,102 square feet (.048 acre) of storm drainage easement, and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No.: 057-056-29, said property currently owned by WENDELL ELLIOTT and spouse, if any; MECKLENBURG COUNTY TAX COLLECTOR; UNITED STATES DEPARTMENT OF THE TREASURY, INTERNAL REVENUE DIVISION; GREENWOOD TRUST CO., Judgment Holder; CHARLOTTE HEALTH CARE CENTER, Claimant against Estate of Peggy T. Elliott; CAROLINA PHYSICIANS NEWTORK, Claimant against Estate of Peggy T. Elliott; NORTH CAROLINA DEPARTMENT OF REVENUE, Claimant against Estate of Peggy T. Elliott; PRESBYTERIAN HEALTHCARE, Claimant against Estate of Peggy T. Elliott; 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, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Page 318.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27<sup>th</sup> day of Septemberesees 2011.

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 ALLENBROOK/WESTRIDGE STREAM RESTORATION 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 ALLENBROOK/WESTRIDGE STREAM RESTORATION PROJECT and estimated to be approximately 1,525 square feet (.035 acre) of storm drainage easement, and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No.: 057-056-13, said property currently owned by MOMO NALLO and wife, ABIBATU NALLO; FIRST GENERAL MORTGAGE COMPANY, Beneficiary; CITIFINANCIAL MORTGAGE COMPANY, INC., (f/k/a "Associates Home Equity Services, Inc."), Beneficiary; CHARLOTTE METRO CREDIT UNION (n/k/a "Charlotte Metro Federal Credit Union"), Beneficiary; or the owners' successor-ininterest.

#### 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, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Page 319.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27<sup>th</sup> day of September, 2011.

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 ALLENBROOK/WESTRIDGE STREAM RESTORATION 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 ALLENBROOK/WESTRIDGE STREAM RESTORATION PROJECT and estimated to be approximately 1,753 square feet (.040 acre) of storm drainage easement, and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No.: 057-056-10, said property currently owned by EKSUPAR TONGSRI and spouse, if any; NATIONWIDE ADVANTAGE MORTGAGE COMPANY, Beneficiary; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., Nominee; CITY OF CHARLOTTE, 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, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Page 320.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27<sup>th</sup> day of September 2011.

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 ALLENBROOK/WESTRIDGE STREAM RESTORATION 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 ALLENBROOK/WESTRIDGE STREAM RESTORATION PROJECT and estimated to be approximately 2,358 square feet (.054 acre) of storm drainage easement and 546 square feet (.013 acre) of 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.: 063-094-26, said property currently owned by JOYCE R. HIMSL; PERRY M. HIMSL; MARSH MORTGAGE COMPANY, Beneficiary; HOUSEHOLD REALTY CORPORATION, Beneficiary; NAVY FEDERAL CREDIT UNION, Beneficiary; MECKLENBURG COUNTY TAX COLLECTOR, 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, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Page 321.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27<sup>th</sup> day of September, 2011.

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 CITY VIEW STREAM RESTORATION 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 CITY VIEW STREAM RESTORATION PROJECT and estimated to be approximately 1,292 square feet (.030 acre) of storm drainage easement; 159,014 square feet (3.650 acre) of conservation easement, and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel Nos.: 165-073-86 and 165-073-66, said property currently owned by THOMPSON BROOK HOMEOWNERS 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, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Page 322.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27<sup>th</sup> day of September 2011.

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 **DELTA LAKE 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 DELTA LAKE NEIGHBORHOOD IMPROVEMENT PROJECT and estimated to be approximately 175 square feet (.004 acre) of storm drainage easement and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No: 107-092-58, said property currently owned by HERON'S POND HOMEOWNERS 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, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Page 323.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27<sup>th</sup> day of September, 2011.

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 FARM POND NEIGHBORHOOD IMPROVEMENT PROJECT-PH. 1; 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 FARM POND NEIGHBORHOOD IMPROVEMENT PROJECT and estimated to be approximately 488 square feet (.011 acre) of fee-simple area; 651 square feet (.015 acre) in existing right-of-way; 344 square feet (.008 acre) of storm drainage easement; 850 square feet (.020 acre) of 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: 103-221-25, said property currently owned by MARVA P. FRAZIER and spouse, if any; MECKLENBURG COUNTY TAX COLLECTOR, 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, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Page 324.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27<sup>th</sup> day of September, 2011.

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 FARM POND NEIGHBORHOOD IMPROVEMENT PROJECT-PH. 1; 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 FARM POND NEIGHBORHOOD IMPROVEMENT PROJECT and estimated to be approximately 88 square feet (.002 acre) of storm drainage easement; 609 square feet (.014 acre) of 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: 103-221-44, said property currently owned by WINSTON MAIS and wife, DOROTHY PATTERSON; MYERS PARK MORTGAGE, INC., Lender; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., Nominal 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, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Page 325.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27<sup>th</sup> day of Septemb 2011.

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 FARM POND NEIGHBORHOOD IMPROVEMENT PROJECT-PH. 1; 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 FARM POND NEIGHBORHOOD IMPROVEMENT PROJECT and estimated to be approximately 1,304 square feet (.030 acre) of fee-simple area; 504 square feet (.012 acre) of storm drainage easement; 2,084 square feet (.048 acre) of 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: 103-221-39, said property currently owned by MELVIN R. THOMPSON and wife, QUEEN N. THOMPSON (a/k/a "Queen E. Thompson"); WELLS FARGO BANK, N. A., 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, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Page 326.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27<sup>th</sup> day of Septer 2011.

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 ORVIS STREET SIDEWALK 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 ORVIS STREET SIDEWALK PROJECT and estimated to be approximately 294 square feet (.007 acre) of sidewalk/utility easement; 1,138 square feet (.026 acre) of 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: 075-083-26, said property currently owned by JOSHUA C. WILSON and spouse, if any; WELLS FARGO BANK, N. A., Beneficiary; CITY OF CHARLOTTE, Beneficiary; ARROW FINANCIAL SERVICES, LLC, Possible Judgment Creditor, 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, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Page 327.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27<sup>th</sup> day of September, 2011.

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 TODDVILLE ROAD-FREEDOM DRIVE/TUCKASEEGEE ROAD SIDEWALKS 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 TODDVILLE ROAD-FREEDOM DRIVE/TUCKASEEGEE ROAD SIDEWALKS PROJECT and estimated to be approximately 364 square feet (.008 acre) of fee-simple area; 37 square feet (.001 acre) of 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: 059-113-45, said property currently owned by PHENG B. SOMSANA and wife, CHANPHENG KHANOUNSAY; BANK OF AMERICA, N. A., 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, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Page 328.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27<sup>th</sup> day of September, 2011.

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 TODDVILLE ROAD-FREEDOM DRIVE/TUCKASEEGEE ROAD SIDEWALKS 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 TODDVILLE ROAD-FREEDOM DRIVE/TUCKASEEGEE ROAD SIDEWALKS PROJECT and estimated to be approximately 498 square feet (.011 acre) of fee-simple area; 20 square feet of sidewalk/utility easement; 1,582 square feet (.036 acre) of 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: 059-113-46, said property currently owned by PHENG B. SOMSANA and wife, CHANPHENG KHANOUNSAY; BANK OF AMERICA, N. A., 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, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Page 329.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27<sup>th</sup> day of September, 2011.

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 TODDVILLE ROAD-FREEDOM DRIVE/TUCKASEEGEE ROAD SIDEWALKS 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 TODDVILLE ROAD-FREEDOM DRIVE/TUCKASEEGEE ROAD SIDEWALKS PROJECT and estimated to be approximately 173 square feet (.004 acre) of storm drainage easement; 868 square feet (.020 acre) of sidewalk/utility easement; 2,538 square feet (.058 acre) of 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: 059-151-01, said property currently owned by ARLEIGH GIBSON DEYTON and spouse, if any; ASHLYNE DEYTON HUMMER, General Guardian of Arleigh Gibson Deyton, 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, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Page 330.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27<sup>th</sup> day of September 2011.

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 TRYON HILLS 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 TRYON HILLS NEIGHBORHOOD IMPROVEMENT PROJECT and estimated to be approximately 418 square feet (.010 acre) of 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: 085-053-09, said property currently owned by GWENDOLYN ANTOINETTE WILLIAMS and spouse, if any; PATRICIA RENEE WILLIAMS and spouse, if any; Possible Judgments in favor of: ASHEVILLE POSTAL CREDIT UNION; THE CHARLOTTE-MECKLENBURG HOSPITAL AUTHORITY; HILTZ MANAGEMENT CO., INC.; FIA CARD SERVICES; STATE OF NORTH CAROLINA; COLONIAL PROPERTIES AND COLONIAL VILLAGE AT SOUTH TRYON; BANK OF AMERICA, NA; THE DEPARTMENT OF TREASURY-INTERNAL REVENUE SERVICE, 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, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Page 331.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27<sup>th</sup> day of September, 2011.

# CHARLOTTE CITY COUNCIL RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY

WHEREAS, under Article 20 of Chapter 160A of North Carolina General Statutes, as amended, cities and counties are authorized to enter into interlocal cooperation undertakings with other local governments for the joint exercise of any power, function, public enterprise, right, privilege, or immunity of local governments in North Carolina; and

WHEREAS, the City of Charlotte (City) has the authority to construct streets and bridges (G.S. 160A-296(a)(3)), the City and Mecklenburg County (County) have the authority to enter into infrastructure reimbursement agreements with developers and property owners (SL 2001-329; G.S. 153A-451), and the City has the authority to finance such infrastructure (G.S. 160A-20); and

WHEREAS, the City has or will entered into an Infrastructure Reimbursement
Agreement with The Bissell Companies, Inc. pursuant to which the City will acquire and finance
certain Public Improvements; and

WHEREAS, the financing plan contemplates using specified incremental City and County taxes to fund the acquisition of the Public Improvements; and

WHEREAS, the County is willing to contribute specified County incremental taxes to the acquisition and financing plan as set forth in the Interlocal Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Charlotte City Council that the attached Interlocal Agreement is hereby approved, that the City Manager is hereby authorized to execute such Interlocal Agreement in substantially the form attached to this Resolution and to negotiate and execute any further ancillary documents or non-material changes to the Interlocal Agreement as may be necessary, and that this Resolution shall be spread upon the minutes.

#### CERTIFICATION

I, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Pages (332-333).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27<sup>th</sup> day of September, 2011.

#### RESOLUTION

# APPROVE AN INDUCEMENT RESOLUTION FOR A PROPOSED ISSUANCE OF REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$11,000,000 TO FINANCE THE ACQUISITION AND REHABILITATION OF STRAWN TOWER APARTMENTS (Rescind Resolution No. 1745)

WHEREAS, Horizon Development Properties, Inc., or an affiliated or related entity, its successors and assigns (the "Borrower"), has requested that the Housing Authority of the City of Charlotte, N.C. (the "Authority") assist in financing the construction, renovation, equipping and installation of a multifamily residential rental project known as "Strawn Tower", consisting of approximately 170 units and located at 1225 S. Caldwell Street in the City of Charlotte, North Carolina (the "Development"); and

WHEREAS, the Authority has the power under the Housing Authorities Law, Chapter 157 of the General Statutes of North Carolina, as amended (the "Act"), to issue its revenue bonds and apply the proceeds to making a mortgage loan to a sponsor of residential housing for persons and families of low and moderate income; and

WHEREAS, the Borrower anticipates receiving tax credit financing to pay a portion of the cost of the Development;

WHEREAS, the Borrower has described to the Authority the benefits of the Development to the City of Charlotte and the State of North Carolina and has requested the Authority to agree to issue its revenue bonds in such amounts as may be necessary to finance the costs of acquiring, constructing and installing the Development; and

WHEREAS, the Authority is of the opinion that the Development is a facility which can be financed under the Act and that the financing of the same will be in furtherance of the purposes of the Act;

## BE IT RESOLVED BY THE HOUSING AUTHORITY OF THE CITY OF CHARLOTTE, NORTH CAROLINA:

1. It is hereby found and determined that the Development will involve the construction, renovation, equipping and installation of a multifamily residential rental facility to serve persons of low and moderate income, and that therefore, pursuant to the terms and subject to the conditions hereinafter stated and the Act, the Authority agrees to assist the Borrower in every reasonable way to issue bonds to finance the acquisition, construction, renovation, equipping and installation of the Development, and, in particular, to undertake the issuance of the Authority's revenue bonds (the "Bonds") in one or more series in an aggregate amount now estimated not to exceed Eleven Million Dollars (\$11,000,000) to provide all or part of the cost of the Development.

- 2. The Authority intends that the adoption of this resolution be considered as "official action" toward the issuance of the Bonds within the meaning of the regulations issued by the Internal Revenue Service pursuant to Section 141 of the Internal Revenue Code of 1986, as amended (the "Code") and Treasury Regulations 1.150-2 promulgated thereunder.
- 3. The Bonds shall be issued in such series and amounts and upon such terms and conditions as are mutually agreed upon among the Authority and the Borrower. The Authority and the Borrower shall enter into a "financing agreement" pursuant to the Act for a term and upon payments sufficient to pay the principal of, premium, if any, and interest on the Bonds and to pay all of the expenses of the Authority in connection with the Bonds and the Development. The Bonds will be issued pursuant to an indenture or security agreement between the Authority and a trustee (the "Trustee") or the bondholder which will set forth the form and terms of the Bonds and will assign to the Trustee for the benefit of the holders of the Bonds, or directly to the bondholder, the Authority's rights to payments under the financing agreement. The Bonds shall not be deemed to constitute a debt or a pledge of the faith and credit of the State of North Carolina or any political subdivision or agency thereof, including the Authority and the City of Charlotte, but shall be payable solely from the revenues and other funds provided under the proposed agreements with the Borrower.
- 4. Subject to the conditions set forth in Paragraph 6, the Authority will proceed, upon the prior advice, consent and approval of the Borrower, bond counsel and the Authority's counsel, to obtain approvals in connection with the issuance and sale of the Bonds, including, without limitation, from the City Council of the City of Charlotte and the North Carolina Local Government Commissioners.
- 5. It having been represented to the Authority that it is desirable to proceed with the acquisition, construction, renovation, equipping and installation of the Development, the Authority agrees that the Borrower may proceed with plans for such acquisition, construction and installation, enter into contracts for the same, and take such other steps as it may deem appropriate in connection therewith, provided that nothing herein shall be deemed to authorize the Borrower to obligate the Authority without its written consent in each instance to the payment of any monies or the performance of any act in connection with the Development and no such consent shall be implied from the Authority's adoption of this resolution. The Authority agrees that the Borrower may be reimbursed from the proceeds of the Bonds for all qualifying costs so incurred by it as permitted by Treasury Regulations Section 1.150-2.
- 6. All obligations hereunder of the Authority are subject to the further agreement of the Authority and the Borrower to satisfactory review by the Authority of the financial capability of the Borrower and satisfactory underwriting of the Development, and mutual agreement to the terms for the Bonds, including the execution of a financing agreement, indenture, or security agreement and other documents and agreements necessary or desirable for the issuance, sale and delivery of the Bonds. The Authority has not authorized and does not authorize the expenditure of any funds or monies of the Authority from any source other than the issuance of the Bonds. All costs and expenses in connection with the financing and the acquisition, construction and installation of the Development, including the reasonable fees and expenses of the Authority's counsel, bond counsel, and the agent or underwriter for the sale of the Bonds, shall be paid from

the proceeds of the Bonds or by the Borrower, but if for any reason the Bonds are not issued, all such expenses shall be paid by the Borrower and the Authority shall have no responsibility therefore. It is understood and agreed by the Authority and the Borrower that nothing contained in this resolution shall be construed or interpreted to create any personal liability of the officers or commissioners from time to time of the Authority.

- 7. The officers of the Authority are hereby authorized and directed to take all actions in furtherance of the issuance of the Bonds, including calling for a public hearing with respect to the financing of the Development through the issuance of the Bonds.
- 8. Hunton & Williams LLP, Raleigh, North Carolina, shall act as bond counsel for the Bonds.
  - 9. This resolution shall take effect immediately upon its passage.

#### RECORDING OFFICER'S CERTIFICATION

I, Charles Woodyard, the duly appointed Secretary of the Housing Authority of the City of Charlotte, N.C., do hereby certify that this resolution was properly adopted at a regular meeting held on March 15, 2011.

(SEAL)

Charles Woodyard

Secretary

#### CERTIFICATION

I, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Pages (334-337).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27th day of September, 2011.

## NOTICE OF PUBLIC HEARING ON PROPOSED CAPITAL GRANT FUND REVENUE BONDS FINANCING BY THE HOUSING AUTHORITY OF THE CITY OF CHARLOTTE, N.C.

Notice is hereby given that the Board of Commissioners of the Housing Authority of the City of Charlotte, N.C. (the "Authority") will hold a public hearing on its proposed plan to issue its capital grant fund program revenue bonds in an amount up to \$19,900,000 (the "Bonds") for the financing of the acquisition and renovation by Strawn Parktowne, LLC, a North Carolina limited liability company (the "Company"), or an affiliate or subsidiary thereof, of two low and moderate income multifamily residential rental facilities known as Strawn Tower and Parktowne Terrace. Strawn Tower is an existing 135,000 square foot, 12-story apartment building located on approximately .512 acres, which, when renovated, will contain 170 units, located at 1225 S. Caldwell Street, Charlotte, Mecklenburg County, North Carolina. Parktowne Terrace is an existing 112,000 square foot, 6-story apartment building located on approximately 2.32 acres, which, when renovated, will have 163 units, located at 5800 Fairview Road, Charlotte, Mecklenburg County, North Carolina. The public hearing, which may be continued or adjourned, will be held on September 20, 2011, at 5:00 p.m. (or as soon thereafter as the hearing is held) at the Carol Hoefener Center, 601 E. 7th Street, Charlotte, North Carolina. The housing bonds, when and if issued by the Authority, will be issued pursuant to Chapter 157 of the General Statutes of North Carolina and shall not be a debt of the State of North Carolina (the "State") or the City of Charlotte (the "City"). Any person interested in the issuance of the Bonds or the Development may appear and be heard at the public hearing.

HOUSING AUTHORITY OF THE CITY OF CHARLOTTE, N.C.

By: <u>/s/ Charles Woodyard</u>, Chief Executive Officer A RESOLUTION OF THE CITY COUNCILOF THE CITY OF CHARLOTTE, NORTH CAROLINA, AUTHORIZING THE FILING AND EXECUTION OF APPLICATIONS WITH THE U.S. DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR 2011 FEDERAL NATIONAL INFRASTRUCTURE INVESTMENT GRANTS.

A motion was made by	Mitchell	and seconded by	Cannon	for
the adoption of the follo	wing Resolution a	and upon being put to a vote	was duly add	opted:

**WHEREAS**, the United States Department of Transportation (USDOT) is soliciting applications for competitive grants under the Federal National Infrastructure Investment Grants Program (TIGER Discretionary Grants), authorized in the Department of Defense and Full-Year Continuing Appropriations Act of 2011;

**WHEREAS**, the federal and state governments are authorized to make grants for 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 these projects, 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 and 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 and the North Carolina Department of Transportation to aid in the financing of transportation infrastructure 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 or the North Carolina Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964;
- That the City Manager or designee is authorized to set forth and execute affirmative minority business policies in connection with a 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 and the North Carolina Department of Transportation for aid in the financing of transportation infrastructure assistance projects.

#### CERTIFICATION

I, Ashleigh Martin, 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 26<sup>th</sup> day September, 2011, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Pages (338-339).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 27<sup>th</sup> day of September, 2011.