

CHARLOTTE CITY COUNCIL
RESOLUTION
AUTHORIZING EXECUTION OF AN
INTERLOCAL AGREEMENT FOR RADIO SERVICE
BETWEEN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, THE CITY OF
CONCORD, THE CITY OF KANNAPOLIS AND CABARRUS COUNTY

WHEREAS, under North Carolina General Statutes §160A-461 and §153A-445, 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, Cabarrus County, the City of Kannapolis and the City of Concord (the "Cabarrus Entities"), the City of Charlotte and Mecklenburg County now desire to enter into an Interlocal Agreement for Radio Service, a copy of which is attached to this resolution (the "Agreement"); and

WHEREAS, the purpose of the Agreement is to ensure that the public safety agencies of all participating local governments have the communications infrastructure and regional integration to respond in a coordinated manner to local and regional emergencies; and

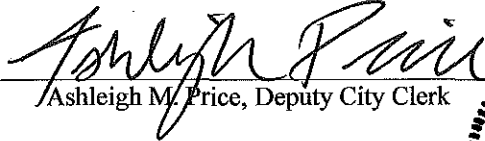
WHEREAS, the participating local governments desire to approve the Agreement, and to authorize their respective City and County Managers to amend the Agreement to incorporate any future changes that the parties may agree to from time to time regarding the radio service or support provided under the Agreement, so long as such changes do not impose any costs on Mecklenburg County, now, therefore be it

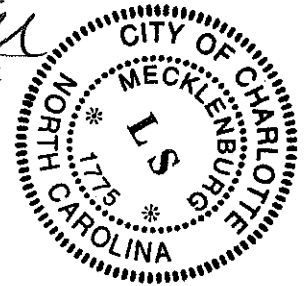
RESOLVED by the Charlotte City Council that the Agreement is hereby approved, that the City Manager is hereby authorized to execute such Agreement in substantially the form attached to this Resolution, that this Resolution shall be spread upon the minutes, and that the City Manager is authorized to amend the Agreement to incorporate any future changes that the City Manager, the Cabarrus Entities and Mecklenburg County may agree to from time to time regarding the radio service or support provided under the Agreement, so long as such changes do not impose any costs on the City that are not subject to reimbursement by Cabarrus County..

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 9th day January, 2012, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Pages (473-474).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 18th day of January, 2012.


Ashleigh M. Price, Deputy City Clerk



**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
ADOPTING AND APPROVING THE EXCHANGE OF LAND RIGHTS IN THE
LYNX RAIL CORRIDOR WITH WF SILOS, LLC.**

WHEREAS, the City of Charlotte (the "City") purchased the 130 foot wide Charter Right-of-Way, formerly owned by the Norfolk Southern Railroad; and

WHEREAS, in 2008, the City through the action of its Council adopted the New Bern Transit Station Area Plan to guide the development along the buffer area of the Right of Way; and

WHEREAS, the Staff is working with WF Silos LLC which has purchased property adjacent to the Right of Way having tax I. D. number 14701724; and

WHEREAS, the buffer area in the Right of Way in which WF Silos LLC is interested lies outside of that portion of the Right of Way used for public transit; and

WHEREAS, in order to proceed with the development of the for mentioned property, the City of Charlotte agrees to exchange property rights for a full and fair compensation, as provided by the North Carolina General Statutes; and

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

A. The City shall receive from WF Silos LLC (or an affiliate thereof), the following, which is a full and fair compensation for the exchange of property rights:

1. "Fee" title and rights to approximately 20,000 square feet of underlying fee simple interest that will remain in use as part of the rail corridor.
2. Installation of streetscape improvements including decorative fence, upgrade of the City's existing trail to concrete, planting strips, irrigation and pedestrian lights to enhance rail corridor.
3. Easement over property being conveyed to WF Silos LLC related to any effects from noise and vibration.
4. Maintenance of the streetscape improvements.

B. The City shall release its charter rights to approximately 6,000 square feet for use by WF Silos LLC and shall grant easement and license agreements as needed to WF Silos LLC in order to construct and maintain future improvements.

FURTHER RESOLVED, that the City Council for the City of Charlotte authorizes the City Manager (or his designee) to execute the necessary legal documents

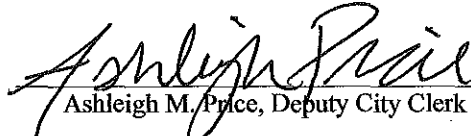
January 9, 2012
Resolution Book 43, Page 476

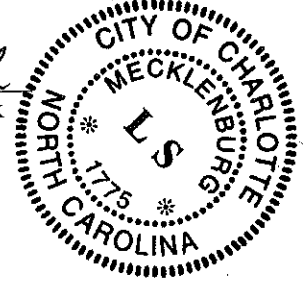
to complete the exchange of the land rights between the City and WF Silos, LLC, its successors and assigns,

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 18th day of January, 2012.


Ashleigh M. Price, Deputy City Clerk



A RESOLUTION AUTHORIZING THE REFUND OF PROPERTY TAXES

Reference is made to the schedule of "Taxpayers and Refunds Requested" attached to the Docket for consideration of the City Council. On the basis of that schedule, which is incorporated herein, the following facts are found:

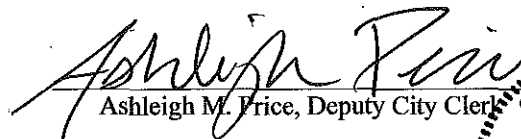
1. The City-County Tax Collector has collected property taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time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

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 9th day of January 2012 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

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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 9th day January, 2012, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Pages (477-478).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 18th day of January, 2012.


Ashleigh M. Price, Deputy City Clerk



**Taxpayers and Refunds Requested
(Clerical Error)**

ADC SERVICES INC, LLC	\$ 478.12
BAC TAX SERVICE CORPORATION	268.77
HUGHES, AUSTIN	66.19
ICE DENTAL SEMINARS	494.87
IVEY THE ADC SERVICES INC, LLC	1,133.32
LOANCARE	79.54
METRO PETRO INC	1,174.63
SCHAFFER ASSOCIATES INC	6.96
SCOTTISH BANK THE NATIONAL ASC	353.59
SWORDS, OTIS L.	58.56
WELLS FARGO	45.01
WENTFORD SPA DILWORTH	1,385.05
WRIGHT, JERRY BLAKE	35.72
	<u>\$ 5,580.33</u>

**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 **NATIONS FORD ROAD 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 **NATIONS FORD ROAD SIDEWALK PROJECT** and estimated to be **6,823 square feet (.157 acre) in existing right-of-way; 167 square feet (.004 acre) of storm drainage easement; 3,435 square feet (.079 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.: 167-012-21, said property currently owned by **TRUSTEES OF ALDERSGATE METHODIST CHURCH; BOARD OF MISSIONS OF THE METHODIST CHURCH, Beneficiary; THE MUTUAL SAVINGS AND LOAN ASSOCIATION, Beneficiary**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

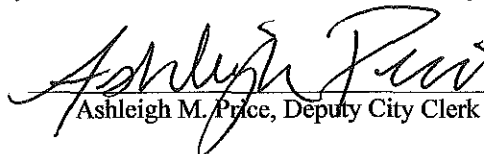
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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.

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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 9th day January, 2012, the reference having been made in Minute Book 132, and recorded in full in Resolution Book 43, Page 479.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 18th day of January, 2012.


Ashleigh M. Price, Deputy City Clerk

