CHARLOTTE CITY COUNCIL

RESOLUTION APPROVING THIRD AMENDMENT TO THE BROOKLYN VILLAGE / KNIGHTS BASEBALL STADIUM INTERLOCAL COOPERATION AGREEMENT

WHEREAS, the County and the City have previously entered into that certain "Brooklyn Village / Knights Baseball Stadium Interlocal Cooperation Agreement" approved by the City on May 14, 2007 (the "Interlocal Agreement"); and

WHEREAS, the County and the City amended the Interlocal Agreement effective as of December 7, 2007 ("First Amendment") to defer the time for closing on the sale of certain real property by the County to Brooklyn Village LLC (the "Second Ward Property"); and

WHEREAS, the County and Brooklyn Village LLC entered into an Agreement of Sale for County Property dated January 17, 2008 (the "Sales Agreement") under which the County agreed to sell the Second Ward Property to Brooklyn Village LLC; and

WHEREAS, the County and Brooklyn Village LLC amended the Sales Agreement effective September 8, 2010 to defer the time for closing under the Sales Agreement; and

WHEREAS, by agreement dated October 11, 2011, Brooklyn Village LLC assigned its rights as Buyer under the Sales Agreement to Spectrum Investment Services, Inc. ("Spectrum"), as allowed by the Sales Agreement; and

WHEREAS, the County and Spectrum amended the Sales Agreement effective as of November 20, 2012 to extend the time for Spectrum to close on purchase of the Second Ward Property to June 1, 2013 (the "Second Extension to Sales Agreement"); and

WHEREAS, the County and the City amended the Interlocal Agreement effective as of January 29, 2013 ("Second Amendment") to defer the time for closing on the sale of the Second Ward Property by the County to Brooklyn Village LLC (the "Second Ward Property") until June 1, 2013; and

WHEREAS, Brooklyn Village LLC did not close on the sale of the Second Ward Property by June 1, 2013, and thereby lost its right to purchase the Second Ward Property; and

WHEREAS, the Interlocal Agreement, as amended through the Second Amendment, provides in Section 2.04 b) that should the County not sell the Second Ward Property to Brooklyn Village LLC by June 1, 2013, the City could require the County to re-convey Marshall Park to the City if the City provides notice to the County to do so within sixty (60) days; and

July 22, 2013 Resolution Book 44, Page 568

WHEREAS, the County believes that it can find a purchaser within the next year for just the apartment parcel (one of three parcels to be sold from the Second Ward Property) even though it believes that it cannot currently find a purchaser for all three of the parcels, and has started working on a possible arrangement among the City, the County, the Housing Authority of the City of Charlotte, NC ("Housing Authority") and the Charlotte-Mecklenburg Board of Education ("Board of Education") for a possible phased sale approach, with just the apartment parcel to be sold initially; and

WHEREAS, in order to provide the necessary time for the City, the County, the Housing Authority and the Board of Education to come to some agreement on this phased sale approach, and to preserve the right of the City to require re-conveyance of Marshall Park should this phased sale approach not be acceptable to all parties, the City and the County desire to amend the Interlocal Agreement to change the June 1, 2013 date to October 1, 2013, and to provide that the County cannot sell any of the former Marshall Park property until there has been either a further amendment of the Interlocal Agreement or a new interlocal agreement dealing with Marshall Park has been approved and executed; and

WHEREAS, N.C. Gen. Stat. 160A-461 requires that interlocal agreements "be ratified by resolution of the governing board of each unit spread upon its minutes"; now, therefore, be it

RESOLVED by the Charlotte City Council that the attached "Third Amendment to Brooklyn Village / Knights Baseball Stadium Interlocal Cooperation Agreement" is hereby approved, that the City Manager is hereby authorized to execute such amendment to the Interlocal Agreement in substantially the form attached to this Resolution and to negotiate any further ancillary documents or non-material changes to such Interlocal Agreement as may be necessary, and that this Resolution shall be spread upon the minutes.

Adopted the 22nd day of July, 2013

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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 567-568.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of July, 2013.

Stephanie C. Kelly, MMC NCCMC, City

RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON JULY 22, 2013

A motion was made by	Councilmember	Howard	_ and seconded by	
Councilmember Ba	rnes for the ac	doption of the fo	ollowing Resolution, and upon	being
put to a vote was duly add	opted:			
donate personal property	that is no longer be	ing used by the	0 authorizes the City of Chark e City to a nonprofit organization of Charlotte City Council; and	
WHEREAS, The City own the Charlotte Fire Departr		property #FDY	-005), which is no longer bein	g used by
WHEREAS, The Mathews	s Police Departmen	t is in need of t	he unit described above; and	
WHEREAS, The Charlotte Matthews Police Departm		recommended	the Safe Kids trailer be donat	ted to the
NOW, THEREFORE, BE	IT RESOLVED by t	he Charlotte Ci	ty Council that the City Manag	ger or his
designee is authorized to	donate to the Matth	iews Police De	partment, the unit's described.	. above.
Adopted on this 22nd				
	CE	RTIFICATION		
the foregoing is a true and Charlotte, North Carolina,	l exact copy of a Re in regular session o	esolution adopt convened on th	th Carolina, DO HEREBY CEF ed by the City Council of the C e 22nd day of July, 2013, the in Resolution Book 44, Page(City of reference
WITNESS my hand and the of July, 2013.	ne corporate seal of	f the City of Cha	arlotte, North Carolina, this the	e 25th day
		`		· ·

RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA

ON JULY 22, 2013

	Councilmembe	er	
A motion was made by	Howard	and seconded by Coumcilmember Barnes	for the
adoption of the following	g Resolution, a	nd upon being put to a vote was duly adopted:	

WHEREAS, North Carolina General Statutes Section 160A-280 authorizes the City to donate surplus personal property belonging to the City to another governmental unit within the United States pursuant to a Resolution adopted after the posting of a public notice of such Resolution at least five days prior to its adoption, and

WHEREAS, the City of Charlotte owns a 2000 Sterling SC7000 Street Sweeper #SSS270, bearing vehicle identification number 49H67FAA1YHF18682, ("the Sweeper"), which has completed its service life, is surplus property and has been fully depreciated and determined as eligible for retirement and conveyance pursuant to North Carolina law to an eligible governmental unit; and

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

1. The Director of the Solid Waste Services Department or Director's designee is hereby authorized to create and execute such documents as may be or become necessary in order to convey the full legal title to the said 2000 Sterling SC7000 Street Sweeper #SSS270 to the Charlotte-Mecklenburg School System (CMS). CMS shall bear and pay any and all costs or expenses which may be incurred in the transfer of title and ownership of such vehicle to CMS.

The City shall transfer the said Sweeper to CMS only upon the conditions and subject to the execution of covenants by CMS that

- A. it shall at all times use and maintain the said Sweeper solely for the provision of public education—related services and the pursuit of the recognized "public purposes "it performs as a part of its educational activities;
 - B. at such time as it shall deem the Sweeper to be unsuitable for further service to CMS shall dispose of it, CMS shall apply any net proceeds derived from its disposition solely to provide further educational and related services.
- 2. CMS acknowledges that its representatives have heretofore inspected the said Sweeper to its satisfaction. The City shall convey, and CMS shall accept, the said Sweeper in "as is" condition, without restriction or limitation, and without warranty of fitness for a particular purpose or other warranty of any kind.
- 3. Upon and following the said conveyance, the City shall thereafter bear no obligation or responsibility of any type or kind relating to the operation, maintenance, expense or ownership of the said Sweeper, and all such expenses of ownership shall be the sole responsibility of CMS.

4. By executing the contractual "Agreement" of conveyance to be provided by the City, CMS agrees that it has thereupon waived, forgone and forfeited any and all present or future claims against the City arising out of CMS' ownership and operation of the said vehicle thereafter.

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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 570-571.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of July, 2013.

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Stephanie C. Kelly, MMC NCCMC, City Clerk

RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, ON JULY 22, 2013

A motion was made by <u>Coun</u>	cilmember Howard	and seconded by	
Councilmember Barnes	for the adoption of the	following Resolution, and	upon being put
to a vote, was duly adopted:		•	

WHEREAS, the City of Charlotte has a project to construct a segment of realigned Prosperity Church Road, an extension of Ridge Road, and ancillary street connections and improvements, collectively called the "Prosperity Church Road Northwest Arc Thoroughfare Extension" (the "Project"), and;

WHEREAS, the Project will be partially funded using Surface Transportation Program – Direct Attributable (STP-DA) funds in federal fiscal years 2013 and 2014, and;

WHEREAS, the Project is listed in the North Carolina Department of Transportation (NCDOT) state transportation improvement program (TIP) as projects U-5507A and U-5507B, and;

WHEREAS, a Municipal Agreement between the City and NCDOT will provide up to \$2,100,000 in STP-DA funding to project U-5507A, less NCDOT's incurred expenses, and;

WHEREAS, the Municipal Agreement specifies the allocation of funding between right-of-way and construction phases for project U-5507A, and;

WHEREAS, the format and cost-sharing philosophy is consistent with past municipal agreements for STP-DA projects, and;

WHEREAS, on June 7, 2013, the Federal Highway Administration approved the Finding of No Significant Impact (FONSI) for the project;

NOW, THEREFORE, BE IT RESOLVED that a Municipal Agreement with NCDOT for the City of Charlotte to receive \$2,100,000, less NCDOT's incurred expenses, for TIP project U-5507A is hereby formally adopted by the City Council of the City of Charlotte, and the Director of Transportation and the City Clerk are hereby empowered to sign and execute the Municipal Agreement with NCDOT.

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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 572-573.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of July, 2013.

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Stephanie C. Kelly, MMC/NCCMC, City Clerk

RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, ON JULY 22, 2013

A motion was made by Coun-	cilmember Howard	and seconded by	
Councilmember Barnes	for the adoption of the	following Resolution,	and upon being put
to a vote, was duly adopted:			

WHEREAS, the City of Charlotte has a project to construct a segment of realigned Prosperity Church Road, an extension of Ridge Road, and ancillary street connections and improvements, collectively called the "Prosperity Church Road Northwest Arc Thoroughfare Extension" (the "Project"), and;

WHEREAS, the Project will be partially funded using Surface Transportation Program – Direct Attributable (STP-DA) funds in federal fiscal years 2013 and 2014, and;

WHEREAS, the Project is listed in the North Carolina Department of Transportation (NCDOT) state transportation improvement program (TIP) as projects U-5507A and U-5507B, and;

WHEREAS, a Municipal Agreement between the City and NCDOT will provide up to \$2,700,000 in STP-DA funding to project U-5507B, less NCDOT's incurred expenses, and;

WHEREAS, the Municipal Agreement specifies the allocation of funding between right-of-way and construction phases for project U-5507B, and;

WHEREAS, the format and cost-sharing philosophy is consistent with past municipal agreements for STP-DA projects, and;

WHEREAS, on June 7, 2013, the Federal Highway Administration approved the Finding of No Significant Impact (FONSI) for the project;

NOW, THEREFORE, BE IT RESOLVED that a Municipal Agreement with NCDOT for the City of Charlotte to receive \$2,700,000, less NCDOT's incurred expenses, for TIP project U-5507B is hereby formally adopted by the City Council of the City of Charlotte, and the Director of Transportation and the City Clerk are hereby empowered to sign and execute the Municipal Agreement with NCDOT.

<u>CERTIFICATION</u>

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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 574-575.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of July, 2013.

Stephanie C. Kelly, MMC NCCMC, City Clerk

RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON July 22, 2013

A motion was made by $_{}^{ ext{ iny C}}$	Councilmember	Howard	and s	econded by		
Councilmember Barnes	for the	adoption	of the following	Resolution an	id upon b	eing
put to a vote was duly add	opted:	-	_		•	_

WHEREAS, A Municipal Agreement between the City and the North Carolina Department of Transportation (NCDOT) will allow the City to be reimbursed for the work to install traffic signals at the I-485 Ramps and Johnston Road; and,

WHEREAS, the Municipal Agreement provides for reimbursement not to exceed \$111,000 of the total cost of the project; and,

WHEREAS, the format and cost sharing philosophy is consistent with past Municipal Agreements: and,

NOW, THEREFORE, BE IT RESOLVED that this resolution authorizing the City Manager to execute a municipal agreement with the NCDOT for NCDOT to reimburse the City up to \$111,000 for the traffic signal work associated with the installation of new traffic signals at the intersections of the I-485 Inner Loop Ramp and Johnston Road and the I-485 Outer Loop Ramp and Johnston Road, is hereby formally approved by the City Council of the City of Charlotte and the City Manager and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the aforementioned groups.

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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 576.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of July, 2013.

Stephanie C. Kelly, MMC

MC. City Clerk

RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON July 22, 2013

A motion was made by Council	member Howard	and seconded by
Councilmember Barnes	for the adoption of t	the following Resolution and upon bein
put to a vote was duly adopted:	-	-

WHEREAS, A Municipal Agreement between the City and the North Carolina Department of Transportation (NCDOT) will allow the City to be reimbursed for the work to install traffic signals at the I-485 Ramps and Steele Creek Road; and,

WHEREAS, the Municipal Agreement provides for reimbursement not to exceed \$121,000 of the total cost of the project; and,

WHEREAS, the format and cost sharing philosophy is consistent with past Municipal Agreements: and,

NOW, THEREFORE, BE IT RESOLVED that this resolution authorizing the City Manager to execute a municipal agreement with the NCDOT for NCDOT to reimburse the City up to \$121,000 for the traffic signal work associated with the installation of new traffic signals at the intersections of the I-485 Inner Loop Ramp and Steele Creek Rd. and the I-485 Outer Loop Ramp and Steele Creek Rd., is hereby formally approved by the City Council of the City of Charlotte and the City Manager and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the aforementioned groups.

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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 577.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of July, 2013.

Stephanie C. Kelly, MMC NCCMC, City Cler

RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON JULY 22, 2013

A motion was made by _	Councilmember Howard	and seconded by	
Councilmember Barne	for the adoption	of the following Resolution,	and upon being put
to a vote was duly adopt	ed:		

WHEREAS, this Municipal Agreement is to provide for the development and maintenance of the Metrolina Regional Travel Demand Model; and,

WHEREAS, the NCDOT will reimburse the City up to \$400,000 for FY2014 through FY2015; and,

WHEREAS, the SCDOT will reimburse the City up to \$10,000 for FY2014; and,

WHEREAS, Rock Hill will reimburse the City up to \$9,968.21 for FY2014; and,

WHEREAS, Concord will reimburse the City up to \$12,592.74 for FY2014; and,

WHEREAS, Gastonia will reimburse the City up to \$10,679.99 for FY2014; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Municipal Agreements between the North Carolina Department of Transportation and the City of Charlotte Department of Transportation, the South Carolina Department of Transportation and the City of Charlotte Department of Transportation, the City of Rock Hill and the City of Charlotte Department of Transportation, the City of Concord and the City of Charlotte Department of Transportation, and the City of Gastonia and the City of Charlotte Department of Transportation, are hereby formally approved by the City Council of the City of Charlotte.

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 578-579.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day

of July, 2013

Stephanie C. Kelly, MMC N City Clerk

EXTRACTS FROM MINUTES OF CITY COUNCIL

* * *

A Regular Meeting of the City Council of the City of Charlotte, North Carolina (the "City Council") was duly held in the Meeting Chamber at the Charlotte-Mecklenburg County Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, the regular place of meeting, at 7:00 p.m. on July 22, 2013:

Members Present:

Mayor Kinsey, Councilmembers Autry, Barnes, Cannon, Cooksey

Dulin, Fallon, Howard, Mayfield, Mitchell and Pickering

Members Absent:

NONE

* * * * * *

Councilmember <u>Howard</u> introduced the following resolution, a summary of which had been provided to each Councilmember, a copy of which was available with the City Clerk and which was read by title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE

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

Not to exceed \$115,000,000 of General Obligation Refunding Bonds to pay the costs of refunding in advance of their maturities (1) the City's \$100,000,000 General Obligation Bonds, Series 2003A, of which \$76,425,000 is currently outstanding; (2) the City's \$42,560,000 General Obligation Refunding Bonds, Series 2003B, of which \$11,625,000 is currently outstanding; and (3) the City's \$58,720,000 General Obligation Refunding Bonds, Series 2003C, of which \$25,995,000 is currently outstanding (collectively, the "Refunded Bonds").

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

NOW, THEREFORE, BE IT RESOLVED that the City Council meeting in open session on the 22nd day of July, 2013, has made the following factual findings in regard to this matter:

A. Facts Regarding Necessity of Proposed Financing. The proposed bonds are necessary and expedient to lower the City's debt service costs related to projects financed and refinanced with the Refunded Bonds. The proposed bonds do not extend the final maturity of the Refunded Bonds.

- B. Facts Supporting the Amount of Bonds Proposed. The sums estimated for these bonds are adequate and not excessive for the proposed purpose.
- C. Past Debt Management Polices. The City's debt management policies have been carried out in compliance with law. The City employs a Chief Financial Officer to oversee compliance with applicable laws relating to debt management. The City Council requires annual audits of City finances. In connection with these audits, compliance with laws is reviewed. The City is not in default in any of its debt service obligations. The City Attorney reviews all debt-related documents for compliance with laws.
- D. Past Budgetary and Fiscal Management Polices. The City's budgetary and fiscal management policies have been carried out in compliance with laws. Annual budgets are closely reviewed by the City Council before final approval of budget ordinances. Budget amendments changing a function total or between functions are presented to the City Council at regular City Council meetings. The Chief Financial Officer presents financial information to City Council which shows budget to actual comparisons annually and otherwise as the City Manager deems necessary or as a member of the City Council may request.
- E. Retirement of Debt. The schedule for issuing the bonds does not require a property tax increase. The schedule for issuance calls for issuing all of the bonds in Fiscal Year 2014, but issuance may be delayed until such time as the City determines that the market is more favorable for the issuance of the bonds.
- F. Financing Team. The City Manager and the Chief Financial Officer, with advice from the City Attorney, are hereby authorized and directed to (1) retain Parker Poe Adams & Bernstein LLP, as bond counsel, (2) retain Wells Fargo Bank, National Association and Merrill Lynch, Pierce, Fenner & Smith Incorporated, as underwriters for the Bonds, (3) retain DEC Associates, Inc., as financial advisor, and (4) approve the selection of McGuireWoods LLP, as counsel to the underwriters.

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

AYES: Councilmembers Autry, Barnes, Cannon, Cooksey, Dulin, Fallon Howard, Mayfield, Mitchell and Pickering

NAYS: NONE

PASSED, ADOPTED AND APPROVED this 22nd day of July, 2013.

July	22,	20	013			
Resol	Lutio	n	Book	44,	Page	582

STATE OF NORTH CAROLINA)	
)	SS:
CITY OF CHARLOTTE)	

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 entitled "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE" adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of July, 2013.

WITNESS my hand and the seal of the City of Charlotte, North Carolina, this the 25th day of July, 2013.

Stephanie C. Kelly, City Clerk

(SEAL)

Councilmember <u>Howard</u> introduced the following bond order by reading the title thereof:

BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$115,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF CHARLOTTE, NORTH CAROLINA

WHEREAS, the City of Charlotte, North Carolina (the "City") has issued (1) its \$100,000,000 General Obligation Bonds, Series 2003A, of which \$76,425,000 is currently outstanding; (2) its \$42,560,000 General Obligation Refunding Bonds, Series 2003B, of which \$11,625,000 is currently outstanding; and (3) its \$58,720,000 General Obligation Refunding Bonds, Series 2003C, of which \$25,995,000 is currently outstanding (collectively, the "Refunded Bonds");

WHEREAS, the City Council of the City (the "City Council") deems it advisable to refund all of the outstanding Refunded Bonds;

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the bonds hereinafter described as required by the Local Government Bond Act, and the Secretary of the Local Government Commission has notified the City Council that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Charlotte, North Carolina, as follows:

- Section 1. The City Council deems it advisable to refund all of the outstanding Refunded Bonds.
- Section 2. To raise the money required to pay the costs of refunding the Refunded Bonds as set forth above, General Obligation Refunding Bonds of the City are hereby authorized and shall be issued pursuant to the Local Government Bond Act of North Carolina. The maximum aggregate principal amount of such General Obligation Refunding Bonds authorized by this bond order shall be and not exceed \$115,000,000.
- Section 3. A tax sufficient to pay the principal of and interest on said General Obligation Refunding Bonds when due shall be annually levied and collected.
- Section 4. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.
 - Section 5. This bond order shall take effect on its adoption.

Adopted by unanimous consent without change or amendment.

As prescribed by The Local Government Bond Act, the City Clerk is directed to publish a notice of adoption of the bond order titled, "BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$115,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF CHARLOTTE, NORTH CAROLINA," which was introduced at the meeting of the City Council held on July 22, 2013.

July	22,	20	13			
Resol	utic	n	Book	44,	Page	584

STATE OF NORTH CAROLINA)	
)	SS:
CITY OF CHARLOTIE)	

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 the "BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$115,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF CHARLOTTE, NORTH CAROLINA" introduced and adopted in regular session of the City Council of the City of Charlotte, North Carolina convened on the 22nd day of July, 2013.

WITNESS my hand and the seal of the City of Charlotte, North Carolina, this the 25th day of July, 2013.

Stephanie C. Kelly, City Clerk

(SEAL)

BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$115,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF CHARLOTTE, NORTH CAROLINA

WHEREAS, the City of Charlotte, North Carolina (the "City") has issued (1) its \$100,000,000 General Obligation Bonds, Series 2003A, of which \$76,425,000 is currently outstanding; (2) its \$42,560,000 General Obligation Refunding Bonds, Series 2003B, of which \$11,625,000 is currently outstanding; and (3) its \$58,720,000 General Obligation Refunding Bonds, Series 2003C, of which \$25,995,000 is currently outstanding (collectively, the "Refunded Bonds");

WHEREAS, the City Council of the City (the "City Council") deems it advisable to refund all of the outstanding Refunded Bonds;

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the bonds hereinafter described as required by the Local Government Bond Act, and the Secretary of the Local Government Commission has notified the City Council that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Charlotte, North Carolina, as follows:

- Section 1. The City Council deems it advisable to refund all of the outstanding Refunded Bonds.
- Section 2. To raise the money required to pay the costs of refunding the Refunded Bonds as set forth above, General Obligation Refunding Bonds of the City are hereby authorized and shall be issued pursuant to the Local Government Bond Act of North Carolina. The maximum aggregate principal amount of such General Obligation Refunding Bonds authorized by this bond order shall be and not exceed \$115,000,000.
- Section 3. A tax sufficient to pay the principal of and interest on said General Obligation Refunding Bonds when due shall be annually levied and collected.
- Section 4. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.
 - Section 5. This bond order shall take effect on its adoption.

Adopted by unanimous consent without change or amendment.

The foregoing order was adopted on the 22nd day of July, 2013 and is hereby published this 23rd day of July, 2013. Any action or proceeding questioning the validity of the order must be begun within 30 days after the date of publication of this notice.

/s/Stephanie C. Kelly
City Clerk
City of Charlotte, North Carolina

EXTRACTS FROM MINUTES OF CITY COUNCIL

* * *

A Regular Meeting of the City Council of the City of Charlotte, North Carolina (the "City Council") was duly held in the Meeting Chamber at the Charlotte-Mecklenburg City Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, the regular place of meeting, at 7:00 p.m. on July 22, 2013:

Members Present: Mayor Kinsey, Councilmembers Autry, Barnes, Cannon,

Cooksey, Dulin, Fallon, Howard, Mayfield, Mitchell,

and Pickering.

Members Absent: NONE

* * * * * *

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA PROVIDING FOR THE ISSUANCE OF THE CITY'S TAXABLE GENERAL OBLIGATION HOUSING BONDS, SERIES 2013A AND THE CITY'S GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013B

WHEREAS, each of the Bond Orders (as defined below) has been adopted, and it is desirable to make provision for the issuance of the 2013 Bonds (as defined below) authorized by the Bond Orders;

WHEREAS, the City of Charlotte, North Carolina (the "City") desires to issue (1) its Taxable General Obligation Housing Bonds, Series 2013A (the "2013A Bonds") in the aggregate principal amount of \$34,370,000 and (2) its General Obligation Refunding Bonds, Series 2013B (the "2013B Bonds") in an aggregate principal amount not to exceed \$115,000,000;

WHEREAS, the City requests that the Local Government Commission (the "Commission") (1) sell the 2013A Bonds through a competitive sale and (2) sell the 2013B Bonds through a negotiated sale to Wells Fargo Bank, National Association and Merrill Lynch, Pierce, Fenner & Smith Incorporated (collectively, the "Underwriters") in accordance with the terms and conditions set forth in a Bond Purchase Agreement to be dated on or about August 23, 2013 (the "Bond Purchase Agreement") among the City, the Commission and the Underwriters relating to the 2013B Bonds;

WHEREAS, copies of the forms of the following documents relating to the transactions described above have been filed with the City and have been made available to the City Council of the City (the "City Council"):

1. the Bond Purchase Agreement;

- 2. a Preliminary Official Statement with respect to the 2013A Bonds, together with the Official Statement with respect to the 2013A Bonds to be dated on or about August 13, 2013 (collectively, the "2013A Official Statement"); and
- 3. a Preliminary Official Statement with respect to the 2013B Bonds, together with the Official Statement with respect to the 2013B Bonds to be dated on or about August 23, 2013 (collectively, the "2013B Official Statement," and together with the 2013A Official Statement, the "Official Statements").

NOW, THEREFORE, BE IT RESOLVED by the City Council as follows:

Section 1. For purposes of this Resolution, the following words have the meanings ascribed to them below:

"Arbitrage and Tax Regulatory Agreement" means the Arbitrage and Tax Regulatory Agreement executed by the City related to the 2013B Bonds.

"Bond Orders" means, collectively, the 2013A Bond Orders and the 2013B Bond Order.

"Code" means the Internal Revenue Code of 1986, as amended. Each reference to a section of the Code herein will be deemed to include the United States Treasury Regulations proposed or in effect with respect thereto.

"Federal Securities" means (a) direct obligations of the United States of America for the timely payment of which the full faith and credit of the United States of America is pledged; (b) obligations issued by any agency controlled or supervised by and acting as an instrumentality of the United States of America, the timely payment of the principal of and interest on which is fully guaranteed as full faith and credit obligations of the United States of America (including any securities described in (a) or (b) issued or held in the name of the Trustee in book-entry form on the books of the Department of Treasury of the United States of America), which obligations, in either case, are held in the name of a trustee and are not subject to redemption or purchase prior to maturity at the option of anyone other than the holder; (c) any bonds or other obligations of the State of North Carolina or of any agency, instrumentality or local governmental unit of the State of North Carolina which are (i) not callable prior to maturity or (ii) as to which irrevocable instructions have been given to the trustee or escrow agent with respect to such bonds or other obligations by the obligor to give due notice of redemption and to call such bonds for redemption on the date or dates specified, and which are rated by Moody's, if the 2013 Bonds are rated by Moody's, and S&P, if the 2013 Bonds are rated by S&P, within the highest rating category and which are secured as to principal, redemption premium, if any, and interest by a fund consisting only of cash or bonds or other obligations of the character described in clause (a) or (b) hereof which fund may be applied only to the payment of such principal of and interest and redemption premium, if any, on such bonds or other obligations on the maturity date or dates thereof or the specified redemption date or dates pursuant to such irrevocable instructions, as appropriate; or (d) direct evidences of ownership of proportionate interests in future interest and principal payments on specified obligations described in (a) held by a bank or trust company as custodian, under which the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor on the underlying obligations described in (a), and which underlying obligations are not available to satisfy any claim of the custodian or any person claiming through the custodian or to whom the custodian may be obligated.

"Housing Projects" means, collectively, the acquisition, construction, development, equipping and furnishing of housing projects for the benefit of persons of low income, or moderate income, or low

and moderate income, including without limitation loans, grants, interest supplements and other programs of financial assistance to persons of low income, or moderate income, or low and moderate income, and developers of housing for persons of low income, or moderate income, or low and moderate income, and construction of infrastructure improvements related thereto and the acquisition of land and rights-of-way required therefor, and to pay capital costs of such improvements pursuant to and in accordance with the 2013A Bond Orders.

"Moody's" means Moody's Investors Service, a corporation organized and existing under the laws of the State of Delaware, its successors and their assigns and, if such corporation for any reason no longer performs the functions of a securities rating agency, "Moody's" will be deemed to refer to any other nationally recognized rating agency other than S&P designated by the City.

"Pricing Certificate" means the certificate of the City's Chief Financial Officer delivered in connection with the issuance of the 2013 Bonds which establishes the final maturity amounts, the interest payment dates and the provisions for redemption for each series of the 2013 Bonds.

"Refunded Bonds" means, collectively, the 2003A Bonds, the 2003B Bonds and the 2003C Bonds.

"S&P" means Standard & Poor's Ratings Services, a Standard & Poor's Financial Services LLC business, its successors and their assigns and, if such corporation for any reason no longer performs the functions of a securities rating agency, "S&P" will be deemed to refer to any other nationally recognized rating agency other than Moody's designed by the City.

"2003A Bonds" means the City's \$100,000,000 General Obligation Bonds, Series 2003A, of which \$76,425,000 is currently outstanding.

"2003B Bonds" means the City's \$42,560,000 General Obligation Refunding Bonds, Series 2003B, of which \$11,625,000 is currently outstanding.

"2003C Bonds" means the City's \$58,720,000 General Obligation Refunding Bonds, Series 2003C, of which \$25,995,000 is currently outstanding.

"2013 Bonds" means, collectively, the 2013A Bonds and the 2013B Bonds.

"2013A Bond Orders" means, collectively, (1) the Bond Order authorizing the City to issue general obligation bonds to finance certain housing projects adopted on September 11, 2006 and approved by a majority of voters at a referendum held on November 7, 2006, (2) the Bond Order authorizing the City to issue general obligation bonds to finance certain housing projects adopted on August 25, 2008 and approved by a majority of voters at a referendum held on November 4, 2008 and (3) the Bond Order authorizing the City to issue general obligation bonds to finance certain housing projects adopted on August 23, 2010 and approved by a majority of voters at a referendum held on November 2, 2010.

"2013B Bond Order" means the Bond Order authorizing \$115,000,000 General Obligation Refunding Bonds, adopted by the City Council on July 22, 2013 and effective on its adoption.

- Section 2. The City shall issue its 2013A Bonds in the aggregate principal amount of \$34,370,000 and its 2013B Bonds in an aggregate principal amount not to exceed \$115,000,000.
- Section 3. The 2013 Bonds shall be dated as of their date of issuance. The 2013 Bonds shall pay interest semiannually on January 1 and July 1, beginning January 1, 2014, unless the Chief Financial

Officer establishes different dates in his Pricing Certificate. The 2013A Bonds are being issued to finance the Housing Projects pursuant to and in accordance with the 2013A Bond Orders. The 2013B Bonds are being issued to refund the Refunded Bonds pursuant to and in accordance with the 2013B Bond Order.

- Section 4. The 2013A Bonds are payable in annual installments on July 1 in each year and the 2013B Bonds are payable in installments on January 1, 2014 and, thereafter, on July 1 of each year, unless the Chief Financial Officer establishes different dates in his Pricing Certificate. The maturities of the 2013 Bonds will be as set forth in the Pricing Certificate.
- Section 5. The 2013A Bonds are to be numbered from "RA-1" consecutively and upward. The 2013B Bonds are to be numbered from "RB-1" consecutively and upward. All 2013 Bonds shall bear interest from their date at a rate or rates which will be hereafter determined on the sale thereof computed on the basis of a 360-day year of twelve 30-day months.
- Section 6. The 2013 Bonds are to be registered as to principal and interest, and the Chief Financial Officer is directed to maintain the registration records with respect thereto. The 2013 Bonds shall bear the original or facsimile signatures of the Mayor, the Mayor Pro Tem or City Manager and the City Clerk. An original or facsimile of the seal of the City is to be imprinted on each of the 2013 Bonds.
- Section 7. The 2013 Bonds will initially be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity of each series of the 2013 Bonds will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. A book-entry system will be employed, evidencing ownership of the 2013 Bonds in principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the 2013 Bonds will be payable to DTC or its nominee as registered owner of the 2013 Bonds in immediately available funds. The principal of and interest on the 2013 Bonds will be payable to owners of 2013 Bonds shown on the records of DTC at the close of business on the 15th day of the month preceding an interest payment date or a bond payment date. The City will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.
- If (1) DTC determines not to continue to act as securities depository for the 2013 Bonds or (2) the Chief Financial Officer determines that the continuation of the book-entry system of evidence and transfer of ownership of the 2013 Bonds would adversely affect the interests of the beneficial owners of the 2013 Bonds, the City will discontinue the book-entry system with DTC. If the City fails to identify another qualified securities depository to replace DTC, the City will authenticate and deliver replacement 2013 Bonds in accordance with DTC's rules and procedures.
- Section 8. If the Pricing Certificate designates a date for the 2013 Bonds on and after which the 2013 Bonds are subject to redemption, then such 2013 Bonds are subject to redemption before maturity, at the option of the City, from any money that may be made available for such purpose, either in whole or in part on any date on or after the date set forth in the Pricing Certificate, at the principal amount of the 2013 Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption, with such redemption premium, if any, designated for the 2013 Bonds in the Pricing Certificate.

If a series of the 2013 Bonds is subject to optional redemption and if less than all 2013 Bonds of such series are called for redemption, the City shall select the maturity or maturities of such series of the 2013 Bonds to be redeemed in such manner as the City in its discretion may determine, and DTC and its participants shall determine which such 2013 Bonds within a maturity are to be redeemed by lot;

provided, however, that the portion of any 2013 Bond to be redeemed must be in principal amount of \$5,000 or integral multiples thereof and that, in selecting 2013 Bonds for redemption, each 2013 Bond is to be considered as representing that number of 2013 Bonds which is obtained by dividing the principal amount of such 2013 Bond by \$5,000. When the City elects to redeem any 2013 Bonds, notice of such redemption of such 2013 Bonds, stating the redemption date, redemption price and identifying the 2013 Bonds or portions thereof to be redeemed by reference to their numbers and further stating that on such redemption date there are due and payable on each 2013 Bond or portion thereof so to be redeemed, the principal thereof and interest accrued to the redemption date and that from and after such date interest thereon shall cease to accrue, is to be given not less than 30 days nor more than 60 days before the redemption date in writing to DTC or its nominee as the registered owner of such 2013 Bonds, by prepaid certified or registered United States mail, at the address provided to the City by DTC, but any failure or defect in respect of such mailing will not affect the validity of the redemption. If DTC is not the registered owner of such 2013 Bonds, the City will give notice at the time set forth above by prepaid first class United States mail, to the then-registered owners of such 2013 Bonds or portions thereof to be redeemed at the last address shown on the registration books kept by the City. The City will also mail or transmit by facsimile a copy of the notice of redemption within the time set forth above (1) to the Commission and (2) to the Municipal Securities Rule Making Board (the "MSRB") in a electronic format as prescribed by the MSRB.

If at the time of mailing of notice of redemption there is not on deposit money sufficient to redeem the 2013 Bonds called for redemption, such notice may state that it is conditional on the deposit of money for the redemption on the date of redemption as set forth in the notice. Any notice, once given, may be withdrawn by notice delivered in the same manner as the notice of redemption was given.

Section 9. The 2013A Bonds and the provisions for the registration of the 2013A Bonds and for the approval of the 2013A Bonds by the Secretary of the Commission are to be in substantially the form set forth in the Appendix A hereto. The 2013B Bonds and the provisions for the registration of the 2013B Bonds and for the approval of the 2013B Bonds by the Secretary of the Commission are to be in substantially the form set forth in the Appendix B hereto.

Section 10. The City covenants that it will not take or permit, or omit to take or cause to be taken, any action that would adversely affect the exclusion from gross income of the recipient thereof for federal income tax purposes of the interest on the 2013B Bonds, and, if it should take or permit, or omit to take or cause to be taken, any such action, the City will take or cause to be taken all lawful actions within its power necessary to rescind or correct such actions or omissions promptly upon having knowledge thereof. The City acknowledges that the continued exclusion of interest on the 2013B Bonds from the owner's gross income for federal income tax purposes depends, in part, on compliance with the arbitrage limitations imposed by Section 148 of the Code. The City covenants that it will comply with all the requirements of Section 148 of the Code, including the rebate requirements, and that it will not permit at any time any of the proceeds of the 2013B Bonds or other funds under its control be used, directly or indirectly, to acquire any asset or obligation, the acquisition of which would cause the 2013B Bonds to be "arbitrage bonds" for purposes of Section 148 of the Code. The Chief Financial Officer is hereby authorized to execute an Arbitrage and Tax Regulatory Agreement with respect to the 2013B Bonds.

Section 11. The Chief Financial Officer is hereby directed to create and establish a special fund to be designated "City of Charlotte, North Carolina General Obligation Bonds, Series 2013 Project Fund" (the "Project Fund") and within the Project Fund, one account for the proceeds of the 2013A Bonds (the "2013A Account") and one account for the proceeds of the 2013B Bonds (the "2013B Bonds in the 2013A Account of the Project Fund. From the proceeds of the 2013B Bonds, the State Treasurer shall

hold the amount provided in the Pricing Certificate needed to redeem the Refunded Bonds and transfer the balance of the proceeds from the sale of the 2013B Bonds to the 2013B Account. On September 5, 2013, or such other date as the Chief Financial Officer may determine, the State Treasurer shall transfer to DTC or its nominee as registered owner of the Refunded Bonds the amount needed to redeem the Refunded Bonds on September 5, 2013.

Funds on deposit in the 2013A Account shall be used to pay the costs of the Housing Projects, including the costs of issuance of the 2013B Bonds. Proceeds on deposit in the 2013B Account shall be used to pay the costs of issuance of the 2013B Bonds. Funds on deposit in the Project Fund shall be invested and reinvested by the Chief Financial Officer as permitted by the laws of the State of North Carolina. The Chief Financial Officer shall keep and maintain adequate records pertaining to each account and all disbursements from each account so as to satisfy the requirements of the laws of the State of North Carolina and assure that the City maintains its covenants with respect to the exclusion of the interest on the 2013B Bonds from gross income for purposes of federal income taxation. To the extent any funds remain in the 2013B Bonds Account on December 15, 2013, the Chief Financial Officer shall apply the remaining proceeds of the 2013B Bonds to pay interest on the 2013B Bonds on January 1, 2014.

- Section 12. Actions taken by officials of the City to select paying and transfer agents, and a bond registrar, or alternate or successor agents and registrars pursuant to Section 159E-8 of the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, are hereby authorized and approved.
- Section 13. The Commission is hereby requested (1) to sell the 2013A Bonds through a competitive sale to the bidder whose bid results in the lowest interest cost to the City, determined on the basis of the net interest cost method, and (2) to sell the 2013B Bonds through a negotiated sale to the Underwriters pursuant to the terms of the Bond Purchase Agreement at a true interest cost not to exceed 4.50%. The form and content of the Bond Purchase Agreement are in all respects approved and confirmed, and the Mayor, the Mayor Pro Tem, the City Manager or the Chief Financial Officer of the City is hereby authorized, empowered and directed, individually and collectively, to execute and deliver the Bond Purchase Agreement for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of the City Council' approval of any and all such changes, modifications, additions or deletions therein. From and after the execution and delivery of the Bond Purchase Agreement, the Mayor, the Mayor Pro Tem, the City Manager and the Chief Financial Officer of the City are hereby authorized, empowered and directed, individually and collectively, to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Bond Purchase Agreement as executed.
- Section 14. The Mayor, the Mayor Pro Tem, the City Manager, the Chief Financial Officer and the City Clerk are hereby authorized and directed, individually and collectively, (1) to cause the 2013 Bonds to be prepared and (2) when they have been duly sold by the Commission, (a) to execute the 2013 Bonds and (b) to turn the 2013B Bonds over to the registrar and transfer agent of the City for delivery through the facilities of DTC to the Underwriters.
- Section 15. The form and content of the Official Statements are in all respects authorized, approved and confirmed, and the Chief Financial Officer is authorized, empowered and directed to deliver the Official Statements in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as he may deem necessary, desirable or appropriate.

- Section 16. The Mayor, the Mayor Pro Tem, the City Manager, the Chief Financial Officer and the City Clerk are authorized and directed, individually and collectively, to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the documents contemplated in this Resolution or as may be deemed necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution.
- Section 17. The City agrees, in accordance with Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission (the "SEC") and for the benefit of the Registered Owners and beneficial owners of the 2013 Bonds, as follows:
 - (1) by not later than seven months after the end of each Fiscal Year to the MSRB in an electronic format as prescribed by the MSRB, the audited financial statements of the City for the preceding Fiscal Year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or if such audited financial statements are not then available, unaudited financial statements of the City for such Fiscal Year to be replaced subsequently by audited financial statements of the City to be delivered within 15 days after such audited financial statements become available for distribution;
 - (2) by not later than seven months after the end of each Fiscal Year to the MSRB, the financial and statistical data as of a date not earlier than the end of the preceding Fiscal Year for the type of information included under the captions "THE CITY—DEBT INFORMATION" and "-TAX INFORMATION" (excluding information on overlapping units) in each Official Statement referred to in Section 15;
 - (3) in a timely manner not in excess of 10 business days after the occurrence of the event, to the MSRB, notice of any of the following events with respect to the 2013 Bonds:
 - (a) principal and interest payment delinquencies;
 - (b) non-payment related defaults, if material;
 - (c) unscheduled draws on the debt service reserves reflecting financial difficulties;
 - (d) unscheduled draws on any credit enhancements reflecting financial difficulties;
 - (e) substitution of any credit or liquidity providers, or their failure to perform;
 - (f) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the 2013 Bonds, or other material events affecting the tax status of the 2013 Bonds;
 - (g) modification of the rights of the beneficial owners of the 2013 Bonds, if material;

- (h) call of any of the 2013 Bonds, if material, and tender offers;
- (i) defeasance of any of the 2013 Bonds;
- (j) release, substitution or sale of any property securing repayment of the 2013 Bonds, if material;
 - (k) rating changes;
 - (I) bankruptcy, insolvency, receivership or similar event of the City;
- (m) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to such actions, other than pursuant to its terms, if material; and
- (n) appointment of a successor or additional trustee or the change of name of a trustee, if material; and
- (4) in a timely manner to the MSRB, notice of the failure by the City to provide the required annual financial information described in (1) and (2) above on or before the date specified.

The City agrees that its undertaking under this Paragraph is intended to be for the benefit of the registered owners and the beneficial owners of the 2013 Bonds and is enforceable by any of the registered owners and the beneficial owners of the 2013 Bonds, including an action for specific performance of the City's obligations under this Paragraph, but a failure to comply will not be an event of default and will not result in acceleration of the payment of the 2013 Bonds. An action must be instituted, had and maintained in the manner provided in this Paragraph for the benefit of all of the registered owners and beneficial owners of the 2013 Bonds.

All documents provided to the MSRB as described in this Paragraph shall be provided in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB. The City may discharge its undertaking described above by providing such information in a manner the SEC subsequently authorizes in lieu of the manner described above.

The City may modify from time to time, consistent with the Rule, the information provided or the format of the presentation of such information, to the extent necessary or appropriate in the judgment of the City, but:

- (1) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law or change in the identity, nature or status of the City;
- (2) the information to be provided, as modified, would have complied with the requirements of the Rule as of the date of each Official Statement, after taking into account any amendments or interpretations of the Rule as well as any changes in circumstances;

(3) with respect to a series of 2013 Bonds, any such modification does not materially impair the interest of the registered owners or the beneficial owners of the 2013 Bonds of such series, as determined by nationally recognized bond counsel or by the approving vote of the registered owners of a majority in principal amount of the 2013 Bonds of such series.

Any annual financial information containing modified operating data or financial information will explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Paragraph with respect to each series of 2013 Bonds terminate on payment, or provision having been made for payment in a manner consistent with the Rule, in full of the principal of and interest on the 2013 Bonds of such series.

Section 18. Those portions of this Resolution other than Section 17 may be amended or supplemented, from time to time, without the consent of the owners of each series of the 2013 Bonds if in the opinion of nationally recognized bond counsel, such amendment or supplement would not adversely affect the interests of the owners of such 2013 Bonds and, with respect to the 2013B Bonds, would not cause the interest on the 2013B Bonds to be included in the gross income of a recipient thereof for federal income tax purposes. This Resolution may be amended or supplemented with the consent of the owners of a majority in aggregate principal amount of the applicable series of 2013 Bonds then outstanding, exclusive of such 2013 Bonds, if any, owned by the City, but a modification or amendment (1) may not, without the express consent of any owner of 2013 Bonds, reduce the principal amount of any such 2013 Bond, reduce the interest rate payable on it, extend its maturity or the times for paying interest, change the monetary medium in which principal and interest is payable, or reduce the percentage of consent required for amendment or modification and (2) as to an amendment to Section 21, must be limited as described therein.

Any act done pursuant to a modification or amendment consented to by the owners of a series of the 2013 Bonds is binding on all owners of such 2013 Bonds and will not be deemed an infringement of any of the provisions of this Resolution, whatever the character of the act may be, and may be done and performed as fully and freely as if expressly permitted by the terms of this Resolution, and after consent has been given, no owner of such 2013 Bond has any right or interest to object to the action, to question its propriety or to enjoin or restrain the City from taking any action pursuant to a modification or amendment.

If the City proposes an amendment or supplemental resolution to this Resolution requiring the consent of the owners of a series of the 2013 Bonds, the Registrar shall, on being satisfactorily indemnified with respect to expenses, cause notice of the proposed amendment to be sent to each owner of such 2013 Bonds then outstanding by first-class mail, postage prepaid, to the address of such owner as it appears on the registration books; but the failure to receive such notice by mailing by any owner, or any defect in the mailing thereof, will not affect the validity of any proceedings pursuant hereto. Such notice shall briefly set forth the nature of the proposed amendment and shall state that copies thereof are on file at the principal office of the Registrar for inspection by all owners of such 2013 Bonds. If, within 60 days or such longer period as shall be prescribed by the City following the giving of such notice, the owners of a majority in aggregate principal amount of such 2013 Bonds then outstanding have consented to the proposed amendment, the amendment will be effective as of the date stated in the notice.

Section 19. Nothing in this Resolution precludes (a) the payment of the 2013 Bonds from the proceeds of refunding bonds or (b) the payment of the 2013 Bonds from any legally available funds.

If the City causes to be paid, or has made provisions to pay, on maturity or on redemption before maturity, to the owners of a series of the 2013 Bonds the principal of such 2013 Bonds (including interest to become due thereon) and, premium, if any, on such 2013 Bonds, through setting aside trust funds or setting apart in a reserve fund or special trust account created pursuant to this Resolution or otherwise, or through the irrevocable segregation for that purpose in some sinking fund or other fund or trust account with an escrow agent or otherwise, moneys sufficient therefor, including, but not limited to, interest earned or to be earned on Federal Securities, the City shall so notify Moody's and S&P, and then such 2013 Bonds shall be considered to have been discharged and satisfied, and the principal of such 2013 Bonds (including premium, if any, and interest thereon) shall no longer be deemed to be outstanding and unpaid; provided, however, that nothing in this Resolution requires the deposit of more than such Federal Securities as may be sufficient, taking into account both the principal amount of such Federal Securities and the interest to become due thereon, to implement any such defeasance.

If such a defeasance occurs and after the City receives an opinion of a nationally recognized verification agent that the segregated moneys or Federal Securities together with interest earnings thereon are sufficient to effect a defeasance with respect to such 2013 Bonds, the City shall execute and deliver all such instruments as may be necessary to effect such a defeasance and desirable to evidence such release, discharge and satisfaction. Provisions shall be made by the City, for the mailing of a notice to the owners of such 2013 Bonds that such moneys are so available for such payment.

- Section 20. The City hereby repeals (1) the portion of the Bond Order adopted by the City Council on September 28, 2009 and effective on the adoption thereof with respect to any general obligation refunding bonds authorized but unissued under such bond order and (2) the portion of the Bond Order adopted by the City Council on February 13, 2012 and effective on the adoption thereof with respect to any general obligation refunding bonds authorized but unissued under such bond order.
- Section 21. All acts and doings of the Mayor, the Mayor Pro Tem, the City Manager, the Chief Financial Officer and the City Clerk that are in conformity with the purposes and intents of this Resolution and in the furtherance of the issuance of the 2013 Bonds and the execution, delivery and performance of the Bond Purchase Agreement are in all respects approved and confirmed.
- Section 22. If any one or more of the agreements or provisions herein contained is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or for any reason whatsoever is held invalid, then such covenants, agreements or provisions are null and void and separable from the remaining agreements and provisions and will in no way affect the validity of any of the other agreements and provisions hereof or of the 2013 Bonds authorized hereunder.
- Section 23. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.
 - Section 24. This Bond Resolution is effective on its adoption.

On motion of Councilmember Howard, the foregoing resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA PROVIDING FOR THE ISSUANCE OF THE CITY'S TAXABLE GENERAL OBLIGATION HOUSING BONDS, SERIES 2013A AND THE CITY'S GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013B" was duly adopted by the following vote:

AYES: Councilmembers Autry, Barnes, Cannon, Cooksey, Dulin, Fallon, Howard, Mayfield, Mitchell and Pickering.

July 22, 2013 Resolution Book 44, Page 596

NAYS: NONE

July 22, 2013		
Resolution Book 44, Page 597		
STATE OF NORTH CAROLINA)	SS:
CITY OF CHARLOTTE)	88.

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 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA PROVIDING FOR THE ISSUANCE OF THE CITY'S TAXABLE GENERAL OBLIGATION HOUSING BONDS, SERIES 2013A AND THE CITY'S GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013B" adopted by the City Council of the City of Charlotte, North Carolina, at a meeting held on the 22nd day of July, 2013.

WITNESS my hand and the seal of the City of Charlotte, North Carolina, this the 25 day of July,

2013.



tephanie C. Kelly

City Clerk

City of Charlotte, North Carolina

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 22nd day of July 2013 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 598-599.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of July, 2013.

Property Tax Refund Requests

CRAYTON PRINTING	\$ 117.03
CRAYTON PRINTING	213.71
DELVEGA, ROBERT	221.57
DUNCAN, RICHARD L SR	118.86
FUCHS, LOUIS P	147.21
FUCHS, LOUIS P	147.21
FUCHS, LOUIS P	161.25
FUCHS, LOUIS P	161.25
GENESIS EYE CENTER PLLC	536.26
GENESIS EYE CENTER PLLC	491.97
GENESIS EYE CENTER PLLC	603.90
GENESIS EYE CENTER PLLC	496.34
GENESIS EYE CENTER PLLC	2,278.43
INTERNET SERVICES CORP	7.65
LAMPEL, JEAN G	68.17
LAMPEL, JEAN G	52.74
LAMPEL, JEAN G	52.74
LAMPEL, JEAN G	52.74
PULLEY, PAUL	43.38
REES, RICHARD W	77.79
REES, RICHARD W	74.73
REES, RICHARD W	66.96
REES, RICHARD W	66.96
SORBEL, GARY	11.77
TORBET, JAMES	21.76
US BANCORP SERVICE PROVIDERS	133.45
WHITE, WILLIAM G IV	219.13
XPRESS MART #26	65.75
ZACCAGNINO, WILLIAM	174.73
ZACCAGNINO, WILLIAM	174.73

\$ 7,060.17

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 22nd day of July 2013 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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 600-601.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of July, 2013.

Stephanie C. Kelly, MMC NCCMC, City Clerk

Business Privilege License Tax Refund Requests

Subway # 35127 VSK Inc	\$ 619.29
Global Hookah Distributors Inc	23.11
Hero Japanese Steak and Sushi Restaurant	60.00
Charlotte National Hospitality Inc	<u>398.09</u>
	<u>\$1,100.49</u>

RESOLUTION DECLARING INTENT TO ABANDON AND CLOSE Alan Street in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, LandNet, LLC has filed a petition to close a Alan Street in the City of Charlotte; and

Whereas, Alan Street begins approximately 300 feet north from the intersection of Little Rock Road and Tuckaseegee Road, continuing 562 feet east to its terminus, and consists of 32,626 square feet, as shown in the map marked "Exhibit A" and is more particularly described by metes and bounds in the document marked "Exhibit B" all of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina; and

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

Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of July 22, 2013, that it intends to close Alan Street and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 22nd day of July 2013, in CMGC meeting chamber, 600 East 4th Street, Charlotte, North Carolina.

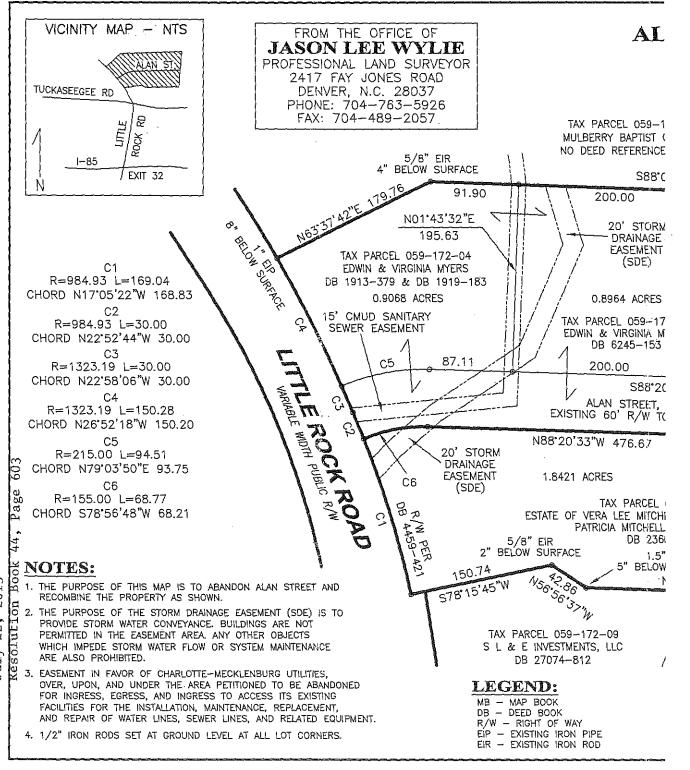
The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for four successive weeks next preceding the date fixed here for such hearing as required by N.C.G.S. 160A-299.

CERTIFICATION

1. 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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 602-604.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of July, 2013.

July, 2013.



July 22, 201

July 22, 2013 Resolution Book 44, Page 604

LEGAL DESCRIPTION ALAN STREET ABANDONMENT 0.7764 ACRES

That certain tract or parcel of land situated, lying, and being in the City of Charlotte, Mecklenburg County, North Carolina, being bounded on the north by property of Edwin & Virginia Myers, on the east by property of the Mulberry Baptist Church, on the south by property of the Estate of Vera Lee Mitchell, Patricia Mitchell, & Joe Mitchell and being bounded on the west by Little Rock Road; said property being more particularly described as follows:

BEGINNING at a point marking the existing southeast terminus of Alan Street as shown in Map Book 6, Page 489; thence with the southern margin of Alan Street two (2) courses and distances as follows: (1) North 88-20-33 West 476.67 feet to a point; (2) with the arc of a circular curve to the left having a radius of 155.00 feet an arc length of 68.77 feet (chord South 78-56-48 West 68.21 feet) to a point lying on the eastern margin of Little Rock Road; thence with the eastern margin of Little Rock Road two (2) courses and distances as follows: (1) with the arc of a circular curve to the left having a radius of 984.93 feet an arc length of 30.00 feet (chord North 22-52-44 West 30.00 feet) to a point; (2) with the arc of a circular curve to the left having a radius of 1323.19 feet an arc length of 30.00 feet (chord North 22-58-06 West 30.00 feet) to a point on the northern margin of Alan Street: thence with the northern margin of Alan Street two (2) courses and distances as follows: (1) with the arc of a circular curve to the right having a radius of 215.00 feet an arc length of 94.51 feet (chord North 79-03-50 East 93.75 feet) to a point; (2) South 88-20-33 East 487.48 feet to a point lying on the western property line of the Mulberry Baptist Church property described as Tract Five in Deed Book 10551, Page 91; thence with the Mulberry Baptist Church property South 11-52-21 West 60.97 feet to the Point or Place of **BEGINNING**; containing 0.7764 acres of land.

RESOLUTION DECLARING INTENT TO ABANDON AND CLOSE a Residual Portion of Steelecroft Parkway in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, LandNet, LLC has filed a petition to close a Residual Portion of Steelecroft Parkway in the City of Charlotte; and

Whereas, a residual portion of Steelecroft Parkway begins approximately 43 feet south of York Road (Highway 49), continuing approximately 532 feet along the northeastern most side of Steelecroft Parkway to its terminus, and consists of 8,993 square feet, as shown in the map marked "Exhibit A" and is more particularly described by metes and bounds in the document marked "Exhibit B" all of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina; and

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

Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of July 22, 2013, that it intends to close a residual portion of Steelecroft Parkway and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 22nd day of July 2013, in CMGC meeting chamber, 600 East 4th Street, Charlotte, North Carolina.

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

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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 605-607.

WITNESS my hard the corporate seal of the City of Charlotte, North Carolina, this the 25th day of

July, 2013

July 22, 2013 Resolution Book 44, Page 60

EXHIBIT B

(DESCRIPTION OF AREA AFFECTED BY ABANDONMENT)

Lying and being in the City of Charlotte, Mecklenburg County, North Carolina and being a portion of those parcels conveyed to C.G.Whitley by deed recorded in Deed Book 1968 at Page 264 and Carlton & Lyerly Investments by deed recorded in Deed Book 9856 at Page 391 in the Mecklenburg County Registry and being more particularly described as follows:

To arrive at the point of Beginning, commence at an existing concrete monument situated in the Southerly right-of-way margin of N.C. Highway 49, the northwesterly corner of the C.G. Whitley property as recorded in Deed Book 1968, Page 264; thence with said Southerly right-of-way margin, S. 60-43-43 E., a distance of 276.68 feet to a point; thence a tie course of S. 29-26-53 W., a distance of 43.92 feet to the point and place of BEGINNING, said point being situated on the Southerly line of said C.G. Whitley property; thence with said C.G. Whitley property the following two (2) courses and distances: (1.) S. 29-17-04 E., a distance of 136.02 feet to an existing iron pin, (2.) S. 44-22-38 E, a distance of 233.06 feet to a point, said point being the Southwest corner of the Carlton & Lyerly Investments property as recorded in Deed Book 9856, Page 391; thence with said Carlton & Lyerly Investments property, S. 70-20-29 E., a distance of 152.67 feet to a point; thence with the Northerly right-of-way of Steelecroft Parkway the following four (4) courses and distances: (1.) N. 85-03-20 W., a distance of 36.91 feet to a point: (2.) with the arc of a circular curve to the right having a radius of 333.50 feet, a distance of 119.84 feet (subtended by a chord of 119.20 feet, N. 74-45-34 W.) to an existing iron pin: (3.) with the arc of a circular curve to the right having a radius of 309.58 feet, a distance of 27.41 feet (subtended by a chord of 27.40 feet, N. 62-01-09 W.) to an existing iron pin; (4.) with the arc of a circular curve to the right having a radius of 357.18 feet, a distance of 36.27 feet (subtended by a chord of 36.25 feet, N. 53-20-15 W.) to a point; thence N. 43-37-45 W., a distance of 84.59 feet to a point; thence with said Northerly right-of-way of Steelecroft Parkway the following four (4) courses and distances: (1.) with the arc of a circular curve to the right having a radius of 365.04 feet, a distance of 93.07 feet (subtended by a chord of 92.82 feet, N. 29-34-21 W.) to an existing P-K nail; (2.) with the arc of a circular curve to the left having a radius of 141.50 feet, a distance of 14.56 feet (subtended by a chord of 14.55 feet, N. 26-50-49 W.) to an existing iron pin; (3.) N. 29-47-38 W., a distance of 120.31 feet to an existing P-K nail; (4.) N. 15-33-00 E., a distance of 8.52 feet to a point, the point and place of BEGINNING, containing an area of 0.206 acres more or less.

RESOLUTION DECLARING INTENT TO ABANDON AND CLOSE a Residual Portion of Bermuda Road in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **Pearson Properties-Cainhoy1**, **LLC** has filed a petition to close a Residual Portion of Bermuda Road in the City of Charlotte; and

Whereas, a residual portion of Bermuda Road begins at its intersecting point with Westbury Road as a 40-foot wide right of way, continuing approximately 237 feet northwest to its terminus, and consists of 10,230 square feet, as shown in the map marked "Exhibit A" and is more particularly described by metes and bounds in the documents marked "Exhibits B,C,D, & E" all of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina; and

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

Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of July 22, 2013, that it intends to close a residual portion of Bermuda Road and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 22nd day of July 2013, in CMGC meeting chamber, 600 East 4th Street, Charlotte, North Carolina.

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

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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 608-613.

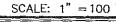
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of July, 2013, of CHARLESS CHARLESS MY HAND CHARLES TO CHARLES MY HAND CHARLES TO CHARLES MY HAND CHARLES TO CHARLES MY HAND CHARLES MY HAN

Stephanie C. Kelly, MMC NCCMC, Cyty Clerk

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July 22, 2013 Resolution Book 441 Rage 609 LINE 20.36 S35"28"23"W LINE BEARING LENGTH L7 156.09 LÍ S46°24'53"W 20.00 L8 S43"39"49"E 81.75 L2 19.97 **L9** S43°27'58"E S43°31'28"E 20.06 L3 20.00 L10 S35°28'23"W S46°28'40"W 191.40 L4 19.94 L11 N43°38'20"W S43°31'28"E 70.19 L.5 81.75 L12 N43°29'31"W S43°27'58"E 19.74 L6 S43°39'49"E 152,20 L13 S46°24'53"W TAX PARCELS 18501504 # 05 · TAX PARCEL 18501C98

ERIC RICHARD RUNGE AND ALLISON THE TROPICANA CONDOMINIUM BERMUDA ROAD U/F 285 GOOD RUNGE UNOPENED 40° LOT 6 # 7 # 8 # 9 BLOCK E PUBLIC R/W MB 3 PG 105 (MB 3 PG 105) DB 13521 PG 231 399 SF or 0.009 AC. TO REVERT TO ADJACENT OWNERS AS TENANTS IN COMMOM 及" PIPE(F) PIPE(F) ¾" PIPE(F) PIPE(F) 5114 SF or 0.117 AC. TO REVERT TO ADJACENT OWNER 4717 SF or 0.108 AC. TO REVERT TO ADJACENT OWNER POINT OF BEGINNING N 521,549.2369 E 1,460,721.4174 NC GRID (NAD 83) TAX PARCEL 18501402 TAX PARCEL 18501404 PROVIDENCE CHILDREN'S ACADEMY. PEARSON PROPERTIES-CAINHOY I, LLC LLC TRACT 1, MB 53 PG 523 TRACT 2, MB 53 PG 523 DB 26889 PG 560 ると DB 20046 PG 14 105) PROVIDENCE ROAD PUBLIC R/W VARIES (MB 3 PG 105; MB 27 PG 858; MB 48 PG 45)



Lucas-Forman Incorporated

Land Surveying Planning & Engineering N.C. License C-1215

4000 Stuart Andrew Boulevard Charlotte, North Carolina 28217 P.O. Box 11386 28220-1386 (704) 527-6626 Fax 527-9640 ABANDONMENT of RIGHT OF WAY **SURVEY**

for UNOPENED BERMUDA ROAD Charlotte, Mecklenburg Co., NC

SURV BY: CHH DATE: DRAWN:

VICINITY MAP

NORTE

JOB# 13002

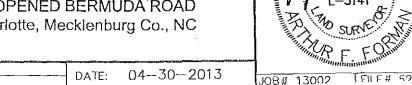


EXHIBIT "A"

EXHIBIT "B"

Legal Description of the Portion of Bermuda Road to be Abandoned

BEGINNING at a found 3/4" pipe lying in the northwestern margin of Westbury Road (50' width) where it intersects the easternmost corner of Tract 2 as shown on the plat recorded in Map Book 53 at Page 523 of the Mecklenburg County Public Registry (the "Registry") the location of said found 3/4" pipe having NC Grid Coordinates (NAD 83) N 521,549,2369 feet E 1,460,721,4174 feet (the "POB"). Thence from said POB along the aforesaid common property line between Tract 2 and the southern margin of Bermuda Road (unopened, 40' width) N 43-38-20 W 191.40 feet to a found 3" pipe; thence with the southern margin of Bermuda Road, N 43-29-31 W 70.19 feet to a found #4 rebar; thence N 46-24-53 E 19.74 feet to a point; thence N 46-24-53 E 20.00 feet to a point in the northern margin of Bermuda Road as shown on the plat recorded in Map Book 3 at Page 105 of the Registry ("Bermuda Road Plat"); thence with and along the aforesaid northern margin of Bermuda Road S 43-31-28 E 19.97 feet to a found ½" pipe; thence S 43-27-58 E 81.75 feet continuing along the aforesaid northeastern margin of Bermuda Road which is also the common line between Lot 6 on the Bermuda Road Plat, to a found 3/4" pipe; thence continuing along the aforesaid northwestern margin of Bermuda Road which is also the common line between Lot 7 on the Bermuda Road Plat, S 43-39-49 E 152.20 feet to a found 1" pipe in the northwestern margin of Westbury Road; thence with and along the aforesaid northeasterly margin of Westbury Road S 35-28-23 W 20.36 feet to a point; thence S 35-28-23 W 20.06 feet to the POB, and containing 0.2348 acre (10,230 square feet), more or less, according to a plat of survey entitled "ABANDONMENT of RIGHT OF WAY SURVEY for UNOPENED BERMUDA ROAD, Charlotte, Mecklenburg Co., NC," by Arthur F. Forman, NCPLS, dated April 30, 2013, reference to which is hereby made for a more particular description.

Arthur F. Forman

North Carolina Professional Land Surveyor

[SEAL]

SEAL

EXHIBIT "C"

Legal Description of the Portion of Bermuda Road to be Abandoned and Vested in PEARSON PROPERTIES-CAINHOY 1, LLC

BEGINNING at a found 3/4" pipe lying in the northwestern margin of Westbury Road (50' width) where it intersects the easternmost corner of Tract 2 as shown on the plat recorded in Map Book 53 at Page 523 of the Mecklenburg County Public Registry (the "Registry") the location of said found 3/4" pipe having NC Grid Coordinates (NAD 83) N 521,549,2369 feet E 1,460,721.4174 feet (the "POB"). Thence from said POB along the aforesaid common property line between Tract 2 and the southern margin of Bermuda Road (unopened, 40' width) N 43-38-20 W 191.40 feet to a found ¾" pipe; thence with the southern margin of Bermuda Road, N 43-29-31 W 70.19 feet to a found #4 rebar; thence N 46-24-53 E 19.74 feet to a point; thence with the approximate centerline of Bermuda Road (unopened, 40' width) S 43-31-28 E 19.94 feet to a point; thence S 43-27-58 E 81.75 feet to a point; thence S 43-39-49 E 156.09 feet to a point in the northwesterly margin of Westbury Road; thence with and along the aforesaid northwestern margin of Westbury Road S 35-28-23 W 20.06 feet to the POB, and containing 0.117 acre (5,114 square feet), more or less, according to a plat of survey entitled "ABANDONMENT of RIGHT OF WAY SURVEY for UNOPENED BERMUDA ROAD, Charlotte, Mecklenburg Co., NC," by Arthur F. Forman, NCPLS, dated April 30, 2013, reference to which is hereby made for a more particular description.

Arthur F. Forman

North Carolina Professional Land Surveyor

[SEAL]

EXHIBIT "D"

Legal Description of the Portion of Bermuda Road to be Abandoned and Vested in THE TROPICANA HOMEOWNERS ASSOCIATION

BEGINNING at a point said point being the following three (3) coursed and distances from a found 3/4" pipe lying in the northwestern margin of Westbury Road (50' width) where it intersects the easternmost corner of Tract 2 as shown on the plat recorded in Map Book 53 at Page 523 of the Mecklenburg County Public Registry (the "Registry") the location of said found 3/4" pipe having NC Grid Coordinates (NAD 83) N 521,549,2369 feet E 1,460,721.4174 feet: (1) thence from a point in the northwestern margin of Westbury Road (50' width) with the northwestern margin of Westbury Road N 35-28-23 E 20.06; (2) thence N 43-39-49 W 156.09 feet to a point; thence N 43-27-58 W 81.75 feet to the point of beginning (the "POB"). Thence N 43-31-28 W 19.94 feet to a point; thence N 46-24-53 E 20.00 feet to a point in the northern margin of Bermuda Road as shown on the plat recorded in Map Book 3 at Page 105 of the Registry ("Bermuda Road Plat"); thence with and along the aforesaid northern margin of Bermuda Road S 43-31-28 E 19.97 feet to a found ½" pipe; thence S 46-28-40 W 20.00 feet to the POB, and containing 0.009 acre (399 square feet), more or less, according to a plat of survey entitled "ABANDONMENT of RIGHT OF WAY SURVEY for UNOPENED BERMUDA ROAD, Charlotte, Mecklenburg Co., NC," by Arthur F. Forman, NCPLS, dated April 30, 2013, reference to which is hereby made for a more particular description.

Arthur F. Forman

North Carolina Professional Land Surveyor

[SEAL]

EXHIBIT "E"

Legal Description of the Portion of Bermuda Road to be Vested in ERIC R RUNGE and spouse, ALLISON G. RUNGE

BEGINNING at a point (the "POB") in the northwestern margin of Westbury Road (50' width), said point being S 35-28-23 W 20.06 feet from a found 3/4" pipe lying in the northwestern margin of Westbury Road (50' width) where it intersects the easternmost corner of Tract 2 as shown on the plat recorded in Map Book 53 at Page 523 of the Mecklenburg County Public Registry (the "Registry") the location of said found 3/4" pipe having NC Grid Coordinates (NAD 83) N 521,549,2369 feet E 1,460,721.4174 feet. Thence from said POB N 43-39-49 W 156.09 feet to a point; thence N 43-27-58 W 81.75 feet to a point; the N 46-28-40 E 20.00 feet to a found ½" pipe; thence S 43-27-58 E 81.75 feet continuing along the aforesaid northeastern margin of Bermuda Road which is also the common line between Lot 6 on the Bermuda Road Plat, to a found 4" pipe; thence continuing along the aforesaid northwestern margin of Bermuda Road which is also the common line between Lot 7 on the Bermuda Road Plat, S 43-39-49 E 152.20 feet to a found 1" pipe in the northwestern margin of Westbury Road; thence with and along the aforesaid northeasterly margin of Westbury Road S 35-28-23 W 20.36 feet to the POB, and containing 0.108 acre (4,717 square feet), more or less, according to a plat of survey entitled "ABANDONMENT of RIGHT OF WAY SURVEY for UNOPENED BERMUDA ROAD, Charlotte, Mecklenburg Co., NC," by Arthur F. Forman, NCPLS, dated April 30, 2013, reference to which is hereby made for a more particular description.

Arthur F. Forman

North Carolina Professional Land Surveyor

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A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE SALE OF 130 JOHN MC CARROLL AVENUE BY UPSET BID

WHEREAS, the City of Charlotte (the "City") purchased the .31-acre parcel located at the corner of Brookshire Boulevard and John McCarroll Avenue whose address is 130 John McCarroll Avenue (Tax I. D. NUMBER 03903601) in 2001 for the Brookshire Boulevard widening project; and

WHEREAS, the road widening project is complete and the remainder property is no longer needed for the roadway project; and

WHEREAS, the Staff has performed the Mandatory Referral process to determine that the parcel is no longer needed for public use; 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, an offer of Twenty Thousand (\$20,000.00) has been received for the purchase of the property and the property; and

WHEREAS, Linganore Realty Holdings, LLC was the high bidder at Twenty Thousand (\$20,000.00); and

WHEREAS, Buyer paid the required one percent (5 %) deposit on the offer; and

WHEREAS, the offer was published on 5/17/2013 in a notice of sale by upset bid which included a description of the property, the amount of the offer, and the terms under which the offer might be upset; and

WHEREAS, the terms of the final sale are that Council must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed; the buyer must pay cash at closing; and

WHEREAS, a ten-day period has passed without receiving any qualifying upset bid; and;

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

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

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

July 22, 2013 Resolution Book 44, Page 615

FURTHER RESOLVED, that the City Council for the City of Charlotte authorizes the City Manager to execute the necessary legal documents to complete the sale of property between the City and Linganore Realty Holdings, LLC, its successors and assigns,

ADOPTED this 22nd day of July , 2013.

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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 614-615.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of July, 2013.

LEVOLONGE CONTRACTOR OF THE PROPERTY OF THE PR

Stephanie C. Kelly, MMC NCCMC, City Clerk

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 BLUE LINE EXTENSION 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 BLUE LINE EXTENSION PROJECT and estimated to be 5,203 square feet (.119 acre) of railroad easement and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No.: 083-031-05, said property currently owned by CAROLINA FOODS, INC.; CITY OF CHARLOTTE, or the owners' successor-in-interest.

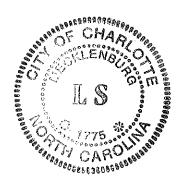
ESTIMATED JUST COMPENSATION:

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, 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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 616.



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 BLUE LINE EXTENSION 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 BLUE LINE EXTENSION PROJECT and estimated to be 2,098 square feet (.048 acre) of temporary construction easement and 20 square feet of utility easement and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No.: 049-021-02, said property currently owned by MOORE BEATTY INVESTMENTS, LLC; FIRST LEGACY COMMUNITY CREDIT UNION, 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, 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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 617.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of July, 2013.

Stephanie C. Kelly, MMC NCCM, City Clerk

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 BLUE LINE EXTENSION 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 BLUE LINE EXTENSION PROJECT and estimated to be 3,742 square feet (.086 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.: 049-081-04, said property currently owned by 6624 NORTH TRYON, LLC; BANK OF NORTH CAROLINA, 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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 618.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of July, 2013.

Stephanie C. Kelly, MMC NCCMC, City Clerk

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 BLUE LINE EXTENSION 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 BLUE LINE EXTENSION PROJECT and estimated to be and 12,061 square feet (.277 acre) of fee-simple area; 322 square feet (.007 acre) of sanitary sewer easement; 9,675 square feet (.222 acre) of temporary construction easement; 1,284 square feet (.029 acre) of utility easement, and 289 square feet (.007 acre) of combined sanitary sewer and utility easement any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel Nos. 089-172-38 and 089-172-99, said property currently owned by DEVITA INVESTMENTS, INC.; SOUTHTRUST BANK, NATIONAL ASSOCIATION, Beneficiary; FAMILY DOLLAR STORES OF NORTH CAROLINA, Lessee; 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, 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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 619.

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 BLUE LINE EXTENSION 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 BLUE LINE EXTENSION PROJECT and estimated to be 3,488 square feet (.08 acre) of fee-simple area; 866 square feet (.02 acre) of storm drainage easement, and 16,540 square feet (.38 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. 049-081-03, said property currently owned by JSK INVESTMENTS COMPANY, LLC; MECKLENBURG COUNTY TAX COLLECTOR, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

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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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 620.

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 BLUE LINE EXTENSION 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 BLUE LINE EXTENSION PROJECT and estimated to be 1,076 square feet (.025 acre) of fee-simple area; 11,055 square feet (.254 acre) of temporary construction easement, and 52 square feet (.001 acre) of utility easement and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel Nos. 049-141-20 and 049-141-19, said property currently owned by BERKLEY COMPANY; CHARLES J. HENDERSON & ASSOCIATES; JOHN B. YOUNG and spouse, if any; MECKLENBURG COUNTY TAX COLLECTOR; ADAMS OUTDOOR ADVERTISING, Lessee, 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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 621.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of July, 2013.

Stephanie C. Kelly, MMC NCCMG, City Cler

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 BLUE LINE EXTENSION 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 BLUE LINE EXTENSION PROJECT and estimated to be and 1,875 square feet (.043 acre) of fee-simple area; 3,409 square feet (.078 acre) of temporary construction easement, and 4,356 square feet (.1 acre) of utility easement and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 047-221-01, said property currently owned by JAMES HUSTON DAVIS, JR. and spouse, if any, 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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 622.

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 BLUE LINE EXTENSION 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 BLUE LINE EXTENSION PROJECT and estimated to be and 1,159 square feet (.027 acre) of fee-simple area; 4,791 square feet (.11 acre) of temporary construction easement, and 1,176 square feet (.027 acre) of utility easement and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 047-221-20, said property currently owned by ALFRED MARK GREEN and MARY ANN S. GREEN, 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

1, 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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 623.

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 BLUE LINE EXTENSION 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 BLUE LINE EXTENSION PROJECT and estimated to be 605 square feet (.014 acre) of utility easement and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 047-221-30, said property currently owned by PAPPASONS, LLC; BRANCH BANKING AND TRUST COMPANY, 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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 624.

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 GAYNOR STORM DRAINAGE 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 GAYNOR STORM DRAINAGE IMPROVEMENT PROJECT and estimated to be 3,891 square feet (.089 acre) of storm drainage easement and 4,565 square feet (.105 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. 185-036-14, said property currently owned by DAVID B. CATRON and spouse, if any; WELLS FARGO BANK, N. A., Lender/Beneficiary; FIRST-CITIZENS BANK & TRUST COMPANY, Lender/Beneficiary, or the owners' successor-in-interest.

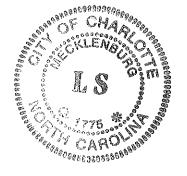
ESTIMATED JUST COMPENSATION:

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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 625.



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 HOPE VALLEY/OAK FOREST 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 HOPE VALLEY/OAK FOREST NEIGHBORHOOD IMPROVEMENT PROJECT and estimated to be 973 square feet (.022 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. 099-145-10, said property currently owned by MINNIE L. WITHERS and spouse, if any; MECKLENBURG COUNTY TAX COLLECTOR; BANK OF AMERICA, N. A., Lender; CITY OF CHARLOTTE; UNITED STATES DEPARTMENT OF THE TREASURY; R. MICHAEL ALLEN, as Representative of the Estate of Charles A. Withers, 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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 626.

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 IDLEBROOK SANITARY SEWER REPLACEMENT 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 IDLEBROOK SANITARY SEWER REPLACEMENT PROJECT and estimated to be 938 square feet (.022 acre) of sanitary sewer easement and 1,501 square feet (.034 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. 133-201-10, said property currently owned by CHARITY M. BRIMLEY; TYLER EZELL EADDY; NATIONSTAR MORTGAGE, LLC, Lender/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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 627.

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 STEELE CREEK PUMP STATION REPLACEMENT FINAL 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 STEELE CREEK PUMP STATION REPLACEMENT FINAL PROJECT and estimated to be 78,984 square feet (1.813 acre) of sanitary sewer easement and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel Nos.: 205-021-18 and 123-456-78, said property currently owned by JOHN STEPHEN MILLER, JR. and MARY CARTER G. MILLER, REBECCA MILLER MAHON and BERNARD MAHON; KENNETH R. DOWNS, JR. and spouse, if any; ROBERT LANIER and spouse, if any; COOGAN HOLDINGS, 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 22nd day of July, 2013, the reference having been made in Minute Book 134, and recorded in full in Resolution Book 44, Page(s) 628.

