

RESOLUTION CLOSING AN UNOPENED ALLEYWAY OFF OF E. 21<sup>ST</sup> STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

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WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close an unopened alleyway off of E. 21<sup>st</sup> Street, which calls for a public hearing on the question; and

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close an unopened alleyway off of E. 21<sup>st</sup> Street to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

WHEREAS, the public hearing was held on the 12<sup>th</sup> day of December, 2016, and City Council determined that the closing an unopened alleyway off of E. 21<sup>st</sup> Street is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of December 12, 2016, that the Council hereby orders the closing of an unopened alleyway off of E. 21<sup>st</sup> Street in the City of Charlotte Mecklenburg County, North Carolina 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 attached hereto and made a part hereof.

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

**CERTIFICATION**

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of December, 2016 the reference having been made in Minute Book 141 and recorded in full in Resolution Book 47, Page(s) 739-741.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 12th day of December, 2016.



Emily A. Kunze, Deputy City Clerk

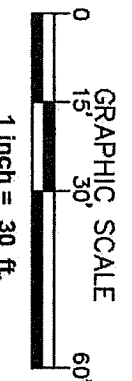
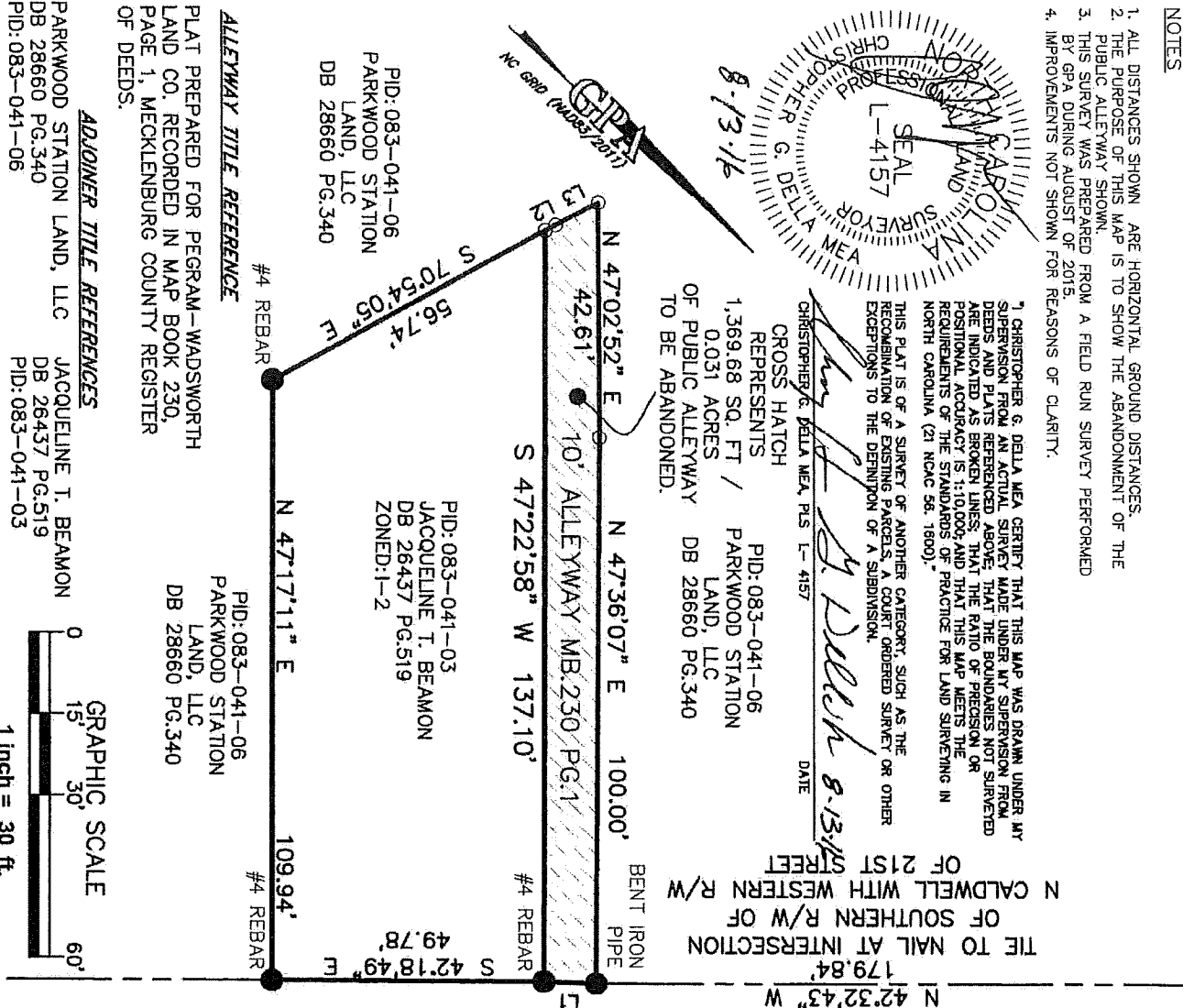
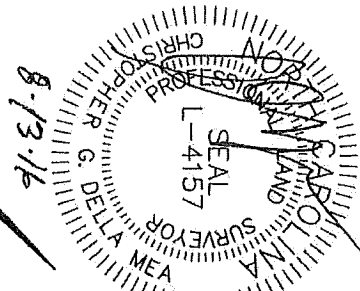
**NOTES**

1. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
2. THE PURPOSE OF THIS MAP IS TO SHOW THE ABANDONMENT OF THE PUBLIC ALLEYWAY SHOWN.
3. THIS SURVEY WAS PREPARED FROM A FIELD RUN SURVEY PERFORMED BY GPA DURING AUGUST OF 2015.
4. IMPROVEMENTS NOT SHOWN FOR REASONS OF CLARITY.

I, CHRISTOPHER G. DELLA MEA, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM DEEDS AND PLATS REFERENCED ABOVE, THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS BROKEN LINES, THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000 AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1800).

THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY OR OTHER EXCEPTIONS TO THE DEFINITION OF A SUBDIVISION.

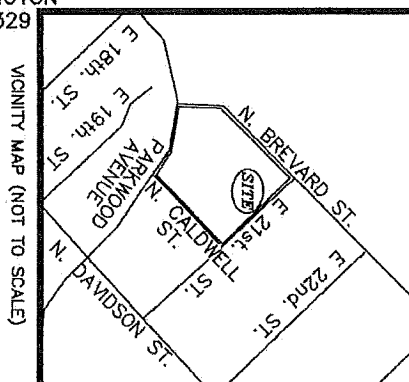
CHRISTOPHER G. DELLA MEA, PLS. L-4157  
DATE: 8-13-16  
CROSS HATCH REPRESENTS 1,369.68 SQ. FT / 0.031 ACRES OF PUBLIC ALLEYWAY TO BE ABANDONED.



**ADJONER TITLE REFERENCES**  
PARKWOOD STATION LAND, LLC DB 28660 PG. 340  
JACQUELINE T. BEAMON DB 26437 PG. 519  
PID: 083-041-03

**ALLEYWAY TITLE REFERENCE**  
PLAT PREPARED FOR PEGRAM-WADSWORTH LAND CO. RECORDED IN MAP BOOK 230, PAGE 1, MECKLENBURG COUNTY REGISTER OF DEEDS.

**21st STREET**  
45' PUBLIC R/W



PID: 083-044-02 VIRGINIA WASHINGTON DB 3759 PG. 329  
PID: 083-044-03 CALLON GILLESPIE DB 27568 PG. 736

ALLEYWAY

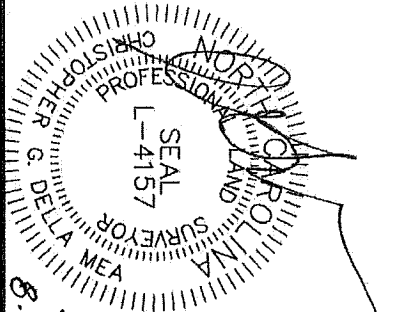
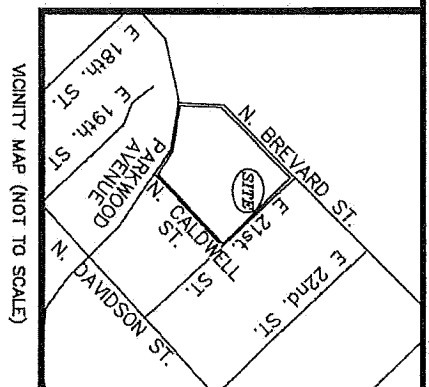
○ - COMPUTED POINT  
- - SURVEYED PROPERTY LINE  
- - RIGHT-OF-WAY

<p><b>GPA</b> PROFESSIONAL LAND SURVEYORS OF NORTH CAROLINA, INC. NO LICENSE C-2693 GPA OF CHARLOTTE, INC. 605 PHILIP PAULS DRIVE CHARLOTTE NC 28236-8916 OFFICE (704) 333-8600</p>		<p>ADJOINING OWNERS: PARKWOOD STATION LAND LLC PID# 083-041-06 JACQUELINE TORRENCE BEAMON PID #083-041-03</p>	
		<p>EXHIBIT "A": 10' WIDE ALLEYWAY ABANDONEMENT</p>	<p>JOB NO. 150046 DATE 8/10/16</p>
<p>SHEET 1 OF 2</p>	<p>SCALE: 1"=30'</p>	<p>CHECKED BY CGD</p>	<p>DRAWN BY CGD</p>
<p>ADJONER TITLE REFERENCES PARKWOOD STATION LAND, LLC DB 28660 PG. 340 JACQUELINE T. BEAMON DB 26437 PG. 519 PID: 083-041-03</p>		<p>ADJONER TITLE REFERENCES PARKWOOD STATION LAND, LLC DB 28660 PG. 340 JACQUELINE T. BEAMON DB 26437 PG. 519 PID: 083-041-03</p>	

LINE	BEARING	DISTANCE
L1	S 40°10'08" E	9.59'
L2	N 70°54'05" W	2.14'
L3	N 70°10'03" W	8.83'

**LEGAL DESCRIPTION FOR 10' WIDE ALLEYWAY ABANDONED AREA**

BEGINNING AT A BENT IRON PIPE, THE MOST NORTH EASTERN CORNER OF SAID ALLEYWAY FOUND IN MAP BOOK 230, PAGE 1, AND BEING LOCATED S 42°32'43" E, A DISTANCE OF 179.84' FROM A FOUND NAIL AT THE INTERSECTION OF THE SOUTHERN RIGHT OF WAY OF NORTH CALDWELL STREET WITH THE WESTERN RIGHT OF 21ST STREET, AND RUNS THENCE FROM SAID POINT OF BEGINNING S 40°10'08" E A DISTANCE OF 9.59' TO A #4 REBAR, THE MOST NORTH EASTERN CORNER OF JACQUELINE BEAMON'S TRACT (DEED BOOK 26437, PAGE 519; THENCE WITH BEAMON'S NORTHERN LINE S 47°22'58" W A DISTANCE OF 137.10' TO A POINT, A COMMON CORNER WITH PARK WOOD STATION LAND, LLC (DEED BOOK 28660, PAGE 340) THENCE LEAVING BEAMONS LINE AND RUNNING WITH THE PROPERTY LINES OF PARKWOOD STATION LAND, LLC THE FOLLOWING FOUR CALLS; N 70°54'05" W A DISTANCE OF 2.14' TO A POINT; THENCE N 70°10'03" W A DISTANCE OF 8.83' TO A POINT; THENCE N 47°02'52" E A DISTANCE OF 42.61'; THENCE N 47°36'07" E A DISTANCE OF 100.00' TO THE POINT OF BEGINNING AND BEING ALL OF AN APPROXIMATE 10' WIDE ALLEY TO BE ABANDONED, AND COMPRISED OF 1,369.68 SQUARE FEET, OR 0.031 ACRES, MORE OR LESS.



I, CHRISTOPHER G. DELLA MEA CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM RECORDED PLANS AND FIELD NOTES, THAT THE UNDETERMINED SURVEYED AREAS INDICATED AS BROKEN LINES, THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000, AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 N.C.A.C. 58. 1600).

THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECONSTRUCTION OF EXISTING PARCELS, COULD ORDERED SURVEY OR OTHER EXCEPTIONS TO THE DEFINITION OF A SUBDIVISION.

DATE

8-13-16

CHRISTOPHER G. DELLA MEA, PLS L-4157

<p><b>GPA</b> PROFESSIONAL LAND SURVEYORS OF NORTH CAROLINA, INC. NO LICENSE C-2693 GPA OF CHARLOTTE INC. 605 PHILIP DAVIS DRIVE CHARLOTTE NC 28235-6916 OFFICE (704) 335-8800</p>		<p><b>EXHIBIT "B"</b> LEGAL DESCRIPTION 10' WIDE ALLEY ABANDONEMENT</p>	
<p>ADJOINING OWNERS: PARKWOOD STATION LAND LLC PID# 083-041-06 JACQUELINE TORRENCE BEAMON PID #083-041-03</p>		<p>JOB NO. 150046 DATE 8/10/16</p>	
<p>SHEET 1 OF 2</p>		<p>SCALES "AS SHOWN"</p>	
<p>CHECKED BY CGD</p>		<p>DRAWN BY CGD</p>	
<p>SURVEY SUPER. CGD</p>		<p></p>	

RESOLUTION CLOSING A PORTION OF CHIPPENDALE ROAD IN THE CITY OF CHARLOTTE,  
MECKLENBURG COUNTY, NORTH CAROLINA

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

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

WHEREAS, the public hearing was held on the 12<sup>th</sup> day of December, 2016, and City Council determined that the closing a portion of Chippendale Road is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

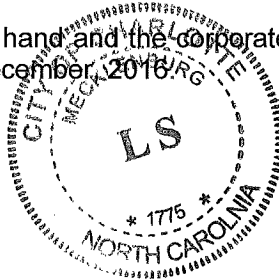
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of December 12, 2016, that the Council hereby orders the closing of a portion of Chippendale Road in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A", and is more particularly described by metes and bounds in the document marked "Exhibit B", all of which are attached hereto and made a part hereof.

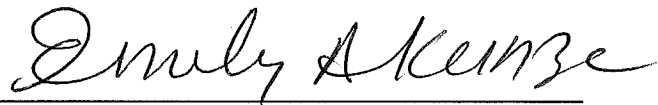
BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

**CERTIFICATION**

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of December, 2016 the reference having been made in Minute Book 141 and recorded in full in Resolution Book 47, Page(s)742-744.

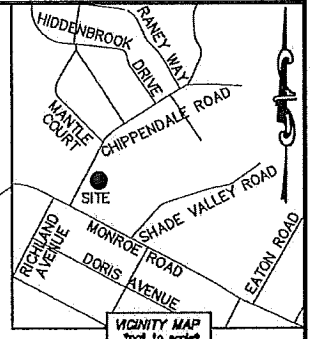
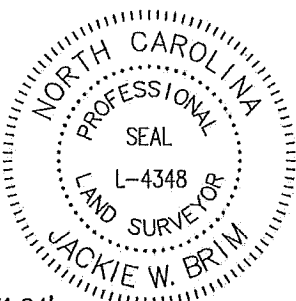
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 12th day of December, 2016.



  
Emily A. Kunze, Deputy City Clerk

I, JACKIE W. BRIM, CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION AND THAT THE PLAT WAS PREPARED FOR THE PURPOSE OF THE CLOSING OF DEDICATED STREETS ONLY, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF PROPERTY SHOWN.

*Jackie W. Brim* 5-10-2016  
JACKIE W. BRIM, NC P.L.S. L-4348 DATE



STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

I, \_\_\_\_\_, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

R= 1031.24'  
ARC=32.20'  
CHORD=32.30'  
N44°31'07"E

NEW RIGHT-OF-WAY

R= 281.24'  
ARC=63.44'  
CHORD=63.30'  
N51°52'29"E

\*tie line\*  
R= 1031.24'  
ARC=50.74'  
CHORD=50.73'  
S42°12'52"W

\*tie line\*  
R= 281.24'  
ARC=9.07'  
CHORD=9.07'  
N59°15'39"E

NOTES:

- BEARINGS AND DISTANCES SHOWN IN PARENTHESES ARE BASED ON RECORDED DEED OR MAP INFORMATION.
- STREET CLOSING AREA 26,112 SQ.FT.



NC GRID NAD83 (NRS 2007)

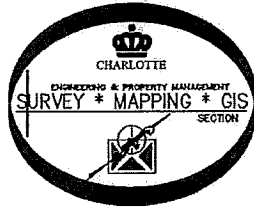
LAKE CITY TRACTOR SUPPLY, LLC  
TAX PARCEL: 161-043-44  
DB 23985 PG 327  
DB 28734 PG 262 LESS

LAKE CITY TRACTOR SUPPLY, LLC  
TAX PARCEL: 161-052-20  
DB 18630 PG 528  
DB 28734 PG 248 LESS  
4701 MONROE ROAD

EXHIBIT A

LEGEND

- MAG NAIL SET
- #5 REBAR FOUND
- #5 REBAR SET
- STREET CLOSING AREA
- LINES SURVEYED
- LINES NOT SURVEYED
- SUBJECT BOUNDARY LINE



R= 20.00'  
ARC=8.15'  
CHORD=8.09'  
S16°10'56"W

\*tie line\*  
S61°58'40"E  
66.77'

7.11' N62°06'43"W

53.03' S62°06'43"E

283.28' \*tie line\*

CHIPPENDALE ROAD  
MONROE ROAD  
R/W VARIES

PREPARED BY:  
CITY OF CHARLOTTE  
ENGINEERING & PROPERTY MANAGEMENT DEPARTMENT  
600 EAST FOURTH STREET  
CHARLOTTE, NC 28202  
704-336-2291

CHARLOTTE ENGINEERING & PROPERTY MANAGEMENT DEPARTMENT		
REVISIONS  OAKHURST REDEVELOPMENT	JOB NO. 512-12-026	FILE NO. Chippendale
SCALE 1"=80' 	STREET ABANDONMENT OWNER: CITY OF CHARLOTTE CHARLOTTE, MECKLENBURG CO., NC	SHEET 1 OF 1
DRAWN BY GF	CHECKED BY JWB SURVEY SUPVR.	
K:\AUTOCAD\EN_SU-LD4\212026\ABANDONMENT MAP\CHIPPENDALE CLOSING		



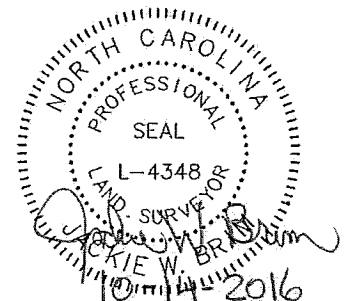
**EXHIBIT B**

**STREET ABANDONMENT AREA**  
**PORTION OF CHIPPENDALE ROAD**

**DESCRIPTION OF STREET ABANDONMENT**

Lying and being in Charlotte Township, Mecklenburg County, North Carolina, and being particularly described as follows:

TO FIND THE TRUE POINT AND PLACE OF BEGINNING, being a #5 rebar the Northwesterly corner of Lake City Tractor Supply, LLC as described in Deed Book 18630 Page 528 less and except Deed Book 28734 Page 248, thence following along and with the Easterly margin of Chippendale Road also being the westerly boundary line of said Lake City Tractor Supply, LLC in a Southwesterly direction with a curve to the right having a radius of 1031.24 feet an arc length of 50.74 feet subtended with a chord bearing and chord distance of S42-12-52W 50.73 feet to a point said point being a #5 rebar being the TRUE POINT AND PLACE OF BEGINNING located on the said Easterly margin of Chippendale Road; thence following along and with the said Easterly margin of Chippendale Road with the following (2) bearings and distances: 1.) S27-51-17W 579.15 feet to a point said point being a Mag nail; 2.) with a curve to the left having a radius of 20.00 feet an arc length of 8.15 feet subtended with a chord bearing and chord distance of S16-10-56W 8.09 feet to a point said point being a #5 rebar being located on the Northerly margin of Monroe Road as described in Deed Book 2873 Page 248; thence following along and with the Northerly margin of Monroe Road in a Northwesterly direction with the following (2) bearings and distance: 1.) N62-06-43W 53.03 feet to a point said point being a #5 rebar; 2.) N27-53-17 E 7.11 feet to a point said point being a Mag Nail located at the intersection point of Monroe Road and Chippendale Road; thence following along and with the Westerly margin of Chippendale Road being the Easterly boundary line of Lake City Tractor Supply, LLC as described in Deed Book 23985 Page 327 less and except Deed Book 28734 Page 262 with a bearing and distance of N27-52-43 E 440.05 feet to a point said point being a #5 rebar as described in Deed Book 28734 Page 262; thence in a Northeasterly direction leaving the Westerly margin of Chippendale Road crossing said Chippendale Road with the following (3) bearings and distances: 1.) with a curve to the left having a radius of 281.24 feet an arc length of 63.44 feet subtended with a chord bearing and chord distance of N51-52-29W 63.30 feet to a point said point being a #5rebar; 2.) N45-24-47E 53.72 feet to a point said point being a #5rebar; 3.) with a curve to the left having a radius of 1031.24 feet an arc length of 32.20 feet subtended with a chord bearing and chord distance of N44-31-07W 32.30 feet to the Point and Place of Beginning, as shown on the attached map prepared by the City of Charlotte, Engineering and Property Management Department entitled "OAK HURST REDEVELOPMENT" the property of City of Charlotte dated MAY 10<sup>th</sup>, 2016 and containing 26,112 square feet.



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 December 12, 2016:

Members Present: Mayor Roberts, Councilmembers Austin, Driggs, Eiselt, Fallon, Kinsey, Lyles Mayfield, Mitchell, Phipps, Smith

Members Absent: None.

\* \* \* \* \*  
\* \* \*

Councilmember Mitchell 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:

**RESOLUTION CERTIFYING AND DECLARING THE RESULTS OF THE SPECIAL BOND REFERENDUM ON THE BOND ORDER AUTHORIZING THE ISSUANCE OF \$148,440,000 GENERAL OBLIGATION TRANSPORTATION BONDS, AUTHORIZING THE ISSUANCE OF \$15,000,000 GENERAL OBLIGATION HOUSING BONDS AND AUTHORIZING THE ISSUANCE OF \$55,000,000 GENERAL OBLIGATION NEIGHBORHOOD IMPROVEMENTS BONDS HELD FOR THE CITY OF CHARLOTTE, NORTH CAROLINA ON NOVEMBER 8, 2016**

*WHEREAS*, the City Council of the City of Charlotte, North Carolina has considered the Certificate of Canvass of the Mecklenburg County Board of Elections canvassing the referendum held for the City of Charlotte, North Carolina on November 8, 2016 and certifying the result thereof to the City Council and has canvassed the result of said Referendum.

*NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA* that it be and hereby is certified and declared that the number of voters registered and qualified to vote at said Referendum was 559,948.

*BE IT FURTHER RESOLVED*, that it be and hereby is certified and declared that the total number of voters who voted "Yes" in answer to the question

"*SHALL* the order authorizing \$148,440,000 of bonds plus interest to provide funds to pay the capital costs of constructing, reconstructing, enlarging, extending and improving certain streets, including streets and roads constituting a part of the State highway system or otherwise the responsibility of the State and including the cost of related studies, streetscape and pedestrian improvements, relocation of utilities, plans and design;

acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading or improving streets, roads, intersections, parking lots and pedestrian and bicycle paths; acquiring, constructing, reconstructing or improving sidewalks, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; and the acquisition of land and rights-of-way in land required therefor, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds be approved?";

was 264,087. The total number of voters who voted "No" in answer to such question was 79,642. The question in the form submitted was APPROVED by the affirmative vote of a majority of those who voted thereon at said referendum.

**BE IT FURTHER RESOLVED**, that it be and hereby is certified and declared that the total number of voters who voted "Yes" in answer to the question

"SHALL the order authorizing \$15,000,000 of bonds plus interest to provide funds to pay the capital costs of acquiring, constructing, developing, equipping and furnishing 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 providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds be approved?";

was 240,025. The total number of voters who voted "No" in answer to such question was 103,111. The question in the form submitted was APPROVED by the affirmative vote of a majority of those who voted thereon at said referendum.

**BE IT FURTHER RESOLVED**, that it be and hereby is certified and declared that the total number of voters who voted "Yes" in answer to the question

"SHALL the order authorizing \$55,000,000 of bonds plus interest to provide funds to pay the capital costs of infrastructure improvements for various neighborhoods of the City, including the cost of related studies, plans and design, acquiring, constructing, reconstructing, improving, installing or providing curbs, gutters, storm drainage, sidewalks, pedestrian and bicycle paths; paving, resurfacing, grading or improving streets, roads and intersections, providing public open space, landscaping and lighting, and acquiring any necessary equipment, land, interests in land and rights-of-way therefor, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds be approved?";

was 267,946. The total number of voters who voted "No" in answer to such question was 76,193. The question in the form submitted was APPROVED by the affirmative vote of a majority of those who voted thereon at said referendum.

**BE IT FURTHER RESOLVED**, that a statement substantially in the form hereinafter set forth declaring the result of said referendum shall be prepared, delivered to the City Clerk for filing and recordation and published in accordance with law.



***BE IT FURTHER RESOLVED***, that this Resolution shall become effective on the date of its adoption.

Upon motion of Councilmember Mitchell, seconded by Councilmember Kinsey, the foregoing resolution entitled: **“RESOLUTION CERTIFYING AND DECLARING THE RESULTS OF THE SPECIAL BOND REFERENDUM ON THE BOND ORDER AUTHORIZING THE ISSUANCE OF \$148,440,000 GENERAL OBLIGATION TRANSPORTATION BONDS, AUTHORIZING THE ISSUANCE OF \$15,000,000 GENERAL OBLIGATION HOUSING BONDS AND AUTHORIZING THE ISSUANCE OF \$55,000,000 GENERAL OBLIGATION NEIGHBORHOOD IMPROVEMENTS BONDS HELD FOR THE CITY OF CHARLOTTE, NORTH CAROLINA ON NOVEMBER 8, 2016”** was adopted by the following vote:

AYES: Councilmembers Austin, Driggs, Eiselt, Fallon, Kinsey, Lyles  
Mayfield, Mitchell, Phipps, Smith

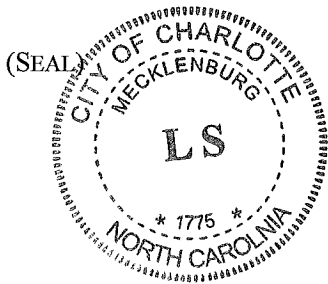
NAYS: None.

***PASSED, ADOPTED AND APPROVED*** this 12th day of December, 2016.

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

I, Emily A. Kunze, the Deputy City Clerk of the City of Charlotte, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution entitled **“RESOLUTION CERTIFYING AND DECLARING THE RESULTS OF THE SPECIAL BOND REFERENDUM ON THE BOND ORDER AUTHORIZING THE ISSUANCE OF \$148,440,000 GENERAL OBLIGATION TRANSPORTATION BONDS, AUTHORIZING THE ISSUANCE OF \$15,000,000 GENERAL OBLIGATION HOUSING BONDS AND AUTHORIZING THE ISSUANCE OF \$55,000,000 GENERAL OBLIGATION NEIGHBORHOOD IMPROVEMENTS BONDS HELD FOR THE CITY OF CHARLOTTE, NORTH CAROLINA ON NOVEMBER 8, 2016”** adopted by the City Council of the City of Charlotte, North Carolina, at a meeting held on the 12th day of December, 2016, the reference having been made in Minute Book 141, and recorded in full in Resolution Book 47, Page(s) 745-753,

***WITNESS*** my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of December, 2016.



A handwritten signature in black ink that reads "Emily A. Kunze".

\_\_\_\_\_  
Emily A. Kunze  
Deputy City Clerk  
City of Charlotte, North Carolina

**STATEMENT OF RESULTS OF SPECIAL BOND REFERENDUM ON THE BOND ORDER  
AUTHORIZING THE ISSUANCE OF \$148,440,000 GENERAL OBLIGATION  
TRANSPORTATION BONDS, HELD FOR THE CITY OF CHARLOTTE, NORTH CAROLINA  
ON NOVEMBER 8, 2016**

*WHEREAS*, by direction of the City Council (the “*City Council*”) of the City of Charlotte, North Carolina, a special bond referendum was duly called and held for said City on November 8, 2016 for the purpose of submitting to the qualified voters of said City the question hereinafter set forth, and said City Council has received from the Mecklenburg County Board of Elections a certification of the results of said referendum, and has determined the result of said referendum to be as hereinafter stated;

*NOW, THEREFORE*, the City Council hereby makes the following statement of the result of said referendum pursuant to The Local Government Bond Act:

- (1) The number of voters registered and qualified to vote at said referendum was 559,948.
- (2) The total number of voters who voted “**Yes**” in answer to the question,

“*SHALL* the order authorizing \$148,440,000 of bonds plus interest to provide funds to pay the capital costs of constructing, reconstructing, enlarging, extending and improving certain streets, including streets and roads constituting a part of the State highway system or otherwise the responsibility of the State and including the cost of related studies, streetscape and pedestrian improvements, relocation of utilities, plans and design; acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading or improving streets, roads, intersections, parking lots and pedestrian and bicycle paths; acquiring, constructing, reconstructing or improving sidewalks, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; and the acquisition of land and rights-of-way in land required therefor, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds be approved?”;

was 264,087. The total number of voters who voted “**No**” in answer to such question was 79,642. The question in the form submitted was APPROVED by the affirmative vote of a majority of those who voted thereon at said referendum.

Any action or proceeding challenging the regularity or validity of this special bond referendum must be begun within 30 days after December 13, 2016.

**CITY OF CHARLOTTE, NORTH CAROLINA**

By /s/ Emily A. Kunze

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Deputy City Clerk  
City of Charlotte, North Carolina

**STATEMENT OF RESULTS OF SPECIAL BOND REFERENDUM ON THE BOND ORDER AUTHORIZING THE ISSUANCE OF \$15,000,000 GENERAL OBLIGATION HOUSING BONDS, HELD FOR THE CITY OF CHARLOTTE, NORTH CAROLINA ON NOVEMBER 8, 2016**

*WHEREAS*, by direction of the City Council (the “*City Council*”) of the City of Charlotte, North Carolina, a special bond referendum was duly called and held for said City on November 8, 2016 for the purpose of submitting to the qualified voters of said City the question hereinafter set forth, and said City Council has received from the Mecklenburg County Board of Elections a certification of the results of said referendum, and has determined the result of said referendum to be as hereinafter stated;

*NOW, THEREFORE*, the City Council hereby makes the following statement of the result of said referendum pursuant to The Local Government Bond Act:

- (1) The number of voters registered and qualified to vote at said referendum was 559,948.
- (2) The total number of voters who voted “**Yes**” in answer to the question,

“*SHALL* the order authorizing \$15,000,000 of bonds plus interest to provide funds to pay the capital costs of acquiring, constructing, developing, equipping and furnishing 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 providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds be approved?”

was 240,025. The total number of voters who voted “**No**” in answer to such question was 103,111. The question in the form submitted was APPROVED by the affirmative vote of a majority of those who voted thereon at said referendum.

Any action or proceeding challenging the regularity or validity of this special bond referendum must be begun within 30 days after December 13, 2016.

**CITY OF CHARLOTTE, NORTH CAROLINA**

By /s/ Emily A. Kunze

Deputy City Clerk  
City of Charlotte, North Carolina

**STATEMENT OF RESULTS OF SPECIAL BOND REFERENDUM ON THE BOND ORDER  
AUTHORIZING THE ISSUANCE OF \$55,000,000 GENERAL OBLIGATION  
NEIGHBORHOOD IMPROVEMENT BONDS, HELD FOR THE CITY OF CHARLOTTE,  
NORTH CAROLINA ON NOVEMBER 8, 2016**

*WHEREAS*, by direction of the City Council (the “*City Council*”) of the City of Charlotte, North Carolina, a special bond referendum was duly called and held for said City on November 8, 2016 for the purpose of submitting to the qualified voters of said City the question hereinafter set forth, and said City Council has received from the Mecklenburg County Board of Elections a certification of the results of said referendum, and has determined the result of said referendum to be as hereinafter stated;

*NOW, THEREFORE*, the City Council hereby makes the following statement of the result of said referendum pursuant to The Local Government Bond Act:

- (1) The number of voters registered and qualified to vote at said referendum was 559,948.
- (2) The total number of voters who voted “**Yes**” in answer to the question,

“*SHALL* the order authorizing \$55,000,000 of bonds plus interest to provide funds to pay the capital costs of infrastructure improvements for various neighborhoods of the City, including the cost of related studies, plans and design, acquiring, constructing, reconstructing, improving, installing or providing curbs, gutters, storm drainage, sidewalks, pedestrian and bicycle paths; paving, resurfacing, grading or improving streets, roads and intersections, providing public open space, landscaping and lighting, and acquiring any necessary equipment, land, interests in land and rights-of-way therefor, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds be approved?”

was 267,946. The total number of voters who voted “**No**” in answer to such question was 76,193. The question in the form submitted was APPROVED by the affirmative vote of a majority of those who voted thereon at said referendum.

Any action or proceeding challenging the regularity or validity of this special bond referendum must be begun within 30 days after December 13, 2016.

**CITY OF CHARLOTTE, NORTH CAROLINA**

By  /s/ Emily A. Kunze

Deputy City Clerk  
City of Charlotte, North Carolina

**CERTIFICATE OF CANVASS OF THE  
MECKLENBURG COUNTY BOARD OF ELECTIONS  
FOR THE REFERENDUM OF THE  
CITY OF CHARLOTTE ON THE 8<sup>TH</sup> DAY OF NOVEMBER, 2016**

*WE*, the undersigned Chairman and Members of the Mecklenburg County Board of Elections, *DO HEREBY CERTIFY* that we met on November 28th, 2016 at the hour of 5 o'clock, in the office of the Mecklenburg County Board of Elections in Charlotte, North Carolina to canvass the returns of the special bond referendum held in the City of Charlotte, North Carolina on November 8, 2016.

1. The total number of voters who voted "YES" in answer to the question, "SHALL the order authorizing \$148,440,000 of bonds plus interest to provide funds to pay the capital costs of constructing, reconstructing, enlarging, extending and improving certain streets, including streets and roads constituting a part of the State highway system or otherwise the responsibility of the State and including the cost of related studies, streetscape and pedestrian improvements, relocation of utilities, plans and design; acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading or improving streets, roads, intersections, parking lots and pedestrian and bicycle paths; acquiring, constructing, reconstructing or improving sidewalks, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; and the acquisition of land and rights-of-way in land required therefor, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds be approved?", was 264,087. The total number of voters who voted "NO" in answer to such question was 79,642. The question in the form submitted was APPROVED by the affirmative vote of a majority of those who voted thereon at said referendum.

2. The total number of voters who voted "YES" in answer to the question, "SHALL the order authorizing \$15,000,000 of bonds plus interest to provide funds to pay the capital costs of acquiring, constructing, developing, equipping and furnishing 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 providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds be approved?", was 240,025. The total number of voters who voted "NO" in answer to such question was 103,111. The question in the form submitted was APPROVED by the affirmative vote of a majority of those who voted thereon at said referendum.

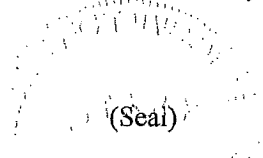
3. The total number of voters who voted "YES" in answer to the question, "SHALL the order authorizing \$55,000,000 of bonds plus interest to provide funds to pay the capital costs of infrastructure improvements for various neighborhoods of the City, including the cost of related studies, plans and design, acquiring, constructing, reconstructing, improving, installing or providing curbs, gutters, storm drainage, sidewalks, pedestrian and bicycle paths; paving, resurfacing, grading or improving streets, roads and intersections, providing public open space, landscaping and lighting, and acquiring any necessary equipment, land, interests in land and rights-of-way therefor, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds be approved?" 267,946, was. The total number of voters who voted "NO" in answer to such question was 76,193. The question in the form submitted was APPROVED by the affirmative vote of a majority of those who voted thereon at said referendum.

4. All persons voting at said referendum were required to use ballots or ballot labels setting forth the questions to be voted upon in the form prescribed by the City Council of the City of Charlotte, North Carolina.

5. Only the persons who have been duly registered were permitted to vote at said referendum. The total number of voters who were registered and qualified to vote at said referendum was 559,948.

6. The polls for said referendum were opened at the polling places in the City of Charlotte, North Carolina on November 8, 2016, at the hour of 6:30 a.m., and were closed at the hour of 7:30 p.m. on that day.

*IN WITNESS WHEREOF*, we have set our hands for the purpose of certifying the result of the special bond referendum held for the City of Charlotte, North Carolina on November 8, 2016 to the City Council of said City, this 28th day of November, 2016.



[Signature]  
Notary Public  
My Commission Expires: 20 June 2018

[Signature]  
Chairman  
[Signature]  
Member  
[Signature]  
Member

RESOLUTION AUTHORIZING THE LEASE OF TOWER AND GROUND  
TELECOMMUNICATIONS SPACE  
TO AT&T, OPERATING AS NEW CINGULAR WIRELESS PCS, LLC

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WHEREAS, the City of Charlotte built and owns a public safety telecommunications tower (the "Tower") and also leases ground space adjacent to the Tower, on property owned by the South Point Volunteer Fire Department and located at 2300 South Point Road in Belmont; and

WHEREAS, the Tower and the ground-leased area both have space which is suitable for the installation and operation of general telecommunications equipment and which is currently surplus to the City's needs; and

WHEREAS, the City has leased this surplus space on the Tower and on the ground ("Tenant"), to AT&T, operating as New Cingular Wireless PCS, LLC ("Tenant"), beginning in 2008, for a term set to expire in 2032; and

WHEREAS, Tenant now desires to reduce the monthly rental rate from \$1,500 to \$1,350 with a 15% rent escalation every five years for the remainder of the lease, beginning on December 1, 2021, and to extend the term of the lease for three additional, five-year extension terms, until October 31, 2047; and

WHEREAS, in consideration for the rent reduction and lease extension, Tenant has agreed to a rent guarantee period through November 30, 2031; and

WHEREAS, the required notice has been published and Council is convened in a regular meeting;

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Charlotte, pursuant to Section 8.131 of the City of Charlotte Charter, that it hereby authorizes the lease of the above referenced Property as follows:

The City Council hereby approves the lease of the City property described above to AT&T, operating as New Cingular Wireless PCS, LLC, on the above-described terms, and authorizes the City Manager or his Designee to execute any instruments necessary to the lease.

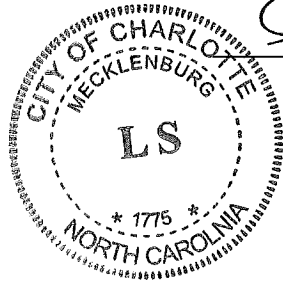
THIS THE 12th DAY OF December, 2016.



**CERTIFICATION**

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of December, 2016 the reference having been made in Minute Book 141 and recorded in full in Resolution Book 47, Page(s) 754-755.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 12th day of December, 2016.



*Emily A. Kunze*

Emily A. Kunze, Deputy City Clerk

**RESOLUTION OF THE CITY COUNCIL AUTHORIZING ADOPTION OF THE  
AMENDED AND RESTATED AGREEMENT FOR  
OPERATION OF A SINGLE STORM WATER SYSTEM  
BETWEEN MECKLENBURG COUNTY AND THE CITY OF CHARLOTTE**

WHEREAS, in 1993 the City of Charlotte (the "City") and Mecklenburg County (the "County") entered into an interlocal agreement for Operation of a Single Storm Water System in Mecklenburg County (the "Agreement"), which has been amended from time to time, most recently on June 22, 2009 ("Amended Agreement"), and

WHEREAS, the City and the County again desire to revise the Amended Agreement to aid in flexibility and stream line the process related to work plans, Advisory Committee meetings related to hearing appeals and variances, and make other minor clarifications and revisions, and

WHEREAS, N.C. Gen. Stat. § 160A-461, "Interlocal Cooperation Authorized," authorizes units of local governments to enter into agreement with each other in order to execute an undertaking such as the operation of a storm water management program by one unit of local government on behalf of another unit of local government, and

WHEREAS, the County and the City have negotiated and wish to amend and restate the Amended Agreement that deals with the operation and maintenance of the storm water management program within the corporate limits of the City, and

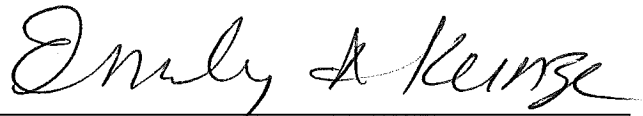
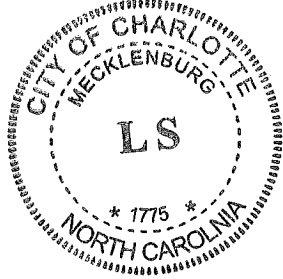
WHEREAS, N.C. Gen. Stat. § 160A-461 requires that such agreement "...shall be ratified by resolution of the governing board of each unit spread upon its minutes";

NOW, THEREFORE, be it RESOLVED by the City Council of the City of Charlotte, in regular session duly assembled, is hereby authorized to approve and ratify the Amended Agreement between the County of Mecklenburg and the City in substantially the form attached to this resolution and that this resolution shall be spread upon the minutes.

**CERTIFICATION**

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of December, 2016 the reference having been made in Minute Book 141 and recorded in full in Resolution Book 47, Page(s) 756-768.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 12th day of December, 2016.



Emily A. Kunze, Deputy City Clerk

**STATE OF NORTH CAROLINA  
CITY OF CHARLOTTE  
COUNTY OF MECKLENBURG**

**AMENDED AND RESTATED AGREEMENT FOR  
OPERATION OF A SINGLE STORM WATER SYSTEM  
IN MECKLENBURG COUNTY**

THIS AMENDED AND RESTATED AGREEMENT (hereinafter "Agreement") made as of \_\_\_\_\_, by and between MECKLENBURG COUNTY, a political subdivision of the State of North Carolina (hereinafter "County"), and the CITY OF CHARLOTTE, North Carolina, a municipal corporation of the State of North Carolina (hereinafter "City").

**WITNESSETH:**

**WHEREAS**, in 2009 the City and County executed an amended and restated "Agreement for Operation of a Single Storm Water System in Mecklenburg County", which Agreement the parties desire to amend and restate; and

**WHEREAS**, the purpose of this Agreement is to recognize that a single storm water system exists in Mecklenburg County, and that the goal of the City of Charlotte and Mecklenburg County is to provide comprehensive storm water services in an efficient, effective, and equitable manner; and

**WHEREAS**, the Charlotte City Council (hereinafter "City Council") and Mecklenburg County Board of Commissioners (hereinafter "Board of County Commissioners") believe the most equitable source of revenue for storm water services to be primarily storm water service fees assessed on the basis of contribution of runoff from each property; and

**WHEREAS**, North Carolina General Statutes 153A-277 and 160A-314 require that no storm water service fee may be levied whenever two or more units of local government operate separate structural and natural storm water and drainage system services in the same area within a County unless units of local government allocate among themselves the functions, duties, powers, and responsibilities of jointly operating a single system within the same area; and

**WHEREAS**, the County and City currently have certain distinct responsibilities in connection with the operation, maintenance and financing of separate systems; and

**WHEREAS**, the purpose of this Agreement is to continue the single storm water public enterprise created by the parties in 1993 in Mecklenburg County, to allocate storm water responsibilities, and to establish the method and responsibilities for financing and operating a single, comprehensive storm water quantity and quality management program in Mecklenburg County.

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES AND FULFILLMENT OF THE TERMS OF THIS AGREEMENT, THE COUNTY AND CITY AGREE AS FOLLOWS:

1. Major system - The County shall be responsible for administering storm water management programs on the major system (defined as streams having a watershed greater than one square mile) and enforcement of the regulated floodway ordinance in the unincorporated areas of the County, and within the corporate limits of such municipalities as may be authorized by this Agreement with the County and/or any applicable ordinances. The County shall establish levels of service and cost, prioritize, schedule, and manage "storm water management programs", as such phrase is defined in G.S. 153A-274(7), related to the major system (including, but not limited to water quality, water quantity, the flow of storm water and the prevention of flood losses) and shall be responsible for financial accounting of associated revenues. The City of Charlotte hereby allocates responsibility for the major system within the corporate limits of the City to the County.

2. Minor system - The County shall be responsible for administering storm water management programs on the minor system (defined as streams and drainage systems with a watershed of less than one square mile) in the unincorporated areas of the County, and within the corporate limits of such municipalities as may be authorized by this Agreement with the County. The County shall establish levels of service and cost, prioritize, schedule, and manage "storm water management programs", as such phrase is defined in G.S. 153A-274(7), related to the minor system (including, but not limited to water quality, water quantity, the flow of storm water and the prevention of flood losses) in unincorporated areas, and shall be responsible for financial accounting of associated revenues. The City shall be responsible for the minor system and shall establish levels of service and cost, prioritize, schedule, and manage "storm water management programs", as such phrase is defined in G.S. 153A-274(7), relating to the minor system within the corporate limits of the City as they may change from time to time as the result of annexation or otherwise.

3. Charlotte-Mecklenburg Storm Water Services - The storm water services to be provided pursuant to this Agreement shall be conducted as a public enterprise to be known as the Charlotte-Mecklenburg Storm Water Services (CMSWS).

4. Water quality - The City and County are responsible for protecting and restoring the quality of storm water runoff and surface waters as required by the Clean Water Act and associated regulations promulgated by the United States Environmental Protection Agency, to the extent described in their respective National Pollutant Discharge Elimination System (NPDES) permit, and/or the State of North Carolina, and other laws and regulations that may apply.

5. Financing - Pursuant to N.C.G.S. 153A-278 and 160A-314, the County shall, unless otherwise provided by this Agreement, establish, revise, charge, and collect storm water fees and issue, where appropriate, storm water credits for property within the unincorporated areas of the County, and within the corporate limits of the City and such other municipalities as may be authorized by this Agreement with the County. Storm water fees shall be a periodic service charge, which shall consist of three components as follows:

- i) Fixed and Administrative Cost Component shall be used to pay those expenses that are not influenced by the amount of impervious area on a parcel of property, including but not limited to the cost of producing bills and collecting fees, determining impervious area, and operating customer service functions (hereinafter referred to as the "Billing Services"). Funds resulting from the Fixed and Administrative Cost Component of the fees shall be used only for Billing Services. Costs associated with this component shall be updated annually and incorporated into an annual budget according to the process detailed in the Charlotte-Mecklenburg Billing and Collections Cost Allocation Methodology Document ("Methodology Document") attached hereto as Exhibit A and incorporated herein by reference. The Methodology Document may be revised from time to time, by mutual consent of the City and County Managers, and will replace the document attached hereto as Exhibit A. The City and County Managers must agree on this annual budget prior to the beginning of the next fiscal year. If the City and County Managers cannot agree on a budget, the Mayor shall appoint two City Council Members and the Chairman of the Board of County Commissioners shall appoint two County Commissioners to meet together and work with the Managers on resolving the issue. The Managers shall approve any budget recommended by a majority of the members of this six-member group. In the event that the annual budget has not been agreed upon by the City and County Managers prior to the beginning of a fiscal year, the City and County shall proceed as if the prior year's budget is continued. By mutual consent of the City and County Managers, (a) the Methodology Document may be amended and, as amended, be substituted for the immediately prior version and attached hereto as Exhibit A, and (b) funds from the Major System Cost Component and the Minor System Cost Components may be used to pay a portion of the cost of the Billing Services.
- ii) Major System Cost Component shall be used to pay those expenses incurred in administering storm water management programs designed to protect water quality and manage structural and natural storm water and drainage systems of all types with a watershed greater than one square mile. The Major System Cost Component of the service charge for detached single-family residences shall have the number of tiers and associated amounts as determined by the County consistent with this Agreement and 153A-277. For all other property, the service charge shall be calculated and applied on a per-square-foot of impervious area basis as determined by the County consistent with this Agreement and 153A-277. In accordance to this Agreement, revenues from the Major System Cost Component shall be distributed to the County for usage in the Mecklenburg County Storm Water Special Revenue Fund.
- iii) Minor System Cost Component shall be used to pay those expenses incurred in providing storm water management programs designed to protect water quality and manage structural and natural storm water and drainage systems of all types with a watershed of less than one square mile. The Minor System Cost Component of the service charge for detached single-family residences shall have the number of tiers and associated amounts as determined by the City or County consistent with this Agreement and with 160A-314 or 153A-277, as applicable.

For all other property, the service charge shall be calculated and applied on a per square foot of impervious area basis as determined by the City or County consistent with the terms of this Agreement and with 160A-314 or 153A-277, as applicable. Revenues from the Minor System Cost Component collected within the corporate limits of the City shall be distributed to the City for providing minor system services within its corporate limits. Revenues from the Minor System Cost Component collected within the unincorporated areas of the County shall be distributed to the County for providing minor system services within the unincorporated areas of the County.

On or before April 15 of each year during the budget process, the City shall inform the County if it wishes to alter the Minor System Cost Component. If the City requests that the County alter the Minor System Cost Component levied within the corporate limits of the City, the Board of County Commissioners shall schedule and hold a public hearing on the proposed alteration in the service charge. In addition, the City Council shall schedule and hold its own public hearing on the proposed alteration in the service charge. Following the public hearings, the Board of County Commissioners shall alter the Minor System Cost Component of the service charge to be levied within the City after it receives notification from the City Council of the desired alteration in the Minor System Cost Component. The Board of County Commissioners and City Council shall attempt to schedule the public hearings before May 30 so that changes made in the Minor System Cost Component can be placed into the budget for the next fiscal year.

In the event a change is requested separate from the annual budget process, the County shall conduct such public hearings and other measures as required by the North Carolina General Statutes to establish new charges within sixty (60) days of the City's request.

6. Work Plan(s) - The City and County may provide services to each other based on certain specific work plan(s) (hereinafter "Work Plans") agreed to, in writing, by the City and County. This may be performed without requiring further approval by the City Council or Board of County Commissioners for individual projects or specific Work Plan(s) unless other policies, laws or regulations require approval by the governing bodies. Work Plans primarily associated with operating expenses will be developed prior to the governing bodies' adoption of the annual budget. Work Plans may include operating expenses, capital investments and maintenance activities.

The party providing the service may be reimbursed by the entity receiving the service at a frequency and rate as mutually agreed to in writing by the parties for the approved Work Plan. Compensation will occur on an actual cost basis in accordance with the approved work plan and the approved budget. The Work Plan(s) may be and the budget(s) may be amended from time to time upon mutual consent of the City and County. Reimbursement shall not exceed the budget, as amended unless otherwise agreed to by mutual consent. The hiring of personnel, consultants, contractors, and procurement of equipment shall be handled with the respective agency (City or County) performing the work.

The County's employees are not employed by nor are they agents of the City.

The City's employees are not employed by, nor are they agents of the County.

7. Credits – Properties subject to storm water service charges may be granted credits against the fee in accordance to the credit policies approved by the City Council and Board of County Commissioners. The City’s credit policies shall be applied to the Minor System Cost Component of the service charge for all accounts within the corporate limits of the City. The County’s credit policies shall be applied to the Major System Cost Component of the service charge for all accounts within the corporate limits of the City. The County’s credit policies shall be applied to both the Major and Minor System Cost Components of the service charge applicable to all accounts outside the corporate limits of the City. The City and County will strive to have common Storm Water fee credit policies.

The City hereby retains the responsibility for reviewing and approving credit applications within the City for both the Major and Minor System Cost Components of the service charge. The Board of County Commissioners shall adopt changes to the City’s fee credits as they are revised from time to time after it receives notification from the City Manager of the desired change.

8. Billing - Pursuant to NCGS 153A-277 and 160A-314 under this Agreement the County has primary responsibility for the Billing Services. However, until otherwise provided pursuant to this Agreement, the County agrees that the City shall perform the Billing Services throughout the unincorporated areas of the County as well as the City. In addition, the City will also perform the Billing Services for other client municipalities which contract with the County to operate and maintain storm water systems provided said provisions are agreed to in writing by City and County Managers.

In the event the County decides to perform the Billing Services itself, or the City chooses to discontinue performing the Billing Services for the County, that party shall give written notice three hundred sixty (360) days before said change to the other party’s Manager. The change can only be effective at the beginning of a fiscal year (i.e., July 1). Within one hundred twenty (120) days of said change, the City shall submit a schedule showing the costs associated with the Billing Services that have been incurred and unrecovered by the City. These costs shall include operational costs in excess of the annual budget, not to exceed five percent (5%) of the annual budget; unpaid capital expenses, as described in Exhibit A; and system termination costs, as described in Exhibit A. Final settlement is required within sixty (60) days of the submission of costs.

9. Billing and Collection System Costs – The County shall pay the total costs for charges necessary to provide the Billing Services for the County and its other municipal participants. In the event the County or one of its municipal clients requests an individual change or changes to the Billing Services, the Methodology Document, as described in Exhibit A, will be used to develop a proposed budget and shall be agreed to by the City and County Managers. The County’s final payment to the City for these costs will be addressed as part of the annual final settlement.

10. Distribution of Revenues – So long as the City is responsible for the Billing Services, before the distribution of storm water fees collected for the County or a municipality serviced by the Charlotte-Mecklenburg Storm Water Services, the City shall deduct the Fixed and Administrative Cost Component. The City shall also deduct the Minor System Cost Component collected to provide storm water services within the corporate limits of the City as



described in Section “5.iii” of this Agreement. Net revenues shall be distributed to the County by the 25<sup>th</sup> of each month for usage in the Mecklenburg County Storm Water Special Revenue Fund.

Within one hundred twenty (120) days of the close of the fiscal year, the City shall submit a schedule showing the cost actually incurred for providing Billing Services as described in Section 5.iii, and the amount over and under the annual budget for such services. Final settlement is required within sixty (60) days of the submission of such information.

The County shall have no obligation to pay any amount for Billing Services which is more than five percent (5%) greater than the annual budget as described in Section “5.i” of this Agreement unless mutually agreed upon in writing by the City and County Managers. In the event actual costs incurred for Billing Services are less than the budget, the difference between the budgeted amount and the actual costs for providing the service will be remitted to the County within sixty (60) days of the submission of such information. Any Fixed and Administrative Cost Component revenues not spent in the year collected can be used only for Billing Services.

If there is a change in the Billing Services provider pursuant to the provisions of Paragraph 8, the County shall distribute the City’s Minor System Cost Component revenues by the 25<sup>th</sup> of each month following the last billing cycle or on the first business day thereafter.

11. Indemnity of Each Party – County agrees to indemnify and hold City harmless from and against any and all claims, liabilities, damages and expenses, including attorneys fees, arising from the County’s operation of its major system within the corporate limits of the City and from the County’s use of revenue raised from the major system cost component of the service charge. City agrees to indemnify and hold County harmless from and against any and all claims, liabilities, damages and expenses, including attorneys fees, arising from the City’s operation and maintenance of the minor system in the City and from the City’s use of revenues raised from the minor system cost component of the service charge.

12. Charlotte-Mecklenburg Storm Water Advisory Committee – A nine member citizens advisory committee shall be established with representatives of the following categories:

- schools, colleges, hospitals, or churches – 1 member (individual to be employed full time by the institution or be a board member or officer of the institution);
- industry, manufacturing, or commercial – 1 member (individual to be employed full time in the management and/or operation of industrial, manufacturing, or commercial property);
- environmental organizations – 1 member (individual to be a member of a generally recognized organization involved in environmental issues);
- financial, accounting, or legal professional – 1 member (individual to be employed full time in providing financial, accounting or legal services);

- developer or land development design professional – 1 member (individual to be employed full time in land development or the design of building or land improvements);
- general contractor – 1 member (individual to be employed full time as a construction contractor);
- residential neighborhoods – 3 members (individuals shall not qualify for one of the other categories).

The members shall be appointed as follows:

- 3 members by the City Council;
- 3 members by the Board of County Commissioners;
- 1 member by the towns in the northern part of Mecklenburg County as determined by the northern towns;
- 1 member by the towns in the southern part of Mecklenburg County as determined by the southern towns; and
- 1 member by the eight previously appointed members above.

The initial determination of specific categories to be appointed by the County and City will be determined by lottery after the two appointments are made by the towns in accordance with the above listing. The ninth member appointed by the Committee must represent the category not filled by the City, County or Town appointments. The members shall serve staggered, three year terms such that three members are appointed each year. Each member's term of service shall begin on a July 1 and end on a June 30 for the staggered three-year terms of service. If a member is not appointed by July 1, his or her term will nevertheless end on June 30 three years after the intended July 1 appointment. The categories of the three members to be appointed each successive year shall be allocated to the City, County, and towns or Committee by lottery. In the event a jurisdiction cannot identify a candidate for the category assigned by the lottery, a "residential neighborhood" representative may be appointed. The Committee position will revert back to the assigned category at the expiration of the term.

No member may be appointed to more than two full or partial terms. Attendance requirements will follow City, County or Towns attendance policies for those members appointed by the City, County and Towns. The member appointed by the Committee shall be automatically removed from the Committee if he/she fails to attend at least seventy-five percent of the regular and special meetings of the Committee during any calendar year. Unless specified otherwise in an attendance policy adopted by the City, County or a Town, a member will be considered present at regular and special meetings if they attend via conference telephone call. However, no member may attend more than two meetings via conference telephone call during any calendar year. The Committee shall select a Chairperson each year from its own members by majority vote. Each member will continue to serve until 1) his or her term has expired and a successor

has been appointed; 2) his or her resignation; or 3) his or her removal. If a vacancy on the Committee occurs resulting from resignation or removal, a person will be appointed to complete the unexpired term associated with such vacant position in the same manner as such position was originally filled. The successor must represent the same category.

A majority of the number of Committee members currently in office constitutes a quorum. Every action of the Committee requires the concurring votes of the majority of Committee members currently in office except when hearing appeals and variances in accordance with G.S. 160A-388. The Committee may adopt its own rules of procedure which may not be inconsistent with the terms of this Agreement. The responsibilities of the Advisory Committee shall be as follows:

- Policy. Review and recommend to the City Council and Board of County Commissioners storm water management policies, policy changes, long-range plans, and their budgetary and rate impacts. The recommendations are to conform, in nature, to the successful operation of a single utility in Mecklenburg County and provide consistent guidelines and design principles for the community.
- Capital Improvements. Review and comment to the City Council and Board of County Commissioners on capital improvement programs. These capital improvement programs should be reviewed and evaluated on the basis of a comprehensive storm water quantity and quality management program in Mecklenburg County.
- Operations Program. Review and comment to the City Council and Board of County Commissioners on the annual operating budget for their respective service charge areas including but not limited to public education activities, customer service, and the billing and collections system.
- Storm Water Appeals. Hear appeals and reach decisions on: service charges, credits, and adjustments. Hear requests for changes from City and County staffs and from private parties, and make recommendations to the City Council and Board of County Commissioners on the following matters: the application, modification and enforcement of storm water policies. These policies should be reviewed and evaluated on the basis of a comprehensive storm water quantity and quality management program in Mecklenburg County.
- SWIM Buffer Appeals and Variances. To the extent provided in the City Zoning Ordinance and/or the County Zoning Ordinance and/or the zoning or land use ordinance of any town located in Mecklenburg County, to hear and decide appeals and variance requests with respect to the SWIM buffer provisions of said ordinances.
- Floodplain Regulation Appeals and Variances. To the extent provided in the City Floodplain Regulations and/or the County Floodplain Regulations and/or the floodplain regulations of any town located in Mecklenburg County, to hear and decide appeals and requests for variances.
- Soil Erosion and Sedimentation Control Ordinance Appeals. Hear appeals as provided in the City and County Soil Erosion and Sedimentation Control Ordinances.

- Post Construction Stormwater Ordinance Appeals and Variances. To the extent provided in the City Post Construction Stormwater Ordinance and/or the County Post Construction Stormwater Ordinance and/or the post construction, zoning or land use ordinance of any town located in Mecklenburg County, to hear and decide appeals and variance requests with respect to post construction stormwater provisions of said ordinances.
- Councils, Commissions, and Staff Resource. Respond to City Council, Board of County Commissioners and staff requests for advice on matters related to the comprehensive storm water quantity and quality management program in Mecklenburg County.
- Reporting. Present the City Council and Board of County Commissioners with an annual report of key actions and issues.

Meetings conducted by conference telephone call are permissible. In addition, Committee members may attend and participate in Committee meetings by conference telephone call, and shall be counted for quorum purposes for all matters with respect to which they are entitled to participate. However, Committee members attending the meeting via conference telephone call may only vote on matters related to Policy; Capital Improvements; Operations Programs; responding to City Council and Board of County Commissioners requests; and the annual report. Committee members attending the meeting via conference telephone call may not vote on matters related to any appeals or variances.

For purposes of hearing these appeals and variances, to the extent necessary, the Advisory Committee shall be and function as a joint municipal county planning agency as specified in G.S. 160A-362, performing the functions of a board of adjustment as authorized by G.S. 160A-388. Overall administration and support of the Advisory Committee shall be provided by the County. City staff shall present all matters associated with the City's program directly to the Committee, including but not limited to reports, recommendations, budgets, and appeals.

13. Ownership of Real Property Involved in Undertaking. City shall have no ownership in any real property acquired by County for the operation of the major drainage system, and the County shall be free to dispose of such real property to the extent and under procedures allowed by State law. County shall have no ownership in any real property acquired by City for the operation of the minor drainage system, and the City shall be free to dispose of such real property to the extent and under procedures allowed by State law. However, the City and County shall cooperate with each other by granting access to property when necessary for operation of the major and minor drainage systems.

14. Methods of Amending this Agreement. This Agreement may be amended by written agreement authorized by the governing bodies of each party and signed by authorized representatives of both parties.

15. Term of Agreement – Methods of Terminating the Agreement. The initial term of this amended and restated Agreement shall be from January 1, 2017 to June 30, 2018, and shall be automatically renewed each fiscal year thereafter unless notice of non-renewal is given in writing to the other party at least 18 months prior to the beginning of the fiscal year when termination is intended. For example, the

parties agree that if the notice of non-renewal were given prior to January 1, 2018, this Agreement would terminate on June 30, 2019. This Agreement may also be terminated by court order upon the finding that there has been substantial breach of this agreement by the non-complaining party so as to entitle the complaining party to be relieved of its obligations under this Agreement.

16. Enforcement of Agreement. The parties agree that the remedy of specific performance would be an appropriate remedy, among others, for the enforcement of this Agreement. The parties agree that the effect of this Agreement is to consolidate the storm water management services such that the Joint Resolution for Joint Operation of a Single Storm Water System Within the City Limits adopted by the Board of County Commissioners and the City Council, dated November 9, 1992, shall cease to be in effect from and after January 1, 1994.

17. Entire Agreement. This Agreement is the entire agreement of the parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written by the authority duly granted by their respective governing bodies.

Approved as to form:

Mecklenburg County

\_\_\_\_\_  
County Attorney

\_\_\_\_\_  
County Manager

\_\_\_\_\_  
Director of Finance  
Mecklenburg County

\_\_\_\_\_  
Clerk to the Board

City of Charlotte

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
City Clerk

## **Exhibit A**

# **Charlotte-Mecklenburg Billing and Collections Cost Allocation Methodology Document**

Note: Exhibit A is not attached due to its size and there are no proposed changes to the Exhibit. The document is available for review upon request by contacting the Clerk's Office.

**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 12th day of December 2016 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, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of December, 2016 the reference having been made in Minute Book 141 and recorded in full in Resolution Book 47, Page(s) 769-770.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 12th day of December, 2016.



A handwritten signature in cursive script, reading "Emily A. Kunze".

Emily A. Kunze, Deputy City Clerk

**Taxpayers and Refunds Requested**

4330 CHESAPEAKE LLC .	\$	13.20
77 OVERLOOK OWNER LLC .	\$	1,959.80
AAA TREE EXPERTS INC	\$	57.72
ARCHIE, AUSTIN	\$	370.28
BRENT, HORACE O	\$	215.42
BRINSON, BANJAMIN D	\$	60.31
CARUTHERS, PERRY D AND KEVIN R	\$	215.41
CROWE, STEPHANIE AND TIMOTHY	\$	33.00
DAUGHTRY, CHRISTOPHER ADAM AND DEANNA KAREN	\$	630.85
DAVIS, HAROLD ELLIOTT III AND KRISTIN MICHELLE	\$	9.09
FLANAGAN, PEGGY	\$	63.81
FLANAGAN, PEGGY	\$	68.43
FLANAGAN, PEGGY	\$	68.43
FLANAGAN, PEGGY	\$	69.89
FURR, JOSHUA AND CAITLIN	\$	33.00
GRANT, ALLIE	\$	142.89
HUETTEMAN, JEFFREY ROSS	\$	2.34
HUMPHRIES, DAVID SCOTT JR	\$	244.47
INNER PEAKS INC	\$	2,744.00
JARRELL, NELSON S AND ALVES, DIEGO PONTIROLLI	\$	1,084.16
KINGRY LAUREN L AND WATSON, LINDSAY E	\$	0.43
LONG, CHARLES W JR AND SANDRA W	\$	265.01
MAUPIN SEAN MICHAEL	\$	32.90
PANDIRI, RAJASHANKAR AND SANDHYA	\$	212.01
PAWTIQUE	\$	20.79
REXRODE, H DALE	\$	230.77
SARPONG PRINCE K	\$	25.78
SCOTCH, MICHELLE	\$	199.62
SHARP, JAMES ALLEN AND CAROLINE BYRUM	\$	365.73
SMITH, JEFFREY H AND LISA M	\$	216.37
SPRENGER, JEFFREY LAWRENCE AND KATHRYN	\$	103.40
STEWART, RICHARD DOUGLAS	\$	23.24
TBR 1305 OWNER LLC .	\$	33.00
THE MICHAEL PRUITT SUPPLEMENTAL NEE, .	\$	180.71
THOMAS, JOSEPH H AND KASE, COURTNEY E	\$	34.46
THOMAS, JOSEPH H AND KASE, COURTNEY E	\$	34.46
WEEKLEY HOMES LLC .	\$	270.98
WEEKLEY HOMES LLC .	\$	270.98
WEEKLEY HOMES LLC .	\$	1,201.06
WEEKLEY HOMES LLC .	\$	2,327.78
	\$	<u>14,135.98</u>



December 12, 2016  
Resolution Book 47, Page 771

**RESOLUTION DECLARING INTENT TO ABANDON AND CLOSE a portion of W. Palmer Street, Penman Street, and an alleyway off of W. Palmer Street in the City of Charlotte, Mecklenburg County, North Carolina**

Whereas, **NCDOT Rail Division** has filed a petition to close a portion of W. Palmer Street, Penman Street, and an alleyway off of W. Palmer Street in the City of Charlotte; and

Whereas, a portion of W. Palmer Street is a 35-foot wide right-of-way beginning 154 feet northwest from its intersecting point with S. Graham Street, continuing 149 feet to its terminus within an existing railroad right-of-way, and consists of 6,891 square feet; and a portion of Penman Street is a 50-foot wide right-of-way beginning 157+/- feet northwest from its intersecting point with S. Graham Street, continuing 226 feet to its terminus at an existing railroad right-of-way, and consists of 10,958 square feet; and an alleyway off of W. Palmer Street begins at its intersecting point with Palmer Street, continuing 252 +/- feet to its terminus at a property currently or formerly owned by Clarence W Wall and Millicent M Wall (D.B. 05992, P.G. 341), and consists of 2,516 square feet, as shown in the maps marked "Exhibit A-1 through A-3" and is more particularly described by metes and bounds in the documents marked "Exhibit B-1 through B-3" 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 two successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley.

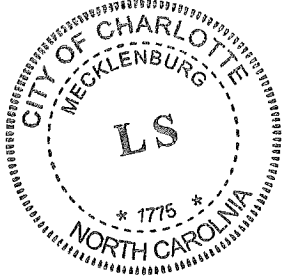
Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of December 12, 2016, that it intends to close a portion of W. Palmer Street, Penman Street, and an alleyway off of W. Palmer Street and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 9<sup>th</sup> day of January 2016, in CMGC meeting chamber, 600 East 4<sup>th</sup> Street, Charlotte, North Carolina.

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

**CERTIFICATION**

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of December, 2016 the reference having been made in Minute Book 141 and recorded in full in Resolution Book 47, Page(s) 771-778

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 12th day of December, 2016.



---

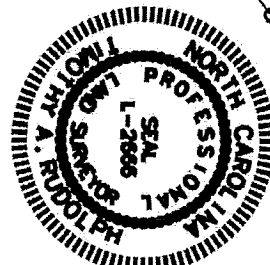
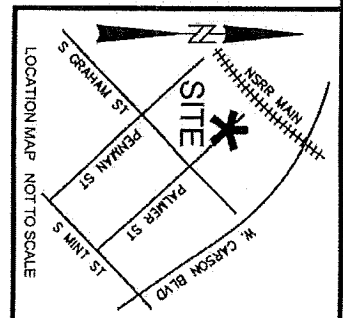
Emily A. Kunze, Deputy City Clerk

# Exhibit A-1

STATE OF NORTH CAROLINA  
 COUNTY OF MECKLENBURG  
 REVIEW OFFICER OF MECKLENBURG COUNTY,  
 CERTIFY THAT THE MAP OR PLAT TO WHICH THIS  
 CERTIFICATION IS ATTACHED MEETS ALL STATUTORY  
 REQUIREMENTS FOR RECORDING.

REVIEW OFFICER: \_\_\_\_\_ DATE: \_\_\_\_\_

LINE	BEARING	DISTANCE
L1	N 50°37'57" E	35.92'
L2	S 39°21'52" E	42.34'
L3	S 50°28'46" W	35.75'



NOTE: PROPERTY CORNERS SHOWN CIRCLED WERE LOCATED BY ACTUAL FIELD SURVEY. BEARINGS ARE BASED ON N.C. STATE GRID. NORTH THIS MAP WAS PREPARED FOR THE PURPOSE OF RIGHT-OF-WAY AND/OR EASEMENT ACQUISITION ONLY AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN. THIS MAP WAS PREPARED UNDER MY SUPERVISION.

TIMOTHY A. RUDOLPH, N.C.E.S. L-2866  
 NOVEMBER 11, 2016 DATE

**FUTURE EASEMENT NOTE**  
 PETITIONER HEREBY AGREES TO RESERVE A PERMANENT UTILITY EASEMENT AND STORM DRAINAGE EASEMENT, LOCATION APPROXIMATED HEREON, FOR THE PURPOSE OF RELOCATING EXISTING 8" SANITARY SEWER LINE, 6" WATER LINE AND STORM STRUCTURES.

NORTH CAROLINA  
 DEPARTMENT OF TRANSPORTATION  
 DEED BOOK 16757, PAGE 807  
 MAP BOOK 42, PAGE 905  
 PARCEL #07326803  
 ZONED I-2

NORTH CAROLINA  
 DEPARTMENT OF TRANSPORTATION  
 DEED BOOK 14533, PAGE 856  
 MAP BOOK 42, PAGE 905  
 PARCEL #07326219  
 ZONED I-2

NORTH CAROLINA  
 DEPARTMENT OF TRANSPORTATION  
 DEED BOOK 14533, PAGE 856  
 MAP BOOK 42, PAGE 905  
 PARCEL #07326219  
 ZONED I-2

**LEGEND**  
 REVISIONS  
 08-02-2016 BAR SCALE REVISED  
 11-14-2016 ADDED EASEMENT NOTE

RIGHT OF WAY  
 TO BE ABANDONED  
 RIGHT OF WAY ADJOINING  
 ADJACENT PROPERTY LINE  
 FIELD LOCATED PROPERTY IRON  
 NO IRON FOUND OR SET COMBINED  
 GRID FACTOR  
 RAILROAD  
 MAP BOOK /PAGE  
 FOUND REBAR  
 FOUND MAGNETAL/RAILROAD SPIKE  
 RESERVED EASEMENT (APPROX)

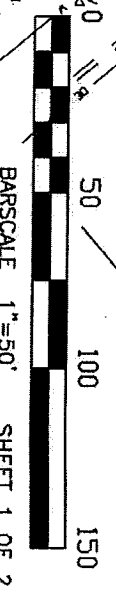
CFE  
 RR  
 MB/P/G  
 RBF  
 FMN/FRRS



**Dewberry Engineers Inc.**  
 6135 LAKEVIEW ROAD  
 SUITE 150  
 CHARLOTTE, NC 28269-2609  
 PHONE: (704) 509-9918  
 FAX: (704) 509-9837  
 LICENSE # F-0929

**PALMER STREET**  
 STREET ABANDONMENT EXHIBIT  
 CHARLOTTE, MECKLENBURG COUNTY  
 NORTH CAROLINA  
 PREPARED FOR:  
 NORTH CAROLINA DEPARTMENT  
 OF TRANSPORTATION

**ND DOT PROJECT P-2918F**  
 50069322  
 JOB NO. SCALE 1"=50'  
 02/24/16 DATE PREPARED BY M. DENNIS  
 500090355-PALMER DWG. FILE NAME



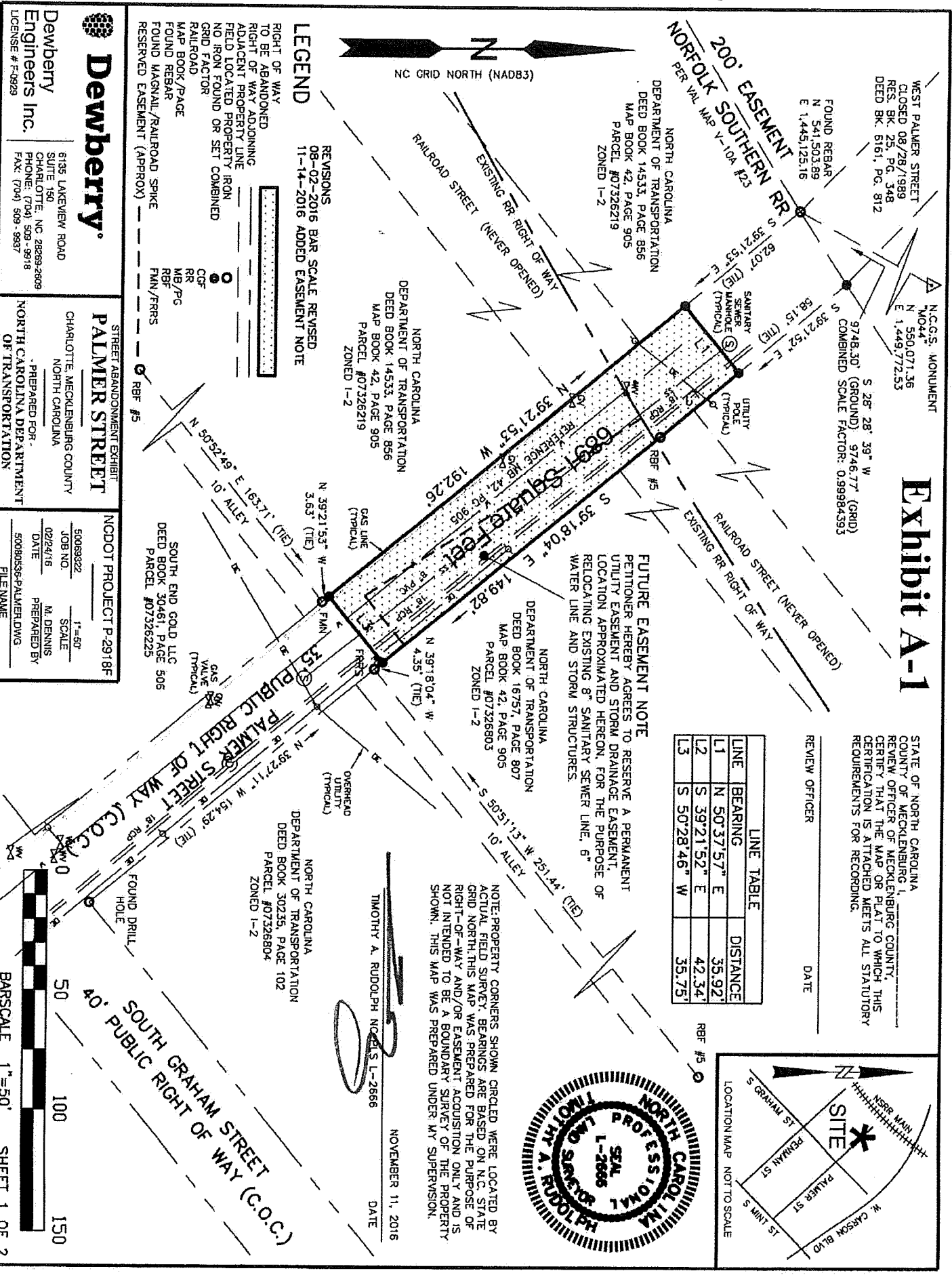
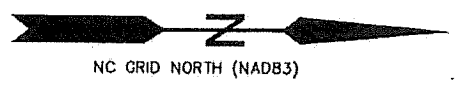
**SOUTH GRAHAM STREET (C.O.C.)**  
**40' PUBLIC RIGHT OF WAY**

NORTH CAROLINA  
 DEPARTMENT OF TRANSPORTATION  
 DEED BOOK 30235, PAGE 102  
 PARCEL #07326804  
 ZONED I-2

SOUTH END GOLD LLC  
 DEED BOOK 30461, PAGE 505  
 PARCEL #07326225

NORTH CAROLINA  
 DEPARTMENT OF TRANSPORTATION  
 DEED BOOK 14533, PAGE 856  
 MAP BOOK 42, PAGE 905  
 PARCEL #07326219  
 ZONED I-2

NORTH CAROLINA  
 DEPARTMENT OF TRANSPORTATION  
 DEED BOOK 14533, PAGE 856  
 MAP BOOK 42, PAGE 905  
 PARCEL #07326219  
 ZONED I-2



REVISIONS  
08-02-2016 BAR SCALE REVISED  
11-14-2016 ADDED EASEMENT NOTE

GENERAL NOTES  
1. THE RIGHT OF WAY TO BE ABANDONED IS SHOWN ON A PLAT RECORDED IN MAP BOOK 42, PAGE 905.  
2. UTILITIES SHOWN HEREON ARE TAKEN FROM PREVIOUS SURVEY DATA GATHERED BY DEWBERRY ENGINEERS.  
3. TOTAL AREA TO BE ABANDONED IS 6,891 SQUARE FEET AS COMPUTED BY THE COORDINATE METHOD.


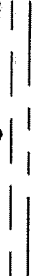












STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG, NC  
REVIEW OFFICER OF MECKLENBURG COUNTY,  
CERTIFY THAT THE MAP OR PLAT TO WHICH THIS  
CERTIFICATION IS ATTACHED MEETS ALL STATUTORY  
REQUIREMENTS FOR RECORDING.

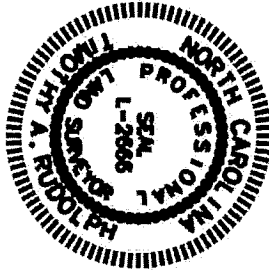
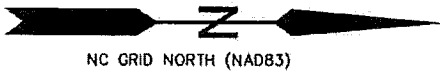
REVIEW OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

NOTE: PROPERTY CORNERS SHOWN CIRCLED WERE LOCATED BY ACTUAL FIELD SURVEY. BEARINGS ARE BASED ON N.C. STATE GRID. NORTH THIS MAP WAS PREPARED FOR THE PURPOSE OF RIGHT-OF-WAY AND/OR EASEMENT ACQUISITION ONLY AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN. THIS MAP WAS PREPARED UNDER MY SUPERVISION.

TIMOTHY A. RUDOLPH NC PLST L-25888  
NOVEMBER 11, 2016  
DATE

**LEGEND**

- RIGHT OF WAY TO BE ABANDONED 
- RIGHT OF WAY ADJOINING 
- ADJACENT PROPERTY LINE 
- FIELD LOCATED PROPERTY IRON NO IRON FOUND OR SET COMBINED 
- GRID FACTOR 
- RAILROAD 
- MAP BOOK/PAGE FOUND REBAR 
- FOUND MAGNAIL/RAILROAD SPIKE 
- RESERVED EASEMENT (APPROX) 
- CGF 
- RR 
- MB/PG 
- RBI 
- FMI/TRRS 

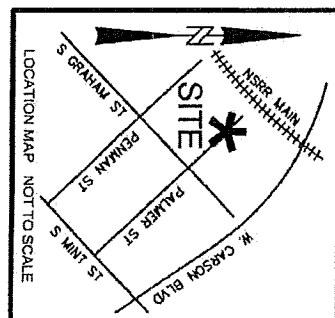



**Exhibit B-1**

**Property Description**

Being all that certain tract or parcel of land located in the City of Charlotte, Mecklenburg County, North Carolina, and being shown as a portion of Palmer Street on a plat recorded in Map Book 42, Page 905 and more particularly described as follows:

Commencing at that found rebar having NC State Plane Coordinates Northing 541,503.89 and Easting 1,445,125.16, located in the centerline of a 200' Norfolk Southern Railroad easement and being the Northernmost corner of that North Carolina Department of Transportation (NCDOT) property described in deed book 14533, page 856 and a point in the Western line of Palmer Street. Said point being located S 28-28-39 W 9748.30' (ground distance) from NC Grid Monument M004. Thence, with the common line of the NCDOT property and Palmer Street, S 39-21-53 E 62.07' to a computed point, the Northwest corner of Subject street right of way to be Abandoned, the POINT OF BEGINNING. Thence, crossing the right of way of Palmer Street, N 50-37-57 E 35.92' to a point in the Eastern right of way of Palmer Street and the Western line of that NCDOT property described in deed book 16757, page 807, thence, with the common line of Palmer Street and NCDOT, two calls as follow: (1) S 39-21-52 E 42.34' to a found rebar and (2) S 39-18-04 E 149.82' to a point (said point being located N 39-18-04 W 4.35' from a found railroad spike), thence, crossing the right of way of Palmer Street, S 50-28-46 W 35.75' to a point in the Western right of way of Palmer Street and the Eastern line of the NCDOT property described in deed book 14533, page 856 (said point being located N 39-21-53 W 3.63' from a found magnetic nail), thence with the common line of Palmer Street and NCDOT, N 39-21-53 W 192.26' to the POINT OF BEGINNING, containing 6,891 square feet and being shown on that survey entitled, "Street Abandonment Exhibit Palmer Street," dated February 24, 2016 as prepared by Dewberry Engineers, Inc.

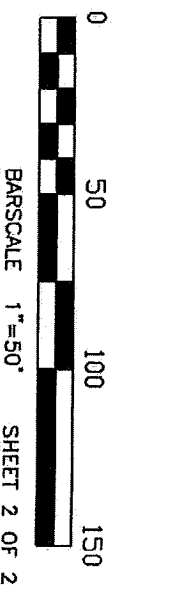




**Dewberry**  
Engineers Inc.  
6135 LAKEVIEW ROAD  
SUITE 150  
CHARLOTTE, NC 28289-9699  
PHONE: (704) 509-9918  
FAX: (704) 509-9937  
LICENSE # F-0929

STREET ABANDONMENT EXHIBIT  
**PALMER STREET**  
CHARLOTTE, MECKLENBURG COUNTY  
NORTH CAROLINA  
- PREPARED FOR -  
NORTH CAROLINA DEPARTMENT  
OF TRANSPORTATION

NCDOT PROJECT P-2918F  
50093922 JOB NO. SCALE 1"=50'  
02/24/16 DATE M. DENNIS PREPARED BY  
50093936-PALMER.DWG FILE NAME



PER VAL MAP V-10A 125 F.M.N.  
 200' EASEMENT  
 NORFOLK SOUTHERN RAILROAD

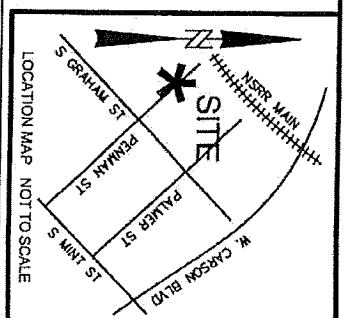
# Exhibit A-2

10087.31' (GROUND) 10085.74' (GRID)  
 COMBINED SCALE FACTOR: 0.99984533

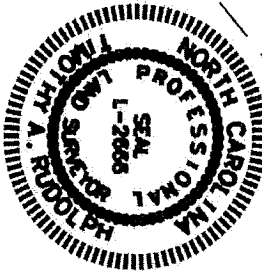
N.C.G.S. MONUMENT  
 M.O.44  
 N 550.071.35  
 E 1449.772.53

NOTE: PROPERTY CORNERS SHOWN CIRCLED WERE LOCATED BY ACTUAL FIELD SURVEY. BEARINGS ARE BASED ON N.C. STATE GRID NORTH. THIS MAP WAS PREPARED FOR THE PURPOSE OF RIGHT-OF-WAY AND/OR EASEMENT ACQUISITION ONLY AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN. THIS MAP WAS PREPARED UNDER MY SUPERVISION.

NOVEMBER 14, 2016  
 DATE



CURVE RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	3541.81'	N 64°22'28" E	50.22'



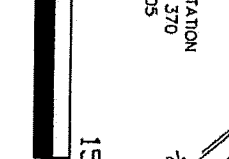
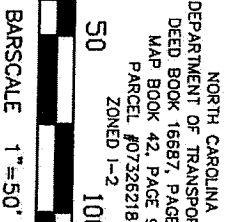
TIMOTHY A. RUDOLPH, NC PLS L-2666  
 NORTH CAROLINA  
 DEPARTMENT OF TRANSPORTATION  
 DEED BOOK 14533, PAGE 856  
 MAP BOOK 42, PAGE 905  
 PARCEL #07328219  
 ZONED I-2

STATE OF NORTH CAROLINA  
 COUNTY OF MECKLENBURG  
 REVIEW OFFICER OF MECKLENBURG COUNTY  
 CERTIFY THAT THE MAP OR PLAN TO WHICH THIS  
 CERTIFICATION IS ATTACHED MEETS ALL STATUTORY  
 REQUIREMENTS FOR RECORDING.

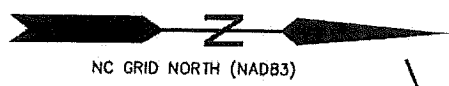
REVIEW OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

## LEGEND

- RIGHT OF WAY TO BE ABANDONED
- ADJACENT PROPERTY LINE
- FIELD LOCATED PROPERTY IRON GRID FACTOR
- RAILROAD
- MAP BOOK/PAGE
- FOUND REBAR
- FOUND MAGNAIL/RAILROAD SPIKE
- RESERVED EASEMENT (APPROX)



**FUTURE EASEMENT NOTE**  
 PETITIONER HEREBY AGREES TO RESERVE PERMANENT UTILITY EASEMENTS, LOCATIONS APPROXIMATED HEREON, FOR THE PURPOSE OF RELOCATING EXISTING 18" SANITARY SEWER LINE AND SPRINT UNDERGROUND TELECOMMUNICATION LINES.



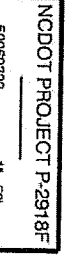
REVISIONS  
 08-02-2016 BAR SCALE REVISED  
 11-14-2016 ADDED EASEMENT NOTE



**Dewberry**  
 Engineers Inc.  
 6135 LAKEVIEW ROAD  
 SUITE 150  
 CHARLOTTE, NC 28269-2609  
 PHONE: (704) 509-9918  
 FAX: (704) 509-9837  
 LICENSE # F-69289



STREET ABANDONMENT EXHIBIT  
**PENMAN STREET**  
 CHARLOTTE, MECKLENBURG COUNTY  
 NORTH CAROLINA  
 PREPARED FOR:  
 NORTH CAROLINA DEPARTMENT  
 OF TRANSPORTATION



NCDOT PROJECT P-2918F  
 50059322  
 JOB NO. SCALE 1" = 50'  
 02/24/16 M. DENNIS  
 DATE PREPARED BY  
 50080596-PENMAN.DWG  
 FILE NAME

HAL H. CONROY DEED  
 BOOK 6732, PAGE 517  
 PARCEL #07328217

REVISIONS  
08-02-2016 BAR SCALE REVISED  
11-14-2016 ADDED EASEMENT NOTE

# Exhibit B-2

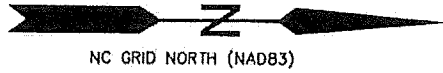
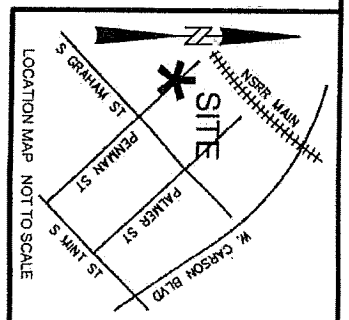
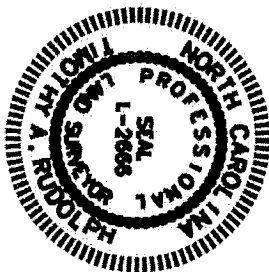
## Property Description

Being all that certain tract or parcel of land located in the City of Charlotte, Mecklenburg County, North Carolina, and being shown as a portion of Penman Street on a plat recorded in Map Book 42, Page 905 and more particularly described as follows:

Commencing at that found magnetic nail, located in the centerline of a 200' Norfolk Southern Railroad easement and being the Northeastern corner of that North Carolina Department of Transportation (NCDOT) property described in deed book 16687, page 370 and a point in the Western line of Penman Street. Thence, with the common line of the NCDOT property and Penman Street, S 39-06-27 E 102.33' to a computed point on the railroad right of way line, the Northwest corner of Subject street right of way to be Abandoned, the POINT OF BEGINNING. Thence, with the railroad right of way line and crossing the right of way of Penman Street, with the arc of a 3541.81' radius circular curve to the left, having a chord bearing of N 64-22-28 E, a chord distance of 50.22' and an arc length of 50.22' to a point having NC State Plane Coordinates Northing 541,251.22 and Easting 1,444,877.74 in the Eastern right of way of Penman Street and the Western line of that NCDOT property described in deed book 14533, page 856 (Said point being located S 29-01-42 W 10,087.31' ground distance from NC Grid Monument M044), thence, with the common line of Penman Street and NCDOT, S 39-33-22 E 214.75' to a point (said point being located N 39-33-22 W 5.00' from a found rebar), thence, crossing the right of way of Penman Street, S 50-31-37 W 50.52' to a point in the Western right of way of Penman Street and the Eastern line of the NCDOT property described in deed book 16687, page 370 (said point being located N 39-06-27 W 70.04' from a found iron pipe), thence with the common line of Penman Street and NCDOT, N 39-06-27 W 226.78' to the POINT OF BEGINNING, containing 10,958 square feet and being shown on that survey entitled, "Street Abandonment Exhibit Penman Street," dated February 24, 2016 as prepared by Dewberry Engineers, Inc.

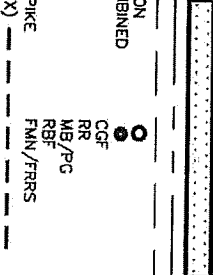
NOTE: PROPERTY CORNERS SHOWN CIRCLED WERE LOCATED BY ACTUAL FIELD SURVEY. BEARINGS ARE BASED ON N.C. STATE GRID NORTH. THIS MAP WAS PREPARED FOR THE PURPOSE OF RIGHT-OF-WAY AND/OR EASEMENT ACQUISITION. ONLY AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN. THIS MAP WAS PREPARED UNDER MY SUPERVISION.

TIMOTHY A. RUDOLPH REGISTERED PROFESSIONAL SURVEYOR  
NOVEMBER 14, 2016  
DATE



### LEGEND

- RIGHT OF WAY TO BE ABANDONED
- RIGHT OF WAY ADJOINING
- ADJACENT PROPERTY LINE
- FIELD LOCATED PROPERTY
- NO IRON FOUND OR SET COMBINED
- GRID FACTOR
- RAILROAD
- MAP BOOK/PAGE
- FOUND REBAR
- FOUND MAGNAIL/RAILROAD SPIKE
- RESERVED EASEMENT (APPROX)



Dewberry  
Engineers Inc.  
6155 LAKEVIEW ROAD  
SUITE 150  
CHARLOTTE, NC 28269-2609  
PHONE: (704) 509-9918  
FAX: (704) 509-9937  
LICENSE # F-05928

### STREET ABANDONMENT EXHIBIT PENMAN STREET

CHARLOTTE, MECKLENBURG COUNTY  
NORTH CAROLINA  
- PREPARED FOR -  
NORTH CAROLINA DEPARTMENT  
OF TRANSPORTATION

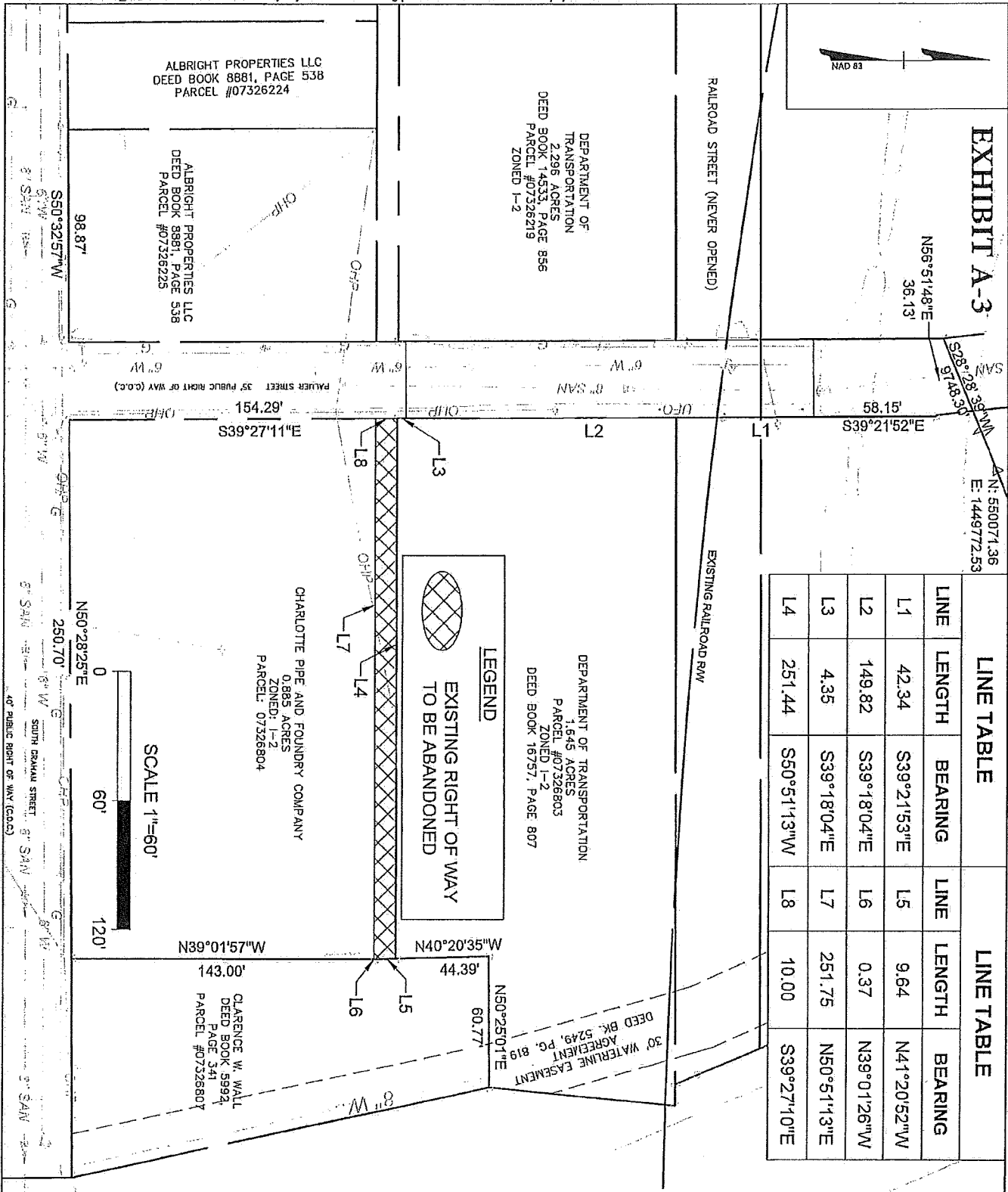
### NCDOT PROJECT P-2918F

50089322 1"=50'  
JOB NO. SCALE  
02/24/15 M. DENNIS  
DATE PREPARED BY  
50089326.PENMAN.DWG  
FILE NAME

REVIEW OFFICER DATE



R:\104137464-Charlotte\_LRM\FDWG\Sheet\Exhibit\Valleyway Abandonment.dwg | Plotted on 4/4/2016 9:55 AM | by Robbia White



LINE TABLE				LINE TABLE			
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING	LINE	BEARING
L1	42.34	S39°21'53"E	L5	9.64	N41°20'52"W		
L2	149.82	S39°18'04"E	L6	0.37	N39°01'26"W		
L3	4.35	S39°18'04"E	L7	251.75	N50°51'13"E		
L4	251.44	S50°51'13"W	L8	10.00	S39°27'10"E		

# TIMMONS GROUP

YOUR VISION ACHIEVED THROUGH OURS.

THIS DRAWING PREPARED AT THE  
CHARLOTTE OFFICE  
2015 S. Tryon Street, Suite 200 Charlotte, NC 28203  
TEL 704-376-1013 FAX 704-376-1076 www.timmons.com

## LOCOMOTIVE & RAILCAR MAINT. FACILITY

HECKLENBURG COUNTY - CHARLOTTE, NORTH CAROLINA

### ALLEY ABANDONMENT

DATE	REVISION DESCRIPTION
APRIL 4 2016	

These plans and associated documents are the exclusive property of TIMMONS GROUP and may not be reproduced in whole or in part and shall not be used for any purpose whatsoever, inclusive, but not limited to construction, bidding, and/or construction relating without the express written consent of TIMMONS GROUP.

December 12, 2016

Resolution Book 47, Page 778

### EXHIBIT B-3

#### ROAD ABANDONMENT LEGAL DESCRIPTION

Situated, lying and being all that certain piece or parcel of land located in the City of Charlotte, Mecklenburg County, North Carolina and being more particularly described as follows; beginning at a found rod located at the northeast corner of the intersection of South Graham Street and Palmer Street; thence along the eastern right of way line of Palmer Street North 39 degrees 27 minutes 11 seconds West a distance of 154.29 feet to a point, said point lying at the intersection of the eastern right of way line of Palmer Street and an existing 10 foot wide alleyway and being the POINT OF BEGINNING; thence along said alleyway the following courses:

- \* North 39 degrees 27 minutes 10 seconds West a distance of 10.00 feet to a found rod,
- \* North 50 degrees 51 minutes 13 seconds East a distance of 251.54 feet to a found rod,
- \* South 41 degrees 20 minutes 52 seconds East a distance of 9.64 feet to a point,
- \* South 39 degrees 01 minutes 26 seconds West a distance of 0.37 feet to a found rod,
- \* South 50 degrees 51 minutes 13 seconds West a distance of 251.75 feet to a point,

Said point being the POINT OF BEGINNING and containing 2,516.02 square feet or 0.058 acres of land more or less.



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

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **GRIER HEIGHTS SIDEWALK PROJECT**; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

PROPERTY DESCRIPTION:

Amount necessary for the **GRIER HEIGHTS SIDEWALK PROJECT** and estimated to be **366 square feet (.008 acre) of sidewalk/utility easement and 724 square feet (.017 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.: 157-012-39, said property currently owned by **ELBIE DEWITT WALLACE, JR. and wife, ANTOINETTE WALLACE; ANY AND ALL HEIRS AT LAW OF OLLIE MAE WALLACE AND ELBIE DEWITT WALLACE; BANK OF AMERICA, Possible Judgment Creditor; BRANCH BANKING & TRUST COMPANY, Possible Judgment Creditor; CHARLOTTE BUSINESS BROKERS CHARLOTTE INC., Possible Judgment Creditor,** or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

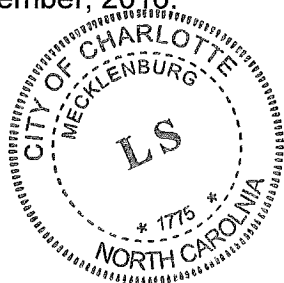
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of December, 2016 the reference having been made in Minute Book 141 and recorded in full in Resolution Book 47, Page(s) 779.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 12th day of December, 2016.



Emily A. Kunze, Deputy City Clerk

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

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **GRIER HEIGHTS SIDEWALK PROJECT**; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

PROPERTY DESCRIPTION:

Amount necessary for the **GRIER HEIGHTS SIDEWALK PROJECT** and estimated to be **539 square feet (.012 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.: 157-012-91, said property currently owned by **KAITLIN LITTLEJOHN and spouse, if any; AMERICAN FINANCIAL NETWORK, INC., Lender; MERS, Beneficiary; NORTH CAROLINA HOUSING FINANCE AGENCY, Beneficiary; CITY OF CHARLOTTE, Beneficiary,** or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

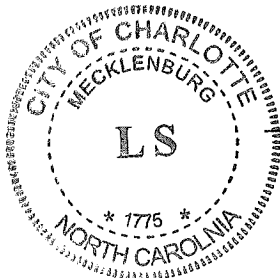
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

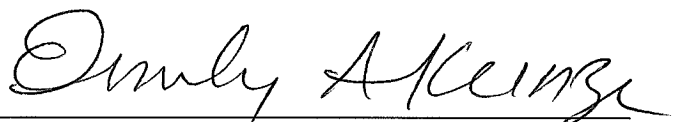
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of December, 2016 the reference having been made in Minute Book 141 and recorded in full in Resolution Book 47, Page(s) 780.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 12th day of December, 2016.



  
\_\_\_\_\_  
Emily A. Kunze, Deputy City Clerk

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

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **GRIER HEIGHTS SIDEWALK PROJECT**; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

PROPERTY DESCRIPTION:

Amount necessary for the **GRIER HEIGHTS SIDEWALK PROJECT** and estimated to be **410 square feet (.009 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.: 157-012-35, said property currently owned by **BLAKE K. RHYNE and spouse, if any; AMERICAN FINANCIAL NETWORK, INC., Lender; MERS, Beneficiary; NORTH CAROLINA HOUSING FINANCE AGENCY, Beneficiary; CITY OF CHARLOTTE, Beneficiary; SELF-HELP COMMUNITY DEVELOPMENT CORPORATION, Beneficiary; SELF-HELP VENTURES FUND, Beneficiary,** or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

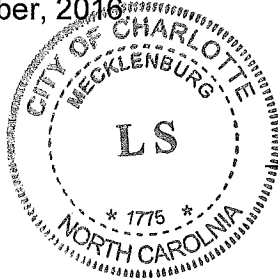
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of December, 2016 the reference having been made in Minute Book 141 and recorded in full in Resolution Book 47, Page(s) 781.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 12th day of December, 2016



*Emily A. Kunze*

Emily A. Kunze, Deputy City Clerk