

RESOLUTION CLOSING A PORTION OF ABELINE ROAD AND WHITEHURST ROAD IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close a portion of Abeline Road and Whitehurst 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 Abeline Road and Whitehurst 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 city may reserve its right, title, and interest in any utility improvement or easement within a street closed pursuant to G.S. 160A-299; and

WHEREAS, an easement shall be reserved in favor of Duke Energy, and AT&T over, upon, and under the area petitioned to be abandoned for ingress, egress, and regress to access its existing facilities for the installation, maintenance, replacement, and repair of water lines, sewer lines, cable, conduit, and related equipment, as shown on the attached maps marked "Exhibit A"; and

WHEREAS, the petitioner shall provide a storm drainage easement (SDE) to the City of Charlotte to provide storm water conveyance, as shown on the attached maps marked "Exhibit A". The purpose of the storm drainage easement (SDE) is to provide storm water conveyance through existing storm drainage pipe(s); and

WHEREAS, the public hearing was held on the 10th day of October 2016, and City Council determined that the closing of a portion of Abeline Road and Whitehurst 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 October 10, 2016, that the Council hereby orders the closing of a portion of Abeline Road and Whitehurst Road in the City of Charlotte Mecklenburg County, North Carolina as shown in the maps marked "Exhibit A", and is more particularly described by metes and bounds in the documents 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.

October 10, 2016
Resolution Book 47, Page 674

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 10th day of October, 2016 the reference having been made in Minute Book 141 and recorded in full in Resolution Book 47, Page(s) 673-677.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 10th day of October, 2016.



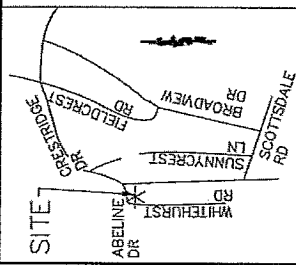
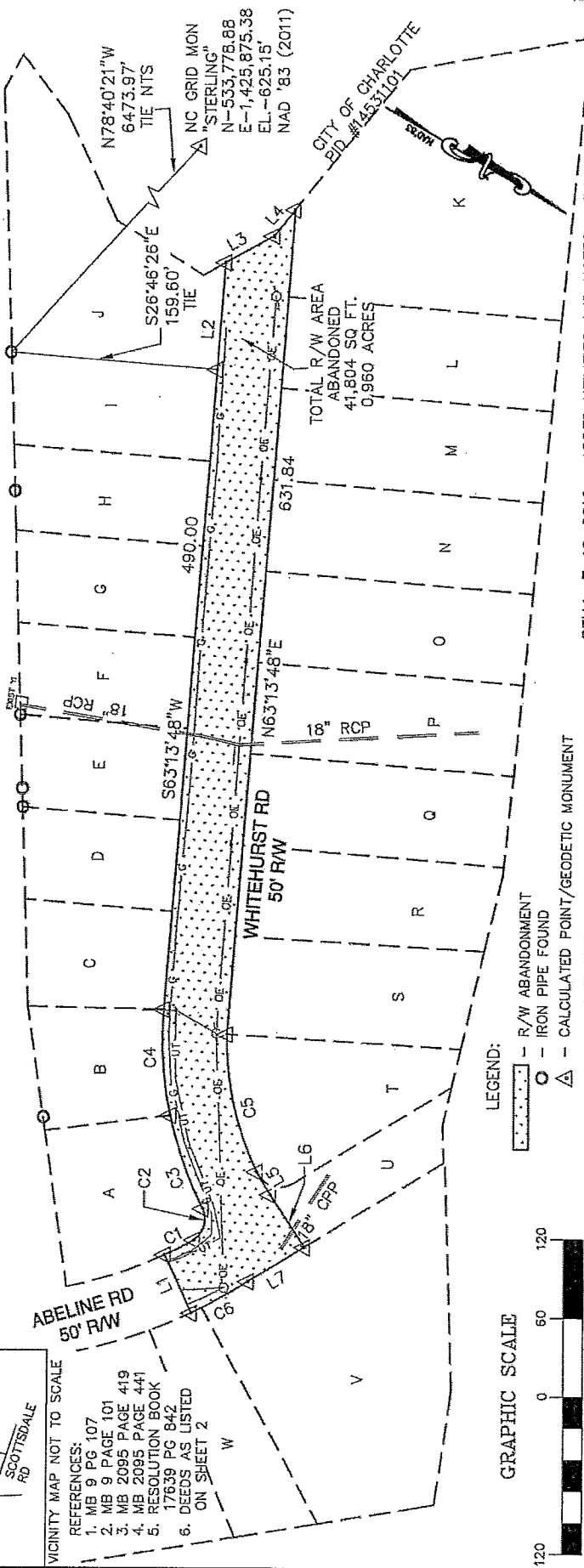
Emily A. Kunze

Emily A. Kunze, Deputy City Clerk

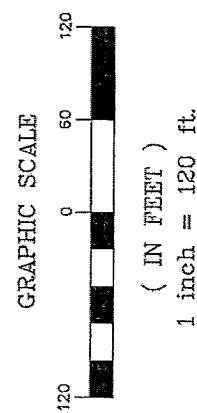
PREPARED BY: FIRM #C-4168
R. Joe Harris & Associates, Inc.
 Engineering & Land Surveying
 127 BEN CASEY DR, SUITE 101, FORT MILL, SC, 29708
 Phone: (803) 802-1799

EASEMENT IN FAVOR OF CITY OF CHARLOTTE STORMWATER, DUKE ENERGY, AT&T AND ALL OTHER OWNERS OF EXISTING UNDERGROUND TELECOMMUNICATION FACILITIES, UPON, UNDER, AND ACROSS THE ENTIRE RIGHT-OF-WAY ABANDONMENT AREA AS SHOWN FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT, AND REPAIR OF EXISTING STORM DRAINAGE, CONDUIT, CABLE, WIRES, AND RELATED EQUIPMENT. EASEMENT FOR CHARLOTTE STORMWATER IS FOR THE PURPOSE OF DRAINAGE OF STORMWATER.

- NOTES:
1. NOT A BOUNDARY SURVEY. MAP WAS DRAWN FROM EXISTING RECORDS AND BEST FIT TO PROPERTY CORNERS FOUND AT THIS TIME.
 2. BEARINGS ARE BASED ON NC GRID NORTH (NAD '83)
 3. TOTAL R/W AREA ABANDONED = 0.968 AC
 4. SEE SHEET 2 FOR BOUNDARY LINE AND PARCEL INFORMATION.
 5. NOT COMPLETE WITHOUT SHEET 2.



- VICINITY MAP NOT TO SCALE
- REFERENCES:
1. MB 9 PG 107
 2. MB 9 PAGE 101
 3. MB 2095 PAGE 419
 4. MB 2095 PAGE 441
 5. RESOLUTION BOOK 17639 PG 842
 6. DEEDS AS LISTED ON SHEET 2



- LEGEND:
- - - - - R/W ABANDONMENT
 - - IRON PIPE FOUND
 - △ - CALCULATED POINT/GEODETIC MONUMENT
 - - - - - OE - OVERHEAD ELECTRIC LINE
 - - - - - G - GAS LINE
 - - - - - UT - UNDERGROUND TELEPHONE LINE

REV:1: 7-19-2016 ADDED UTILITIES AND NOTES - DC

CHARLOTTE
ENGINEERING & PROPERTY MANAGEMENT

RIGHT OF WAY ABANDONMENT
WHITEHURST ROAD & A PORTION OF ABELINE ROAD

PROPERTY OF
 MECKLENBURG COUNTY
 600 E 4TH STREET, 11TH FLOOR,
 CHARLOTTE, NC
 MECKLENBURG COUNTY, NC.

JOB NO.	1" = 120'	REVISIONS	OF
PREPARED BY	SCALE		SHEET
BPL	DATE		1
		22395R.DWG	2
		CAD FILE NAME	

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

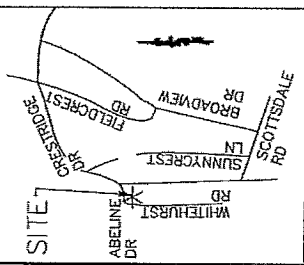
REVIEW OFFICER: _____ DATE: _____
 I, KENNETH M. GREEN, CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION AND THAT THE PLAT WAS PREPARED FOR THE PURPOSE OF RIGHT OF WAY ABANDONMENT ONLY, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN HEREON.

Kenneth M. Green
 KENNETH M. GREEN, L-3512

PREPARED BY: FIRM #C-4168
R. Joe Harris & Associates, Inc.
 Engineering & Land Surveying
 127 BEN CASEY DR, SUITE 101, FORT MILL, SC, 29708
 Phone: (803) 802-1799

- REFERENCES:**
1. MAP BOOK 9 PG 107
 2. MAP BOOK 9 PAGE 101
 3. MAP BOOK 2095 PAGE 419
 4. MAP BOOK 2095 PAGE 441
 5. RESOLUTION BOOK 17639 PG 842
 6. DEEDS AS LISTED

- NOTES:**
1. NOT A BOUNDARY SURVEY. MAP WAS DRAWN FROM EXISTING RECORDS AND BEST FIT TO PROPERTY CORNERS FOUND AT THIS TIME.
 2. BEARINGS ARE BASED ON NC GRID NORTH (NAD '83)
 3. TOTAL R/W AREA ABANDONED = 0.968 AC
 4. SEE SHEET 1 FOR BOUNDARY LINE AND PARCEL INFORMATION.
 5. NOT COMPLETE WITHOUT SHEET 1.



Curve Table

Curve #	Length	Radius	Chord	Bearing	Delta
C1	25.11	335.74	25.10	N58°08'24"W	4.2851
C2	28.68	20.00	24.75	S73°48'52"W	76.4404
C3	75.74	283.95	75.52	S39°13'43"W	15.2837
C4	81.15	283.95	80.88	S55°03'29"W	16.3751
C5	108.15	233.95	107.19	N46°18'23"E	26.4860
C6	49.78	385.74	49.75	S60°22'28"E	7.3942


Line Table

Line #	Direction	Length
L1	S34°00'10"W	48.77
L2	S63°13'46"W	82.09
L3	N60°26'23"W	42.03
L4	N81°36'43"W	26.08
L5	N28°12'57"E	20.20
L6	N24°44'18"E	48.22
L7	S62°18'48"E	50.78

ALL ADJACENT PROPERTY LISTED BELOW ARE OWNED BY MECKLENBURG COUNTY:

- A. PID #14521201
DB 29074 PG 340
MB 9 PG 101
- B. PID #14521202
DB 29512 PG 939
MB 9 PG 101
- C. PID #14521203
DB 26325 PG 38
MB 9 PG 101
- D. PID #14521204
DB 28975 PG 777
MB 9 PG 107
- E. PID #14521205
DB 28900 PG 623
MB 9 PG 107
- F. PID #14521206
DB 29101 PG 540
MB 9 PG 107
- G. PID #14521207
DB 26936 PG 86
MB 9 PG 107
- H. PID #14521208
DB 29436 PG 761
MB 9 PG 107
- I. PID #14521209
DB 27047 PG 422
MB 9 PG 107
- J. PID #14521210
DB 27203 PG 724
MB 9 PG 107
- K. PID #14521101
DB 3973 PG 316
MB 9 PG 107
- L. PID #14521102
DB 11986 PG 126
MB 9 PG 107
- M. PID #14521103
DB 12271 PG 295
MB 9 PG 107
- N. PID #14521104
DB 12364 PG 514
MB 9 PG 107
- O. PID #14521105
DB 12238 PG 241
MB 9 PG 107
- P. PID #14521106
DB 12254 PG 818
MB 9 PG 107
- Q. PID #14521107
DB 12471 PG 283
MB 9 PG 107
- R. PID #14521108
DB 12362 PG 214
MB 9 PG 107
- S. PID #14521109
DB 11748 PG 987
MB 9 PG 101
- T. PID #14521110
DB 12379 PG 766
MB 9 PG 101
- U. PID #14521111
RESOLUTION BOOK 17639 PG 842
- V. PID #14516101
DB 12634 PG 505
MB 2095 PG 441
- W. PID #14516102
DB 29274 PG 289
MB 2095 PG 441

REV:1: 7-19-2016 ADDED UTILITIES AND NOTES - DC



CHARLOTTE
ENGINEERING & PROPERTY
MANAGEMENT

**RIGHT OF WAY
ABANDONMENT
WHITEHURST ROAD &
A PORTION OF
ABELINE ROAD**

PROPERTY OF
MECKLENBURG COUNTY
600 E 4TH ST, 11TH FLOOR,
CHARLOTTE, NC
MECKLENBURG COUNTY, NC.

JOB NO. _____

PREPARED BY: BPL

SCALE: 1" = 120'

DATE: 12/9/15

REVISIONS

2239RW.DWG	CAD FILE NAME
<u>2</u>	<u>2</u>

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 _____

I, KENNETH M. GREEN, CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION AND THAT THE PLAT WAS PREPARED FOR THE PURPOSE OF RIGHT OF WAY ABANDONMENT ONLY, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN HEREON.

Kenneth M. Green
KENNETH M. GREEN, PLS
8-16-16 L-3512

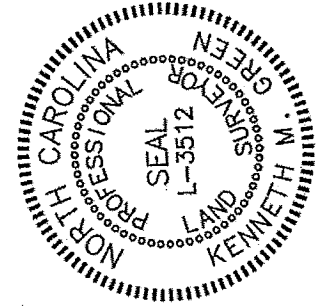


EXHIBIT B

Commencing at NC grid monument "Sterling", said monument having Grid Coordinates of North = 533,778.88 ft. and East of 1,425,875.38 ft.; thence S 78° 40' 21" E 6,473.97' to an iron pipe found, thence N 26° 46' 26" W 159.60' to a point on the Right of Way of Whitehurst Road, said Right of Way being 50', said road being depicted in map book 9 page 101 and map book 9 page 107 in the Mecklenburg County Register of Deeds, said point being the Point of Beginning; thence continuing with the right of way of Whitehurst Road, S 63° 13' 48" W 82.09' to a point on the right of way of Whitehurst Road, thence N 60° 26' 23" W 42.03' to a point on the right of way of Whitehurst Road, thence N 81° 36' 43" W 26.08' to a point on the right of way of Whitehurst Road, thence N 63° 13' 48" E 631.84' to a point on the right of way of Whitehurst Road, thence with a northerly curve having a radius of 233.95', a length of 108.15', having a chord bearing of N 46° 18' 23" E, distance 107.19', to a point on the intersection of the right of ways of Whitehurst Road and the former 50' right of way of Abeline Road, said road being depicted in map book 9, page 101 in the Mecklenburg County Register of Deeds, thence N 28° 12' 57" W 20.20', to a point on the remaining right of way of Abeline Road said point being depicted in resolution book 17639 page 842 in the Mecklenburg County Register of Deeds, thence N 24° 44' 18" E 48.22', to a point on the right of way of Abeline Road, thence S 62° 18' 48" E 50.78' to a point on the right of way of Abeline Road, thence with a southerly curve, having a radius of 385.74', a length of 49.78', having a chord bearing of S 60° 22' 28" E, distance 49.75' to a point on the right of way of Abeline Road, thence S 34° 00' 10" W 48.77' to a point on the right of way of Abeline Road, thence with a northerly curve having a radius of 335.74', a length of 25.11', having a chord bearing of N 58° 08' 24" W, distance 25.10' to a point on the intersection of the right of way of Abeline Road and Whitehurst Road, thence with a southerly curve having a radius of 20', a length of 26.68', having a chord bearing of S 73° 48' 52" W, distance 24.75' to a point on the right of way of Whitehurst Road, thence with a southerly curve having a radius of 283.95', a length of 75.74', having a chord bearing of S 39° 13' 43" W, distance 75.52' to a point on the right of way of Whitehurst Road, thence with a southerly curve having a radius of 283.95', a length of 81.15', having a chord bearing of S 55° 03' 29" W, distance 80.88', to a point in the right of way of Whitehurst Road, thence S 63° 13' 48" W 490.00' to the Point of Beginning, containing 0.968 acres, as shown on a map prepared by R. Joe Harris & Associates, Inc. dated 12/9/15.

RESOLUTION CLOSING A PORTION OF CHINA GROVE CHURCH ROAD AND WESTINGHOUSE BOULEVARD IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close a portion of China Grove Church Road and Westinghouse Boulevard, 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 China Grove Church Road and Westinghouse Boulevard 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 city may reserve its right, title, and interest in any utility improvement or easement within a street closed pursuant to G.S. 160A-299; and

WHEREAS, an easement shall be reserved in favor of owners of existing utilities and telecommunication facilities over, upon, and under the area petitioned to be abandoned for ingress, egress, and regress to access its existing facilities for the installation, maintenance, replacement, and repair of water lines, sewer lines, cable, conduit, and related equipment, as shown on the attached maps marked "Exhibit A"; and

WHEREAS, the public hearing was held on the 10th day of October 2016, and City Council determined that the closing of a portion of China Grove Church Road and Westinghouse Boulevard 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 October 10, 2016, that the Council hereby orders the closing of a portion of China Grove Church Road and Westinghouse Boulevard in the City of Charlotte Mecklenburg County, North Carolina as shown in the maps marked "Exhibit A", and is more particularly described by metes and bounds in the documents 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 10th day of October, 2016 the reference having been made in Minute Book 141 and recorded in full in Resolution Book 47, Page(s) 678-681.

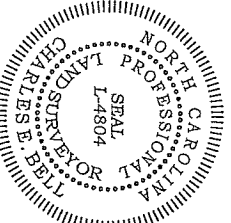
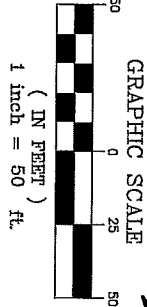
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 10th day of October, 2016.



Emily A. Kunze, Deputy City Clerk

NOTES:

1. THIS PLAT IS NOT FOR RECORDED AS PER G.S. 7-130 AS AMENDED.
2. ALL CORNERS MONUMENTED AS SHOWN.
3. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. R.B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
4. BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
5. THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
6. EASEMENT GRANTED IN FAVOR OF OWNERS OF EXISTING UTILITIES AND TELECOMMUNICATION FACILITIES UPON, UNDER, AND ACROSS THE ENTIRE PROPERTY DESCRIBED FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT AND REPAIR OF CONDUIT, CABLE, WIRES, AND/OR RELATED EQUIPMENT.



THIS IS TO CERTIFY THAT ON THE 18TH DAY OF DECEMBER, 2015 AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE 1600 (2) N.C.G.S. AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TAKES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

SIGNED *Charles E. Bell*

LINE	BEARING	DISTANCE	CHORD BEARING	CHORD LENGTH
L1	N21°20'23"E	13.97'		
C1	S54°00'30"W	85.54'	S54°00'30"W	85.46'
C2	S66°20'128.98"	128.98'	S45°14'05"W	128.78'
C3	S66°20'188.05"	188.05'	S30°26'53"W	197.72'
C4	S17°00'00"	141.16'	N77°29'11"E	144.17'
C5	S66°28'102.46"	102.46'	N62°12'28"E	102.35'
C6	S29°29'8.53"	25.81'	S00°21'25"W	25.81'
C7	S74°59'25"W	6.96'	S74°59'25"W	6.96'

LINE	BEARING	DISTANCE
L1	N21°20'23"E	13.97'

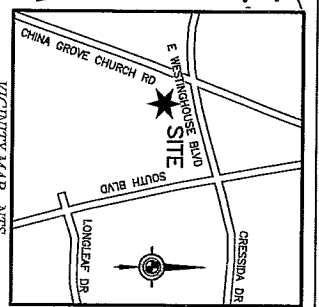
TAX PARCEL 205-11-08
H&C ASSOCIATES, LLC
D.B. 23103, Pg. 239

TAX PARCEL 205-11-12
H&C ASSOCIATES, LLC
D.B. 23103, Pg. 239

RIGHT-OF-WAY TO BE DEDICATED
1,293 SQ. FT.
0.0297 ACRES

RIGHT-OF-WAY TO BE ABANDONED
9,630 SQ. FT.
0.2211 ACRES

- LEGEND:**
- CC - CURB CUT
 - C&G - CURB AND GUTTER
 - CP - CALCULATED POINT
 - DB - BIED BORN
 - DR - DRAINAGE ROD
 - NR - NORTH CAROLINA GEODETIC SURVEY
 - N.C.G.S. - NORTH CAROLINA GEODETIC SURVEY
 - NR - NEW IRON ROD
 - PG - PAGE
 - P.N. - PARCEL IDENTIFICATION NUMBER
 - P.N. - RIGHT-OF-WAY
 - QJ - TOTAL
 - WM - WATER METER
 - WV - WATER VALVE
 - W - WATER METER
 - W - WATER VALVE
 - PROSPECT LINE
 - EXISTING RIGHT-OF-WAY
 - EXISTING EASEMENT
 - WATER LINE



REVISIONS

9-2-16 R/W	DRAWN: BM	REVISOR: CEB	SCALE: 1" = 20'	DATE: JUNE 21, 2016	JOB NO. 85231
DEDICATION AREA ADDED	RBP				

CREW: RBP

EXHIBIT PREPARED FOR:
HARRIS DEVELOPMENT GROUP, LLC
A PORTION OF CHINA GROVE CHURCH ROAD & EAST WESTINGHOUSE BOULEVARD
CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C.

R.B. PHARR AND ASSOCIATES, P.A.
SURVEYING AND MAPPING
LICENSE NO. C-1471
420 HARRIS LANE, CHARLOTTE, N.C. 28204 TEL: (704) 376-2185

Exhibit "B"

October 10, 2016
Resolution Book 47, Page 681

Legal Description

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

COMMENCING at NGS monument "MEK 64" having NC NAD83 coordinates of N: 497,401.19, E: 1,437,452.93; thence N 18°21'17" W a ground distance of 3,698.77 feet to an existing iron rod situated on the eastern margin of the right-of-way of China Grove Church Road (variable width public R/W); thence with the eastern margin of said right-of-way, N 21°20'23" E a distance of 13.57 feet to a calculated point, the POINT OF BEGINNING; thence N 21°20'23" E a distance of 272.40 feet to a calculated point; thence N 57°31'26" E a distance of 35.44 feet to a calculated point marking the intersection of the proposed eastern margin of the right-of-way of China Grove Church Road and the proposed southern margin of the right-of-way of East Westinghouse Boulevard (variable width public R/W); thence with the proposed southern margin of the right of way of East Westinghouse Boulevard an arc of a circular curve turning to the left having a radius of 1,700.00 feet, an arc length of 141.16 feet (chord: N 77°29'11" E, 141.12 feet) to a calculated point on the existing southern margin of the right of way of East Westinghouse Boulevard; thence with the existing margin of the right of way of East Westinghouse Boulevard and China Grove Church Road the following 4 courses and distances: 1) with an arc of a compound circular curve turning to the left having a radius of 656.82 feet, an arc length of 85.54 feet (chord: S 54°00'30" W, 85.48 feet) to a new iron rod; 2) N 38°56'45" W a distance of 9.91 feet to an existing iron rod; 3) with an arc of a circular curve turning to the left having a radius of 666.20 feet, an arc length of 128.98 feet (chord: S 45°14'09" W, 128.78 feet) to a new iron rod; 4) with an arc of a circular curve turning to the left having a radius of 666.20 feet, an arc length of 211.62 feet (chord: S 29°51'23" W, 210.73 feet) to the Point and Place of BEGINNING; containing 9,630 square feet or 0.2211 acres according to a survey by R. B. Pharr & Associates, P.A. dated June 21, 2016. Job No. 85231.

**RESOLUTION FIXING DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31**

CRESSWIND CHARLOTTE I AREA

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, N.C. at 7:00 p.m. on November 14, 2016.

Section 2. The area proposed for annexation is described as follows:

LEGAL DESCRIPTION

BEGINNING AT A POINT, said point being on the southern right of way of Albemarle Road – NC Hwy 24/27; THENCE with the lines of William S. Hill and Joyce Jarrett, now or formerly, as recorded in Deed Book 4734 Page 505 and L.E. Hill, now or formerly, as recorded in Deed Book 5294 Page 635 N 00°18'36" E a distance of 506.68' to a point; THENCE continuing along the line of L.E. Hill N 60°29'27" W a distance of 363.20' to a point; THENCE continuing along the line of L.E. Hill N 36°33'12" E a distance of 323.55' to a point; THENCE continuing along the line of L.E. Hill and the line of Novant Health, Inc., now or formerly, as recorded in Deed Book 22158 Page 195 N 62°41'09" W a distance of 1875.44' to a point; THENCE continuing along the line of Novant Health, Inc. S 89°34'55" W a distance of 1963.51' to a point on the inner right of way of I-485; THENCE along the inner right of way of I-485 with a curve turning to the right with an arc length of 1925.98', a radius of 4489.27' and a chord bearing and distance of N 01°16'15" W, 1911.25' to a point; THENCE crossing I-485 and along the line 485 Investments LLC, now or formerly, as recorded in Deed Book 26284 Page 327 the following three (3) courses and distances; (1) S 74°41'48" E a distance of 1139.28' to a point; (2) THENCE N 83°59'11" E a distance of 1252.58' to a point; (3) THENCE S 48°29'51" E a distance of 798.03' to a point on the line of 485 Investments LLC, now or formerly, as recorded in Deed Book 26284 Page 336; THENCE along the line of 485 Investments the following six (6) courses and distances; (1) S 42°13'48" W a distance of 143.00' to a point; (2) THENCE S 44°31'03" E a distance of 804.07' to a point; (3) THENCE N 88°13'57" E a distance of 225.56' to a point; (4) THENCE S 04°12'23" W a distance of 190.77' to a point; (5) THENCE S 52°01'04" E a distance of 433.72' to a point; (6) THENCE N 06°59'02" E a distance of 205.51' to a point on the corner of the property of 485 Investments LLC as recorded in Deed Book 26284 Page 327; THENCE along the line of 485 Investments LLC the following four (4) courses and distances; (1) N 38°49'15" E a distance of 677.80' to a point; (2) THENCE N 27°53'28" E a distance of 366.53' to a point; (3) THENCE N 07°25'55" E a distance of 766.44' to a point; (4) THENCE S 59°33'41" E a distance of 134.98' to a point, the southwest corner of Carolyn F. Blalock, now or formerly, as recorded in Deed Book 8217 Page 702; THENCE along the line of Carolyn F. Blalock the following three (3) courses and distances; (1) S 59°11'05" E a distance of 1153.00' to a point; (2) THENCE S 18°41'35" W a distance of 30.00' to a point;

October 10, 2016

Resolution Book 47, Page 683

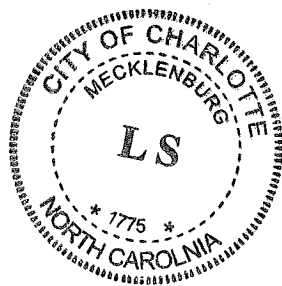
(3) THENCE S 59°13'28" E a distance of 329.03' to a point on the east side of Rocky River Church Road; THENCE along the east side of Rocky River Church Road the following two (2) courses and distances; (1) with a curve turning to the left with an arc length of 504.92', a radius of 964.92' and a chord bearing and distance of S 06°09'28" W, 499.18' to a point; (2) THENCE S 09°02'30" E a distance of 1193.69' to a point; THENCE crossing the right of way of Rocky River Church Road with the property of Burrows Products, LLC, now or formerly, as recorded in Deed Book 29068 Page 533; S 81°31'44" W a distance of 222.44' to a point, the northeast corner of Mary L Rhodes; THENCE with the Mary L Rhodes S 88°25'49" W a distance of 469.25' to a point, the northeastern corner of Jerry N. Helms and Family Trust Established under the Will of Sue L. Helms as recorded in Deed Book 27950 Page 406; THENCE along the line of Jerry N. Helms, et al. the following seven courses and distances; (1) THENCE N 89°22'52" W a distance of 484.81' to a point; (2) THENCE S 89°03'00" W a distance of 144.17' to a point; (3) THENCE S 60°48'08" W a distance of 145.00' to a point; (4) THENCE N 84°37'16" W a distance of 230.00' to a point; (5) THENCE S 10°51'52" W a distance of 349.94' to a point; (6) THENCE S 01°20'48" W a distance of 159.97' to a point; (7) THENCE S 14°56'29" E a distance of 387.75' to a point on the southern right of way of Albemarle Road – NC 24/27; THENCE along the southern right of way of Albemarle Road the following two (2) courses and distances; (1) S 80°24'01" W a distance of 180.94' to a point; (2) THENCE with a curve turning to the left with an arc length of 605.79', a radius of 2477.44' and a chord bearing and distance of S 74°41'47" W, 604.29' to the POINT OF BEGINNING, having an area of 258.956 acres, more or less.

Section 3. Notice of the public hearing shall be published in the *Mecklenburg Times*, a newspaper having general circulation in the City of Charlotte, at least ten (10) days prior to the date of the public hearing.

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 10th day of October, 2016 the reference having been made in Minute Book 141 and recorded in full in Resolution Book 47, Page(s) 682-683.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 10th day of October, 2016.



A handwritten signature in cursive script that reads "Emily A. Kunze".

Emily A. Kunze, Deputy City Clerk

RESOLUTION PROVIDING APPROVAL OF A MULTIFAMILY HOUSING FACILITY KNOWN AS OAK PARK AT NATIONS FORD APARTMENTS IN THE CITY OF CHARLOTTE, NORTH CAROLINA AND THE FINANCING THEREOF WITH MULTIFAMILY HOUSING REVENUE BONDS IN AN AGGREGATE AMOUNT NOT TO EXCEED \$15,500,000

WHEREAS, the City Council of the City of Charlotte (the "City") met in Charlotte, North Carolina at 6:30 p.m. on the 10th day of October, 2016; and

WHEREAS, the Housing Authority of the City of Charlotte, N.C. (the "Issuer") has tentatively agreed to issue its multifamily housing revenue bonds in an amount not to exceed \$15,500,000 (the "Bonds"), for the purpose of financing the acquisition, rehabilitation and equipping by Oak Park NC, LP, a North Carolina limited partnership (the "Borrower"), or an affiliate or subsidiary thereof, of a multifamily residential rental facility known as Oak Park at Nations Ford Apartments (the "Development"); and

WHEREAS, the Development will consist of approximately 202 units, located in 13 buildings on an approximately 16.81 acre site at 103 Dinadan Drive in the City of Charlotte, Mecklenburg County, North Carolina; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that any bonds issued by the Issuer for the Development may only be issued after approval of the plan of financing by the City following a public hearing with respect to such plan; and

WHEREAS, on September 22, 2016, the Issuer held a public hearing with respect to the issuance of the Bonds to finance, in part, the Development (as evidenced by the Certificate and Summary of Public Hearing attached hereto) and has requested the City to approve the issuance of the Bonds as required by the Code; and

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

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

1. The proposed mixed income housing development consisting of the acquisition, rehabilitation and equipping of the Development described above in the City of Charlotte, Mecklenburg County, North Carolina by the Borrower and the issuance of the Authority's multifamily housing revenue bonds therefor in an amount not to exceed \$15,500,000 are hereby approved for purposes of Section 147(f) of the Code. The Mayor is hereby authorized to execute

such approval certificates as may be required to evidence the City's approval of the issuance of the Bonds for purposes of Section 147(f) of the Code.

2. This resolution shall take effect immediately upon its passage.

Council member Mitchell moved the passage of the foregoing resolution and Council member Austin seconded the motion, and the resolution was passed by the following vote:

Austin, Autry, Driggs, Eiselt, Fallon, Kinsey, Mayfield, Mitchell

Ayes: Council members Phipps and Smith

Nays: None.

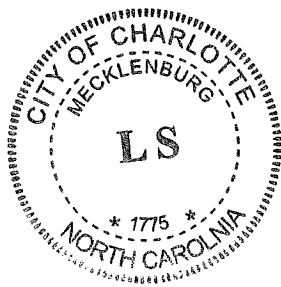
Not voting: _____

Absent: Councilmember Lyles * * * * *

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 10th day of October, 2016 the reference having been made in Minute Book 141 and recorded in full in Resolution Book 47, Page(s) 684-685.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 10th day of October, 2016.



Emily A. Kunze

Emily A. Kunze, Deputy City Clerk

RESOLUTION PROVIDING APPROVAL OF A MULTIFAMILY HOUSING FACILITY KNOWN AS STONEHAVEN EAST APARTMENTS IN THE CITY OF CHARLOTTE, NORTH CAROLINA AND THE FINANCING THEREOF WITH MULTIFAMILY HOUSING REVENUE BONDS IN AN AGGREGATE AMOUNT NOT TO EXCEED \$17,500,000

WHEREAS, the City Council of the City of Charlotte (the "City") met in Charlotte, North Carolina at 6:30 p.m. on the 10th day of October, 2016; and

WHEREAS, the Housing Authority of the City of Charlotte, N.C. (the "Issuer") has tentatively agreed to issue its multifamily housing revenue bonds in an amount not to exceed \$17,500,000 (the "Bonds"), for the purpose of financing the acquisition, rehabilitation and equipping by Stonehaven NC, LP, a North Carolina limited partnership (the "Borrower"), or an affiliate or subsidiary thereof, of a multifamily residential rental facility known as Stonehaven East Apartments (the "Development"); and

WHEREAS, the Development will consist of approximately 240 units, located in 32 buildings on an approximately 24.29 acre site at 7000 Fernwood Drive in the City of Charlotte, Mecklenburg County, North Carolina; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that any bonds issued by the Issuer for the Development may only be issued after approval of the plan of financing by the City following a public hearing with respect to such plan; and

WHEREAS, on September 22, 2016, the Issuer held a public hearing with respect to the issuance of the Bonds to finance, in part, the Development (as evidenced by the Certificate and Summary of Public Hearing attached hereto) and has requested the City to approve the issuance of the Bonds as required by the Code; and

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

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

1. The proposed mixed income housing development consisting of the acquisition, rehabilitation and equipping of the Development described above in the City of Charlotte, Mecklenburg County, North Carolina by the Borrower and the issuance of the Authority's multifamily housing revenue bonds therefor in an amount not to exceed \$17,500,000 are hereby approved for purposes of Section 147(f) of the Code. The Mayor is hereby authorized to execute

such approval certificates as may be required to evidence the City's approval of the issuance of the Bonds for purposes of Section 147(f) of the Code.

2. This resolution shall take effect immediately upon its passage.

Council member Mitchell moved the passage of the foregoing resolution and Council member Austin seconded the motion, and the resolution was passed by the following vote:

Austin, Autry, Driggs, Eiselt, Fallon, Kinsey, Mayfield, Mitchell

Ayes: Council members Phipps and Smith

Nays: _____

Not voting: _____

Absent: Councilmember Lyles * * * * *

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 10th day of October, 2016 the reference having been made in Minute Book 141 and recorded in full in Resolution Book 47, Page(s) 686-687.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 10th day of October, 2016.



Emily A. Kunze

Emily A. Kunze, Deputy City Clerk

A RESOLUTION AUTHORIZING THE REFUND OF PROPERTY TAXES

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

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

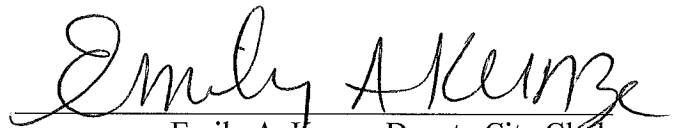
NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 10th day of October 2016 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this 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 10th day of October, 2016 the reference having been made in Minute Book 141 and recorded in full in Resolution Book 47, Page(s) 688-690.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 10th day of October, 2016.




Emily A. Kunze, Deputy City Clerk

Taxpayers and Refunds Requested

ARANT, BILLY EDWARD JR	\$	41.90
AVERY, CHRISTIAN O'NEAL	\$	1,989.33
AVERY, CHRISTIAN O'NEAL	\$	1,999.81
AVERY, CHRISTIAN O'NEAL	\$	2,144.87
BROOKS, DONNA J	\$	219.73
CHARLOTTE RESIDENTIAL ASSET FUND ,L .	\$	14.28
DEZUBAY, ERIC T	\$	3.81
DEZUBAY, ERIC T	\$	3.81
EDDINGS, CHRISTOPHER	\$	230.73
ELLER, IMELDIA M	\$	82.26
ELLER, IMELDIA M	\$	84.02
FETTIG, EMMA E R/T	\$	24.28
FETTIG, EMMA E R/T	\$	24.28
GREER MICHAEL TIMOTHY	\$	848.76
GREER MICHAEL TIMOTHY	\$	877.32
HARMONY RESTORED BY FRED	\$	7.24
HARTIS, TIMOTHY SCOTT	\$	99.20
HARTIS, TIMOTHY SCOTT	\$	99.20
HARTIS, TIMOTHY SCOTT	\$	106.39
HARTIS, TIMOTHY SCOTT	\$	106.39
HUNT, SHAGUANA S	\$	85.84
HUNT, SHAGUANA S	\$	86.29
HUNT, SHAGUANA S	\$	92.55
KOWALSKI, FRANCES A	\$	2.39
KOWALSKI, FRANCES A	\$	2.39
KOWALSKI, FRANCES A	\$	2.55
LEE, ANGELA	\$	4.22
LEE, ANGELA	\$	4.31
MAIN, MICHAEL D	\$	13.80
MEADOWBROOK (MOBILE HOME PARK)	\$	114.57
MEEGAN, NICHOLAS JAY	\$	42.55
NICHOLSON, CHERRELL	\$	9.99
OTT STEVEN H	\$	359.88
OTT STEVEN H	\$	368.93
PIRAINO INVESTMENTS LLC .	\$	2,682.15
PITNEY BOWES INC	\$	1,091.01
PROSVETOV, ALEKSANDR V	\$	70.46
PROSVETOV, ALEKSANDR V	\$	71.40
REY, KENNETH B	\$	55.70
REY, KENNETH B	\$	59.74
RODRIGUEZ, ISMAEL ALLENDI	\$	5.71
SCOSKIE, PAUL RICHARD JR	\$	0.90
SHAW, KENNETH A SR	\$	167.09

October 10, 2016

Resolution Book 47, page 690

SHAW, KENNETH A SR	\$	170.65
SOLOWAY, MARC A	\$	860.85
STEGER, BENJAMIN	\$	100.27
TONEY, JAMERICAN S	\$	50.46
TONEY, JAMERICAN S	\$	51.88
TONEY, JAMERICAN S	\$	55.65
	<u>\$</u>	<u>15,691.79</u>

**A RESOLUTION AUTHORIZING THE REFUND OF
CERTAIN BUSINESS PRIVILEGE LICENSES**

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

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

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 10th day of October 2016 that those taxpayers listed on the schedule of "Business Privilege License Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

CERTIFICATION

I, 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 10th day of October, 2016 the reference having been made in Minute Book 141 and recorded in full in Resolution Book 47, Page(s) 691-692.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 10th day of October, 2016.




Emily A. Kunze, Deputy City Clerk

Business Privilege License Tax Refund Requests

NAKATO JAPANESE STEAKHOUSE-NAKATO NC LLC	\$ 45.00
ROYAL CREAMERY & EXPRESSO	\$ 78.75
	<u>\$ 123.75</u>

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

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **WEST 4TH STREET EXTENSION STREETScape 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 **WEST 4TH STREET EXTENSION STREETScape PROJECT** and estimated to be **86 square feet (.002 acre) of sidewalk/utility easement and 309 square feet (.007 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.: 071-013-09, said property currently owned by **ROBERT BROWN, JR. and spouse, if any; ANY AND ALL HEIRS OF BETSY WALLACE**, 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 10th day of October, 2016 the reference having been made in Minute Book 141 and recorded in full in Resolution Book 47, Page(s) 693.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 10th day of October, 2016.



Emily A. Kunze
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 **WEST 4TH STREET EXTENSION STREETScape 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 **WEST 4TH STREET EXTENSION STREETScape PROJECT** and estimated to be **231 square feet (.005 acre) of sidewalk/utility easement and 1,062 square feet (.024 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.: 071-013-10, said property currently owned by **JEC INVESTMENTS PARTNERSHIP; JOHN REEVES GAMBLE, III and spouse, if any; ELIZABETH RHODES GAMBLE and PETER RIBACK LICHSTEIN; MARY CAROLINE GAMBLE and spouse, if any**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

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

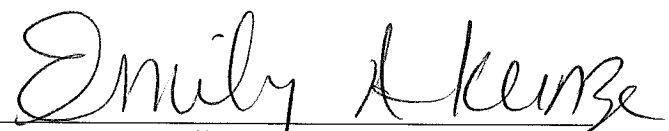
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

CERTIFICATION

I, 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 10th day of October, 2016 the reference having been made in Minute Book 141 and recorded in full in Resolution Book 47, Page(s) 694.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 10th day of October, 2016.




Emily A. Kunze, Deputy City Clerk