

RESOLUTION CLOSING A PORTION OF AUTEN AVENUE 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 Auten Avenue, 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 Auten Avenue 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

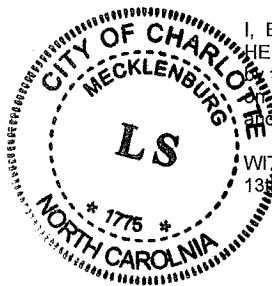
WHEREAS, an easement shall be reserved in favor of Charlotte Water, AT&T, and Duke Energy over, upon, and under the area petitioned to be abandoned for ingress, egress, and regress to access its existing facilities for the installation, maintenance, replacement, and repair of water line, water mains,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

WHEREAS, the public hearing was held on the 13<sup>th</sup> day of February, 2017, and City Council determined that the closing of a portion of Auten Avenue 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 February 13, 2017, that the Council hereby orders the closing of a portion of Auten Avenue 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.

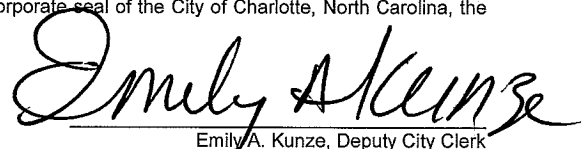
BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

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 13<sup>th</sup> day of February, 2017 the reference having been made in Minute Book 142 and recorded in full in Resolution Book 47, Page(s) 820-822.

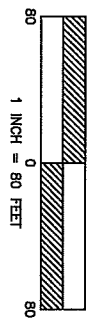
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 13<sup>th</sup> day of February, 2017.

  
Emily A. Kunze, Deputy City Clerk

**EXHIBIT A**

**MAP SHOWING  
AUTEN AVENUE  
ABANDONMENT  
& RECOMBINATION**

CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C.  
MAP PREPARED FOR: JDSI, LLC  
DATE OF SURVEY: NOVEMBER 16, 2016



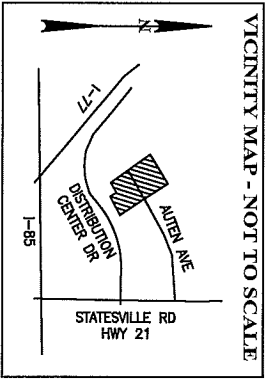
TAX NO: 041-031-01  
PROLOGIS-NORTH CAROLINA, LP  
DB 7724-35

**LEGEND:**  
NCGS - NORTH CAROLINA GEODETIC SURVEY  
DB - DEED BOOK  
R/W - RIGHT OF WAY  
SSM - SANITARY SEWER MANHOLE  
SS - SANITARY SEWER  
EX - EXISTING

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

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

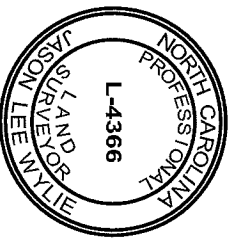
- NOTES:**
1. THE PURPOSE OF THIS MAP IS TO ABANDON AUTEN AVENUE AND RECOMBINE THE PROPERTY AS SHOWN.
  2. EASEMENT IN FAVOR OF CHARLOTTE-MECKLENBURG UTILITIES, AT&T, AND DUKE ENERGY OVER, UPON, AND UNDER THE SPECIFIED AREA PETITIONED TO BE ABANDONED FOR INGRESS, EGRESS, AND REGRESS TO ACCESS ITS EXISTING FACILITIES FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT, AND REPAIR OF WATER LINES, SEWER LINES, CABLES, CONDUIT, AND RELATED EQUIPMENT.
  3. POINTS NOT LABELED WITH MONUMENTATION ARE CALCULATED POINTS.
  4. THE PARCEL AREAS SHOWN DO NOT INCLUDE THE ABANDONED R/W AREA.



1" GRID COORDINATES  
N.C. GRID CONDUIT BS(2011)  
N: 560,533.66 USFT-MAD 83(2011)  
E: 1,451,379.72 USFT-MAD 83(2011)

1" GRID COORDINATES  
N.C. GRID CONDUIT BS(2011)  
N: 559,156.07 USFT-MAD 83(2011)  
E: 1,451,778.26 USFT-MAD 83(2011)

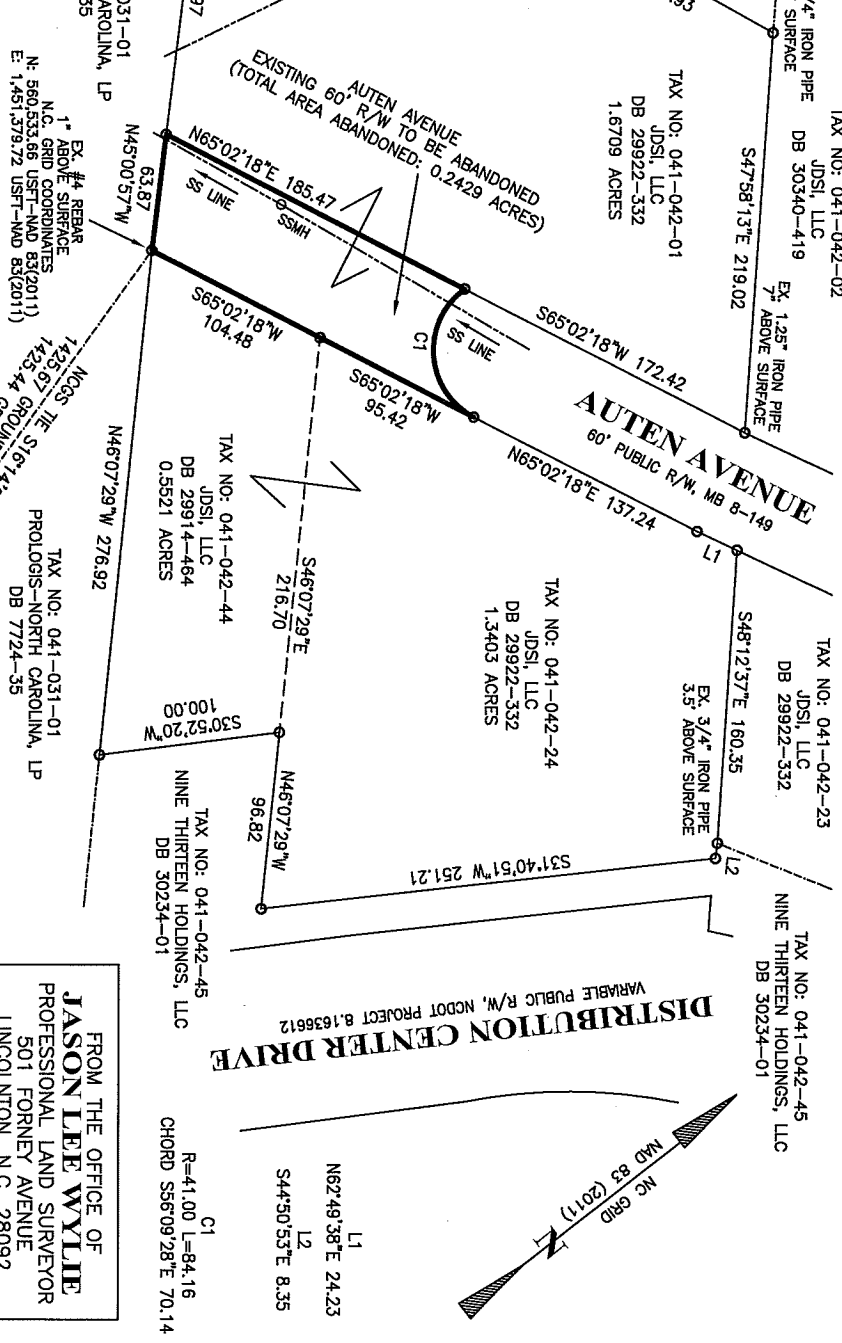
THE COMBINED GRID FACTOR FOR THE SITE IS 0.999984116



FROM THE OFFICE OF  
**JASON LEE WYLIE**  
PROFESSIONAL LAND SURVEYOR  
501 FORNEY AVENUE  
LINCOLNTON, N.C. 28092  
PHONE: 704-763-5926

"SURVEY CERTIFICATION"  
I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, AND IN MY PROFESSIONAL OPINION, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED IN NCGS 21, CHAPTER 59.

*Jason Lee Wylie*  
Jason Lee Wylie, North Carolina PLS L-4366



## **EXHIBIT B**

### **LEGAL DESCRIPTION AUTEN AVENUE ABANDONMENT 0.2429 ACRES**

That certain tract or parcel of land situated, lying, and being in the City of Charlotte, Mecklenburg County, North Carolina, and being more particularly described as follows:

**BEGINNING** at an existing #4 rebar located on the northeast property line of the Prologis-North Carolina, LP property as described in Deed Book 7724, Page 35; said rebar also marking the southernmost point of the existing right-of-way of Auten Avenue; thence with the Prologis-North Carolina, LP property and the existing southwest terminus of Auten Avenue North 45-00-57 West 63.87 feet to a point marking the southernmost corner of the JDSI, LLC property as described in Deed Book 29922, Page 332 (tax parcel 041-042-01); thence with the JDSI, LLC property and the following the existing northwest margin of Auten Avenue North 65-02-18 East 185.47 feet to a point marking the new terminus of Auten Avenue; thence with the new terminus following the arc of a circular curve to the left having a radius of 41.00 feet an arc length of 84.16 feet (chord South 56-09-28 East 70.14 feet) to a point lying on the southeast margin of Auten Avenue in the JDSI, LLC property as described in Deed Book 29922, Page 332 (tax parcel 041-042-24); thence with the JDSI, LLC property South 65-02-18 West 95.42 feet to a point lying on the southeast margin of Auten Avenue in the JDSI, LLC property as described in Deed Book 29914, Page 464; thence with the JDSI, LLC property South 65-02-18 West 104.48 feet to the Point or Place of **BEGINNING**; containing 0.2429 acres of land.

RESOLUTION AUTHORIZING THE CONVEYANCE OF @11.686 ACRES  
OF LAND TO LAUREL STREET CORPORATION, LLC

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WHEREAS, the City of Charlotte owns approximately 11.686 acres of property more particularly identified as being all of Tax Parcel No. 143-133-01, located on W. Tyvola Rd. in Charlotte, Mecklenburg County, North Carolina (the "Property"); and

WHEREAS, in 2007 the Charlotte-Mecklenburg Planning Committee, through the mandatory referral process, determined the Property to be surplus; and

WHEREAS, an appraisal in 2016 determined the current fair market value of the Property to be \$1,235,000; and

WHEREAS, Laurel Street Corporation, LLC desires to purchase the Property for redevelopment as a mixed-income residential community, which will include a minimum of 120 affordable/workforce rental housing units, serving families earning no more than 120%, or less, of the Charlotte area median income; and

WHEREAS, Laurel Street has agreed to a) pay the appraised value for the Property, b) develop affordable/workforce housing as set forth above and in accordance with restrictions to be recorded at Closing, and c) request a City Housing Trust Fund grant to help subsidize development and future maintenance of the affordable units; and

WHEREAS, City of Charlotte Charter §8.22 authorizes the City to convey real property by private sale when it determines that the sale will advance or further any Council-adopted urban revitalization or land use plan or policy; and

WHEREAS, the City Council of the City of Charlotte has determined that the sale of the Property to Laurel Street Corporation, LLC will advance the City's 2016 Council-adopted goal to create 5,000 affordable and workforce housing units within three years; and

WHEREAS, notice of the proposed transaction was advertised at least ten days prior to the adoption of this Resolution.

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Charlotte, pursuant to Section 8.22(d) of the City of Charlotte Charter, that it hereby authorizes the private sale of the above referenced Property as follows:

The City will convey fee simple title to Laurel Street Corporation, LLC for One Million Two Hundred Thirty Five Thousand Dollars (\$1,235,000). The City Manager or his

Designee is authorized to execute all documents necessary to complete the sale of the Property to Laurel Street Corporation, LLC, in accordance with the terms and conditions as advertised.

THIS THE 13TH DAY OF FEBRUARY, 2017.

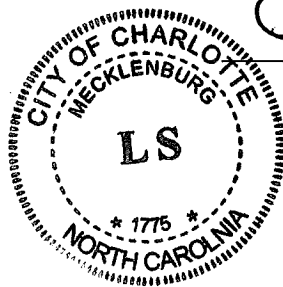
**CERTIFICATION**

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 13<sup>th</sup> day of February, 2017 the reference having been made in Minute Book 142 and recorded in full in Resolution Book 47, Page(s)823-824.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 13th day of February, 2017.



Emily A. Kunze, Deputy City Clerk



**RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF  
CHARLOTTE, NORTH CAROLINA ON FEBRUARY 13, 2017.**

A motion was made by Councilmember Mayfield and seconded by Councilmember Eiselt for the adoption of the following Resolution and upon being put to a vote was duly adopted:

WHEREAS, a Supplemental Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) will allow the City to be reimbursed for the Beam/Shopton Roundabout project; and,

WHEREAS, the Municipal Agreement provides for reimbursement of \$684,000 which is a portion of the total cost of the project; and,

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

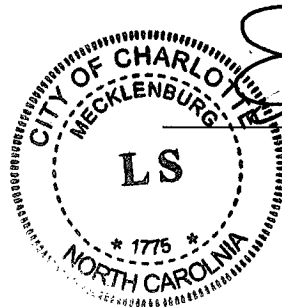
WHEREAS, NCDOT and the City of Charlotte will fund this project.

NOW, THEREFORE, BE IT RESOLVED that this resolution from the City of Charlotte authorizing the City Manager to execute a Supplemental Agreement with the NCDOT for NCDOT to reimburse the City \$684,000 for the Beam/Shopton Roundabout project is hereby formally approved by the City Council of the City of Charlotte and the Director of Transportation and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the aforementioned groups.

**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 13<sup>th</sup> day of February, 2017 the reference having been made in Minute Book 142 and recorded in full in Resolution Book 47, Page(s)825.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 13th day of February, 2017.



A handwritten signature in cursive script that reads "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:

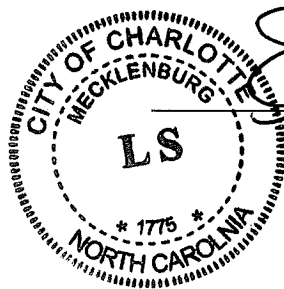
1. The City-County Tax Collector has collected property taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time 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 13th day of February 2017 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 13<sup>th</sup> day of February, 2017 the reference having been made in Minute Book 142 and recorded in full in Resolution Book 47, Page(s) 826-827.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 13th day of February, 2017.



Emily A. Kunze, Deputy City Clerk

February 13, 2017

Resolution Book 47, Page 827  
Taxpayers and Refunds Requested

ABNEY, OPHELIA H	\$	8.91
CRAIG, MYRTLE R	\$	36.38
CRAIG, MYRTLE R	\$	203.69
DALY, ROBERTA F	\$	9.77
DEAN, FRANCES DELLINGER	\$	200.38
DIXON HUGHES PLLC	\$	109.97
FREESE, ZAKERY	\$	284.35
GREGORY, ERICA Y	\$	262.09
GREGORY, ERICA Y	\$	262.53
GREGORY, ERICA Y	\$	281.57
GRIFFIN, ROBERT G & MOLLY B	\$	33.00
JOHNSTON, GEORGE B JR & REBECCA R	\$	304.16
JOHNSTON, GEORGE B JR & REBECCA R	\$	304.16
JOHNSTON, GEORGE B JR & REBECCA R	\$	326.22
JOHNSTON, GEORGE B JR & REBECCA R	\$	326.22
JOHNSTON, GEORGE B JR & REBECCA R	\$	333.18
JOHNSTON, GEORGE B JR & REBECCA R	\$	333.18
KAROL, JOSEPH THOMAS & AMBER LYN	\$	4.73
KAROL, JOSEPH THOMAS & AMBER LYN	\$	4.73
KAROL, JOSEPH THOMAS & AMBER LYN	\$	5.07
LAKHTUROV, DENIS & UTKINA, ELENA	\$	88.08
LATORRE INSURANCE - OAEIGS CORPORATION	\$	18.43
LOTTMAN, MARYRICA AND CARACAPPA, MICHAEL	\$	11.35
LOTTMAN, MARYRICA AND CARACAPPA, MICHAEL	\$	12.13
LOTTMAN, MARYRICA AND CARACAPPA, MICHAEL	\$	12.13
LOTTMAN, MARYRICA AND CARACAPPA, MICHAEL	\$	33.13
MEDICINE & MORE	\$	427.11
MERTZ, BRITT-MARIE AND PAKZAD, FEREDDOON	\$	103.54
MURPHY, SHANE ALLEN	\$	38.85
MURPHY, SHANE ALLEN	\$	38.94
MURPHY, SHANE ALLEN	\$	41.31
MURPHY, SHANE ALLEN	\$	51.38
MURRAY, BURGIN W & ROBBIE A	\$	1.99
NAVARRO, CESAR	\$	60.35
NAVARRO, CESAR	\$	78.59
NAVARRO, CESAR	\$	97.57
OWENBY, ALICE G	\$	24.44
PARHAM, BETTY S	\$	24.50
POLISETTI, SRIDHAR & ALAPATI, SRIDEVI	\$	390.14
SCARLETT, ASTLEY AND SCARLETT, ETHEL CARSON	\$	8.14
SOUTH OAK CROSSING LLC .	\$	4,787.00
UNIVERSITY OF PHOENIX 10-01882-01	\$	1,175.42
UNIVERSITY OF PHOENIX 10-01882-01	\$	1,317.73
UNIVERSITY OF PHOENIX 10-01882-01	\$	1,366.12
UNIVERSITY OF PHOENIX 10-01882-01	\$	1,398.94
WATKINS, WILLIE & SABINE	\$	215.41
YORK ROAD HOLDINGS LLC .	\$	395.88
	<u>\$</u>	<u>15,852.89</u>



**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:

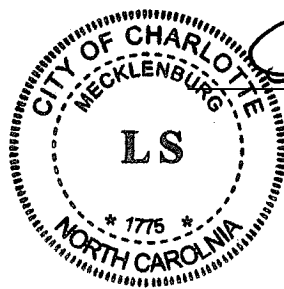
1. The City-County Tax Collector has collected property taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time 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 13th day of February 2017 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 13<sup>th</sup> day of February, 2017 the reference having been made in Minute Book 142 and recorded in full in Resolution Book 47, Page(s) 828-829.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 13th day of February, 2017.



A handwritten signature in black ink, reading "Emily A. Kunze".

Emily A. Kunze, Deputy City Clerk

**Business Privilege License Tax Refund Requests**

CIRCLE K STORE 1867 - CIRCLE K STORES INC	\$ 30.50
FREEDOM SHOES INC	\$ 46.30
CHARLOTTE INDOOR TENNIS CLUB-JILL & ASSOCIATES	\$ 114.40
UNIVERSITY SALON SUITES	\$ 1,049.63
WASH ZONES	\$ 55.00
	<u>\$ 1,295.83</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 **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 **358 square feet (.008 acre) of sidewalk/utility easement and 415 square feet (.01 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.: 157-012-41, said property currently owned by **RICKEY KINARD HOOD and spouse, if any; RONNIE EUGENE HOOD and spouse, if any; MILDRED W. HUNTLEY and spouse, if any; CHARLES GRAHAM, JR. and spouse, if any, and EVELYN G. ALEXANDER and spouse, if any,** or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

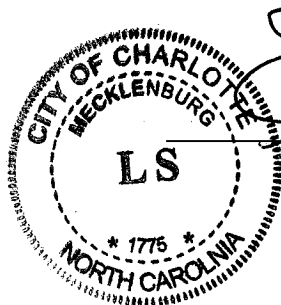
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

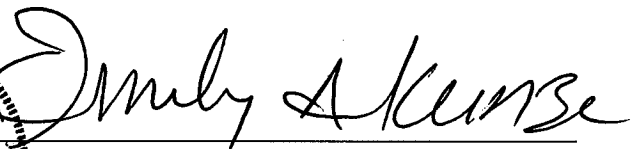
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 13<sup>th</sup> day of February, 2017 the reference having been made in Minute Book 142 and recorded in full in Resolution Book 47, Page(s) 830.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 13th day of February, 2017.



  
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 **258 square feet (.006 acre) of sidewalk/utility easement and 764 square feet (.018 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.: 157-012-34, said property currently owned by **MILDRED HUNTLEY and spouse, if any; PARIS HUNTLEY, JR. and spouse, if any; RONNIE E. HOOD and spouse, if any; TERESA GRAHAM and spouse, if any; CHARLES GRAHAM, JR. and spouse, if any; EVELYN ALEXANDER and spouse, if any, and FRANCIS G. WHITE and spouse, if any, or the owners' successor-in-interest.**

ESTIMATED JUST COMPENSATION:

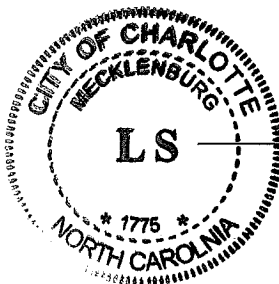
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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 13<sup>th</sup> day of February, 2017 the reference having been made in Minute Book 142 and recorded in full in Resolution Book 47, Page(s) 831.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 13th day of February, 2017.



  
Emily A. Kunze, Deputy City Clerk