

RESOLUTION CLOSING AN UNOPENED ALLEYWAY BETWEEN E. 24TH STREET AND E. 25TH STREET
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 an unopened alleyway between E. 24th Street and E. 25th 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 between E. 24th Street and E. 25th 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 27th day of February, 2017, and City Council determined that the closing an unopened alleyway between E. 24th Street and E. 25th 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.

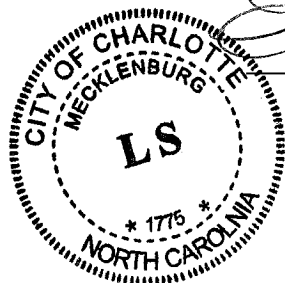
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of February 27, 2017, that the Council hereby orders the closing of an unopened alleyway between E. 24th Street and E. 25th Street in the City of Charlotte Mecklenburg County, 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

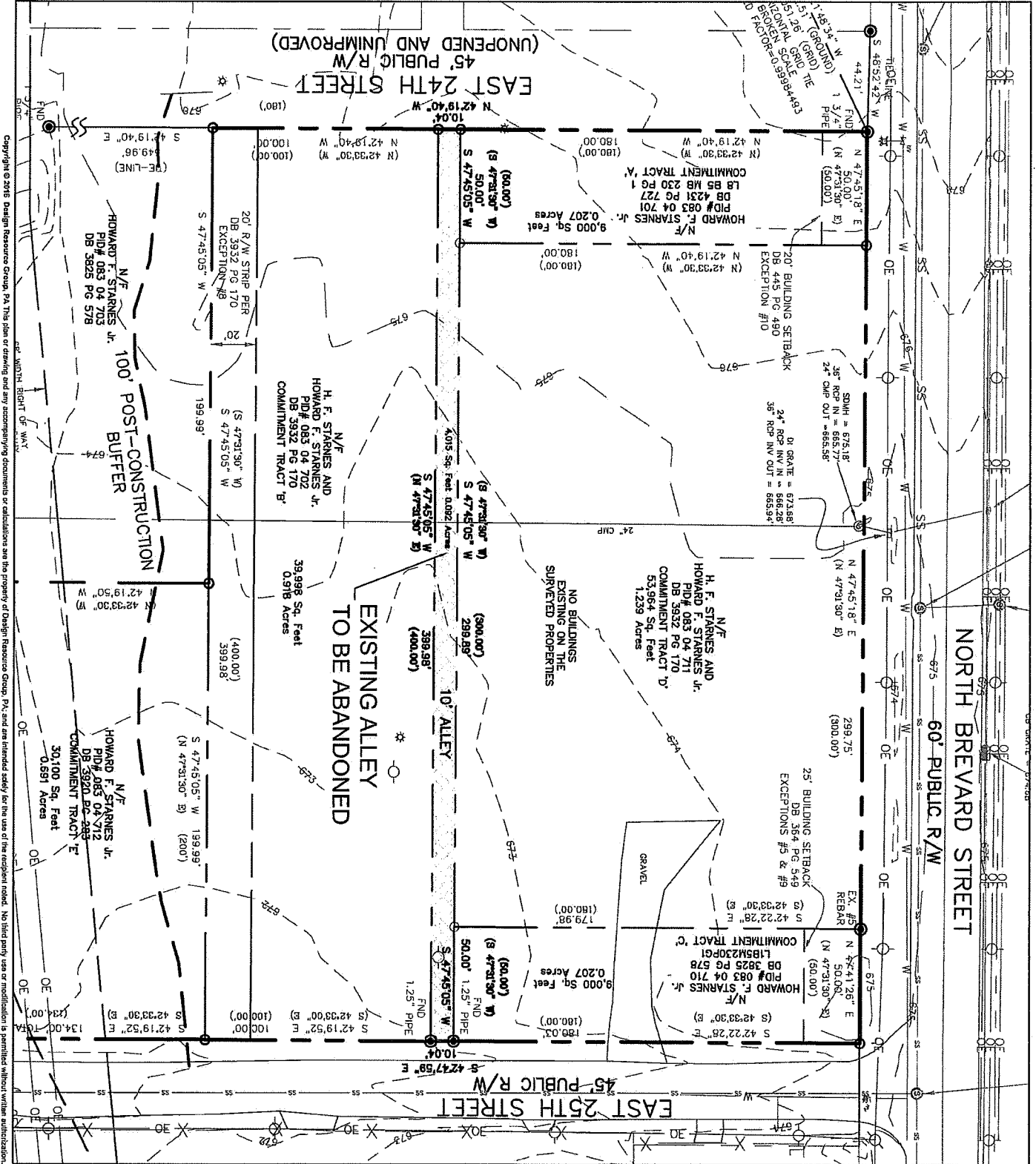
I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 27th day of February, 2017 the reference having been made in Minute Book 142 and recorded in full in Resolution Book 47, Page(s) 832-834.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 27th day of February, 2017.



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

G:\SDSKPROJ\041-194 LOFTS AT 25TH AND BREVARD\DWG\DRG - PLOT SHEETS\PL-ABANDON.DWG



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LOFTS AT 25TH AND BREVARD
 CHARLOTTE, NORTH CAROLINA

WP EAST ACQUISITIONS
 1001 MOREHEAD SQUARE DRIVE, SUITE 250
 CHARLOTTE, NC 28203
 704.332.8995

EXHIBIT A



PROJECT #: 041-194
 DRAWING BY: DK
 CHECKED BY: SK
 SEPTEMBER 9, 2016
 REVISIONS:

DRG
DESIGN RESOURCE GROUP

LANDSCAPE ARCHITECTURE
 CIVIL ENGINEERING
 TRANSPORTATION PLANNING

2458 Wakehurst Blvd, Ste 200 Charlotte, NC 28228
 704.342.0988
 www.drgrp.com

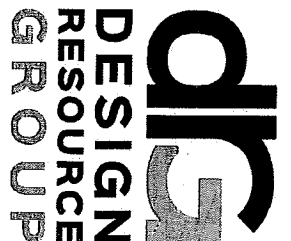
LEGAL DESCRIPTION

10' ALLEY

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND, LYING AND BEING IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, STATE OF NORTH CAROLINA BEING MORE FULLY SHOWN AND DESIGNATED ON A ALTA/JACSM LAND TITLE SURVEY PLAT PREPARED BY SUMMIT LAND SERVICES, P.C., ENTITLED "THE LANDS OF HOWARD F. STARNES JR. 2100, 2104, & 2128 N. BREVARD ST. PID# 083-047-01, 083-047-11, 083-047-10, 083-047-02, & 083-047-12 " DATED DECEMBER 17, 2015 AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

COMMENCING AT A FOUND 1 3/4" PIPE LOCATED AT THE INTERSECTION OF SOUTHERLY LINE OF NORTH BREVARD STREET (60' PUBLIC RIGHT-OF-WAY) AND THE NORTHERLY LINE EAST 24TH STREET (45' PUBLIC RIGHT-OF-WAY) UNOPENED AND UNIMPROVED. THENCE LEAVING SAID RIGHT-OF-WAY OF NORTH BREVARD STREET (60' PUBLIC R/W) AND RUNNING WITH THE NORTHERLY LINE EAST 24TH STREET (45' PUBLIC RIGHT-OF-WAY), S 42°19'40" E A DISTANCE OF 180.00' TO A CALCULATED POINT LOCATED AT THE CORNER OF THE PROPERTY OF HOWARD F. STARNES JR., PID # 083-047-01; THENCE WITH THE PROPERTIES OF HOWARD F. STARNES JR., PID # 083-047-01, PID #083-047-11, & PID# 083-047-10 (1) N 47°45'05" E A DISTANCE OF 50.00' TO A CALCULATED POINT; (2) N 47°45'05" E A DISTANCE OF 299.89' TO A CALCULATED POINT; (3) N 47°45'05" E A DISTANCE OF 50.00' TO A FOUND IRON PIN (1.25" PIPE) LOCATED ON THE SOUTHERLY LINE OF EAST 25TH STREET (45' PUBLIC RIGHT-OF-WAY); THENCE WITH THE RIGHT-OF-WAY OF EAST 25TH STREET S 42°47'59" E A DISTANCE OF 10.04' TO A FOUND IRON PIN (1.25" PIPE) THE CORNER OF THE PROPERTY OF HOWARD F. STARNES JR.; THENCE WITH THE PROPERTY OF HOWARD F. STARNES JR., S 47°45'05" W A DISTANCE OF 399.98' TO A CALCULATED POINT LOCATED ON THE NORTHERLY LINE EAST 24TH STREET (45' PUBLIC RIGHT-OF-WAY) UNOPENED AND UNIMPROVED; THENCE WITH THE NORTHERLY LINE EAST 24TH STREET (45' PUBLIC RIGHT-OF-WAY) N 42°19'40" W A DISTANCE OF 10.04' TO THE POINT OF BEGINNING, AND BEING COMPRISED OF 4,014.73 SQUARE FEET OR 0.09 ACRES MORE OR LESS.

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LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
TRANSPORTATION PLANNING

2459 Wilkinson Blvd, Ste 200 Charlotte, NC 28208
P 704.343.0588
W www.drgpa.com

LOFTS AT 25TH AND BREVARD

CHARLOTTE, NORTH CAROLINA

WP EAST ACQUISITIONS

1001 MOREHEAD SQUARE DRIVE, SUITE 250
CHARLOTTE, NC 28203
704.332.8995

EXHIBIT B

SCALE: N.T.S.

PROJECT #: 041-194
DRAWN BY: SK
CHECKED BY: SK
SEPTEMBER 9, 2016
REVISIONS:

**RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE,
NORTH CAROLINA ON FEBRUARY 27th, 2017**

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

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, and

WHEREAS, The City of Charlotte has need for and intends to construct a wastewater treatment works project described as the Clarifier and Aeration Rehabilitation Project at the McAlpine Creek Wastewater Treatment Plant, and

WHEREAS, The City of Charlotte intends to request state loan assistance for the project,

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

That the City of Charlotte, will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the City of Charlotte will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the City of Charlotte agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Charlotte to make scheduled repayment of the loan, to withhold from the City of Charlotte any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

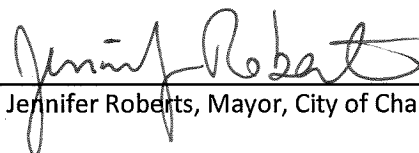
That the City of Charlotte will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the City of Charlotte, Randy Harrington (CFO) or Robert Campbell (Finance Director), and successors so titled, are hereby authorized to execute and file an application on behalf of the City of Charlotte with the State of North Carolina for a loan to aid in the construction of the project described above.

That Randy Harrington, Robert Campbell and Barry Gullet, (Charlotte Water Director), and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Charlotte has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 27th day of February, 2017 at Charlotte, North Carolina.



Jennifer Roberts, Mayor, City of Charlotte

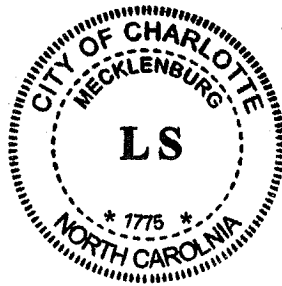
CERTIFICATION

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 27th day of February, 2017 the reference having been made in Minute Book 142 and recorded in full in Resolution Book 47, Page(s) 835-836.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 27th 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 27, 2017**

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

WHEREAS, the City of Charlotte will reimburse North Carolina Department of Transportation for the remobilization of its contractor to complete the resurfacing of Lancaster Highway. The NCDOT contractor had to leave the project site due to a water main leak.

WHEREAS, Charlotte Water will reimburse North Carolina Department of Transportation for actual costs not to exceed \$6,890; and

WHEREAS, Charlotte Water has funding for said remobilization costs; and,

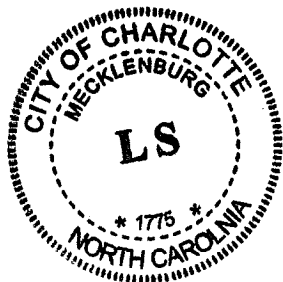
WHEREAS, under the proposed Agreement and subject to the Agreement provisions, the City of Charlotte shall reimburse the North Carolina Department of Transportation for actual construction costs at the conclusion of the project.

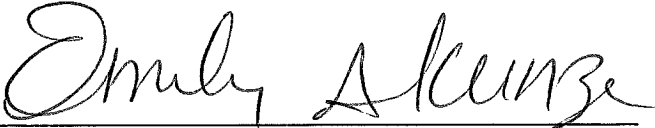
NOW, THEREFORE, BE IT RESOLVED that the Municipal Agreement between the North Carolina Department of Transportation and the City of Charlotte and Charlotte Water, is hereby formally approved by the City Council of the City of Charlotte and that the Director of Charlotte Water and Clerk of the City of Charlotte are hereby empowered to sign and execute the Municipal Agreement with the North Carolina Department of Transportation.

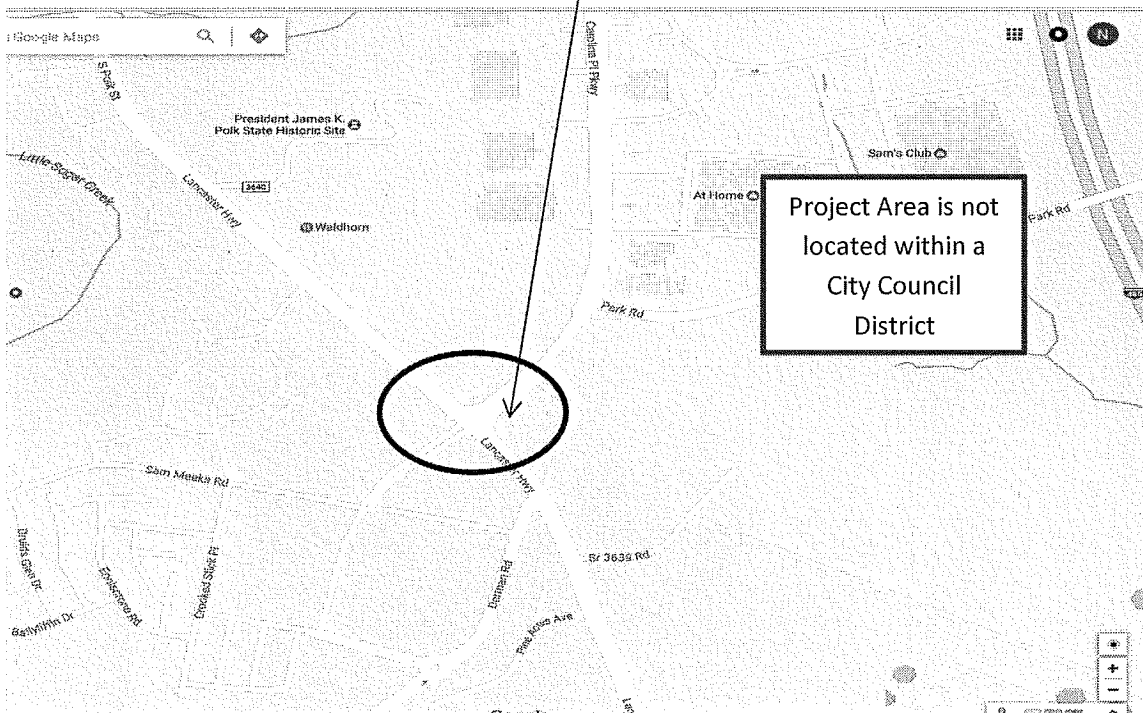
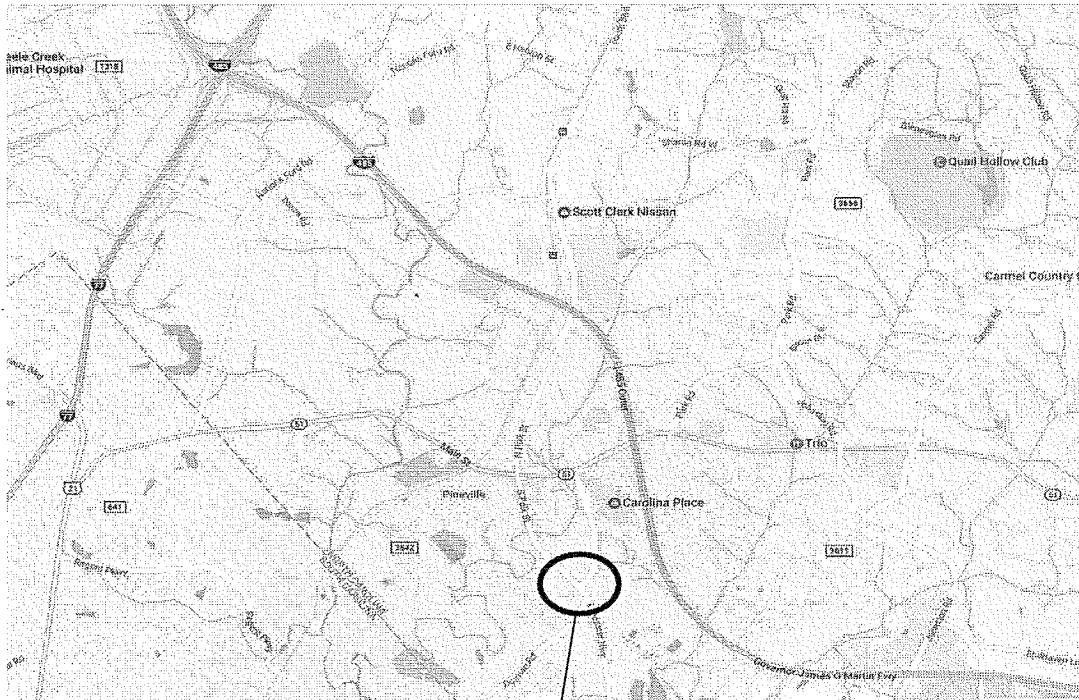
CERTIFICATION

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 27th day of February, 2017 the reference having been made in Minute Book 142 and recorded in full in Resolution Book 47, Page(s) 837-838.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 27th day of February, 2017.




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 27th 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.

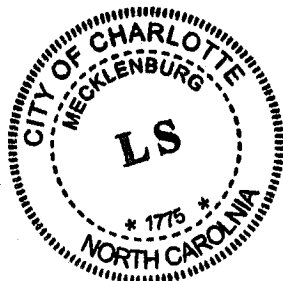
CERTIFICATION

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 27th day of February, 2017 the reference having been made in Minute Book 142 and recorded in full in Resolution Book 47, Page(s) 839-840.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 27th day of February, 2017.



Emily A. Kunze, Deputy City Clerk



Taxpayers and Refunds Requested

| | | |
|--------------------------------|----|-----------------|
| EMANSER LLC | \$ | 22.03 |
| EMANSER LLC | \$ | 22.03 |
| EMANSER LLC | \$ | 23.64 |
| EMANSER LLC | \$ | 23.64 |
| GUION, ALEXANDER HOLKE | \$ | 15.80 |
| MEADOWBROOK (MOBILE HOME PARK) | \$ | 102.55 |
| PENKAR, SEJAL UDANI | \$ | 593.58 |
| ROBINSON, LOY GERALD | \$ | 2.39 |
| TRIPP, MICHAEL F & PATRICIA K | \$ | 510.06 |
| WMCI CHARLOTTE XI LLC . | \$ | 1,584.00 |
| | \$ | <u>2,899.72</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 **AYRSLEY GRAVITY SEWER REPLACEMENT PHASE II 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 **AYRSLEY GRAVITY SEWER REPLACEMENT PHASE II PROJECT** and estimated to be **2,218.02 square feet (.049 acre) of sanitary sewer easement and 8,422.85 square feet (.193 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.: 203-221-17, said property currently owned by **DUSHYANT RAMANBHAI PATEL and wife, LATIKA DUSHYANT PATEL; KAYUR DUSHYANT PATEL and spouse, if any, or the owners' successor-in-interest.**

ESTIMATED JUST COMPENSATION:

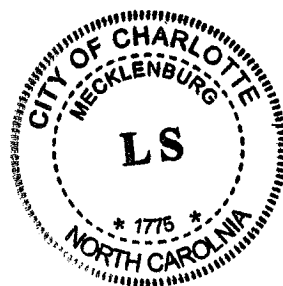
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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 27th day of February, 2017 the reference having been made in Minute Book 142 and recorded in full in Resolution Book 47, Page(s) 841.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 27th day of February, 2017.



Emily A. Kunze

Emily A. Kunze, Deputy City Clerk

**RESOLUTION PASSED BY THE CITY COUNCIL OF THE
CITY OF CHARLOTTE, NORTH CAROLINA ON FEBRUARY 27, 2017**

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

WHEREAS, Mecklenburg County, Queens University of Charlotte, and the City of Charlotte are partnering to create a signalized intersection on Tyvola Road at the Marion Diehl Center driveway and the Little Sugar Creek Greenway trailhead driveway; and

WHEREAS, Queens University of Charlotte received a federal grant for intersection modifications at the entrance to the Marion Diehl Center, and

WHEREAS, Queens University of Charlotte will provide grant funding of \$780,000, and the City will contribute the grant match of \$156,000 for a total project cost of \$936,000; and

WHEREAS, The Interlocal Agreement will provide for the City's reimbursement to Mecklenburg County of \$156,000 towards the total cost of the project.

NOW, THEREFORE, BE IT RESOLVED that this resolution from the City of Charlotte authorizing the City Manager to execute an Interlocal Agreement with Mecklenburg County to reimburse Mecklenburg County \$156,000 for intersection improvements on Tyvola Road at the Marion Diehl Center Driveway and the Little Sugar Creek Greenway Trailhead 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 27th day of February, 2017 the reference having been made in Minute Book 142 and recorded in full in Resolution Book 47, Page(s) 842-850.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 27th day of February, 2017.



Emily A. Kunze, Deputy City Clerk

