

EXTRACTS FROM MINUTES OF CITY COUNCIL

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A Regular Meeting of the City Council of the City of Charlotte, North Carolina was duly held in the Meeting Chamber at the Charlotte-Mecklenburg Government Center in Charlotte, North Carolina, the regular place of meeting, at 7:00 p.m. on March 25, 2019:

Members Present: Lyles, Bokhari, Driggs, Eggleston, Eiselt, Mayfield, Phipps, Winston, Harlow, Newton

Members Absent: Ajmera, Mitchell

\* \* \* \* \*

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Councilmember Eggleston/Phipps introduced the following resolution (the "*Resolution*"), a summary of which had been provided to each Councilmember, copy of which was available with the City Clerk and which was read by title:

**RESOLUTION OF THE CITY OF CHARLOTTE, NORTH CAROLINA APPROVING AN INSTALLMENT FINANCING WITH NEW CHARLOTTE CORPORATION TO FINANCE AND REFINANCE CERTAIN CONVENTION FACILITIES AND RELATED MATTERS**

*WHEREAS*, the City of Charlotte, North Carolina (the "*City*") is a municipal corporation duly created and validly existing under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "*State*");

*WHEREAS*, the City has the power, pursuant to the General Statutes of North Carolina to (1) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price;

*WHEREAS*, the City and New Charlotte Corporation (the "*Corporation*") previously entered into an Amended and Restated Installment Purchase Contract dated as of August 1, 1993, as previously amended (the "*1993 Contract*"), in order to finance, in part, the acquisition of and improvements to various convention-related facilities (collectively, the "*Existing Projects*"), including the City's primary convention center facility (the "*Convention Center*");

*WHEREAS*, to secure its obligations under the 1993 Contract, the City has granted a lien on the site of the Convention Center and all improvements thereon under an Amended and Restated Deed of Trust, Security Agreement and Fixture Filing dated as of June 1, 2009 (the "*Existing Deed of Trust*");

*WHEREAS*, the City and the Corporation intend to (1) finance (a) renovations and improvements to the Convention Center and (b) the acquisition of a condominium interest in meeting and ballroom space in the Hotel and Conference Center being constructed by The Foundation of the University of North Carolina at Charlotte, Inc. (collectively, the "*2019A Project*") and (2) refinance the City's installment payment obligations under the 1993 Contract corresponding to the outstanding Certificates of

Participation (Convention Facility Project), Series 2009B (the "*Refunded Certificates*") in order to achieve debt service savings;

*WHEREAS*, the City is authorized to use certain taxes to pay the cost of financing the Existing Projects and the 2019A Project under Chapter 908 of the 1983 Session Laws of the North Carolina General Assembly, as previously amended, and as further amended by Chapter 26 of the 2013 Session Laws of the North Carolina General Assembly;

*WHEREAS*, the City Council has determined it is in the best interest of the City to (1) finance the cost of the 2019A Project, (2) refinance the City's installment payment obligations related to the Refunded Certificates and (3) pay certain costs related to the installment financing, pursuant to an installment financing contract with the Corporation as permitted under Section 160A-20 of the General Statutes of North Carolina, as amended;

*WHEREAS*, to assist the City in the financing and refinancing described above, the Corporation will execute and deliver Certificates of Participation (Convention Facility Projects), Series 2019A (the "*2019A Certificates*") that will evidence proportionate undivided interests in rights to receive certain payments pursuant to an installment financing contract between the Corporation and the City in accordance with the Plan of Finance (as defined below);

*WHEREAS*, in connection with the sale of the 2019A Certificates by the Corporation to Wells Fargo Bank, National Association and Merrill Lynch, Pierce, Fenner & Smith Incorporated (collectively, the "*Underwriters*"), the Corporation will enter into a purchase contract with the Underwriters (the "*Purchase Contract*") and the City will execute a Letter of Representation to the Underwriters (the "*Letter of Representation*");

*WHEREAS*, there have been described to the City Council the forms of the Financing Documents (as defined below), copies of which have been made available to the City Council, which the City Council proposes to approve, enter into and deliver, as applicable, to effectuate the proposed installment financing in accordance with the Plan of Finance;

*WHEREAS*, to make an offering and sale of the 2019A Certificates, there will be prepared a Preliminary Official Statement (the "*Preliminary Official Statement*"), a draft thereof having been presented to the City Council, and a final Official Statement (together with the Preliminary Official Statement, the "*Official Statement*") with respect to the 2019A Certificates, which Official Statement will contain certain information regarding the City;

*WHEREAS*, it appears that each of the Financing Documents is in an appropriate form and is an appropriate instrument for the purposes intended;

*WHEREAS*, the City Council has conducted a public hearing to receive public comment on the proposed installment financing and the projects financed and refinanced thereby on March 25, 2019 and the City has submitted its application for approval of the LGC with respect to entering into the installment financing and the related transactions described above;

***NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AS FOLLOWS:***

*Section 1. Approval of the Plan of Finance.* The City Council hereby approves the City entering into either a new installment financing contract with the Corporation (a "*New Contract*") or an amendment to the existing 1993 Contract with the Corporation (a "*Contract Amendment*") in an

aggregate principal amount not to exceed \$142,500,000 for the purpose of financing the 2019A Project, refinancing the City's installment payment obligations related to the Refunded Certificates and paying the costs of the installment financing, and in each case, providing the security necessary to consummate the installment financing in accordance with the terms of this Resolution (the "*Plan of Finance*"). The City Manager, the Deputy City Manager, the Finance Officer (as defined in Section 159-24 of the General Statutes of North Carolina, as amended), the City Treasurer, the City Debt Manager, and their respective designees, are hereby authorized to determine which method of executing the proposed Plan of Finance is in the best interests of the City in accordance with the terms of this Resolution.

*Section 2. Authorization of Installment Financing Contract.* The form and content of the New Contract and the Contract Amendment are hereby in all respects authorized, approved and confirmed, and the Mayor, the City Manager, the Deputy City Manager, the Finance Officer (as defined in Section 159-24 of the General Statutes of North Carolina, as amended), the City Treasurer, the City Debt Manager, the City Clerk, the Deputy City Clerk and the City Attorney, including anyone serving as such in an interim capacity, or their respective designees (the "*Authorized Officers*") are hereby authorized, empowered and directed, individually and collectively, to execute and deliver the New Contract or the Contract Amendment, including necessary counterparts, in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the City Council's approval of any and all changes, modifications, additions or deletions therein from the form and content of the documents presented to the City Council.

*Section 3. Authorization of Security for the Installment Financing Contract.* In connection with the New Contract or the Contract Amendment, the City Council hereby authorizes the Authorized Officers to execute either an amendment to the Existing Deed of Trust (the "*Amended Deed of Trust*") or a new deed of trust (the "*New Deed of Trust*") granting a lien on the site of the Convention Center and all improvements thereon and any other portion of the 2019A Project necessary, in the discretion of the Authorized Officers, to effectuate the Plan of Finance. The form and content of the Amended Deed of Trust and the New Deed of Trust are in all respects authorized, approved and confirmed. The Authorized Officers are hereby authorized, empowered and directed, individually and collectively, to execute and deliver the Amended Deed of Trust or the New Deed of Trust, including necessary counterparts, in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the City Council's approval of any and all changes, modifications, additions or deletions therein from the form and content of the documents presented to the City Council.

*Section 4. Authorization of the Official Statement.* The form and content of the Official Statement are in all respects authorized, approved and confirmed. The use of the Official Statement by the Underwriters in connection with the sale of the 2019A Certificates is hereby in all respects authorized, approved and confirmed.

*Section 5. Letter of Representation.* The form and content of the Purchase Contract are hereby in all respects approved. The Authorized Officers are authorized to execute the Letter of Representation for the purposes stated therein.

*Section 6. City Representative.* Each of the Authorized Officers is hereby designated as the City's representatives to act on behalf of the City in connection with the transaction contemplated by the New Contract, the Contract Amendment, the Amended Deed of Trust, the New Deed of Trust, the Letter of Representation and the Purchase Contract (collectively, the "*Financing Documents*") and the Official Statement, and each is authorized to proceed with the acquisition of the 2019A Project in accordance with

the Financing Documents and to seek opinions as a matter of law from the City Attorney, which City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby. The Authorized Officers are in all respects authorized to supply on behalf of the City all information pertaining to the City for use in the Official Statement and the transactions contemplated by the Financing Documents or the Official Statement. The Authorized Officers are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by the Financing Documents or the Official Statement or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution, including the on-going administration of the Financing Documents. Any provision in this Resolution that authorizes more than one officer to take certain actions will be read to permit such officers to take the authorized actions either individually or collectively.

*Section 7. Ratification of Instruments.* All actions of the City and the Authorized Officers, whether previously or hereinafter taken, in effectuating the proposed Plan of Finance are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Financing Documents.

*Section 8. Severability.* If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

*Section 9. Repealer.* All motions, orders, resolutions and parts thereof in conflict with this Resolution are hereby repealed.

*Section 10. Effective Date.* This Resolution is effective on the date of its adoption.



**RESOLUTION OF THE CHARLOTTE CITY COUNCIL CORRECTING PAYOUT  
CALCULATION FOR FIREFIGHTER RETIREES BETWEEN OCTOBER 25, 2013  
AND MARCH 25, 2019**

WHEREAS, the lawsuit of *Kurzel, et al. v. City of Charlotte*, 16 CVS 19521 (“*Kurzel*”), was commenced in the Superior Court of Mecklenburg County, NC on October 25, 2016, and

WHEREAS, the Plaintiffs in *Kurzel* claimed an alleged failure to pay the entire amount required for accrued leave upon his retirement, and

WHEREAS the City of Charlotte denied, defended and disputed all allegations and claims in the lawsuit, and

WHEREAS the City Council of the City of Charlotte, NC, authorized settlement of *Kurzel*, and

WHEREAS the settlement agreement was finalized on August 29, 2018, and

WHEREAS, City Council wishes to treat all City of Charlotte firefighters who (1) could have joined the *Kurzel* lawsuit; or (2) retired from the City of Charlotte under the Charlotte Firefighters Retirement System since the settlement of *Kurzel* and before March 25, 2019, equitably and in the same manner as the *Kurzel* Plaintiffs;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that for each City of Charlotte uniformed firefighter who retired in the Charlotte Firefighters Retirement System (“CFRS”) between and including the effective retirement dates of October 25, 2013 and March 24, 2019<sup>1</sup>, the City of Charlotte shall take the following actions:

1. The City shall pay each firefighter or the firefighter’s estate an amount equal to 7.692% of the vacation and sick leave payout made by the City upon the firefighter’s retirement (the “Additional Payout”);
2. The City shall withhold 12.65% of the Additional Payout, and will deposit that amount to the CFRS;
3. The City shall contribute to the CFRS a matching 12.65% of the Additional Payout;
4. The City shall report to the CFRS the corrected final vacation and sick leave payout for each firefighter, which will include the amount of leave payout originally paid to each firefighter plus the Additional Payout; and
5. The City shall inform the CFRS that it is the City’s position this increase in payout constitutes an error in the original payout and that the Additional Payout should trigger the re-calculation of monthly retirement benefit amounts for each firefighter under Section 54 of the Retirement Act.

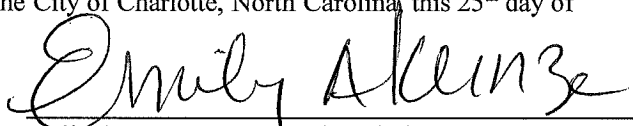
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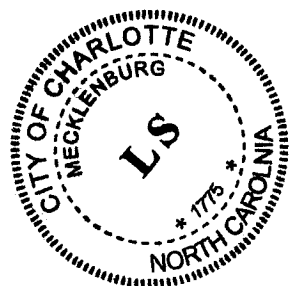
<sup>1</sup> Excluding the Plaintiffs in the *Kurzel* lawsuit.

**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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 405-406.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.

  
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Emily A. Kunze, Deputy City Clerk, NCCMC



**RESOLUTION OF THE CHARLOTTE CITY COUNCIL PAID LEAVE POLICY**

WHEREAS, the City Council of the City of Charlotte, NC, has reviewed its policies, practices, and process for payment of unused vacation and sick leave to city employees upon their retirement, and

WHEREAS, per ordinance amended by resolution in 1992, the City Council retained authority to make decisions regarding payment for sick and vacation leave, approved personnel rules granting vacation to all employees in daily equivalents, and delegated administrative decisions to the City Manager,

WHEREAS, City Council has not revised rules regarding leaves of absence in a single document since 1992, and it would benefit city staff and employees to have paid leave updated in a single document;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that it hereby adopts the attached Vacation, Sick, and Garcia Leave Policy.

From the effective date forward, the City Manager is authorized to put into effect rules in support of the proper administration of the Vacation, Sick, and Garcia Leave Policy, including for purposes of illustration but not limitation: the use of sick leave; specific dates assigned as holidays for each forthcoming year; the method for requesting leave, notice of resignation / retirement; and other leave eligibility requirements.

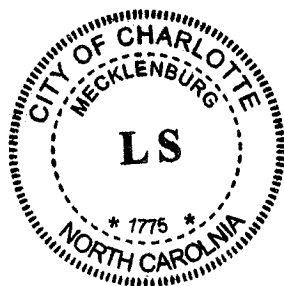
All prior resolutions and rules previously adopted by City Council regarding sick, vacation, and holiday leave, and payment for those days, are hereby repealed.

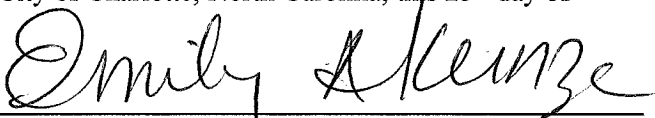
Effective date: March 25, 2019.

**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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 407-411.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.



  
Emily A. Kunze, Deputy City Clerk, NCCMC



## VACATION, SICK, and GARCIA LEAVE POLICY

### I. Vacation Leave

Individuals designated as regular employees shall be entitled to accrue annual vacation leave with pay, as set forth below:

#### Section 1.1 Vacation leave accrual

- A. Full-time employees shall accrue vacation leave dependent upon years of service, as follows:
- (1) Employees with fewer than five years continuous service accrue 10 days annually.
  - (2) Employees with five but fewer than nine years continuous service accrue 15 days annually.
  - (3) Employees with nine but fewer than fourteen years continuous service accrue 18 days annually.
  - (4) Employees with fourteen or more years of continuous service accrue 20 days annually.
- B. A “day” of vacation is defined as follows:
- For employees working a 40-hour workweek, a “day” is 8 hours; and
  - For uniformed firefighters working a designated 52-hour workweek schedule, a “day” is 12 hours.
- C. Part-time employees designated as half-time (20 < 30 hours per week) shall accrue vacation at one-half the rate earned by full-time employees as set forth in Section A, regardless of the number of hours actually worked in a pay week.
- D. Part-time employees designated as three quarter-time (30 < 40 hours per week) shall accrue leave at three-fourths the rate earned by full-time employees as set forth in Section A, regardless of the number of hours actually worked in a pay week.
- E. Employees in jobs designated as “Vacation in lieu of Holiday” (“VHOL”) shall accrue vacation leave at the annual rate set forth above in Section A plus one day of vacation for each paid holiday approved by City Council. VHOL is a part of vacation and is included in vacation leave carry-forward limits.

VHOL (Vacation-in-lieu of Holiday) may be applied to departments that work in 24 hours per day, seven days per week shift operations and to the jobs with duties that are required to regularly work on city holidays.

- F. Employees who do not use sick or leave without pay for 13 consecutive weeks and who work a full work schedule during that time shall receive one-half additional day of vacation. This "T-13" leave is awarded, not accrued, and does not increase vacation leave carry-forward limits.

Vacation leave accumulated in excess of two times the annual accrual rate (including VHOL days) becomes accrued sick leave in the payroll cycle following the week that includes December 31<sup>st</sup> of each year.

#### Section 1.2 Payment for accrued vacation leave

Employees who are separating from the city's service shall be compensated for vacation leave accumulated to the day of separation as follows:

- A. The employee's hourly rate will be used to calculate the value of the vacation leave hours.
- B. Employees involuntarily separated from the city's service shall be compensated for vacation leave accumulated to the day of separation.
- C. Employees who resign from the city's service shall be compensated for vacation leave accumulated to the day of separation, provided that proper verbal or written notice has been provided, as defined by the City Manager
- D. For purposes of reporting to the Charlotte Firefighter Retirement System, the maximum amount of vacation days that can be accrued in a two-year period is two times the annual accrued vacation days plus two times the annual accrued VHOL days (if applicable). Section 1.B definitions for a day of vacation will apply. Annual accrued vacation hours do not include Garcia Leave or T-13 Leave.

#### Section 1.3 Garcia Leave

Uniformed firefighters on a 52-hour operational schedule will accrue one half hour (i.e. ½ hour) of "Garcia" leave per week in a separate bank. "Garcia" leave will be compensatory time available for use during the year it is awarded and, if it is not used, will be paid out each calendar year at the firefighter's hourly rate.

## **II. Sick Leave with Pay**

Individuals designated as regular employees shall be entitled to accrue sick leave with pay, as set forth below:

### Section 2.1 Sick leave accrual

- A. Full-time employees shall accrue sick leave at the rate of eight hours per month.
- B. Part-time employees designated as half-time (20 < 30 hours per week) shall accrue sick leave at a rate of 6 days (48 hours) per year, regardless of the number of hours actually worked in a pay week.
- C. Part-time employees designated as three quarter-time (30 < 40 hours per week) shall accrue sick leave at a rate of 9 days (72 hours) per year, regardless of the number of hours actually worked in a pay week.
- D. Uniformed firefighters working a 52-hour schedule shall accumulate sick leave at a rate of twelve hours per month.

### Section 2.2 Payment for sick leave

Employees who are separating from the city's service shall be compensated for sick leave at their regular hourly rate, accumulated to the day of separation, as follows:

- A. In the case of retirement or death of an employee, payment will be made to the employee or the employee's estate for one-fifth of the unused portion of accumulated sick leave, not to exceed a maximum of 43.5 days, as "day" is defined above in section 1.1.B.
- B. In the case of voluntary or involuntary separation from city service other than retirement or death, no payment will be made for accumulated sick leave.

## **III. Holiday Leave**

Employees working on a regular basis shall be entitled to holiday leave with pay. The following holidays are approved by City Council: New Year's Day; Dr. Martin Luther King, Jr. Day; Good Friday; Memorial Day; Independence Day; Labor Day; Veterans Day; Thanksgiving Day; Friday following Thanksgiving Day; Christmas Day; and an additional day at Christmas. The City Manager shall designate yearly the specific date on which each holiday will be observed as the official city holiday.

In order to be paid for an official city holiday, an employee must work their assigned workday schedule before and after the holiday, or be on an approved paid leave the scheduled workdays before and after the holiday. There is no accrual for unused holiday leave.

Employees in jobs designated as non-exempt under FLSA who are required to work on an official city holiday or who are required to work his/her full workweek during a holiday week,

shall receive additional straight time pay in lieu of holiday not taken or shall receive equivalent time off.

Employees in jobs designated Vacation in Lieu of Holiday (VHOL) receive no holidays and accrue additional vacation as set forth above in Section 1.1.E.

**IV. Long-Term Temporary employees with limited benefits and retirement:**

Employees hired to complete a long-term assignment of more than 12 months at a minimum of 20 hours per week, but less than 30 hours per week, are eligible for Limited Benefits. Limited benefits are paid holidays and accrual of five (5) personal days annually, that do not carry over into the new calendar year. Benefits are prorated at 50% or 75% based on the work schedule. The employee shall be a member of the retirement system and the city's 401(k) plan. There is a six-month waiting period for the City contribution into the 401(k) plan.

Changes to this policy may be recommended and approved through the pay and benefits ordinance during the annual budget process.

RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF  
CHARLOTTE, NORTH CAROLINA ON MARCH 25, 2019

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

WHEREAS, the North Carolina Department of Transportation (NCDOT) intends to complete a feasibility  
study for an Orr Road grade separation crossing located in the City of Charlotte; and

WHEREAS, A Municipal Agreement between the City and the (NCDOT) will allow the City to reimburse  
NCDOT for work associated with the Orr Road Feasibility Study between N. Tryon Street and Eastway  
Drive; and

WHEREAS, the Municipal Agreement provides for reimbursement not to exceed \$75,000 of the total  
cost of the project; and,

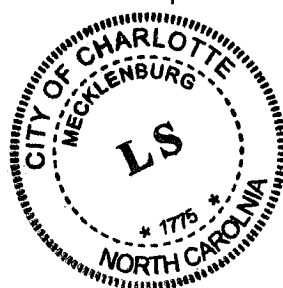
WHEREAS, the format and cost sharing philosophy is consistent with past Municipal Agreements.

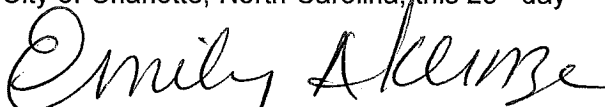
NOW, THEREFORE, BE IT RESOLVED that this resolution authorizing the Key Business Executive of the  
Charlotte Department of Transportation to execute a municipal agreement with the NCDOT for the City  
to reimburse up to \$75,000 for a feasibility study, is hereby formally approved by the City Council 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 25<sup>th</sup> of  
March, 2019, the reference having been made in Minute Book 147 and recorded in full in  
Resolution Book 49, Page(s) 412-420.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day  
of March, 2019.



  
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Emily A. Kunze, Deputy City Clerk, NCCMC

NORTH CAROLINA  
MECKLENBURG COUNTY

DATE: March 22, 2019

NORTH CAROLINA DEPARTMENT  
OF TRANSPORTATION

ORR ROAD GRADE SEPARATION  
FEASIBILITY STUDY FUNDING  
AGREEMENT

AND

CITY OF CHARLOTTE

TIP: P-5602JB  
WBS: 46393.1.28

This **ORR ROAD GRADE SEPARATION FEASIBILITY STUDY FUNDING AGREEMENT** ("Agreement") is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department," and the City of Charlotte, a local government agency, hereinafter referred to as the "Municipality." Individually, the Department and Municipality shall be hereinafter referred to as "Party," and collectively, as "Parties."

**WITNESSETH:**

**WHEREAS**, the Parties have agreed to fund a Feasibility Study (the "FS" or "Project") to assess the preliminary design of a grade separation in the vicinity of the Orr Road railroad crossing located in the Municipality; and,

**WHEREAS**, the Department shall coordinate and oversee the FS in accordance with the provisions set forth in this Agreement; and,

**NOW, THEREFORE**, the Parties, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

**1. GENERAL**

**a. Participation**

The Parties shall participate in the review of the draft FS and endeavor to implement FS recommendations that are pertinent and agreeable to the Parties.

**b. Implementation**

Final grade separation design, as determined by the FS, shall be programmed and funded, if at all, through separate agreements. Separate agreements related to this Project that involve public funding sources of the Department shall be funded at a level and arrangement consistent with usual and customary practices; based on funding availability; and progress according to local, regional, and State transportation priorities.

**2. SCOPE OF WORK**

The Department, and/or its agents, shall initiate an FS to examine the costs and impacts of a proposed grade separation in the vicinity of the Orr Road railroad crossing located within the Municipality. The FS shall be prepared with input from the Parties to this Agreement, necessary stakeholders, and in accordance with the regulatory policies and procedures of the Department and the Municipality.

The FS shall include, but not be limited to, the following:

**a. Environmental Document and Plan Design**

The Department, its agents, and/or contractors, shall be responsible for the preparation of an environmental document, and plan design.

**b. Inventory and Analysis of Existing Conditions**

The Department shall be responsible for the following:

- i. collection of data related to rail and auto traffic, land use, existing at-grade and grade-separated crossing characteristics, neighborhood characteristics, and multi-modal networks; and
- ii. assessment, reporting, and analysis of current conditions and related data.

**c. Analysis and Reports**

The Department shall be responsible for the following:

- i. feasibility analysis of the potential relocation of the rail traffic across the North Carolina Railroad corridor in the vicinity of the current Orr Road crossing (crossing no. 715 350U, MP Main 372.19);
- ii. conceptual engineering of proposed improvements and engineering cost estimation;
- iii. market analysis to determine benefits of proposed improvements;
- iv. return-on-investment analysis based on costs and benefits;
- v. environmental screening for potential positive and/or negative impacts; and
- vi. data and analysis for the Project to respond to criteria for potential funding.

**d. Changes to the Scope**

Any changes to this Scope of Work shall be approved in writing, by the Parties, prior to the performance of any work outside the scope of this Agreement.

**3. PROFESSIONAL AND ENGINEERING SERVICES**

The Department, and/or its agent, shall be responsible for the preparation of the FS. The Department shall follow the procurement procedures, as set out below, for the use of any professional consulting or engineering firm contracted to work on this Project.

**a. Professional Services**

The Department, through an equitable selection process, shall be responsible for procuring a qualified consulting firm to perform the FS. The Department shall ensure that the firm will perform the work in a timely manner and at a just and reasonable cost.

**b. Procurement Procedures**

When procuring professional services, the Department must adhere to the current and applicable portions of the "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards," 2 C.F.R. Part 200; 23 C.F.R. Part 172; 40 U.S.C. Ch. 11, § 1101-1104; N.C. Gen. Stat. §§ 143-64.31 and 64.32; and the Department's *Policies and Procedures for Major Professional or Specialized Service Contracts*. These policies and standards, and any subsequent amendments or additions, are incorporated into this Agreement by reference as if fully set out, herein. The terms of this Agreement shall be incorporated into and made part of any new assignment or subcontract pursuant to this Agreement.

**i. Small Professional Services Firm Requirements**

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Small Professional Services Firms (SPSF). This policy conforms to the SPSF Guidelines as approved by the NC Board of Transportation. These provisions are incorporated into this Agreement by reference.

**ii. E-Verify Compliance**

E-Verify is the Federal program operated by the United States Department of Homeland Security, and other Federal agencies, or any successor or equivalent program, used to verify the work authorization of newly hired employees pursuant to Federal law. The Parties warrant that they, and any subcontractor performing work under this Agreement, shall: (i) use E-Verify if required to do so by North Carolina law; and (ii) otherwise comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes. A breach of this warranty by either Party shall be considered a breach of this Agreement, entitling the nonbreaching Party to terminate this Agreement, without penalty, upon written notice to the breaching Party.

**4. COMMUNICATION AND SCHEDULE**

**a. Initial Meeting**

Prior to a consulting firm beginning work, a meeting shall be held between the Parties, and any necessary party contracted to perform work on the Project, to discuss the Scope of Work, deliverables, and schedule. The Department shall be responsible for scheduling this meeting at a mutually convenient time.

If desired and deemed necessary, a quarterly meeting may be scheduled to discuss and review the progress of the FS.



**b. Report Updates**

Upon execution of this Agreement, the Parties shall initiate a monthly conference call schedule to discuss the progress of the FS. This monthly call will continue until the final FS has been presented and approved by the Parties.

**c. Final Meeting**

Upon completion of the FS, the Parties, and any necessary party contracted to perform work on the Project, shall meet to discuss the findings, and ensure all scoping items have been adequately addressed.

**5. REVIEWS**

The Parties shall jointly review draft and final documents. The findings of the FS shall be made available to the Parties. The findings are not binding to any Party but are intended to facilitate sound decisions regarding future transportation improvements at the Project location. All technical memoranda, and associated materials, shall become the joint property of the Parties, except for original photogrammetric products, which shall become the property of the Municipality.

**6. DELIVERY OF FEASIBILITY STUDY RESULTS**

The Department shall provide the Municipality a complete copy of the final FS as soon as it is available, but not later than thirty (30) days after acceptance of the FS by each Party. The final documents, along with distribution letters, shall be submitted to the Municipality in sufficient quantities to meet normal distribution requirements. The total number of documents shall be determined at a later date. The Parties shall be jointly responsible for the distribution of the final documents.

**7. PROPOSED FUNDING:**

The Parties to this Agreement have agreed to participate in the cost of the FS as follows:

<b>Funding Partner</b>	<b>Total</b>
Municipality	\$75,000
Department	\$75,000
<b>TOTAL</b>	<b>\$150,000</b>

The total estimated cost of the FS is \$150,000. It is understood by all Parties that the estimated cost is subject to change. However, no Party shall be responsible for any amount in excess of the amount presented above unless otherwise agreed through a supplemental agreement.

**8. REIMBURSEMENT**

The Municipality shall make a one-time payment of \$75,000, the full match amount listed in Section 7 of this Agreement, prior to the commencement of the FS. Payment by the Municipality shall be made to the Department's Rail Business Office.

If the cost of the FS is more than the estimated cost of \$150,000, the Department shall inform the Municipality and shall not allow the consulting firm to proceed. All Parties will work together to either (i) redefine the scope of work to be within the estimated \$150,000, by amending the Scope of Work contained in this Agreement in a writing signed by all Parties; or (ii) retain the approved scope of work and enter into a supplemental agreement signed by all Parties agreeing to new cost shares for the additional costs.

The Parties shall be advised of and concur in writing with any scope changes that could increase the cost of the FS before the Department authorizes additional work. Work on the FS shall not proceed until the estimated cost shares are submitted to the Department.

If the cost of the final FS is less than the estimated cost of \$150,000, the Department shall reimburse the Municipality with 50% of the unspent funds within sixty (60) days of acceptance by both Parties of the final FS.

All services must be performed to the satisfaction of the Department prior to any payment being made and approved by the Department's Project Manager.

**9. PROJECT RECORDS**

The Department and its agents shall maintain all books, documents, papers, accounting records, Project records, and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. The Department and its agents shall make such materials available at their respective offices at all reasonable times during the contract period. The Department shall make such materials available for inspection and audit by the Department's Financial Management Section and the Municipality for five (5) years from the date of payment of the final invoice.

**10. DESIGNATED REPRESENTATIVE**

Kumar Trivedi, Engineering Coordination Manager, shall serve as the Department's Project Manager. All correspondence and questions should be directed to him at [katrivedi@ncdot.gov](mailto:katrivedi@ncdot.gov) (919-707-4109).

**11. FAILURE TO COMPLY**

Failure on the part of either Party to comply with any of these provisions shall be grounds for the other Party to terminate participation in the costs of the Project.

**12. REPAYMENT OF FUNDS**

In the event either Party fails to comply with any of these provisions, the other Party reserves the right to seek repayment of any funds expended pursuant to this Agreement. For all monies due to a Party, reimbursement by the other Party shall be made within sixty (60) days of written notice. A late payment penalty and interest shall be charged on any unpaid balance pursuant to N.C. Gen. Stat. § 147-86.23.

**13. OTHER PROVISIONS**

**a. Debarment Policy**

It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this Agreement, the Municipality certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency. Further, the Municipality certifies that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

**b. Other Agreements**

Each Party is solely responsible for all agreements, contracts, and work orders entered into or issued by that Party pursuant to this FS.

**c. Availability of Funds**

The terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purposes set forth in this Agreement, and the Agreement shall automatically terminate if funds cease to be available.

**d. Termination of Project**

The Parties reserve the right to terminate this Agreement at any time by providing written notice to the other Party.

**14. ETHICS PROVISION**

By Executive Order 24, issued by Governor Perdue, and N.C. Gen. Stat. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Cultural Resources, Environment and Natural Resources, Health and Human Services, Public Safety, Revenue, Transportation, and the Office of the Governor).

**IN WITNESS WHEREOF**, this **ORR ROAD GRADE SEPARATION FEASIBILITY STUDY FUNDING AGREEMENT** has been executed the last day and year set out below, on the part of the Department and the Municipality by authority duly given.

WITNESS

CITY OF CHARLOTTE

BY: \_\_\_\_\_

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

MUNICIPAL SEAL

Approved by the City of Charlotte governing board as attested to by the signature of

\_\_\_\_\_  
Clerk of the City Council \_\_\_\_\_  
(Date)

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

FEDERAL IDENTIFICATION NUMBER  
**TAX #521333483**

\_\_\_\_\_  
City of Charlotte

MAILING ADDRESS

City of Charlotte  
600 E. Fourth Street  
Charlotte, NC 28202  
Attn: Russ Carpenter  
rcarpenter@ci.charlotte.nc.us

**IN WITNESS WHEREOF**, this **ORR ROAD GRADE SEPARATION FEASIBILITY STUDY FUNDING AGREEMENT** has been executed the last day and year set out below, on the part of the Department and the Municipality by authority duly given.

ATTEST

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

BY: \_\_\_\_\_

BY: \_\_\_\_\_

NAME: Elizabeth Smith

NAME: Julie White

TITLE: Processing Agent

TITLE: Deputy Secretary for Multi-Modal  
Transportation

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

SEAL

MAILING ADDRESS

North Carolina Department of Transportation  
Rail Division, Engineering Coordination &  
Safety Branch  
1556 Mail Service Center  
Raleigh, NC 27699-1556  
ATTN: Kumar Trivedi  
Engineering Coordination Manager

APPROVED BY BOARD OF TRANSPORTATION ITEM O: \_\_\_\_\_  
(Date)

**RESOLUTION DECLARING INTENT TO ABANDON AND CLOSE an unopened alleyway off of Drummond Avenue and Catawba Avenue** the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **Villa Heights Properties, LLC** has filed a petition to close an unopened alleyway off of Drummond Avenue and Catawba Avenue in the City of Charlotte; and

Whereas, an unopened alleyway off of Drummond Avenue and Catawba Avenue is a 10-foot wide right-of-way within a block bound by Drummond Avenue, Duncan Avenue, Catawba Avenue and Lydia Avenue, beginning at its intersecting point with Drummond Avenue and continuing in a southward direction approximately 295+/- feet to its terminus at Catawba Avenue, and consisting of 3,962 square feet, as shown in the map marked "Exhibit A" and are more particularly described by metes and bounds in the document marked "Exhibit B" all of which are available for inspection in the office of the City Clerk, CMGC, 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 March 25, 2019, that it intends to close an unopened alleyway off of Drummond Avenue and Catawba Avenue 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 8<sup>th</sup> day of April, 2019, 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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 421.

WITNESS my hand and the temporary seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.



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

**RESOLUTION DECLARING INTENT TO ABANDON AND CLOSE an unopened alleyway off of North McDowell Street and North Myers Street the City of Charlotte, Mecklenburg County, North Carolina**

Whereas, **Brian and Megan McGee** have filed a petition to close an unopened alleyway off of North McDowell Street and North Myers Street in the City of Charlotte; and

Whereas, an unopened alleyway off of North McDowell Street and North Myers Street is a 10-foot wide alleyway within a block bound by North McDowell Street and North Myers Street, beginning at its intersecting point with North Myers Street and continuing in a southwestward direction approximately 40+/- feet to its terminus at North McDowell Street, and consisting of 3,655 square feet, as shown in the map marked "Exhibit A" and are more particularly described by metes and bounds in the document marked "Exhibit B" all of which are available for inspection in the office of the City Clerk, CMGC, 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.

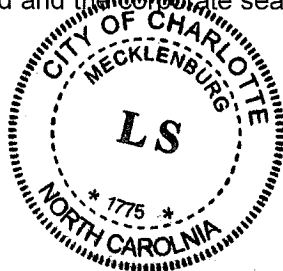
Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of March 25, 2019, that it intends to close an unopened alleyway off of Drummond Avenue and Catawba Avenue and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 8<sup>th</sup> day of April, 2019, in CMGC meeting chamber, 600 East 4<sup>th</sup> Street, Charlotte, North Carolina.

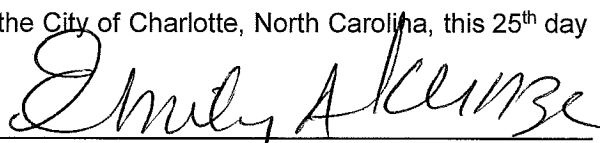
The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing as required by N.C.G.S. 160A-299.

**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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 422.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.



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

**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:

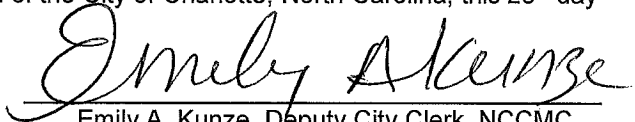
1. The City-County Tax Collector has collected property taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time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

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 25th day of March 2019 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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 423-424.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.

  
Emily A. Kunze, Deputy City Clerk, NCCMC





**Taxpayers and Refunds Requested**

JOHNSON, ELIZABETH (2017)	\$	256.59
JOHNSON, ELIZABETH (2018)	\$	261.95
JUSTICE, KEENYA T	\$	96.57
KEARNEY, RONALD	\$	219.92
KNCT DIXIE RIVER LLC .	\$	220.45
MEDLIN, NICHOLAS R	\$	1,184.12
PHILLIPS, MICHAEL ANDREW	\$	2.68
PUROHIT, VINAY	\$	735.64
ROSEMAN, JAMES HAROLD (2013)	\$	65.15
ROSEMAN, JAMES HAROLD (2014)	\$	65.15
ROSEMAN, JAMES HAROLD (2016)	\$	66.54
ROSEMAN, JAMES HAROLD (2017)	\$	66.54
ROSEMAN, JAMES HAROLD (2018)	\$	67.93
SLAVEN, JOSHUA KYLE	\$	69.36
STEVENSON, VERA BAXTER	\$	312.28
TESFAGABIHER, WELDU HAILE	\$	15.53
TORRINGDON HOTEL PARTNERS LLC	\$	707.20
WATANASIRRIROCH, SITTHISIN	\$	14.56
	\$	<u>4,428.16</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 **CHANDWORTH DRAINAGE IMPROVEMENTS 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 **CHANDWORTH DRAINAGE IMPROVEMENTS PROJECT** and estimated to be **516 square feet (.012 acre) of sanitary sewer easement and 1,468 square feet (.034 acre) of temporary construction easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 179-097-40, said property currently owned by **PAUL G. DURHAM and wife, BRANDI P. DURHAM; DIRECT HOME LOANS, LLC, Lender; MERS, Beneficiary**, or their owners' successors in interest.

ESTIMATED JUST COMPENSATION:

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

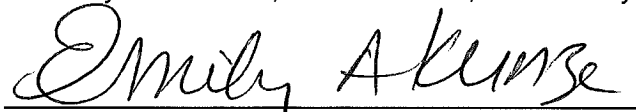
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 425.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.



  
Emily A. Kunze, Deputy City Clerk, NCCMC

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 **LITTLE SUGAR CREEK TRIBUTARY TRUNK SEWER TO NORTH TRYON STREET**; 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 **LITTLE SUGAR CREEK TRIBUTARY TRUNK SEWER TO NORTH TRYON STREET** and estimated to be **16,255 square feet (.373 acre) of storm drainage easement; 17,824 square feet (.409 acre) in sanitary sewer easement; 8,167 square feet (.187 acre) in sidewalk utility easement; 10,689 square feet (.245) in temporary construction easement and 5,916 square feet in retaining wall easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 081-021-01, said property currently owned by **AMERCO REAL ESTATE COMPANY; U.S. NATIONAL BANK ASSOCIATION, Mortgagee**; or their owners' successors in interest.

ESTIMATED JUST COMPENSATION:

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

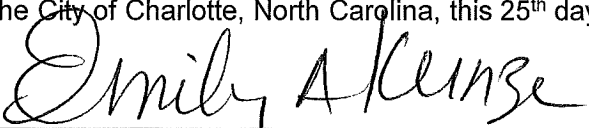
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 426.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.



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

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 **MATTHEWS COMMONS GRAVITY SEWER**; 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 **MATTHEWS COMMONS GRAVITY SEWER** and estimated to be **8,665 square feet (.199 acre) in sanitary sewer easement; 6,206 square feet (.142 acre) in temporary construction easement** or any interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 193-541-05, said property currently owned by **WATERS CONSTRUCTION COMPANY, INC.** or their owners' successors in interest.

ESTIMATED JUST COMPENSATION:

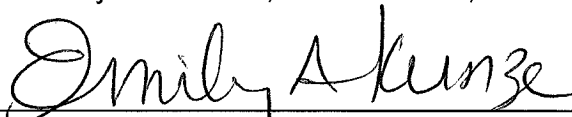
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 427.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.

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



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 **MATTHEWS COMMONS GRAVITY SEWER**; 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 **MATTHEWS COMMONS GRAVITY SEWER** and estimated to be **4,294 square feet (.099 acre) of sanitary sewer easement and 7,837 square feet (.18 acre) in temporary construction easement** or any interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 193-204-18, said property currently owned by **BARBARA C. STEGALL and PAULA O. HAIGLER** or their owners' successors in interest.

ESTIMATED JUST COMPENSATION:

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

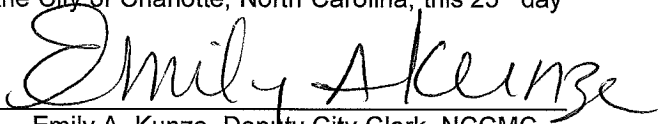
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 428.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.



  
Emily A. Kunze, Deputy City Clerk, NCCMC

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 **MATTHEWS COMMONS GRAVITY SEWER**; 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 **MATTHEWS COMMONS GRAVITY SEWER** and estimated to be **4,774 square feet (.11 acre) in sanitary sewer easement; 6,519 square feet (.15 acre) in temporary construction easement** or any interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 193-531-54, said property currently owned by **MATTHEWS COMMONS OWNERS' ASSOCIATION, INC.** or their owners' successors in interest.

ESTIMATED JUST COMPENSATION:

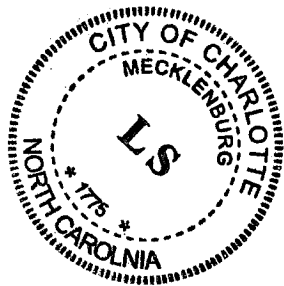
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

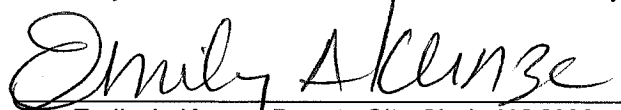
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 429.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.



  
Emily A. Kunze, Deputy City Clerk, NCCMC

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 **SARDIS LANE BRIDGE REPLACEMENT**; 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 **SARDIS LANE BRIDGE REPLACEMENT** and estimated to be **230 square feet (.005 acre) in storm drainage easement; 2,530 square feet (.058 acre) in temporary construction easement and 4,637 square feet (1.06) in utility easement** or any interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 187-291-26, said property currently owned by **KAREN D. ROSENHEIMER and ROBERT L. ROSENHEIMER; SUNTRUST MORTGAGE, INC., Lender; MERS, INC., Beneficiary; SUNTRUST BANK, Lender** or their owners' successors in interest.

ESTIMATED JUST COMPENSATION:

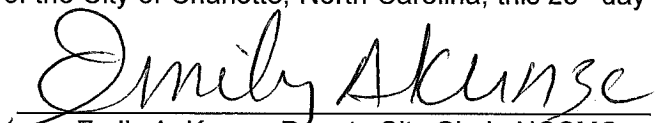
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

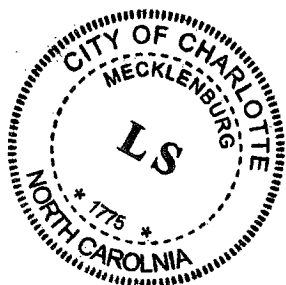
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 430.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.

  
Emily A. Kunze, Deputy City Clerk, NCCMC



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 **STATE STREET PEDESTRIAN IMPROVEMENT**; 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 **STATE STREET PEDESTRIAN IMPROVEMENT** and estimated to be **2,176 square feet (.05 acre) in sidewalk and utility easement** or any interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 071-105-01, said property currently owned by **SAVONA, LLC** or their owners' successors in interest.

ESTIMATED JUST COMPENSATION:

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

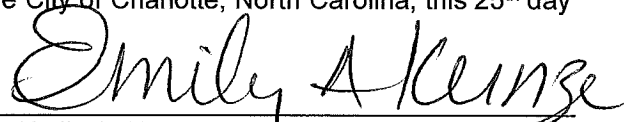
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 431.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.



  
Emily A. Kunze, Deputy City Clerk, NCCMC



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 **STATE STREET PEDESTRIAN IMPROVEMENT**; 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 **STATE STREET PEDESTRIAN IMPROVEMENT** and estimated to be **133 square feet (.003 acre) in sidewalk and utility easement and 220 square feet (.005) in temporary construction easement** or any interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 071-105-03, said property currently owned by **2030 SOUTH TRYON, LLC** or their owners' successors in interest.

ESTIMATED JUST COMPENSATION:

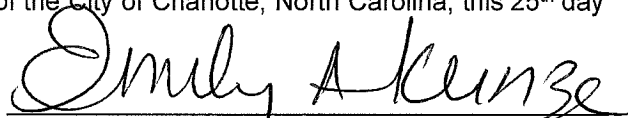
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 432.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.



Emily A. Kunze, Deputy City Clerk, NCCMC



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 **STATE STREET PEDESTRIAN IMPROVEMENT**; 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 **STATE STREET PEDESTRIAN IMPROVEMENT** and estimated to be **388 square feet (.009 acre) in sidewalk and utility easement** or any interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 071-106-03, said property currently owned by **THE CHARLOTTE -HOSPITAL AUTHORITY** or their owners' successors in interest.

ESTIMATED JUST COMPENSATION:

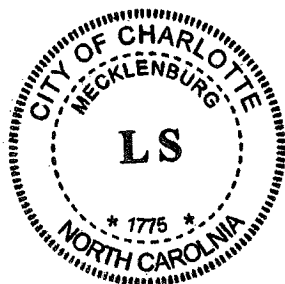
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

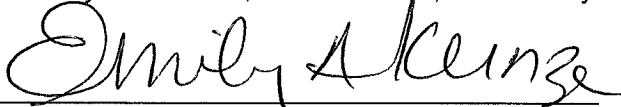
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 433.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.



  
Emily A. Kunze, Deputy City Clerk, NCCMC

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 **UPPER LITTLE SUGAR CREEK SEWER REPLACEMENT-PH. 2**; 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 **UPPER LITTLE SUGAR CREEK SEWER REPLACEMENT-PH. 2** and estimated to be **29.55 square feet (.001 acre) of sanitary sewer easement and 437.29 square feet (.010 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. 089-191-28, said property currently owned by **WILFRED E. PHOENIX; DONNA LOUISE H. FORD and spouse, if any; ERIN S. STEELE (f/k/a "Erin Nichole Shelton") and spouse, if any; DANA CHERISE RANN and spouse, if any; ANY AND ALL HEIRS OF LUCY L. MONTGOMERY and ROBERT MONTGOMERY; MECKLENBURG COUNTY TAX COLLECTOR**, or their owners' successors 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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 434.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.



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

Emily A. Kunze, Deputy City Clerk, NCCMC

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 **UPPER LITTLE SUGAR CREEK SEWER REPLACEMENT-PH. 2**; 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 **UPPER LITTLE SUGAR CREEK SEWER REPLACEMENT-PH. 2** and estimated to be **2,214.37 square feet (.051 acre) of sanitary sewer easement and 1,886.28 square feet (.043 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. 089-191-17, said property currently owned by **MERLIN EFRAIN TORRES MILA and spouse, if any; ANGELICA MARIA HERRERA RODAS and spouse, if any; LATINO COMMUNITY CREDIT UNION, Beneficiary**, or their owners' successors 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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 435.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.



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

Emily A. Kunze, Deputy City Clerk, NCCMC

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 **UPPER LITTLE SUGAR CREEK SEWER REPLACEMENT-PH. 2**; 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 **UPPER LITTLE SUGAR CREEK SEWER REPLACEMENT-PH. 2** and estimated to be **2,214.66 square feet (.051 acre) of sanitary sewer easement and 1,797.12 (.041 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. 089-144-47, said property currently owned by **HOME SFR BORROWER IV, LLC; AMHERST SFR LENDER, LLC, Beneficiary**, or their owners' successors in interest.

ESTIMATED JUST COMPENSATION:

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

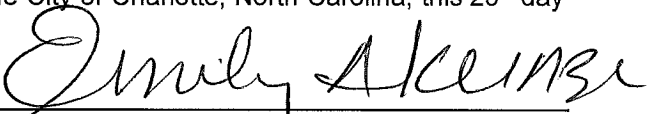
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

**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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 436.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.



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

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 **UPPER LITTLE SUGAR CREEK SEWER REPLACEMENT-PH. 2**; 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 **UPPER LITTLE SUGAR CREEK SEWER REPLACEMENT-PH. 2** and estimated to be **1,936.64 square feet (.044 acre) of sanitary sewer easement and 618.77 square feet (.014 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. 089-144-54, said property currently owned by **SABINO OMAR RAMOS and spouse, if any; SELF-HELP CREDIT UNION, Beneficiary; SILVER FINANCIAL SERVICES, INC. (d/b/a "Silver State Mortgage"), Lender; MERS, Beneficiary; LESTER E. MILLER and wife, MANIE F. MILLER, Beneficiary, or their owners' successors in interest.**

ESTIMATED JUST COMPENSATION:

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

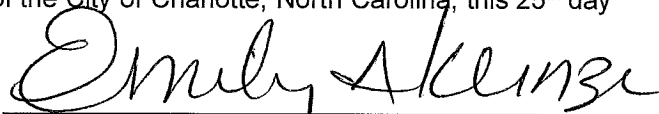
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 437.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.



  
Emily A. Kunze, Deputy City Clerk, NCCMC

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 **UPPER LITTLE SUGAR CREEK SEWER REPLACEMENT-PH. 2**; 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 **UPPER LITTLE SUGAR CREEK SEWER REPLACEMENT-PH. 2** and estimated to be **1,162.69 square feet (.027 acre) of sanitary sewer easement and 1,498.15 square feet (.034 acre) of temporary construction easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 089-144-58, said property currently owned by **LINDA D. REESE and spouse, if any; NORTH CAROLINA DEPARTMENT OF REVENUE, Possible Judgment Creditor; MECKLENBURG COUNTY TAX COLLECTOR**, or their owners' successors in interest.

ESTIMATED JUST COMPENSATION:

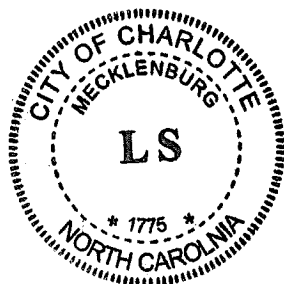
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

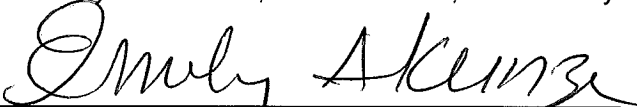
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 438.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.



  
Emily A. Kunze, Deputy City Clerk, NCCMC

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 **UPPER LITTLE SUGAR CREEK SEWER REPLACEMENT-PH. 2**; 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 **UPPER LITTLE SUGAR CREEK SEWER REPLACEMENT-PH. 2** and estimated to be **31.41 square feet (.0007 acre) of sanitary sewer easement and 601.71 square feet (.014 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. 089-144-02, said property currently owned by **HOME SFR BORROWER IV, LLC; AMHERST SFR LENDER, LLC, Beneficiary**, or their owners' successors 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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 439.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.



  
Emily A. Kunze, Deputy City Clerk, NCCMC



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 **UPPER LITTLE SUGAR CREEK SEWER REPLACEMENT-PH. 2**; 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 **UPPER LITTLE SUGAR CREEK SEWER REPLACEMENT-PH. 2** and estimated to be **2,213.76 square feet (.051 acre) of sanitary sewer easement and 2,851.10 square feet (.065 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. 089-144-03, said property currently owned by **TERESA McCLINTON and spouse, if any; MELVIN HOUSTON and spouse, if any; FEDERAL NATIONAL MORTGAGE ASSOCIATION, Beneficiary**, or their owners' successors in interest.

ESTIMATED JUST COMPENSATION:

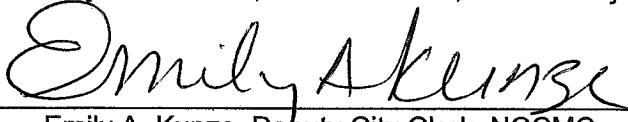
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 440.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.

  
Emily A. Kunze, Deputy City Clerk, NCCMC



**RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA  
ON March 25, , 2019.**

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

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

**WHEREAS**, the City of Charlotte owns a 2005 Ford 500 vehicle, which has completed its service life, is surplus property and has been fully depreciated and determined as eligible for retirement and conveyance pursuant to North Carolina law to an eligible governmental unit;

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

1. The Chief of the Charlotte-Mecklenburg Police Department or the Chief's designee is hereby authorized to create and execute such documents as may be or become necessary to convey full legal ownership of said 2005 Ford 500 vehicle to the York County (SC) Sheriff's Office ("YCSO"). YCSO shall bear and pay any and all costs or expenses which may be incurred in the transfer of ownership of said 2005 Ford 500 vehicle to YCSO.

The City shall donate said 2005 Ford 500 vehicle to YCSO only upon the conditions and subject to the execution of covenants by YCSO that:

A. it shall at all times use and maintain the said 2005 Ford 500 vehicle solely for the provision of public services and the pursuit of recognized "public purposes" they perform as a part of their nonprofit activities;

B. at such time as it shall deem the 2005 Ford 500 vehicle to be unsuitable for further use, YCSO shall dispose of them and shall apply any net proceeds derived from their disposition solely to provide further public services.

2. YCSO acknowledges that its representatives have heretofore inspected said 2005 Ford 500 vehicle to its satisfaction. The City shall convey, and YCSO shall accept, said 2005 Ford 500 vehicle in "as is" condition, without restriction or limitation, and without warranty of fitness for a particular purpose or other warranty of any kind.

3. Upon and following said conveyance, the City shall thereafter bear no obligation or responsibility of any type or kind relating to the use, maintenance, expense or ownership of said 2005 Ford 500 vehicle, and all such expenses of ownership shall be the sole responsibility of YCSO.

4. By executing the contractual "Agreement" of conveyance to be provided by the City, YCSO agrees that it has thereupon waived, forgone and forfeited any and all present or future claims against the City arising out of YCSO's ownership and use of said 2005 Ford 500 vehicle thereafter.

**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 25<sup>th</sup> of March, 2019, the reference having been made in Minute Book 147 and recorded in full in Resolution Book 49, Page(s) 441-442.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 25<sup>th</sup> day of March, 2019.

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

