RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON MAY 26, 2020

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

- WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, and
- WHEREAS, The City of Charlotte has need for and intends to construct the McAlpine Creek Wastewater Management Facility Clarifier and Aeration Rehabilitation project, and
- WHEREAS, The City of Charlotte intends to request state loan assistance for the project,

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

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

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

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

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

That the City of Charlotte, David Czerr (Charlotte Water Director), and any successor so titled, or his designees, is hereby authorized to execute and file an application on behalf of the City of Charlotte with the State of North Carolina for a loan to aid in the construction of the project described above.

That, if accepted into the loan program by the State, Kelly Flannery (Finance Officer) and any successor so titled, or her designee, is hereby authorized to execute and accept a loan offer and promissory note on behalf of the City of Charlotte with the State of North Carolina for a loan to aid in the construction of the project described above in an amount not to exceed \$70,325,678 plus or minus 10% in accordance with the loan program based on actual project costs.

That except as set forth above, David Czerr (Charlotte Water Director) and Kelly Flannery (Finance Officer), and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

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

May 26, 2020 Resolution Book 50, Page 632

Adopted this the 26th day of May, 2020 at Charlotte, North Carolina.

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of May, 2020, the reference having been made in Minute Book 150 and recorded in full in Resolution Book 50, Page(s) 631-632.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 26th day of May 2020.

Stephanie & Kelly

Stephanie C. Kelly, City Clerk, MMC, NCCMC



RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON MAY 26, 2020

A motion was made by <u>Councilmember Driggs</u> and seconded by <u>Councilmember Watlington</u> for the adoption of the following Resolution and upon being put to a vote was duly adopted:

WHEREAS, the Municipal Agreement allows the city to assist the North Carolina Department of Transportation (NCDOT) when outside organizations contribute monetarily to a project; and,

WHEREAS, A Municipal Agreement between the City and NCDOT will allow NCDOT to accept \$85,000 in private developer funds associated with the installation of a traffic signal at the intersection of Sam Wilson Road and Performance Road; and,

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

NOW, THEREFORE, BE IT RESOLVED that this resolution authorizing the City Manager to execute a Supplemental Agreement with the NCDOT for the City to accept funds on behalf of NCDOT in the amount of \$85,000.00 for the installation of a traffic signal, is hereby formally approved by the City Council of the City of Charlotte and the City Manager and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the aforementioned groups.

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of May, 2020, the reference having been made in Minute Book 150 and recorded in full in Resolution Book 50, Page(s) 633-633__.



Lephane & Kelly

Stephanie C. Kelly, City Clerk, MMC, NCCMC

May 26, 2020 Resolution Book 50, Page 634

RESOLUTION DECLARING INTENT TO ABANDON AND CLOSE AN ALLEYWAY OFF WEST HILL STREET in the City of Charlotte, Mecklenburg County, North Carolina.

Whereas, Foundry Uptown, LLC has filed a petition to close an alleyway off West Hill Street in the City of Charlotte; and

Whereas, an alleyway off West Hill Street containing 6,926 square feet or 0.159 acres 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 May 26, 2020, that it intends to close a portion of an alleyway off West Hill Street and that said right-of-way (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held on Monday, the 22nd day of June, 2020, at 5:00 p.m., or as soon thereafter as practicable, at the Charlotte-Mecklenburg County Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, by such method, including in a virtual manner, necessary in response to the COVID-19 global pandemic. Alternatively, written comments (of 375 works or less) may be submitted to the City Clerk's Office at <u>cityclerk@charlottenc.gov</u>, prior to June 23, 2020, at 11:59 p.m.

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

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of May, 2020, the reference having been made in Minute Book 150 and recorded in full in Resolution Book 50, Page(s) 634.



Stephanie C. Kelly, City Clerk, MMC, 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 26th day of May 2020 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, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of May, 2020, the reference having been made in Minute Book 150 and recorded in full in Resolution Book 50, Page(s) 635-636.

Stephanie & Kelly

Stephanie C. Kelly, City Clerk, MMC, NCCMC



May 26, 2020 Resolution Book 50, Page 636

Taxpayers and Refunds Requested

AMH NC PROPERTIES, LP	61.91
ANDERSON, DORIS N	25.58
ARCHER, NICHOLAS	167.44
BRANCH BANKING AND TRUST COMPANY	3,101.50
CAROLINA SHOW SKI TEAM	10.15
FLECHAS, MIGUEL M	111.61
HOWELL, CLYDE C	5.11
ICON OWNER POOL 5 NC/TN LP	2,258.10
KUMAR, RAVI VELAYUDAM	416.67
LINTON, WILLRETTA DARLENE	66.75
LOGAN, MARTHA	49.13
NR MORNINGSIDE PROPERTY OWNER II LL	6,480.30
PARKWAY 550 SOUTH CALDWELL LLC	1,651.06
RAMSEY, DAVID LOUIS	50.88
SALVATI, GINA M	512.07
SCI NORTH CAROLINA L P	3,060.34
SIKES, BILLY G	31.51
STALEY JR, JOHN DANIEL	26.68
WELLS FARGO BANK NATIONAL ASSOCIATI	32,360.54
WESTFIELD THORNGROVE LLC	4,978.85
YEAGER, ROBERT BRIAN	85.47
-	55 511 65

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 **DAIRY BRANCH TRIBUTARY SEWER 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 DAIRY BRANCH TRIBUTARY SEWER IMPROVEMENTS Project estimated to be 585 sq. ft. (0.01 ac.) in Sanitary Sewer Easement and 439 sq. ft. (0.01 ac.) in 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. 151-033-16; said property currently owned by BRIAN S PACE AND STACY Y PACE and 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, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of May, 2020, the reference having been made in Minute Book 150 and recorded in full in Resolution Book 50, Page(s) 637.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 26th day of May 2020.

Stephanie & Kelly

Stephanie C. Kelly, City Clerk, MMC, NCCMC

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 **MALLARD CREEK REUSE LINE EXTENSION to UNCC** 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 MALLARD CREEK REUSE LINE EXTENSION to UNCC Project estimated to be 11,583.98 sq. ft. (0.266 ac.) in Sanitary Sewer Easement, plus 5,941 sq. ft. (0.136 ac.) in 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. 051-032-08; said property currently owned by HILL/GRAY SEVEN, LLC and 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, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of May, 2020, the reference having been made in Minute Book 150 and recorded in full in Resolution Book 50, Page(s) 638.



Stephane & Kelly

Stephanie C. Kelly, City Clerk, MMC, NCCMC

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 **MALLARD CREEK REUSE LINE EXTENSION to UNCC** 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 MALLARD CREEK REUSE LINE EXTENSION to UNCC Project estimated to be 16,775 sq. ft. (0.385 ac.) in Sanitary Sewer Easement and any additional property or interest as the City may determine to complete the Project as it relates to Tax Parcel No. 051-032-07; said property currently owned by 200 PAVILION, LLC and 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, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of May, 2020, the reference having been made in Minute Book 150 and recorded in full in Resolution Book 50, Page(s) 639.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 26th day of May 2020.

Stephanie & Kelly

Stephanie C. Kelly, City Clerk, MMC, NCCMC

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 MALLARD CREEK REUSE LINE EXTENSION to UNCC 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 MALLARD CREEK REUSE LINE EXTENSION to UNCC Project estimated to be 138,076 sq. ft. (3.170 ac.) in Sanitary Sewer Easement, 180,964 sq. ft. (4.154 ac.) in Access Easement, 2,620 sq. ft. (0.060 ac.) in Existing Sewer Easement and any additional property or interest as the City may determine to complete the Project as it relates to Tax Parcel Nos. 051-033-06; 051-041-01; 051-021-01; 051-021-06 said property currently owned by MARTIN MARIETTA MATERIALS, INC. and 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, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of May, 2020, the reference having been made in Minute Book 150 and recorded in full in Resolution Book 50, Page(s) 640.



Stephanie C. Kelly, City Clerk, MMC, NCCMC

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 **MALLARD CREEK REUSE LINE EXTENSION to UNCC** 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 MALLARD CREEK REUSE LINE EXTENSION to UNCC Project estimated to be 102,428.63 sq. ft. (2.351 ac.) in Sanitary Sewer Easement, 10,628.22 sq. ft. (0.244 ac.) in Access Easement, 33,512.46 sq. ft. (0.769 ac.) in Existing Sanitary Sewer Easement and any additional property or interest as the City may determine to complete the Project as it relates to Tax Parcel No. 051-021-02 said property currently owned by JAMES FROSST ALEXANDER, SUSAN BURR ALEXANDER BOONE, STELLA WATKINS HARMAN, JOHN WILLIAN ALEXANDER and 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, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of May, 2020, the reference having been made in Minute Book 150 and recorded in full in Resolution Book 50, Page(s) 641.



Stephanie & Kelly

Stephanie C. Kelly, City Clerk, MMC, NCCMC

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 MALLARD CREEK REUSE LINE **EXTENSION to UNCC** 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 MALLARD CREEK REUSE LINE EXTENSION to UNCC Project estimated to be 2,417 sq. ft. (0.055 ac.) in Access Easement and any additional property or interest as the City may determine to complete the Project as it relates to Tax Parcel No. 049-382-02 said property currently owned by **BELLSOUTH TELECOMMUNICATIONS**, LLC and 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, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of May, 2020, the reference having been made in Minute Book 150 and recorded in full in Resolution Book 50, Page(s) 642.



Stephanie & Kelly Stephanie C. Kelly, City Clerk, MMC, NCCMC

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 **MCCULLOUGH DRIVE STREETSCAPE** Project; and

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

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

PROPERTY DESCRIPTION:

Amount necessary for the MCCULLOUGH DRIVE STREETSCAPE Project estimated to be 3,782 sq. ft. (0.087 ac.) Utility Easement, 3,090 sq. ft. (0.071 ac.) Sidewalk Utility Easement, 105 sq. ft. (0.002 ac.) 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. 047-211-14; said property currently owned by HARRIS REALTY INVESTMENTS, LLC and 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, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of May, 2020, the reference having been made in Minute Book 150 and recorded in full in Resolution Book 50, Page(s) 643.



Stephane & Kelly

Stephanie C. Kelly, City Clerk, MMC, NCCMC