

RESOLUTION AUTHORIZING THE LEASE OF A PORTION OF
THE CHARLOTTE TRANSIT CENTER TO MUN SUNG AND JOYCE SUNG

WHEREAS, the City of Charlotte owns property generally known as the Charlotte Transportation Center, an intermodal transit station located along East Trade Street, Fourth Street, and Brevard Street in Uptown Charlotte (the "Transit Center"); and

WHEREAS, the Transit Center includes multiple retail suites, and Mun Sung and Joyce Sung desire to lease a 930 square foot suite (the "Property") for the operation of a sundries store; and

WHEREAS, the City Council has determined that the Property will not be needed by the City during the term of the proposed lease; and

WHEREAS, in consideration of the lease, Mun Sung and Joyce Sung have agreed to pay annual base rent for the first year of \$31,120.21, with two percent (2%) annual rental rate increases thereafter during the lease term, as well as certain additional rent if the business's revenues exceed certain thresholds specified in the proposed lease; and

WHEREAS, North Carolina General Statute §160A-272 and Charlotte City Charter §8.131 give the City the right and option to lease the Property for its own benefit upon such market terms and conditions as it determines; and

WHEREAS, the required notice has been published, and City Council is convened in a regular meeting.

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Charlotte, pursuant to §8.131 of the City of Charlotte Charter, that it hereby authorizes the lease of the above-referenced Property as follows:

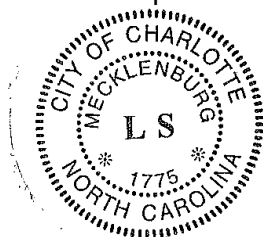
THE CITY COUNCIL HEREBY APPROVES THE LEASE OF THE CITY PROPERTY DESCRIBED ABOVE TO MUN SUNG AND JOYCE SUNG UPON THE TERMS AND CONDITIONS SET FORTH HEREIN AND AUTHORIZES THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL INSTRUMENTS NECESSARY TO THE LEASE.

THIS THE 4TH DAY OF JANUARY 2021

CERTIFICATION

I, Stephanie Bello, 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 4th day of January 2021, the reference having been made in Minute Book 151 and recorded in full in Resolution Book 51, Page(s) 161.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 4th day of January 2021.



Stephanie Bello

Stephanie Bello, Deputy City Clerk

RESOLUTION AUTHORIZING THE LEASE OF A PORTION OF
THE CHARLOTTE TRANSIT CENTER TO XANADU FOOD SERVICES, INC

WHEREAS, the City of Charlotte owns property generally known as the Charlotte Transportation Center, an intermodal transit station located along East Trade Street, Fourth Street, and Brevard Street in Uptown Charlotte (the "Transit Center"); and

WHEREAS, the Transit Center includes multiple retail suites, and Xanadu Food Services, Inc. desires to lease a 2,429 square foot suite (the "Property") for the operation of a restaurant; and

WHEREAS, the City Council has determined that the Property will not be needed by the City during the term of the proposed lease; and

WHEREAS, in consideration of the lease, Xanadu Food Services, Inc. has agreed to pay annual base rent for the first year of \$59,747.28, with three percent (3%) annual rental rate increases thereafter during the lease term, as well as certain additional rent if the business's revenues exceed certain thresholds specified in the proposed lease; and

WHEREAS, North Carolina General Statute §160A-272 and Charlotte City Charter §8.131 give the City the right and option to lease the Property for its own benefit upon such market terms and conditions as it determines; and

WHEREAS, the required notice has been published, and City Council is convened in a regular meeting.

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Charlotte, pursuant to §8.131 of the City of Charlotte Charter, that it hereby authorizes the lease of the above-referenced Property as follows:

THE CITY COUNCIL HEREBY APPROVES THE LEASE OF THE CITY PROPERTY DESCRIBED ABOVE TO XANADU FOOD SERVICES, INC UPON THE TERMS AND CONDITIONS SET FORTH HEREIN AND AUTHORIZES THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL INSTRUMENTS NECESSARY TO THE LEASE.

THIS THE 4TH DAY OF JANUARY 2021

CERTIFICATION

I, Stephanie Bello, 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 4th day of January 2021, the reference having been made in Minute Book 151 and recorded in full in Resolution Book 51, Page(s) 162.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 4th day of January 2021.



Stephanie Bello

Stephanie Bello, Deputy City Clerk

RESOLUTION TO CLOSE JOE WHITENER ROAD IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close Joe Whitener Road which calls for a public hearing on the question; and

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close Joe Whitener Road to be sent by registered or certified mail to all owners of property adjoining said right-of-way and prominently posted a notice of the closing and public hearing in at least two places along said street or alleys, all as required by G.S.160A-299; and

WHEREAS, the city may reserve its right, title, and interest in any utility improvement or easement within a street closed pursuant to G.S.160A-299; and

WHEREAS, an easement shall be reserved in favor of the City of Charlotte over, upon, and under a portion of the area petitioned to be abandoned for ingress, egress, and regress to access, maintain, install, and/or replace the Charlotte Water utilities as noted on the attached map marked "Exhibit A"; no permanent structures may be erected over the permanent easement area; and

WHEREAS, the public hearing was held on the 14th day of December 2020, and City Council determined that closing Joe Whitener Road is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to their or its property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of January 4, 2021 during a virtual meeting that included an option for written comments (of 375 words or less) to be submitted from the date of notice of the public hearing up to the 15th day of December 2020 at 11:59 p.m., that the Council hereby orders the closing of Joe Whitener Road in the City of Charlotte, Mecklenburg County, North Carolina as shown in the map marked "Exhibit A," and is more particularly described by metes and bounds in the document marked "Exhibit B," all of which are attached hereto and made a part hereof. This action shall be effective on the date the right-of-way for the new alignment of Proposed Street A is conveyed, recorded, constructed, and accepted by the City of Charlotte for maintenance, as shown on rezoning petition number 2019-152. This abandonment approval shall be void if the above conditions are not met within 5-years after January 4, 2021.

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

CERTIFICATION

I, Stephanie Bello, 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 4th day of January 2021, the reference having been made in Minute Book 151 and recorded in full in Resolution Book 51, Page(s) 163-166.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 4th day of January 2021.

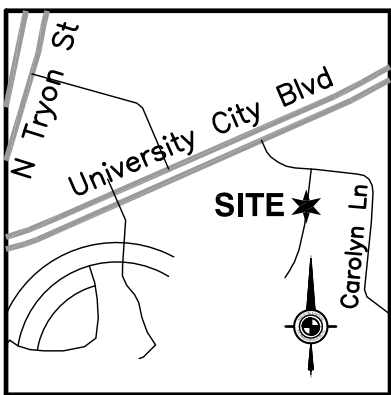
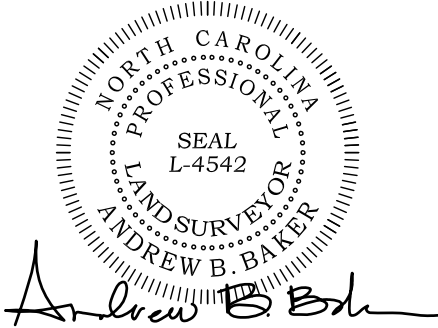


Stephanie Bello

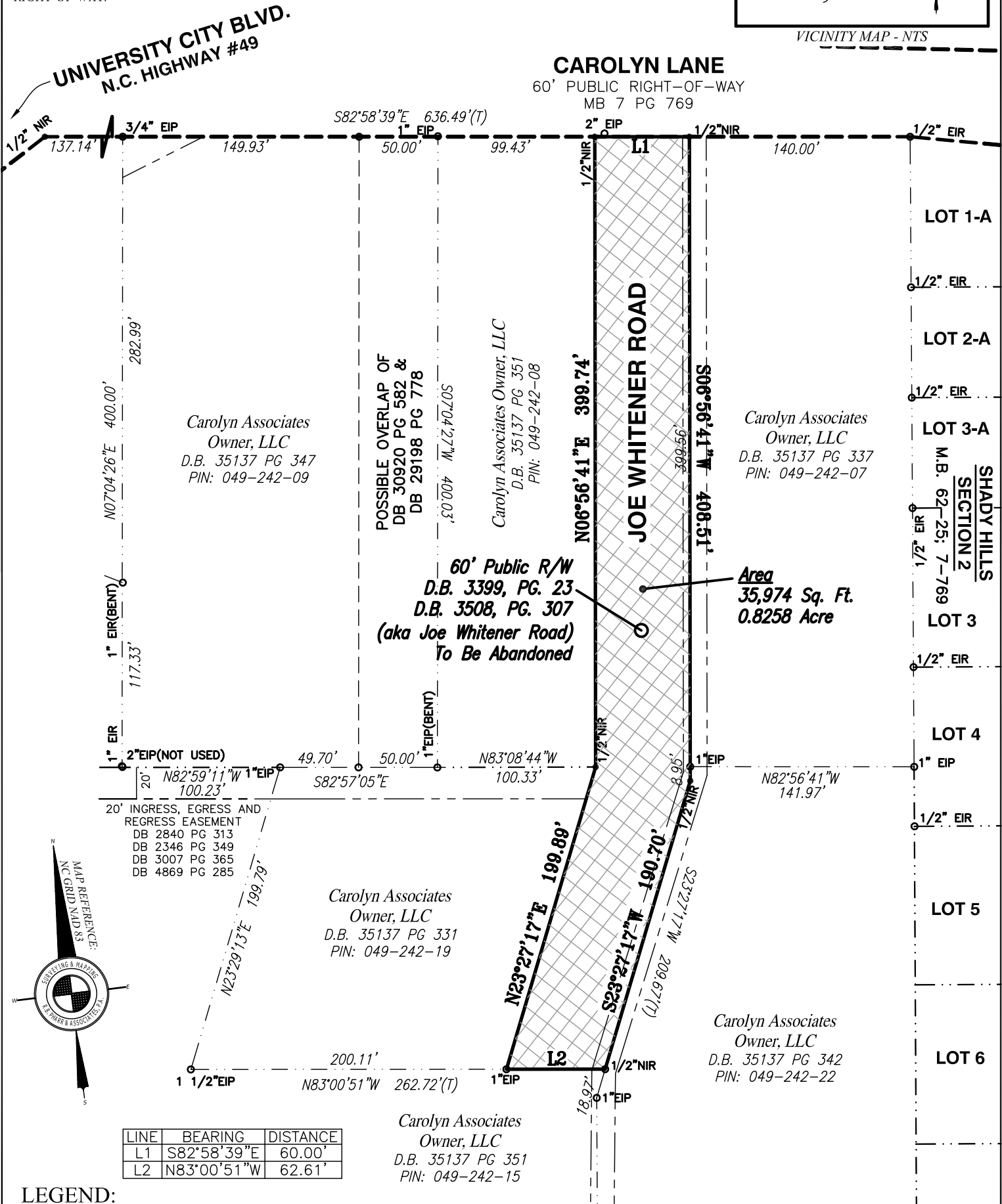
Stephanie Bello, Deputy City Clerk

NOTES:Resolution Book 51, Page 165

1. THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
2. THE PURPOSE OF THIS EXHIBIT IS TO ABANDON JOE WHITENER ROAD AS SHOWN HEREON. ALL BOUNDARY INFORMATION IS TAKEN FROM R.B. PHARR & ASSOCIATES MAP DATED 09/23/2019 (JOB NO. 90550)
3. PHYSICAL IMPROVEMENTS MAY EXIST ON SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.
4. IN ADDITION TO THE ABANDONMENT OF JOE WHITENER ROAD, THIS MAP HEREBY RESERVES AN EASEMENT OVER THE ENTIRETY OF THE ABANDONMENT AREA FOR THE EXISTING CHARLOTTE WATER UTILITIES THAT MAY BE LOCATED WITHIN THE FORMER ROAD RIGHT-OF-WAY.



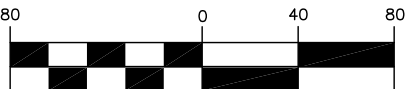
VICINITY MAP - NTS



LEGEND:

- D.B. - DEED BOOK
ECM - EXISTING CONCRETE MONUMENT
EIP - EXISTING IRON PIPE
EIR - EXISTING IRON ROD
EMM - EXISTING METAL MONUMENT
EN - EXISTING NAIL
M.B. - MAP BOOK
N.C.G.S. - NORTH CAROLINA GEODETIC SURVEY
NIR - NEW IRON ROD
NN - NEW NAIL
PG. - PAGE
R/W - RIGHT-OF-WAY
PROPERTY LINE
PROPERTY LINE (NOT SURVEYED)
RIGHT-OF-WAY
RIGHT-OF-WAY (NOT SURVEYED)
EASEMENT
SETBACK

GRAPHIC SCALE



(IN FEET)
1 inch = 80 ft.

EXHIBIT MAP FOR
JOE WHITENER ROAD ABANDONMENT

RE: CAROLYN ASSOCIATES OWNER, LLC PROPERTIES
CITY OF CHARLOTTE, MECKLENBURG COUNTY, NC
DEED REFERENCES: 35137-337; 35137-351;
35137-331; 35137-342
TAX PARCEL: 049-242-07; 049-242-08;
049-242-19; 049-242-22

R.B. PHARR AND ASSOCIATES, P.A.

SURVEYING AND MAPPING
LICENSURE NO: C-1471
420 HAWTHORNE LANE CHARLOTTE, N.C. 28204 TEL. (704) 376-2186

CREW:	DRAWN:	REVISED:	SCALE:	DATE:	JOB NO.
JP	NM		1" = 80'	FEB 18, 2020	91162

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

COMMENCING at a new 1/2 inch iron rod at the intersection of the southeasterly right-of-way margin of University City Boulevard (N.C. Hwy 49) with the southerly right-of-way margin of Carolyn Lane (60 foot Public R/W); Thence with and along aforesaid southerly right-of-way margin of Carolyn Lane **S 82°58'39" E** a distance of **436.49** feet to a new 1/2 inch iron rod, said point being the northeast corner of the property of L. Frank Caldwell, Virginia B. Caldwell, Caldwell Family Trust (now or formerly) as described in Deed Book 29198, Page 778 in the Mecklenburg County Public Registry (the "Registry"), said point also being the **TRUE POINT OF BEGINNING**; Thence continuing with aforesaid southerly right-of-way margin of Carolyn Lane **S 82°58'39" E** a distance of **60.00** feet to a new 1/2 inch iron rod, said iron being the northwest corner of the property of Deborah A. Martin & Steven S. Martin Sr. (now or formerly) as described in Deed Book 33655, Page 42 in said Registry; Thence with and along the westerly boundary of aforesaid property of Deborah A. Martin & Steven S. Martin Sr. and continuing with the westerly boundary of the property of Steven L. Mullis II & Melissa E. Mullis (now or formerly) as described in Deed Book 28515, Page 162 in said Registry **S 06°56'41" W** (passing an existing 1 inch iron pipe at 399.56 feet) a total distance of **408.51** feet to a new 1/2 inch iron rod; Thence continuing with aforesaid westerly boundary of the property of Steven L. Mullis II & Melissa E. Mullis **S 23°27'17" W** a distance of **190.70** feet to a new 1/2 inch iron rod, said iron being the northeast corner of the property of L. Frank Caldwell, Virginia B. Caldwell, Caldwell Family Trust (now or formerly) as described in Deed Book 29198, Page 775; Thence with and along the northerly boundary of aforesaid property of L. Frank Caldwell, Virginia B. Caldwell, Caldwell Family Trust **N 83°00'51" W** a distance of **62.61** feet to an existing 1 inch iron pipe, said iron being the southeast corner of the property of Louise B. Snider and Lohn L. Snider (now or formerly) as described in Deed Book 34057, Page 246 in said Registry; Thence with and along the easterly boundary of aforesaid property of Louise B. Snider and Lohn L. Snider **N 23°27'17" E** a distance of **199.89** feet to a new 1/2 inch iron rod, said iron being the southeast corner of the property of L. Frank Caldwell, Virginia B. Caldwell, Caldwell Family Trust (now or formerly) as described in Deed Book 29198, Page 778 in said Registry; Thence with and along the easterly boundary of aforesaid property of L. Frank Caldwell, Virginia B. Caldwell, Caldwell Family Trust **N 06°56'41" E** a distance of **399.74** feet to the **POINT OF BEGINNING**;

Having an area of 35,974 square feet or 0.8258 acre, more or less, as shown on a survey prepared by R. B. Pharr & Associates, P.A. dated February 18, 2020 (job no. 91162).

RESOLUTION DECLARING INTENT TO ABANDON AND CLOSE AN ALLEYWAY OFF ROYAL COURT PARALLEL TO EAST MOREHEAD STREET in the City of Charlotte, Mecklenburg County, North Carolina.

Whereas, Bridgewood Houston Property Group has filed a petition to close an Alleyway off Royal Court Parallel to East Morehead Street in the City of Charlotte; and

Whereas, an Alleyway off Royal Court Parallel to East Morehead Street, containing 2,092 square feet or 0.0480 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.

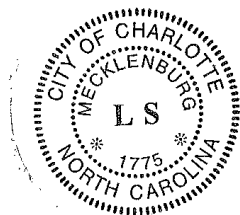
Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of January 4, 2021, that it intends to close an Alleyway off Royal Court Parallel to East Morehead Street and that said right-of-way (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held on Monday, the 8th day of February 2021, at 5:00 p.m. or as soon thereafter as practicable, at the Charlotte-Mecklenburg County Government Center, 600 East 4th Street, Charlotte, North Carolina by such method, including in a virtual manner, necessary in response to the COVID-19 global pandemic. Alternatively, written comments (of 375 words or less) may be submitted to the City Clerk's Office at cityclerk@charlottenc.gov, prior to February 9, 2021, 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 Bello, 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 4th day of January 2021, the reference having been made in Minute Book 151 and recorded in full in Resolution Book 51, Page(s) 167.

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Stephanie Bello

Stephanie Bello, Deputy City Clerk

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

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **TRYON STREET-36TH STREET 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 **TRYON STREET-36TH STREET STREETScape** Project estimated to be **770 sq. ft. (0.017 ac.) Fee Simple, 50 sq. ft. (0.001 ac.) in Utility Easement, 2,381 sq. ft. (0.055 ac.) in Sidewalk Utility Easement, 1,339 sq. ft. (0.031 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 Nos.083-031-30; said property currently owned by **CAROLINA NATIONAL INVESTMENT, 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

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