

RESOLUTION TO CLOSE SEARS 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 Sears 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 Sears 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 Charlotte Water over, upon, and under the area petitioned to be abandoned to access (ingress, egress, and regress), maintain, install, protect, operate, add to, modify, and replace Charlotte Water facilities, the existing facilities are noted on the attached map marked "Exhibit A"; and

WHEREAS, an easement shall be reserved in favor of Duke Energy over, upon, and under the area petitioned to be abandoned to access (ingress, egress, and regress), maintain, install, protect, operate, add to, modify, and replace Duke Energy facilities, the existing facilities are noted on the attached map marked "Exhibit A"; and

WHEREAS, the public hearing was held on the 28<sup>th</sup> day of February 2022, and City Council determined that closing Sears 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 February 28, 2022, that the Council hereby orders the closing Sears 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.

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 C. Kelly, 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 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 465-470.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



Stephanie C. Kelly, City Clerk, MMC, NCCMC

February 28, 2022  
Resolution Book 52, Page 466

# A.G. ZOUTEWELLE SURVEYORS

1418 East Fifth St. Charlotte, NC 28204  
Phone: 704-372-9444 Fax: 704-372-9555  
Firm Licensure Number C-1054

Scale 1" = 200'



City of Charlotte  
DB 26960-603  
113-021-06

City of Charlotte  
DB 6759-697  
113-021-03

apparent 30' wide Colonial Pipeline easement  
See DB 5546-715 & DB 26813-04  
(DOT HATCH)

City of Charlotte  
DB 6911-06  
113-021-04

EASEMENT EXHIBIT A-1  
**ROAD ABANDONMENT SURVEY of  
SEARS ROAD**  
CHARLOTTE, MECKLENBURG COUNTY, N.C.  
for The City of Charlotte  
February 3, 2021

City of Charlotte  
DB 7145-360  
055-521-01

Wilkinson Boulevard

NC GRID NORTH  
NAD83(2011) EPOCH 2010.0000

I hereby certify to the City of Charlotte:  
that this survey is based upon my best knowledge, information and  
belief; that this map was drawn under my supervision from an  
actual survey made under my supervision (deed description  
recorded in deed and map books as noted); that the boundaries  
not surveyed are indicated as dashed lines drawn from adjoining  
deed sources as shown hereon; that the ratio of precision or  
positional accuracy is 1:10,000; that this map meets the  
requirements of The Standards of Practice for Land Surveying in  
North Carolina (21 NCAC 56.1600). This map is not intended to  
meet G.S. 47-30 recording requirements.

This 10th day of January, 2022.

Andrew G. Zoutewelle  
Professional Land Surveyor  
NC License No. L-3098



City of Charlotte  
DB 8374-584  
113-021-01

**Sears Road**  
(TO BE ABANDONED)  
60' Public R/W (DB 2426-84)  
88,292 s.f. (or 2.0269 acres)  
(CROSS HATCH)

Water Line  
CORRIDOR  
(See Exhibit A-4)

Tie from corner at L21/L22 S83°27'23"E-690.57'

City of Charlotte  
DB 32547-221  
113-021-02

Duke Energy  
EASEMENT  
(See Exhibit A-3)

BEGINNING POINT  
IRF (at corner of C2/L1)

Duke Power Co. Easement & R/W  
(DB 3296-497, DB 24896-370, DB 24898-370)  
C3  
(Tie to corner E of L25/C2)  
Railroad R/W limit

Norfolk Southern Railway  
original main track CL (per deeds)

IRF (with disk)

Duke Power Co. Easement & R/W  
DB 3284-393 & 24992-440  
Tie N63°37'30"E-507.41'  
Railroad R/W limit

Tie S81°26'02"E  
122.10'

Tie S15°37'21"W-273.11'  
S09°02'38"E  
95.90'





I hereby certify to the City of Charlotte: that this survey is based upon my best knowledge, information and belief; that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in deed and map books as noted); that the boundaries not surveyed are indicated as dashed lines drawn from adjoining deed sources as shown hereon; that the ratio of precision or positional accuracy is 1:10,000; that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600). This map is not intended to meet G.S. 47-30 recording requirements.

This 10<sup>th</sup> day of January, 2022.

*Andrew G. Zoutewelle*

Andrew G. Zoutewelle  
Professional Land Surveyor  
NC License No. L-3098

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	106.22'	44.03'	43.72'	N31°04'23"E-	23°45'01"
C2	2,248.80'	10.98'	10.98'	S67°14'27"W-	0°16'47"
C3	2,248.80'	594.76'	593.02'	S74°43'35"W-	15°09'12"

#### GENERAL NOTE

The easement shown along the existing water line hereby serves as the City's notice of intent to reserve a permanent utility easement in the future upon any conveyance of this property to a 3rd party.

LEGEND

R/W	right-of-way
s.f.	square feet (by coordinates)
IPF/IRF	iron pipe/rebar found
IRS	iron rebar set
MB	map book
DB	deed book
CL	center-line
-E-	easement line
-OU-	overhead utilities
-T-	underground telephone
-FO-	underground fiber-optic
-W-	underground water line
-□-	power pole
	Colonial Pipeline easement
	road abandonment

LINE	BEARING	DISTANCE
L1	S67°11'17"W-	5.48'
L2	S51°29'46"W-	88.82'
L3	N05°52'48"E-	42.69'
L4	N08°14'20"W-	420.23'
L5	N04°07'14"W-	65.54'
L6	N00°46'38"W-	96.48'
L7	N00°18'23"W-	115.22'
L8	N00°08'53"W-	158.03'
L9	N00°45'29"W-	152.08'
L10	N01°13'55"W-	152.57'
L11	N01°43'37"W-	129.44'
L12	N01°16'58"W-	106.83'
L13	N00°00'00"W-	50.32'
L14	S63°16'25"E-	67.18'
L15	S00°00'00"E-	19.43'
L16	S01°16'58"E-	105.93'
L17	S01°43'37"E-	129.46'
L18	S01°13'55"E-	153.08'
L19	S00°45'29"E-	152.65'
L20	S00°08'53"E-	158.15'
L21	S00°20'05"E-	122.42'
L22	S00°46'38"E-	87.07'
L23	S04°07'14"E-	61.64'
L24	S08°14'20"E-	406.46'
L25	S00°01'37"E-	38.35'

#### EASEMENT EXHIBIT A-2

ROAD ABANDONMENT SURVEY of  
**SEARS ROAD**  
CHARLOTTE, MECKLENBURG COUNTY, N.C.  
for The City of Charlotte  
February 3, 2021

#### A.G. ZOUTEWELLE SURVEYORS

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Firm Licensure Number C-1054

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Scale 1" = 200'



February 28, 2022  
Resolution Book 52, Page 468

City of Charlotte  
DB 26960-603  
113-021-06

NUMBER	DIRECTION	DISTANCE
L26	S 00°00'00" W	4.45'
L27	S 00°00'00" W	14.98'
L28	S 01°16'58" E	18.38'
L29	S 63°21'59" W	35.43'
L30	S 00°36'33" E	709.53'
L31	S 02°36'03" E	178.32'
L32	S 08°05'52" E	184.62'
L33	S 23°52'21" E	128.91'
L34	S 08°14'20" E	44.70'
L35	S 63°15'41" W	63.27'
L36	N 08°14'20" W	31.63'
L37	N 63°15'41" E	36.76'
L38	N 23°52'21" W	129.35'
L39	N 08°14'20" W	232.29'
L40	N 04°07'14" W	65.54'
L41	N 00°46'38" W	96.48'
L42	N 00°18'23" W	115.22'
L43	N 00°08'53" W	158.03'
L44	N 00°45'29" W	152.08'
L45	N 01°13'55" W	152.57'
L46	N 01°43'37" W	129.44'
L47	N 01°16'58" W	92.55'
L48	N 63°21'59" E	66.76'
L49	S 02°36'08" E	77.40'

City of Charlotte  
DB 6759-697  
113-021-03

City of Charlotte  
DB 6911-06  
113-021-04

EASEMENT EXHIBIT A-3  
ROAD ABANDONMENT SURVEY of  
SEARS ROAD  
CHARLOTTE, MECKLENBURG COUNTY, N.C.  
for The City of Charlotte  
February 3, 2021

City of Charlotte  
DB 7145-360  
055-521-01

I hereby certify to the City of Charlotte:  
that this survey is based upon my best knowledge, information and  
belief; that this map was drawn under my supervision from an  
actual survey made under my supervision (deed description  
recorded in deed and map books as noted); that the boundaries  
not surveyed are indicated as dashed lines drawn from adjoining  
deed sources as shown hereon; that the ratio of precision or  
positional accuracy is 1:10,000; that this map meets the  
requirements of The Standards of Practice for Land Surveying in  
North Carolina (21 NCAC 56.1600). This map is not intended to  
meet G.S. 47-30 recording requirements.

This 10th day of January, 2022.

Andrew G. Zoutewelle  
Professional Land Surveyor  
NC License No. L-3098



City of Charlotte  
DB 8374-584  
113-021-01

Duke Energy  
EASEMENT(shaded)  
36,997 S.F.

City of Charlotte  
DB 32547-221  
113-021-02

N  
NC GRID NORTH  
NAD83(2011) EPOCH 2010.0000

IRF (with disk)

Duke Power Co. Easement & R/W  
DB 3284-393 & 24992-440

Duke Power Co. Easement & R/W  
(DB 3296-497, DB 24896-370,  
DB 24898-370)

Railroad "Common Center-Line"  
Southern Railway  
original main track CL (per deeds)

Norfolk



# A.G. ZOUTEWELLE SURVEYORS

1418 East Fifth St. Charlotte, NC 28204  
Phone: 704-372-9444 Fax: 704-372-9555  
Firm Licensure Number C-1054

Scale 1" = 200'



NUMBER	DIRECTION	DISTANCE
L50	S 00°00'00" W	19.43'
L51	S 01°16'58" E	23.01'
L52	S 12°15'51" W	5.55'
L53	S 04°49'08" W	54.18'
L54	S 01°04'44" E	135.36'
L55	S 01°31'04" E	61.78'
L56	S 02°35'28" E	113.50'
L57	S 02°55'58" E	72.49'
L58	S 01°02'03" E	64.87'
L59	S 01°18'24" W	96.49'
L60	S 00°52'33" W	95.08'
L61	S 00°06'34" E	143.34'
L62	S 04°07'26" E	34.74'
L63	S 85°52'34" W	20.00'
L64	N 04°07'26" W	35.44'
L65	N 00°06'34" W	144.21'
L66	N 00°52'33" E	95.33'
L67	N 01°18'24" E	96.16'
L68	N 01°02'03" W	64.13'
L69	N 02°55'58" W	72.22'
L70	N 02°35'28" W	113.75'
L71	N 01°31'04" W	62.04'
L72	N 01°04'44" W	136.47'
L73	N 04°49'08" E	56.52'
L74	N 12°15'51" E	16.10'
L75	N 21°11'38" E	33.87'
L76	S 63°16'25" E	5.39'

City of Charlotte  
DB 26960-603  
113-021-06

City of Charlotte  
DB 6759-697  
113-021-03

City of Charlotte  
DB 6911-06  
113-021-04

EASEMENT EXHIBIT A-4  
ROAD ABANDONMENT SURVEY of  
**SEARS ROAD**  
CHARLOTTE, MECKLENBURG COUNTY, N.C.  
for The City of Charlotte  
February 3, 2021

I hereby certify to the City of Charlotte:  
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belief; that this map was drawn under my supervision from an  
actual survey made under my supervision (deed description  
recorded in deed and map books as noted); that the boundaries  
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requirements of The Standards of Practice for Land Surveying in  
North Carolina (21 NCAC 56.1600). This map is not intended to  
meet G.S. 47-30 recording requirements.

This 10th day of January, 2022.

Andrew G. Zoutewelle  
Professional Land Surveyor  
NC License No. L-3098

February 28, 2022  
Resolution Book 52, Page 469

Water Line  
CORRIDOR (shaded)  
18,153 S.F.

City of Charlotte  
DB 8374-584  
113-021-01



City of Charlotte  
DB 32547-221  
113-021-02

NC GRID NORTH  
NAD83(2011) EPOCH 2010.0000

IRF (with disk)

Duke Power Co. Easement & R/W  
DB 3284-393 & 24992-440

Railroad R/W limit

Norfolk

Railroad "Common Center-Line"  
Southern Railway  
original main track CL (per deeds)

Duke Power Co. Easement & R/W  
DB 3296-497, DB 24896-370,  
DB 24898-370

Railroad R/W limit





February 28, 2022  
Resolution Book 52, Page 470

I hereby certify to the City of Charlotte: that this survey is based upon my best knowledge, information and belief; that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in deed and map books as noted); that the boundaries not surveyed are indicated as dashed lines drawn from adjoining deed sources as shown hereon; that the ratio of precision or positional accuracy is 1:10,000; that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600). This map is not intended to meet G.S. 47-30 recording requirements.

This 6th day of January, 2022.

A.G.Z.  
Andrew G. Zoutewelle  
Professional Land Surveyor  
NC License No. L-3098

EXHIBIT B

Legal Description  
Sears Road Abandonment

BEING all that certain tract or parcel of land known as Sears Road located within the City of Charlotte, Mecklenburg County, North Carolina, and fronting on Wilkinson Boulevard, and fronting on the Atlanta & Charlotte Air Line Railway line of Norfolk-Southern, and being more particularly described as follows:

BEGINNING at an existing iron rebar ("Beginning Point") located on the northerly right-of-way margin of the railroad known as the Atlanta & Charlotte Air Line Railway of Norfolk-Southern, said right-of-way having a variable width, said margin being located 100 feet from the common centerline of the two main line tracks of said railroad as relocated in 1917 and as described in Deed Book 371 Page 511 of the Mecklenburg County Registry, said existing iron rebar Beginning Point being located at the southeasterly corner of the City of Charlotte parcel described in Deed Book 35247 page 221 of the Mecklenburg County Registry, and the easterly line of the City of Charlotte parcel described in Deed Book 6759 page 697 of the Mecklenburg County Registry, said existing iron rebar Beginning Point being located North 32-59-53 West 8,292.34 feet (Ground Distance) from the Primary Airport Control Station ("PACS"), said PACS having the designation of "CLT E" by the North Carolina Geodetic Survey, said PACS having North Carolina State Plane coordinates of Northing = 538,721.20 US feet and Easting = 1,419,593.53 US feet as based on the Epoch 2010.0000 realization of the North American Horizontal Datum of 1983, said PACS having a combined grid factor of 0.99984370 to convert from ground distances noted herein, and running from said POINT AND PLACE OF BEGINNING along the northerly right-of-way margin of the said railroad the following two (2) calls: (1) South 67-11-17 West 5.48 feet to a computed point and (2) South 51-29-46 West 88.82 feet to a computed point, the southwesterly terminus of Sears Road, said terminus point being located North 51-29-46 East 56.88 feet from an iron rebar found on the railroad right-of-way limit; thence leaving the right-of-way of the aforesaid railroad, following along the arc of a circular curve to the left having a radius of 106.22 feet and an arc length of 44.03 feet (chord bearing North 31-04-23 East 43.72 feet) to a computed point; thence North 05-52-48 East 42.69 feet to a computed point; thence North 08-14-20 West 420.23 feet to a computed point; thence North 04-07-14 West 65.54 feet to a computed point; thence North 00-46-38 West 96.48 feet to a computed point; thence North 00-18-23 West 115.22 feet to a computed point; thence North 00-08-53 West 158.03 feet to a computed point; thence North 00-45-29 West, crossing the northeasterly boundary corner of the aforesaid City of Charlotte Parcel as described in Deed Book 6759 page 697 of the Mecklenburg County Registry at 54.54 feet, a total length of 152.08 feet to a computed point located within the easterly margin of the City of Charlotte parcel as described in Deed Book 26960 page 603 of the Mecklenburg County Registry; thence North 01-13-55 West 152.57 feet to a computed point; thence North 01-43-37 West 129.44 feet to a computed point; thence North 01-16-58 West 106.83 feet to a computed point; thence North 00-00-00 West 50.32 feet to a computed point on the southern margin of the right-of-way of Wilkinson Boulevard (US Highway 29/74), having a variable right-of-way per North Carolina Department of Transportation Project Number 8.16568, the northwesterly terminus of Sears Road; thence with the southern right-of-way margin of Wilkinson Boulevard South 63-16-25 East 67.18 feet to a computed point, the northeasterly terminus of Sears Road; thence leaving the right-of-way margin of Wilkinson Boulevard, South 00-00-00 East 19.43 feet to a computed point within the westerly margin of the City of Charlotte parcel as described in Deed Book 8374 page 584; thence South 01-16-58 East 105.93 feet to a computed point; thence South 01-43-37 East 129.46 feet to a computed point; thence South 01-13-55 East 153.08 feet to a computed point; thence South 00-45-29 East 152.65 feet to a computed point; thence South 00-08-53 East 158.15 feet to a computed point; thence South 00-20-05 East 122.42 feet to a computed point in the northerly boundary line of the City of Charlotte parcel as described in Deed Book 32547 page 221 of the Mecklenburg County Registry, said point being located North 83-27-23 West 690.57 feet from an iron pipe found, the northeast corner of the aforesaid parcel; thence South 00-46-38 East 87.07 feet to a computed point; thence South 04-07-14 East 61.64 feet to a computed point; thence South 08-14-20 East 406.46 feet to a computed point; thence South 00-01-37 East 38.35 feet to a computed point, the southeasterly terminus of Sears Road, said point being located on the northerly right-of-way margin of the aforesaid railroad, said southeasterly terminus point being located along the arc of a circular curve to the left having a radius of 2,248.80 feet and an arc length of 594.76 feet (chord bearing South 74-43-35 West 593.02 feet) from an iron rebar found on the northerly margin of the aforesaid railroad right-of-way; thence with and along the northerly right-of-way of the railroad following along an arc of a circular curve to the left having a radius of 2,248.80 feet and an arc length of 10.98 feet (chord bearing South 67-14-27 West 10.98 feet) to an iron rebar found, the point and place of BEGINNING, containing 2.0269 acres, more or less, as shown on survey conducted by Andrew G. Zoutewelle, North Carolina Professional Land Surveyor No. L-3098, dated February 3, 2021.

EASEMENT EXHIBIT B  
ROAD ABANDONMENT SURVEY of  
**SEARS ROAD**  
CHARLOTTE, MECKLENBURG COUNTY, N.C.  
for The City of Charlotte  
February 3, 2021

**A.G. ZOUTEWELLE**  
**SURVEYORS**  
1418 East Fifth St. Charlotte, NC 28204  
Phone: 704-372-9444 Fax: 704-372-9555  
Firm Licensure Number C-1054

RESOLUTION TO CLOSE UNOPENED LOTUS LANE 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 Unopened Lotus Lane which calls for a public hearing on the question; and

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close Unopened Lotus Lane 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 Charlotte Water over, upon, and under the area petitioned to be abandoned to access (ingress, egress, and regress), maintain, install, protect, operate, add to, modify, and replace Charlotte Water facilities, the existing facilities are noted on the attached map marked "Exhibit A"; and

WHEREAS, an easement shall be reserved in favor of Google Fiber over, upon, and under the area petitioned to be abandoned to access (ingress, egress, and regress), maintain, install, protect, operate, add to, modify, and replace Google Fiber facilities, the existing facilities are noted on the attached map marked "Exhibit A"; and

WHEREAS, the public hearing was held on the 28<sup>th</sup> day of February 2022 and City Council determined that closing Unopened Lotus Lane 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 February 28, 2022, that the Council hereby orders the closing Unopened Lotus Lane in the City of Charlotte, Mecklenburg County, North Carolina as shown in the map marked "Exhibit A," and is more particularly described by metes and bounds in the document marked "Exhibit B," all of which are attached hereto and made a part hereof.

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

**CERTIFICATION**

I, 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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 471-475.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



Stephanie C. Kelly, City Clerk, MMC, NCCMC



## EXHIBIT A

THIS IS TO CERTIFY THAT ON THE 17th DAY OF NOVEMBER, 2021, AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON.

WEST BLVD ~ NC HWY 160 (FORMERLY WILMONT ROAD)  
MAINTAINED PUBLIC RIGHT OF WAY  
(80' PER M.U.M.P.O THROUGHFARE PLAN,  
SHOWN 40' FROM CENTERLINE)

SIGNED \_\_\_\_\_  
\_\_\_\_\_  
PROFESSIONAL LAND SURVEYOR

0.212 AC.  
(9,216 SQ.FT.)  
TO BE COMBINED -  
WITH PID 14510.318

~NOW OR FORMERLY~  
TROTTER PROPERTIES LLC  
DB 19840/566  
MB 5/311  
PID 14510318

~NOW OR FORMERLY~  
TROTTER PROPERTIES LLC  
DB 19840/566  
MB 5/311  
PID 14510317




0.596 AC.  
(25,958 SQ.FT.)  
TO BE COMBINED  
WITH PID 14510317

PIPE OLD A  
(FOUND) (FOUN  
BENT PIPE  
(FOUND)  
N 537756.66  
E 1435897.45  
(NCSPC; NAD83/2011)  
CF: 0.99984534

~NOW OR FORMERLY~  
CHARLOTTE MECKLENBURG  
BOARD OF EDUCATION  
DB 1465/22  
LOT 8-18, BLOCK C  
MB 5/311  
PID 14510323

0.387 AC.  
(16,840 SQ.FT.)  
TO BE COMBINED  
WITH PID 14510323

TOTAL AREA TO  
BE ABANDONED:  
1.194 AC.  
(52,014 SQ.FT.)

SIP  SET IRON PIN  
EIP  EXISTING IRON PIN  
CP  CALCULATED POINT

BOUNDARY LINE

## TIE LINE

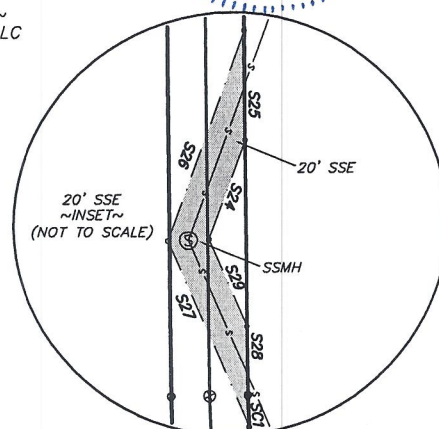
RIGHT OF WAY

ADJOINING LINE (NOT SURVEYED)

RIGHT OF WAY ABANDONMENT EXHIBIT  
OF  
*LOTUS LANE*

CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

A circular professional seal for Thomas E. White, a North Carolina Professional Land Surveyor. The seal features the text "NORTH CAROLINA" at the top, "PROFESSIONAL" below it, "SEAL" in the center, "L-4689" below the center, "LAND SURVEYOR" at the bottom, and "THOMAS E. WHITE" at the very bottom. The seal is surrounded by a decorative border of small dots.



LINE TABLE		
LINE	BEARING	LENGTH
S24	N05°51'14"W	56.55
S25	N25°56'54"W	58.21
S26	S05°51'14"E	119.01
S27	S48°23'13"E	108.59
S28	N25°56'54"W	36.97
S29	N48°23'13"W	50.91

CURVE TABLE				
CURVE	RADIUS	LENGTH	BEARING	CHORD
SC1	251.67	16.80	S27°51'35"E	16.80

PINCHED PIPE  
(FOUND 0.6'  
NORTH OF LINE)

REBAR  
(SET)

N50°42'10"E  
581.53 (TOTAL TIE)

SCALE 1"=200'

MAP RECORDED IN BOOK 5 AT PAGE 311 DEED RECORDED BOOK 19840 PAGE 566  
DRAWN BY NB FIELD WORK GW FIELD BOOK #         

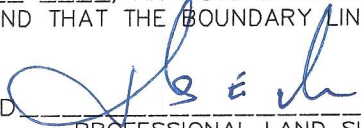
SHEET 1 OF 2  
CAROLINA SURVEYORS, INC  
P.O. BOX 267  
PINEVILLE, N.C. 28134  
(704) 889-7601  
FAX: (704) 889-7614  
CERTIFICATE OF AUTHORIZATION  
NC: C-1242 SC: 886

2020\BAT\WEST BLVD 1901 11AC  
2020\W\WEST BLVD 1901 11AC  
PROJECT: 20-0542



EXHIBIT A

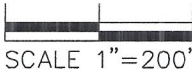
THIS IS TO CERTIFY THAT ON THE 17th DAY OF NOVEMBER, 2021, AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON.

SIGNED  PROFESSIONAL LAND SURVEYOR



LINE TABLE		
LINE	BEARING	LENGTH
L1	S26°11'17"E	184.62
L2	S64°47'16"W	20.00
L3	S64°47'16"W	20.00
L4	N26°11'17"W	184.75
L5	S26°11'17"E	184.69
L6	S19°59'30"E	276.20
L7	S20°00'39"E	277.04
L8	S20°01'48"E	277.89
L9	N67°24'11"E	20.04
L10	S26°02'55"E	74.92
L11	S26°02'55"E	150.25
L12	S26°02'55"E	223.97
L13	S26°02'55"E	222.76
L14	S25°56'54"E	478.20
L15	S25°56'54"E	478.24
L16	S25°56'54"E	478.27
L17	S39°12'34"E	49.77
L18	S39°12'34"E	69.71
L19	S39°12'34"E	49.64
L20	S50°42'10"W	40.00
L21	S50°42'10"W	40.03
L22	S65°04'45"W	110.19
L23	S65°03'54"W	110.92

CURVE TABLE				
CURVE	RADIUS	LENGTH	BEARING	CHORD
C1	291.67	67.51	S32°34'41"E	67.36
C2	271.67	62.88	S32°34'41"E	62.74
C3	251.67	58.25	S32°34'41"E	58.12
C4	20.00	31.41	N05°47'26"E	28.28
C5	20.00	31.45	S84°15'12"E	28.31



RIGHT OF WAY ABANDONMENT EXHIBIT  
OF  
LOTUS LANE  
CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

SHEET 2 OF 2  
CAROLINA SURVEYORS, INC  
P.O. BOX 267  
PINEVILLE, N.C. 28134  
(704) 889-7601  
FAX: (704) 889-7614  
CERTIFICATE OF AUTHORIZATION  
NC: C-1242 SC: 886

MAP RECORDED IN BOOK 5 AT PAGE 311 DEED RECORDED BOOK 19840 PAGE 566  
DRAWN BY NB FIELD WORK GW FIELD BOOK #         

2020\BAT\WEST BLVD 1901 11AC  
2020\W\WEST BLVD 1901 11AC  
PROJECT: 20-0542

Resolution to Close Unopened Lotus Lane  
EXHIBIT B  
LEGAL DESCRIPTIONS OF AREAS TO BE ABANDONED

0.212 ac. to be combined with PID 14510318

Commencing at an existing axle, being the southernmost corner of the property of Trotter Properties, LLC (now or formerly) recorded in Deed Book 19840, Page 566; thence with a bearing of N 65°04'45" E and a distance of 110.19' to an existing bent pipe on the westerly margin of the right-of-way of Lotus Ln (having N.C.S.P.C. coordinates of N:537,756.66 E:1,435,897.45, NAD83/2011, CF:0.99984534), being the point of BEGINNING; thence following said right-of-way two (2) calls: (1) with a bearing of N 19°59'30" W and a distance of 276.20' to a set rebar; (2) with a bearing of N 26°11'17" W and a distance of 184.62' to a point which lies 40' south of the existing centerline of West Blvd (N.C. Hwy. 160); thence parallel with said centerline with a bearing of N 64°47'16" E and a distance of 20.00' to a point in the centerline of the right-of-way of Lotus Ln; thence following said centerline two (2) calls: (1) with a bearing of S 26°11'17" E and a distance of 184.69' to a point; (2) with a bearing of S 20°00'39" E and a distance of 277.04' to a point; thence with a bearing of S 67°24'11" W and a distance of 20.04' to an existing bent pipe; being the point of BEGINNING, having an area of 0.212 acres, more or less, as shown on a survey by Carolina Surveyors, Inc.

0.387 ac. to be combined with PID 14510323

Commencing at an existing axle, being the southernmost corner of the property of Trotter Properties, LLC (now or formerly) recorded in Deed Book 19840, Page 566; thence with a bearing of N 65°04'45" E and a distance of 110.19' to an existing bent pipe on the westerly margin of the right-of-way of Lotus Ln (having N.C.S.P.C. coordinates of N:537,756.66 E:1,435,897.45, NAD83/2011, CF:0.99984534), being the point of BEGINNING; thence with a bearing of N 67°24'11" E and a distance of 20.04' to a point at the centerline of said right-of-way; thence following said centerline four (4) calls: (1) with a bearing of S 26°02'55" E and a distance of 223.97' to a point; (2) with a bearing of S 25°56'54" E and a distance of 478.24' to a point; (3) with a curve to the left having a radius of 271.67' and an arc length of 62.88', and being chorded by a bearing of S 32°34'41" E and a distance of 62.74' to a point; (4) with a bearing of S 39°12'34" E and a distance of 69.71' to a point on the line of the property of Charlotte Mecklenburg Board of Education (now or formerly) recorded in Deed Book 1465, Page 22; thence following said line and the terminus of the right-of-way of Lotus Ln with a bearing of S 50°42'10" W and a distance of 40.00' to an existing rebar; thence following the western margin of the right-of-way of Lotus Ln and the common line of The Charlotte Mecklenburg Board of Education six (6) calls: (1) with a curve to the left having a radius of 20.00' and an arc length of 31.41', and being chorded by a bearing of N 05°47'26" E and a distance of 28.28' to a point; (2) thence with a bearing of N 39°12'34" W and a distance of 49.77' to a point; (3) with a curve to the right having a radius of 291.67' and an arc length of 67.51', and being chorded by a bearing of N 32°34'41" W and a distance of 67.36' to a point; (4) with a bearing of N 25°56'54" W and a distance of 478.20' to an existing pipe; (5) with a bearing of N 26°02'55" W and a distance of 150.25' to an existing pipe; (6) with a bearing of N 26°02'55" W and a distance of 74.92' to an existing bent pipe; being the point of BEGINNING, having an area of 0.387 acres, more or less, as shown on a survey by Carolina Surveyors, Inc.

0.596 ac. to be combined with PID 14510317

Commencing at an existing axle, being the southernmost corner of the property of Trotter Properties, LLC (now or formerly) recorded in Deed Book 19840, Page 566; thence with a bearing of N 65°04'45" E and a distance of 110.19' to an existing bent pipe on the westerly margin of the right-of-way of Lotus Ln (having N.C.S.P.C. coordinates of N:537,756.66 E:1,435,897.45, NAD83/2011, CF:0.99984534); thence with a bearing of N 67°24'11" E and a distance of 20.04' to a point at the centerline of said right-of-way,



being the point of BEGINNING, thence following said centerline two (2) calls: (1) with a bearing of N 20°00'39" W and a distance of 277.04' to a point; (2) with a bearing of N 26°11'17" W and a distance of 184.69' to a point 40' south of the existing centerline of West Blvd; thence parallel with said centerline with a bearing of N 64°47'16" E and a distance of 20.00' to a point on the eastern margin of the right-of-way of Lotus Ln, and on the common line of the property of Trotter Properties, LLC (now or formerly) recorded in Deed Book 19840, Page 566; thence following the easterly margin of the right-of-way of Lotus Ln seven (7) calls: (1) with a bearing of S 26°11'17" E and a distance of 184.75' to a set rebar; (2) with a bearing of S 20°01'48" E and a distance of 277.89' to a set rebar; (3) with a bearing of S 26°02'55" E and a distance of 222.76' to a point; (4) with a bearing of S 25°56'54" E and a distance of 478.27' to a point; (5) with a curve to the left having a radius of 251.67' and an arc length of 58.25', and being chorded by a bearing of S 32°34'41" E and a distance of 58.12' to a point; (6) with a bearing of S 39°12'34" E and a distance of 49.64' to a point; (7) with a curve to the left having a radius of 20.00' and an arc length of 31.45', and being chorded by a bearing of S 84°15'12" E and a distance of 28.31' to a set rebar on the common line of the property of The Charlotte Mecklenburg Board of Education (now or formerly) recorded in Deed Book 1465, Page 22; thence following said line and the terminus of the right-of-way of Lotus Ln with a bearing of S 50°42'10" W and a distance of 40.03' to a point in the centerline of the said right-of-way; thence following said right-of-way four (4) calls: (1) with a bearing of N 39°12'34" W and a distance of 69.71' to a point; (2) with a curve to the right having a radius of 271.67' and an arc length of 62.88', and being chorded by a bearing of N 32°34'41" W and a distance of 62.74' to a point; (3) with a bearing of N 25°56'54" W and a distance of 478.24' to a point; (4) with a bearing of N 26°02'55" W and a distance of 223.97' to a point; being the point of BEGINNING, having an area of 0.596 acres, more or less, as shown on a survey by Carolina Surveyors, Inc.

**RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA  
ON FEBRUARY 28, 2022**

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

**WHEREAS** the North Carolina (NC) 911 Board collects service charges from service providers and administers the 911 Fund pursuant to North Carolina General Statutes 143B-1400; and

**WHEREAS** the NC 911 Board adopted a policy allowing allocation of distributions from the 911 Fund for eligible expenditures of a Secondary PSAP (Public Service Answering Point); and

**WHEREAS** Charlotte-Mecklenburg Police Department is a primary PSAP for answering 911 calls and presently transfers 911 calls to Mecklenburg Emergency Medical Services and Charlotte Fire Department, both of which are Secondary PSAP's meeting the Secondary Policy, which relieves the Charlotte-Mecklenburg Police Department from completing the call taking process and dispatching transferred 911 calls; and

**WHEREAS** Charlotte-Mecklenburg Police Department and the Secondary PSAP's operate within the same 911 System and desire distributions from the 911 Fund for further distribution to, or for the benefit of, the Secondary PSAP's; and

**WHEREAS**, the City of Charlotte and the Charlotte-Mecklenburg Police Department, as the primary PSAP, is required by the NC 911 Board to execute an agreement with the NC 911 Board and the Secondary PSAP agencies.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Charlotte does hereby ratify the attached Interlocal Agreements between the City of Charlotte and the North Carolina 911 Board and the Mecklenburg Emergency Medical Services. The City Manager or an Assistant City Manager of the City of Charlotte is hereby authorized and directed to execute the attached interlocal agreements and any amendments thereto, and this resolution shall be spread upon the minutes.

**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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 476-485.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



*Stephanie C. Kelly*

Stephanie C. Kelly, City Clerk, MMC, NCCMC



SFY2022-2024-04

**MECKLENBURG EMERGENCY MEDICAL SERVICES AGREEMENT  
For 911 Fund Allocations to a Secondary PSAP**

THIS AGREEMENT (the Agreement) is made effective the **1st** day of **July 2021** by and between **Charlotte-Mecklenburg Police Department**, a unit of local government operating a Primary PSAP in City of Charlotte North Carolina, and the **North Carolina 911 Board** (hereinafter referred to as 911 Board), an agency of the State of North Carolina. Charlotte-Mecklenburg Police Department and the 911 Board (together “the Parties”) hereby agree as follows:

**WITNESSETH:**

WHEREAS, the 911 Board collects service charges from service providers and administers the 911 Fund; and

WHEREAS, the 911 Board adopted a policy allowing allocation of distributions from the 911 Fund for eligible expenditures of a Secondary PSAP; and

WHEREAS, Charlotte-Mecklenburg Police Department presently transfers 911 calls to Mecklenburg Emergency Medical Services, a Secondary PSAP meeting the Secondary Policy attached as Exhibit A, which relieves the Charlotte-Mecklenburg Police Department from completing the call taking process and dispatching transferred 911 calls; and

WHEREAS, Charlotte-Mecklenburg Police Department and the Secondary PSAP operate within the same 911 System and desire distributions from the 911 Fund for further distribution to, or for the benefit of, a Secondary PSAP; and

WHEREAS, the Parties desire to contract in accordance with the Secondary PSAP funding policy of the Board;

NOW, THEREFORE, the Parties enter into this Agreement to implement the 911 Board’s Secondary PSAP Funding Policy attached hereto as Exhibit A, the Parties hereto do mutually agree to the following terms and conditions:

1. Definitions:
  - a. Definitions set forth in N.C. Gen. Stat. §143B-1400 *et seq.* are incorporated herein.
  - b. Interoperable: Capability of the telephone systems of the Primary and Secondary PSAPs to ensure complete transfer of a 911 call.
  - c. Secondary PSAP Funding Policy means Exhibit A to this Agreement and as the Policy may be amended.
  - d. A secondary PSAP is able to receive the voice and data of an Enhanced 911 call transferred from a primary PSAP and to complete the call taking process dispatching law, medical, fire or other responder.
  - e. Receiving the voice and data of an Enhanced 911 call includes all identification and location data generated by the Subscriber.

- f. Executive Director: Executive Director of the 911 Board.
  - g. Allocated Funds: the amount authorized by the 911 Board for distribution to Charlotte-Mecklenburg Police Department for further allocation to the secondary PSAP determined annually based on a “per 911 call basis” as measured by the Electronic Call Analysis Tracking System. These Allocated Funds shall not diminish the monthly base amount distribution to the Primary PSAP, nor modify the approved Primary PSAP carryforward.
  - h. State Funds: Any funds appropriated by the N.C. General Assembly or collected by the State of North Carolina. The 911 Funds are State Funds. Charlotte-Mecklenburg Police Department recognizes that the expenditure of money deposited in the State treasury, including the 911 Fund, is subject to acts of appropriation by the General Assembly and actions of the Budget Director.
  - i. Unit of Local Government: As defined in N.C. Gen. Stat. §160A-460, means a county, city, consolidated city-county, local board of education, sanitary district, facility authority created under Article 20 of Chapter 160A of the General Statutes, special district created under Article 43 of Chapter 105 of the General Statutes, or other local political subdivision, authority, or agency of local government.
2. Secondary PSAP: The secondary PSAP to receive the Allocated Funds is operated by Mecklenburg Emergency Medical Services and receives 911 calls transferred from the primary PSAP to complete the call taking and dispatching processes. Charlotte-Mecklenburg Police Department agrees and acknowledges that the conditions set forth in Exhibit A, the 911 Board’s Secondary PSAP Funding Policy, have been satisfied, and
- a. Allocated Funds shall be determined by the 911 Board and utilize call data from a single Primary PSAP. Allocated Funds shall not be available for Back-up PSAPs.
  - b. Charlotte-Mecklenburg Police Department shall provide its interlocal agreement with the Secondary PSAP’s governing body to the Executive Director prior to disbursement of the Allocated Funds from the 911 Fund. The Secondary PSAP shall participate in the State ESInet.
  - c. 911 System equipment may be procured by the Charlotte-Mecklenburg Police Department and placed within either the Primary or Secondary PSAP; provided that such equipment used to complete the call taking and dispatch processes shall be interoperable if purchased by the Primary PSAP, e.g., Computer Aided Dispatch (CAD).
  - d. To the greatest extent practicable, expenditures of the Allocated Funds shall be made to ensure greater interoperability in call taking, processing, and dispatching appropriate responders.
  - e. Charlotte-Mecklenburg Police Department will collect and compile documents as directed by the 911 Board for the purpose of Charlotte-Mecklenburg Police Department’s verifying the requirements of the Secondary PSAP Funding Policy.
  - f. Charlotte-Mecklenburg Police Department shall assist the 911 Board in any audits of the 911 Fund by supplying required document(s) to satisfy the requests of an auditor.
3. [Changes in] Fund Distributions.



- a. If changes are requested with respect to 911 Fund distributions or allocations, such changes must be authorized in writing by the Parties. The 911 Board will not approve any changes that exceed its authority under N.C. Gen. Stat. §143B-1400 *et seq.*, or subsequent modification thereof.
  - b. A secondary PSAP may carry forward allocated funds for eligible expenditures for capital outlay, capital improvements, or equipment replacement. Amounts carried forward to the next fiscal year from allocated funds made by the 911 Board may not be used to lower the allocated funds unless the amount is greater than twenty percent (20%) of the average yearly amount distributed to the PSAP in the prior two years. The 911 Board may allow a secondary PSAP to carry forward a greater amount without changing the PSAP's allocated funds.
  - c. Administrative expenses or costs of the Charlotte-Mecklenburg Police Department, PSAP or Secondary PSAP are not eligible expenses for 911 Fund distributions.
  - d. Each Party shall immediately notify the other of any change in conditions or applicable law, or any other event, which may significantly affect its ability to perform its obligations under this Agreement.
  - e. The Parties agree that the 911 Board may assign this Agreement to its successor, if any; or continue the Agreement by amending the term if legislation is enacted that does, or may, affect the term of this agreement.
  - f. A request for change in the allocation of funds must be submitted to the 911 Board Executive Director in writing, stating the basis for the request, and at the same time a Primary PSAP is permitted to request additional funds. The Charlotte-Mecklenburg Police Department shall submit a revised budget and any other documentation or information requested by the 911 Board Executive Director indicating the planned use of such additional funds.
4. Term of Agreement. The term of this Agreement shall begin upon the date first written above (Effective Date) and extend through the end of the 2023 Fiscal Year: 30 June 2023 (End Date) and may be renewed for an additional two-year term, unless otherwise amended, extended or terminated as provided herein. The Agreement shall terminate upon the End Date unless sooner terminated under Paragraph 8; or amended by written agreement to extend said date by the Parties or their successors in interest. Allocated Funds provided by the 911 Board may not be utilized for expenses incurred by Charlotte-Mecklenburg Police Department or Secondary PSAP prior to the Effective Date or subsequent to the End Date.
5. Distribution of Funds. Allocated Funds for will be delivered in monthly installments to the Primary PSAP together with the monthly base amount distributed to the Primary PSAP.
- a. Funds shall be distributed only for expenses that are eligible under N.C. Gen. Stat. §143B-1400 *et seq.* and the policies of the 911 Board.
  - b. Administrative costs are not allowable expenses.
  - c. Charlotte-Mecklenburg Police Department will maintain full, accurate, and verifiable accounting records to support the preparation of financial statements in conformity with accounting practices applicable to N.C. local governments as approved by, or consistent with, standards of the Local Government Commission.

d. In the event Charlotte-Mecklenburg Police Department breaches any of the covenants or agreements contained in this Paragraph, or any of the representations and warranties of Paragraphs 6, 11, and 14 are untrue as to a material fact as of the date of this Agreement, Charlotte-Mecklenburg Police Department shall return any un-distributed Allocated Funds held by Charlotte-Mecklenburg Police Department and refund sums equal to any non-eligible expenses paid with Allocated Funds. Charlotte-Mecklenburg Police Department's obligations that are created by this subsection to return Allocated Funds and to refund sums, apply only to Allocated Funds held by Charlotte-Mecklenburg Police Department. Allocated Funds are "held" by Charlotte-Mecklenburg Police Department only to the extent they are in the actual, not constructive, possession of Charlotte-Mecklenburg Police Department.

e. Charlotte-Mecklenburg Police Department must attend workshops or other instructional sessions relating to administration of the Grant or use of 911 Funds provided by the 911 Board during the term of this Agreement.

6. Independent Status of Charlotte-Mecklenburg Police Department.

a. It is agreed between the Parties that neither this Agreement nor any provisions hereof shall be deemed to create a partnership or joint venture between Charlotte-Mecklenburg Police Department, the 911 Board or a Secondary PSAP.

b. The Parties acknowledge that each is an independent entity. Nor shall this Agreement be construed to make either party an agent of the other Party. Neither Party shall have the ability to bind the other Party to any agreement for payment of goods or services, nor shall it represent to any person or entity that it has such ability.

7. Records, Records Retention.

a. Charlotte-Mecklenburg Police Department shall maintain full, accurate and verifiable financial records, supporting documents, and all other pertinent data consistent with the 911 Board's funding model and policies.

b. Charlotte-Mecklenburg Police Department shall retain all financial records, supporting documents, and all other pertinent records related to this Agreement for five (5) years from the End Date. In the event such records are audited, all such records shall be retained beyond the five-year period until any and all audit findings have been resolved.

c. Pursuant to N.C. Gen. Stat. §143C-6-23, and §147-64.7, Charlotte-Mecklenburg Police Department agrees to make available to the State Auditor, Charlotte-Mecklenburg Police Department, or designated representatives of the foregoing, all of its records which relate to the Project, and agrees to allow the 911 Board or its representative to audit, examine and copy any and all data, documents, proceedings, records and notes of activity relating in any way to the Project. Access to these records shall be allowed upon request at any time during normal business hours and as often as the 911 Board or its representative may deem necessary.

d. Charlotte-Mecklenburg Police Department acknowledges and agrees that it will be subject to the audit and reporting requirements prescribed by N.C. Gen. Stat. § 143C-6-23 *et seq.*, Non-State Entities Receiving State Funds or N.C. Gen. Stat. §159-34, The Local Government and Fiscal Control Act - Annual Independent Audit, Rules, N.C. Gen. Stat. §62A-40 *et seq.* and the policies, procedures and rules of the 911 Board; as applicable.

8. Termination; Availability of Funds.

a. If Charlotte-Mecklenburg Police Department fails for any reason to fulfill in a timely and proper manner its obligations under this Agreement, the 911 Board shall thereupon have the right to terminate this Agreement by giving written notice to Charlotte-Mecklenburg Police Department of such termination and by specifying the effective date of termination. In such event, the 911 Board shall have no responsibility to make additional payments under this Agreement after the Termination Date. Charlotte-Mecklenburg Police Department shall return all undistributed Allocated Funds to the Board without the demand therefor. The Charlotte-Mecklenburg Police Department shall not be relieved of liability to the 911 Board for damages sustained by the 911 Board by virtue of any breach of this agreement, and the 911 Board may withhold payment to the Charlotte-Mecklenburg Police Department for the purpose of set off until such time as the exact amount of damages due the 911 Board from such breach can be determined.

b. The 911 Board may terminate this Agreement immediately upon notice to Charlotte-Mecklenburg Police Department at any time if sufficient funds are not available to satisfy the Allocated Funds, or if the Secondary PSAP fails to meet the policies, procedures or rules of the 911 Board.

c. Either Party may terminate this Agreement upon sixty (60) days' notice, or by mutual consent as may be agreed. Notice may be given by either party to the other at the addresses and to the attention of the Party's representative specified in Paragraph 15 below.

d. Termination of this Agreement by the Charlotte-Mecklenburg Police Department shall not prohibit the 911 Board from seeking remedy for additional costs consequential to the termination, which are incurred by the 911 Board. The Charlotte-Mecklenburg Police Department shall repay to the 911 Board any Allocated Funds received in excess of such distributions due under this Agreement.

e. Charlotte-Mecklenburg Police Department recognizes that the expenditure of money deposited in the State treasury, including the 911 Fund, is subject to acts of appropriation by the General Assembly and actions of the Budget Director.

9. Liabilities and Loss. The 911 Board assumes no liability, nor shall it have any liability under this Agreement, with respect to accidents, bodily injury, illness, breach of contract or any other damages, claims, or losses arising out of any activities undertaken by Charlotte-Mecklenburg Police Department or Secondary PSAP, or its contractors.

10. Remedies. In the event of Charlotte-Mecklenburg Police Department's non-compliance with any provision in this Agreement or the Secondary PSAP's failure to adhere to the policies, rules and statutes of the 911 Board, or the provisions of this Agreement or the corresponding interlocal agreement, the 911 Board may take any actions authorized by the policies, rules and statutes of the 911 Board or by this Agreement. These remedies include, but are not limited to, reducing or suspending Allocated Funds or terminating such, including the withdrawal of all funds described in this Agreement except for funds already expended on otherwise eligible expenditures. However, no termination of this Agreement or the corresponding interlocal agreement terminates the reporting and records retention requirements of this Agreement.

11. Charlotte-Mecklenburg Police Department Representation and Warranties. Charlotte-Mecklenburg Police Department hereby represents and warrants that:



- a. Charlotte-Mecklenburg Police Department and the Secondary PSAP are duly organized and validly existing as a unit of local government under the laws of the State of North Carolina.
  - b. This Agreement constitutes a binding obligation of Charlotte-Mecklenburg Police Department, enforceable against it in accordance with its terms. The execution and delivery of this Agreement have been duly authorized by all necessary action on the part of Charlotte-Mecklenburg Police Department and does not violate any applicable organizational documents of Charlotte-Mecklenburg Police Department, or any agreement or undertaking to which it is a party or by which it is bound.
  - c. There is no action, suit, proceeding, or investigation at law or in equity or before any court, public board or body pending, or to Charlotte-Mecklenburg Police Department's knowledge, threatened against or affecting it, that could or might adversely affect the Project or any of the transactions contemplated by this Agreement or the validity or enforceability of this Agreement or Charlotte-Mecklenburg Police Department's ability to discharge its obligations under this Agreement.
  - d. All consents or approvals necessary from any governmental authority as a condition to the execution and delivery of this Agreement have been obtained by Charlotte-Mecklenburg Police Department. Charlotte-Mecklenburg Police Department shall provide the 911 Board with evidence of the existence of all such contracts at the time of the execution of this Agreement.
  - e. The Charlotte-Mecklenburg Police Department will notify the 911 Board Executive Director of any significant problems relating to the administrative or financial aspects associated with the Allocated Funds, such as misappropriation of funds; use of 911 Funds for non-eligible expenses; placement or retaining 911 funds in any account other than the Emergency System Telephone Fund.
12. Excusable Delay (Force Majeure). Neither party shall be liable for any failure or delay in performing any of its obligations under this Agreement that is due to causes beyond its reasonable control, such as, but not limited to, acts of God, earthquakes and other natural catastrophes, governmental acts, shortages of supplies, riots, war, fire, epidemics, delays in common carriers, labor strikes or other difficulties or circumstances beyond its reasonable control. Charlotte-Mecklenburg Police Department shall notify the 911 Board promptly of any factor, occurrence or event that comes to its attention that may affect or delay Charlotte-Mecklenburg Police Department's ability to perform any of its other obligations hereunder. The obligations and rights of the excused party shall be extended on a day-to-day basis for the time period equal to the period of the excusable delay.
13. Dispute Resolution. The Parties agree that it is in their mutual interest to resolve disputes informally. The Parties shall negotiate in good faith and use all reasonable efforts to resolve such dispute(s). During the time the Parties are attempting to resolve any dispute, each shall proceed diligently to perform their respective duties and responsibilities under this Agreement. If a dispute cannot be resolved between the Parties within thirty (30) days after delivery of notice, either Party may elect to exercise any other remedies available under this Agreement, or at law; or invite the other party to submit the matter to mediation. Provided, however, that this term shall not constitute an agreement by either Party to mediate or arbitrate any dispute; and that any agreement to mediate

may be revoked or terminated without penalty therefore, if so advised by either Party's legal counsel.

14. Confidential Information. The Parties acknowledge and agree that each is subject to the N.C. Public Records Act, which is set forth in N.C. General Statutes 132-1, *et seq.* Proprietary information may be subject to N.C. Gen. Stat. §62A-52. Charlotte-Mecklenburg Police Department shall ensure that any third party is encouraged to review the applicable laws prior to submitting any information or documentation believed to be proprietary, and that any proprietary information is properly identified at the time of receipt.

a. The Parties shall maintain the confidentiality of certain types of information described in N.C. Gen. Stat. §132-1, *et seq.* and N.C. Gen. Stat. §62A-52. Such information may include trade secrets defined by N.C. Gen. Stat. §66-152 and other information exempted from disclosures pursuant to the Public Records Act pursuant to N.C. Gen. Stat. §132-1.2.

b. The 911 Board may serve as custodian of confidential information and not as an arbiter of claims against an assertion of confidentiality. If an action is brought pursuant to N.C. Gen. Stat. §132-9 to compel disclosure information marked confidential, the disclosing each Party agrees that it will provide prompt notice of such action, intervene in the action through its counsel and participate in defending the Parties, including any public official(s) or public employee(s). The 911 Board shall have no liability to Charlotte-Mecklenburg Police Department or any third party with respect to the disclosure of confidential information ordered by a court of competent jurisdiction pursuant to N.C. Gen. Stat. §132-9 or other applicable law; nor by disclosure of unmarked information or information that is publicly known.

15. Notice. All notices required or permitted to be delivered hereunder and all communications in respect hereof shall be in writing and shall be deemed given when personally delivered by one or more of the following: when deposited in the United States mails, first class, postage prepaid and properly addressed, by facsimile, or by e-mail, as follows:

If to the 911 Board:           Attn: Pokey Harris, Executive Director  
  N.C. 911 Board  
  P.O. Box 17209  
  Raleigh, NC 27609  
  
  Fax: 919-754-6621  
  E-Mail: Pokey.Harris@nc.gov

If to Charlotte-Mecklenburg Police Department:  
  Attn:

Charlotte, NC

Fax:  
E-Mail :

or addressed to such other address or to the attention of such other individual as the 911 Board or Charlotte-Mecklenburg Police Department shall have specified in a notice delivered pursuant to this Subsection.

16. Construction. This Agreement shall be construed and governed by the laws of the State of North Carolina. The place of this Agreement, its situs and forum, shall be Wake County, North Carolina, where all matters, whether sounding in contract or in tort, relating to its validity, construction, interpretation, and enforcement shall be determined. The Parties agree and submit, solely for matters relating to this Contract, to the jurisdiction of the courts of the State of North Carolina and stipulate that Wake County shall be the proper venue for all matters.

17. General Provisions and Conditions.

a. The 911 Board may request from Charlotte-Mecklenburg Police Department certain information that will assist 911 Board with evaluation of the short and long-range impact of its programs. Charlotte-Mecklenburg Police Department recognizes that such requests may occur after termination of this Agreement and agrees, to the extent possible, to provide such information as requested.

b. Nondiscrimination. Charlotte-Mecklenburg Police Department agrees not to discriminate by reason of age, race, religion, color, sex, national origin, or handicap related to the activities of this Agreement.

c. Conflict of Interest. Charlotte-Mecklenburg Police Department certifies that to the best of its knowledge no employee or officer of Charlotte-Mecklenburg Police Department has any pecuniary interest in the business of the 911 Board or Allocated Funds, and that no person associated with Charlotte-Mecklenburg Police Department has any interest that would conflict in any manner with the performance of the Agreement.

d. Compliance with Laws. Charlotte-Mecklenburg Police Department shall at all times observe and comply with all laws, ordinances, and regulation of the state, federal and local governments which may in any manner affect the performance of the Agreement.

e. Non-Assignability. Charlotte-Mecklenburg Police Department shall not assign any interest in the Agreement and shall not transfer any interest in the same without prior written consent of the 911 Board.

f. Future Cooperation. The Board and Charlotte-Mecklenburg Police Department agree to cooperate fully with one another, to execute any and all supplementary documents and/or agreements that may be necessary or helpful to give full force and effect to the terms of this Agreement and to the Parties' intentions in entering this Agreement.

18. Entire Agreement. This Agreement supersedes all prior agreements or discussions between the 911 Board and Charlotte-Mecklenburg Police Department and expresses the entire understanding of the Parties with respect to the transactions contemplated herein, and shall not be amended, modified or altered except pursuant to a writing signed by both Parties.



19. **This Agreement will expire if not signed and returned to the 911 Board for countersignature no later than ninety (90) days from the date it was sent to Charlotte-Mecklenburg Police Department.**

IN WITNESSETH WHEREOF, the Parties hereto have executed this Agreement as of the date first above written.

**Charlotte-Mecklenburg Police Department**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

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

By: \_\_\_\_\_

Chief Finance Financial Officer \_\_\_\_\_

**N.C. 911 Board**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

EXTRACTS FROM MINUTES OF CITY COUNCIL

\* \* \*

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 5:00 p.m. on February 28, 2022:

Members Present: Eilselt, Ajmera, Winston, Phipps, Egleston, Watlington, Newton, Bokari, Driggs

Members Absent: Graham, Johnson

\* \* \* \* \*  
\* \* \*

Councilmember Driggs/Phipps introduced the following resolution, a summary of which had been provided to each Councilmember, copy of which was available with the City Council and which was read by title:

**RESOLUTION OF THE CITY OF CHARLOTTE, NORTH CAROLINA APPROVING AN  
INSTALLMENT FINANCING AGREEMENT TO FINANCE VEHICLES AND EQUIPMENT AND  
DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS**

*WHEREAS*, the City of Charlotte, North Carolina (the “*City*”) is a municipal corporation validly existing under 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 Council of the City (the “*City Council*”) has determined that it is in the best interest of the City to enter into an installment financing agreement (the “*Contract*”) with JPMorgan Chase Bank, N.A. (the “*Lender*”) in order to obtain funds to pay the capital costs of the acquisition and installation of vehicles and equipment for the City’s water and sewer system and storm water services (collectively, the “*Projects*”), and to grant a security interest in the Projects in favor of the Lender in order to provide security for the City’s obligations under the Contract;

*WHEREAS*, the City will enter into the Contract in an aggregate principal amount of not to exceed \$11,500,000;

*WHEREAS*, there is on file with the City and available to the City Council the form of the Contract which the City proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing at an interest rate and other terms as specified in the Contract; and

WHEREAS, it appears that the Contract is in appropriate form and is an appropriate instrument for the purposes intended;

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

**Section 1. Ratification of Instruments.** All actions of the City, the Mayor, the City Manager, the Chief Financial Officer, the City Debt Manager, the City Clerk and the City Attorney, including anyone serving as such in an interim capacity, or their respective designees (the “Authorized Officers”), whether previously or hereinafter taken in effectuating the proposed financing, are approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Contract.

**Section 2. Approval, Authorization and Execution of Contract.** The City Council approves the financing of the Projects pursuant to the Contract, which will be a valid, legal and binding obligation of the City in accordance with its terms. The City Council approves the amount advanced by the Lender to the City pursuant to the Contract in an aggregate principal amount not to exceed \$11,500,000 at an annual interest rate that shall not exceed 1.498%, and the financing term shall not exceed five (5) years from closing. The form and content of the Contract are authorized, approved and confirmed in all respects. The Authorized Officers are authorized, empowered and directed to execute and deliver the Contract, including necessary counterparts, in substantially the form and content made available to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate. Execution by the Authorized Officers of the Contract will 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 Contract made available to the City Council. From and after the execution and delivery of the Contract, the Authorized Officers are authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

**Section 3. Further Actions.** Each Authorized Officer is designated as the City’s representatives to act on behalf of the City in connection with the transactions contemplated by the Contract. The Authorized Officers are authorized, empowered and directed to proceed with the financing of the Projects in accordance with the terms of the Contract and to seek opinions as a matter of law from the City Attorney, which the City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Authorized Officers are authorized to designate one or more employees of the City to take all actions which they are authorized to perform under this Resolution, and each is in all respects authorized on behalf of the City to supply all information pertaining to the transactions contemplated by the Contract. The Authorized Officers are authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Contract or as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution. Any and all acts of the Authorized Officers may be done individually or collectively.

**Section 4. Severability.** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

**Section 5. Repealer.** All motions, orders, resolutions and parts thereof in conflict with this Resolution are repealed.

**Section 6. Effective Date.** This Resolution is effective on the date of its adoption.





RESOLUTION AUTHORIZING THE EXTENSION OF THE OPTION TO GROUND  
LEASE APPROXIMATELY 2.31 ACRES OF PROPERTY  
LOCATED ON DeWITT LANE AND SOUTH BOULEVARD

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WHEREAS, On July 22, 2019, City Council approved an Option to Ground Lease (Resolution Book 49, Page 731) granting Charlotte Mecklenburg Housing Authority, Inc. an exclusive option, to lease the parcels of land located on DeWitt Lane and South Boulevard (PIN 149-012-47 and 149-012-51, hereinafter the "Property"), subject to certain terms, conditions, and affordability restrictions; and

WHEREAS, Charlotte Mecklenburg Housing Authority, Inc. is now known as DreamKey Partners, Inc. ("DreamKey"); and

WHEREAS, the City and DreamKey first entered into that certain Option to Ground Lease Agreement on August 20, 2019 (as amended, the "Option") and subsequently amended it on May 4, 2020, December 31, 2020, and June \_\_ 2021", for the purpose of extending the time in which DreamKey had to exercise the option to lease the Property;

WHEREAS, recorded covenants from 1962 restricted future development on a portion of the Property within an eighty foot (80') buffer, and impacted DreamKey's ability to move forward with its planned improvements, or removal of trees or other growth; and

WHEREAS, the City negotiated with neighboring property owners abutting the 80 foot buffer to obtain their respective release of the restrictive covenants, and negotiations were completed in September 2021; and

WHEREAS, DreamKey has requested the deadline to exercise the Option and close on the ground lease be extended to December 31, 2022.

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Charlotte:

That it hereby authorizes the extension of the deadline to exercise the option to ground lease the Property to December 31, 2022, and authorizes the City Manager, or his designee, to execute all instruments necessary for this purpose and to close on the ground lease pursuant to the terms, conditions, and affordability restrictions set out in the Resolution first identified above.

THIS THE 28<sup>TH</sup> DAY OF FEBRUARY 2022.

**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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 489.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



*Stephanie C. Kelly*

Stephanie C. Kelly, City Clerk, MMC, NCCMC

**RESOLUTION AUTHORIZING THE CITY MANAGER TO  
EXECUTE A MUNICIPAL AGREEMENT WITH NCDOT FOR  
INDEPENDENCE BOULEVARD BUSWAY RESTORATION**

RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON FEBRUARY 28, 2022, THIS RESOLUTION AUTHORIZES THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE DESIGN AND CONSTRUCTION OF MODIFICATIONS TO THE BUSWAY ENTRANCE AND EXIT ON INDEPENDENCE BOULEVARD IN THE AMOUNT OF \$750,000.

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

WHEREAS, pursuant to Article 20 of Chapter 160A of the North Carolina General Statutes, as amended, units of local government of this State are authorized to enter into agreements with each other in order to execute any undertaking; and

WHEREAS, under Article 16 of Chapter 160A of the North Carolina General Statutes, cities are authorized to operate public enterprises including public transportation systems; and

WHEREAS, the City operates and provides, through the Charlotte Area Transit System (CATS), public transportation services within Mecklenburg County, both independently and pursuant to agreements with other entities; and

WHEREAS, the Independence Boulevard busway was closed during the construction of the Hawthorne Lane Bridge from the CityLYNX Gold Line Phase 2 project and was anticipated to remain closed while the NCDOT converted the busway into a toll facility as part of the Independence Boulevard widening project; and

WHEREAS, NCDOT funding shortfalls have significantly delayed the busway conversion into a toll facility, leaving the busway needing interim work to restore busway operation; and

WHEREAS, the interim work will include modifying the entrance and exit of the busway near the Hawthorne Lane Bridge to restore busway operation; and

WHEREAS, under the municipal agreement, NCDOT will manage and execute the work and the busway will be reopened to CATS and emergency vehicle use by the end of the year; and

WHEREAS, North Carolina General Statute §160A -461 requires that Interlocal Agreements "be ratified by resolution of the governing board of each unit spread upon its minutes".

NOW, THEREFORE, BE IT RESOLVED that the City Council of Charlotte, North Carolina hereby:

1. Authorizes the City Manager and his designees to negotiate and execute a Municipal Agreement with the North Carolina Department of Transportation consistent with the terms as presented to City Council, with such technical corrections and modifications as may be necessary to effect the spirit and intent of the agreement;



February 28, 2022

Resolution Book 52, Page 491

2. Authorizes the Chief Executive Officer of the Charlotte Area Transit System to undertake all activities and measures necessary for the functional operation of the services agreed upon by the City in conjunction with this Municipal Agreement; and
3. Directs that this resolution and its adoption be reflected in the minutes of the Charlotte City Council.

**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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 490-491.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



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Stephanie C. Kelly, City Clerk, MMC, NCCMC

RESOLUTION PROVIDING APPROVAL OF A MULTIFAMILY HOUSING FACILITY TO BE KNOWN AS EVOKE LIVING AT MORRIS FIELD IN THE CITY OF CHARLOTTE, NORTH CAROLINA AND THE FINANCING THEREOF WITH MULTIFAMILY HOUSING REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$19,500,000

WHEREAS, the City Council (the “City Council”) of the City of Charlotte (the “City”) met in Charlotte, North Carolina at 6:30 p.m. on the 28th day of February, 2022; and

WHEREAS, INLIVIAN (the “Issuer”) has tentatively agreed to issue its multifamily housing revenue bonds in an amount not to exceed \$19,500,000 (the “Bonds”), for the purpose of financing the acquisition, construction and equipping by Morris Field Housing, LLC, a North Carolina limited liability company, or an affiliated or related entity (the “Borrower”), of a multifamily residential rental facility to be known as Evoke Living at Morris Field (the “Development”); and

WHEREAS, the Development will consist of approximately 132 units and related facilities, located at approximately 3628 Morris Field Drive in the City of Charlotte, Mecklenburg County, North Carolina; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), requires that any bonds issued by the Issuer for the Development may only be issued after approval of the plan of financing by the City Council of the City following a public hearing with respect to such plan; and

WHEREAS, on February 2, 2022, the Issuer held a public hearing with respect to the issuance of the Bonds to finance, in part, the Development (as evidenced by the Certificate and Summary of Public Hearing attached hereto) and has requested the City Council to approve the issuance of the Bonds as required by the Code; and

WHEREAS, the City has determined that approval of the issuance of the Bonds is solely to satisfy the requirement of Section 147(f) of the Code and shall in no event constitute an endorsement of the Bonds or the Development or the creditworthiness of the Borrower, nor shall such approval in any event be construed to obligate the City of Charlotte, North Carolina for the payment of the principal of or premium or interest on the Bonds or for the performance of any pledge, mortgage or obligation or agreement of any kind whatsoever which may be undertaken by the Issuer, or to constitute the Bonds or any of the agreements or obligations of the Issuer an indebtedness of the City of Charlotte, North Carolina, within the meaning of any constitutional or statutory provision whatsoever;

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

1. The proposed housing development consisting of the acquisition, construction and equipping of the Development described above in the City of Charlotte, Mecklenburg County, North Carolina by the Borrower and the issuance of the Authority’s multifamily housing revenue bonds therefor in an amount not to exceed \$19,500,000 are hereby approved for purposes of Section 147(f) of the Code.

2. This resolution shall take effect immediately upon its passage.

Council member Winston moved the passage of the foregoing resolution and Council member Ajmera seconded the motion, and the resolution was passed by the following vote:

Ayes: Council members Eiselt, Ajmera, Winston, Phipps, Egleston, Watlington, Newton, Bokhari, Driggs

Nays: None

Not voting: Graham, Johnson

\* \* \* \* \*

### **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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 492-497.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



Stephanie C. Kelly, City Clerk, MMC, NCCMC



**Exhibit A**

**Certificate and Summary of Public Hearing**

(Attached)

### CERTIFICATE AND SUMMARY

The undersigned Executive Vice President of Development and the designated hearing officer of INLIVIAN hereby certifies as follows:

1. Notice of a public hearing (the "Hearing") to be held on February 2, 2022, with respect to the issuance of bonds by INLIVIAN for the benefit of Morris Field Housing, LLC, a North Carolina limited liability company, or an affiliate or subsidiary thereof (the "Borrower") was published on January 25, 2022, in *The Charlotte Observer*.
2. I was the hearing officer for the Hearing.
3. The following is a list of names and addresses of all persons who spoke at the Hearing:  
  
None
4. The following is a summary of the oral comments made at the Hearing:  
  
None

IN WITNESS WHEREOF, my hand this 2<sup>nd</sup> day of February, 2022.

  
\_\_\_\_\_  
Connie Staudinger, Hearing Officer

## **RESOLUTION**

### **PROVIDE PRELIMINARY APPROVAL TO ISSUE REVENUE BONDS TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A NEW AFFORDABLE HOUSING DEVELOPMENT TO BE KNOWN AS EVOKE LIVING AT MORRIS FIELD**

**WHEREAS**, CSE Communities, LLC, a North Carolina limited liability company, or an affiliated or related entity (the “Borrower”), has requested that INLIVIAN (the “Authority”) assist it in financing the acquisition, construction and equipping of a 132-unit multifamily housing development to be known as Evoke Living at Morris Field and located at approximately 3628 Morris Field Drive in Charlotte, North Carolina (the “Development”); and

**WHEREAS**, the Borrower has described to the Authority the benefits of the Development to the City of Charlotte and the State of North Carolina and has requested the Authority agree to issue its revenue bonds in such amounts as may be necessary to finance the costs of acquiring, constructing and equipping the Development; and

**WHEREAS**, the Authority is of the opinion that the Development is a facility which can be financed under the Act and that the financing of the same will be in furtherance of the purposes of the Act;

### **NOW, THEREFORE, BE IT RESOLVED BY INLIVIAN:**

1. It is hereby found and determined that the Development will involve the acquisition, construction and equipping of a housing facility to serve persons of low and moderate income, and that therefore, pursuant to the terms and subject to the conditions hereinafter stated and the Act, the Authority agrees to assist the Borrower in every reasonable way to issue bonds to finance the acquisition, construction and equipping of the Development, and, in particular, to undertake the issuance of the Authority’s revenue bonds (the “Bonds”) in one or more series in an aggregate amount now estimated not to exceed Nineteen Million Five Hundred Thousand Dollars (\$19,500,000) to provide all or part of the cost of the Development.

2. The Authority intends that the adoption of this resolution be considered as “official action” toward the issuance of the Bonds within the meaning of Treasury Regulations Section 1.150-2 promulgated by the Internal Revenue Service pursuant to the Internal Revenue Code of 1986, as amended (the “Code”).

3. The Bonds shall be issued in such series and amounts and upon such terms and conditions as are mutually agreed upon among the Authority and the Borrower. The Authority and the Borrower shall enter into a “financing agreement” pursuant to the Act for a term and upon payments sufficient to pay the principal of, premium, if any, and interest on the Bonds and to pay all of the expenses of the Authority in connection with the Bonds and the Development. The Bonds will be issued pursuant to an indenture or other agreement between the Authority and a trustee (the “Trustee”) or the bondholder which will set forth the form and terms of the Bonds and will assign to the Trustee for the benefit of the holders of the Bonds, or directly to the bondholder, the Authority’s rights to payments under the financing agreement. The Bonds shall not be deemed to constitute a debt or a pledge of the faith and credit of the State of North Carolina or any political subdivision or agency thereof, including the Authority and the City of Charlotte, but shall be payable solely from the revenues and other funds provided under the proposed agreements with the Borrower.

4. The Authority will proceed, upon the prior advice, consent and approval of the Borrower, bond counsel and the Authority's counsel, to obtain approvals in connection with the issuance and sale of the Bonds, including, without limitation, from the City of Charlotte and, if applicable, the North Carolina Local Government Commission.

5. It having been represented to the Authority that it is desirable to proceed with the acquisition, construction and equipping of the Development, the Authority agrees that the Borrower may proceed with plans for such acquisition, construction and equipping, enter into contracts for the same, and take such other steps as it may deem appropriate in connection therewith, provided that nothing herein shall be deemed to authorize the Borrower to obligate the Authority without its written consent in each instance to the payment of any monies or the performance of any act in connection with the Development and no such consent shall be implied from the Authority's adoption of this resolution. The Authority agrees that the Borrower may be reimbursed from the proceeds of the Bonds for all qualifying costs so incurred by it as permitted by Internal Revenue Service Regulations Section 1.150-2.

6. All obligations hereunder of the Authority are subject to the further agreement of the Authority and the Borrower, to satisfactory review by the Authority of the financial capability of the Borrower and satisfactory underwriting of the Development, and mutual agreement to the terms for the Bonds, including the execution of a financing agreement, indenture, or security agreement and other documents and agreements necessary or desirable for the issuance, sale and delivery of the Bonds. The Authority has not authorized and does not authorize the expenditure of any funds or monies of the Authority from any source other than the issuance of the Bonds. All costs and expenses in connection with the financing and the acquisition, construction and equipping of the Development and the issuance of the Bonds, including the reasonable fees and expenses of the Authority, the Authority's counsel, bond counsel, and the agent or underwriter for the sale of the Bonds, shall be paid from the proceeds of the Bonds or by the Borrower, but if for any reason the Bonds are not issued, all such expenses shall be paid by the Borrower and the Authority shall have no responsibility therefor. It is understood and agreed by the Authority and the Borrower that nothing contained in this resolution shall be construed or interpreted to create any personal liability of the officers or commissioners from time to time of the Authority.

7. The officers of the Authority are hereby authorized and directed to take all actions in furtherance of the issuance of the Bonds, including calling for a public hearing with respect to the financing of the Development through the issuance of the Bonds.

8. McGuireWoods LLP, Raleigh, North Carolina, shall act as bond counsel for the Bonds.

9. This resolution shall take effect immediately upon its passage.

#### **RECORDING OFFICER'S CERTIFICATION**

I, A. Fulton Meachem, Jr., the duly appointed Secretary of INLIVIAN, do hereby certify that this Resolution was properly adopted at a regular meeting held April 20, 2021.

By:   
A. Fulton Meachem, Jr., Secretary



Resolution – Charlotte Quartermaster Depot and Area Missile Plant

**A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held by the City Council on the Question of adopting an ordinance for the property known as the “Charlotte Quartermaster Depot and Area Missile Plant” (listed under Tax Parcel Numbers 07903102, 07903105, 07903107, 07903108, 07903110, and 07903111, and including the exterior of the building at 701 Keswick Avenue and the exteriors and interiors of the other buildings and the land listed under Tax Parcel Numbers 07903102, 07903105, 07903107, 07903108, 07903110, and 07903111 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of January 1, 2022) as an Historic Landmark. The property is located at 1824 Statesville Avenue, 200 Camp Road, 201 Camp Road, 270 Camp Road, 300 Camp Road, 301 Camp Road, 330 Camp Road, 701 Keswick Avenue, 1701 North Graham Street, and 1801 North Graham Street in Charlotte, North Carolina, and is owned by Camp Landowner LP and Camp Gama Goat Property Owner LP, Camp B3BAY1 Property Owner LP, and Camp 201 Property Owner LP.**

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WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has made an investigation and report on the historic, architectural, educational, and cultural significance of the property as described below; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has recommended that the City Council adopt an ordinance designating the property described below as an Historic Landmark pursuant to Chapter 160D, Article 9, as amended of the General Statutes of North Carolina; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has determined that the property described below meets the criteria for designation because of special significance in terms of its history, architectural, and/or cultural importance, and because it possesses integrity of design, setting, workmanship, materials, feeling and/or association as required by N.C.G.S. 160D-945.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Charlotte, North Carolina, that the City Council will hold a public hearing on March 28, 2022, at which interested parties will have an opportunity to be heard on the question of the designation of the property known as the “Charlotte Quartermaster Depot and Area Missile Plant” (listed under Tax Parcel Numbers 07903102, 07903105, 07903107, 07903108, 07903110, and 07903111, and including the exterior of the building at 701 Keswick Avenue and the exteriors and interiors of the other buildings and the land listed under Tax Parcel Numbers 07903102, 07903105, 07903107, 07903108, 07903110, and 07903111 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of January 1, 2022) as an Historic Landmark.

BE IT FURTHER RESOLVED that reasonable notice of the time and place of the public hearing shall be given.

**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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 498-499.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



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Stephanie C. Kelly, City Clerk, MMC, NCCMC

Resolution – McDonald’s Cafeteria and Mini-Center

**A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held by the City Council on the Question of adopting an ordinance for the property known as the “McDonald’s Cafeteria and Mini-Center” (listed under Tax Parcel Number 06912625 and including the exterior of the building and the land listed under Tax Parcel Number 06912625 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of January 1, 2022) as an Historic Landmark. The property is located at 2023 Beatties Ford Road in Charlotte, North Carolina, and is owned by E-Fix Development Co. LLC.**

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WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has made an investigation and report on the historic, architectural, educational, and cultural significance of the property as described below; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has recommended that the City Council adopt an ordinance designating the property described below as an Historic Landmark pursuant to Chapter 160D, Article 9, as amended of the General Statutes of North Carolina; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has determined that the property described below meets the criteria for designation because of special significance in terms of its history, architectural, and/or cultural importance, and because it possesses integrity of design, setting, workmanship, materials, feeling and/or association as required by N.C.G.S. 160D-945.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Charlotte, North Carolina, that the City Council will hold a public hearing on March 28, 2022, at which interested parties will have an opportunity to be heard on the question of the designation of the property known as the “McDonald’s Cafeteria and Mini-Center” (listed under Tax Parcel Number 06912625 and including the exterior of the building and the land listed under Tax Parcel Number 06912625 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of January 1, 2022) as an Historic Landmark.

BE IT FURTHER RESOLVED that reasonable notice of the time and place of the public hearing shall be given.

**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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 500-501.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



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Stephanie C. Kelly, City Clerk, MMC, NCCMC

RESOLUTION DECLARING INTENT TO ABANDON AND CLOSE UNOPENED RIGHT-OF-WAY BETWEEN 3427 AND 3439 OAKWOOD AVENUE in the City of Charlotte, Mecklenburg County, North Carolina.

Whereas, City of Charlotte - Aviation has filed a petition to close Unopened Right-of-Way between 3427 and 3439 Oakwood Avenue in the City of Charlotte; and

Whereas, Unopened Right-of-Way between 3427 and 3439 Oakwood Avenue containing 10,788 square feet or 0.2477 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 February 28, 2022, that it intends to close Unopened Right-of-Way between 3427 and 3439 Oakwood Avenue and that said right-of-way (or portion thereof) is more particularly described on a map. The public will take notice that, pursuant 160A-299 of the General Statutes of North Carolina, the City Council of the City of Charlotte has called a public hearing on the closure of Unopened Right-of-Way between 3427 and 3439 Oakwood Avenue, to be conducted at 6:30 p.m., or as soon thereafter as practicable, on Monday, the 28<sup>th</sup> day of March 2022 in person or virtually at the Charlotte-Mecklenburg 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 pandemic. The meeting will be accessible via <https://charlottenc.legistar.com/Calendar.aspx>. All interested parties are invited to present comments at the public hearing regarding the closure of Unopened Right-of-Way between 3427 and 3439 Oakwood Avenue. To speak at the public hearing, please all the City Clerk's office at 704-336-2248 or sign up online at <https://charlottenc.gov/CityClerk/Pages/Speak.aspx>. Participants who would like to participate virtually must contact the City Clerk's Office by 9:00 a.m. on the day of the meeting. Alternatively, comments of 350 words or less on the subject of the public hearing may be submitted to the City Clerk's Office at [cityclerk@charlottenc.gov](mailto:cityclerk@charlottenc.gov), between publication of this notice and 24 hours prior to the scheduled time for the beginning of the public hearing. Anyone requiring special accommodations when calling into the meeting and/or if you require information to be provided in an alternative format, please email [charlotteada@charlottenc.gov](mailto:charlotteada@charlottenc.gov) or call 704-336-5271.

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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 502-503.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



*Stephanie C. Kelly*

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Stephanie C. Kelly, City Clerk, MMC, 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 **CHARLOTTE AIRPORT AREA WATERLINE PROGRESSIVE DESIGN-BUILD PROJECT (OLD DOWD RD 24" WATERMAIN CONNECT)** 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 **CHARLOTTE AIRPORT AREA WATERLINE PROGRESSIVE DESIGN-BUILD PROJECT (OLD DOWD RD 24" WATERMAIN CONNECT)** Project estimated to be:

**39,564 sq. ft. (0.91 ac.) in Waterline Easement**  
**18,566 sq. ft. (0.43 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. 055-351-19**; said property currently owned by **Hospitality Concepts, Inc, Ramesh B Gokal, Surandra Odahv, Naman I, LLC, and Naman II, 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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 504.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



*Stephanie C. Kelly*

Stephanie C. Kelly, City Clerk, MMC, 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 **CHARLOTTE AIRPORT AREA WATERLINE PROGRESSIVE DESIGN-BUILD PROJECT (OLD DOWD RD 24" WATERMAIN CONNECT)** 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 **CHARLOTTE AIRPORT AREA WATERLINE PROGRESSIVE DESIGN-BUILD PROJECT (OLD DOWD RD 24" WATERMAIN CONNECT)** Project estimated to be:

**7,647 sq. ft. (0.18 ac.) in Waterline Easement**  
**5,308 sq. ft. (0.12 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. 055-351-34**; said property currently owned by **JJP Little Rock, LLC, a North Carolina Limited Liability Company** 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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 505.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



Stephanie C. Kelly, City Clerk, MMC, 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 **NORTH TRYON PRESSURE ZONE BOUNDARY CHANGE AND 960 ZONE N-S TRANSMISSION MAIN (WT HARRIS – PLOTT ROAD WATER TRANSMISSION)** 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 **NORTH TRYON PRESSURE ZONE BOUNDARY CHANGE AND 960 ZONE N-S TRANSMISSION MAIN (WT HARRIS – PLOTT ROAD WATER TRANSMISSION)** Project estimated to be:

**9,146 sq. ft. (0.21 ac.) in Permanent Utility Easement**  
**4,700 sq. ft. (0.11 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. 109-181-12**; said property currently owned by **Bernard Franklin Armstrong, Jr. sole beneficiary under the Estate of Bernard Franklin Armstrong Sr.** 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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 506.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



Stephanie C. Kelly, City Clerk, MMC, 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 **NORTH TRYON PRESSURE ZONE BOUNDARY CHANGE AND 960 ZONE N-S TRANSMISSION MAIN (WT HARRIS -PLOTT ROAD WATER TRANSMISSION)** 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 dili *Stephanie C. Kelly* en 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 **NORTH TRYON PRESSURE ZONE BOUNDARY CHANGE AND 960 ZONE N-S TRANSMISSION MAIN (WT HARRIS -PLOTT ROAD WATER TRANSMISSION)** Project estimated to be:

**132 sq. ft. (0.00 ac.) in Permanent Utility Easement**  
**2,842 sq. ft. (0.07 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. 109-011-27**; said property currently owned by **Reliance Trust Company, as Trustee of Thomas E. Teeter Revocable Living Trust** 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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 507.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



*Stephanie C. Kelly*

Stephanie C. Kelly, City Clerk, MMC, 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 **MONROE ROAD STREETSCAPE**; 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 **MONROE ROAD STREETSCAPE ROAD** and estimated to be:

**84 sq. ft. (0.002 acre) of Permanent Shelter Easement**

**856 sq. ft. (0.02 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. 161-063-01 said property currently owned by **EP 5101, 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, 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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 508.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



Stephanie C. Kelly, City Clerk, MMC, 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 **PEBBLESTONE SDIP**; 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 **PEBBLESTONE SDIP** and estimated to be:

**26,052 sq. ft. (0.598 acre) of Storm Drainage Easement**

and any additional property or interest as the City may determine to complete the Project as it relates to Tax Parcel No. 191-071-53 said property currently owned by **HVM/CREEKWOOD LIMITED PARTNERSHIP** 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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 509.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



Stephanie C. Kelly, City Clerk, MMC, 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 **SHARON RD SIDEWALK (BRAMWYCK TO CHANDWORT)**; 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 **SHARON RD SIDEWALK (BRAMWYCK TO CHANDWORT)** and estimated to be:

**282 sq. ft. (0.006 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. 179-099-27 said property currently owned by **PHILIP R. BRIDGEMAN, KATIE S. BRIDGEMAN, AND BANK OF AMERICA, NA**, 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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 510.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



*Stephanie C. Kelly*

Stephanie C. Kelly, City Clerk, MMC, 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 **SHARON RD SIDEWALK (BRAMWYCK TO CHANDWORT)**; 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 **SHARON RD SIDEWALK (BRAMWYCK TO CHANDWORT)** and estimated to be:

**431 sq. ft. (0.01 acre) of Temporary Construction Easement**

and any additional property or interest as the City may determine to complete the Project as it relates to Tax Parcel No. 179-099-25 said property currently owned by **HARRY PHILLIP BOWEN, DUOYING WU, AND PROVIDENT FUNDING ASSOCIATES, L.P.**, 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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 511.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



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Stephanie C. Kelly, City Clerk, MMC, 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 **XCLT CRAIGHEAD TO TRYON** 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 **XCLT CRAIGHEAD TO TRYON** and estimated to be:

**3,937 sq. ft. (0.09 acre) of Permanent Greenway Easement**  
**10,883 sq. ft. (0.25 acre) of Utility Easement**  
**274 sq. ft. (0.006 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. 091-072-01 said property currently owned by **3826 RALEIGH STREET, 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, 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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 512.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



Stephanie C. Kelly, City Clerk, MMC, 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 **XCLT CRAIGHEAD TO TRYON** 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 **XCLT CRAIGHEAD TO TRYON** and estimated to be:

**3,122 sq. ft. (0.072 acre) of Permanent Greenway Easement**  
**836 sq. ft. (0.019 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. 091-072-02 said property currently owned by **TRIPLE CROWN, 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, 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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 513.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



Stephanie C. Kelly, City Clerk, MMC, 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 **XCLT CRAIGHEAD TO TRYON** 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 **XCLT CRAIGHEAD TO TRYON** and estimated to be:

**147 sq. ft. (0.003 acre) of Permanent Greenway Easement**

and any additional property or interest as the City may determine to complete the Project as it relates to Tax Parcel No. 091-072-04 said property currently owned by **TRAILHEAD 4100 OWNER, 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, 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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 514.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



Stephanie C. Kelly, City Clerk, MMC, 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 **XCLT CRAIGHEAD TO TRYON** 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 **XCLT CRAIGHEAD TO TRYON** and estimated to be:

**1,446 sq. ft. (0.033 acre) of Permanent Greenway Easement**  
**564 sq. ft. (0.013 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. 091-071-04 said property currently owned by **TRAILHEAD 530 OWNER, 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, 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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 515.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



*Stephanie C. Kelly*

Stephanie C. Kelly, City Clerk, MMC, 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 **XCLT ORR ROAD TO ROCKY RIVER ROAD**; 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 **XCLT ORR ROAD TO ROCKY RIVER ROAD** and estimated to be:  
**2,200 sq. ft. (0.051 acre) of Utility Easement**  
**587 sq. ft. (0.013 acre) of Temporary Construction Easement**  
**1,448 sq. ft. (0.033 acre) of Sidewalk Utility Easement**

and any additional property or interest as the City may determine to complete the Project as it relates to Tax Parcel No. 049-011-20 said property currently owned by **STORAGE TRUST PROPERTIES, LP, CAPITAL ONE, N.A., AND WELLS FARGO BANK, N.A.**, 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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 516.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



*Stephanie C. Kelly*

Stephanie C. Kelly, City Clerk, MMC, 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 **XCLT ORR ROAD TO ROCKY RIVER ROAD**; 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 **XCLT ORR ROAD TO ROCKY RIVER ROAD** and estimated to be:

**187 sq. ft. (0.004 acre) of Utility Easement**  
**1,856 sq. ft. (0.043 acre) of Temporary Construction Easement**  
**34 sq. ft. (0.001 acre) of Sidewalk Utility Easement**

and any additional property or interest as the City may determine to complete the Project as it relates to Tax Parcel No. 049-021-12 said property currently owned by **STORAGE TRUST PROPERTIES, LP, CAPITAL ONE, N.A., AND WELLS FARGO BANK, N.A.**, or their owners' successors in interest.

ESTIMATED JUST COMPENSATION:

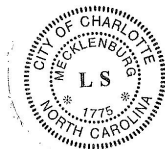
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 517.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



Stephanie C. Kelly, City Clerk, MMC, 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 **XCLT ORR ROAD TO ROCKY RIVER ROAD**; 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 **XCLT ORR ROAD TO ROCKY RIVER ROAD** and estimated to be:

**19,862 sq. ft. (0.456 acre) of Permanent Greenway Easement**

**17,204 sq. ft. (0.395 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. 049-162-03 said property currently owned by **JEFFREY L. MURPHY AND HEATHER D. FREEMAN**, or their owners' successors in interest.

ESTIMATED JUST COMPENSATION:

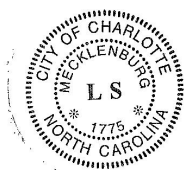
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February 2022, the reference having been made in Minute Book 155 and recorded in full in Resolution Book 52, Page(s) 518.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28<sup>th</sup> day of February 2022.



Stephanie C. Kelly, City Clerk, MMC, NCCMC