

APPROVED BY CITY COUNCIL

CITY CD

DATE 4-20-98

Petition No. 98-22

Elrod Construction Company

ORDINANCE NO. 1029-Z

AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE.

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of approximately 12.1 acres located on the south side of Dovewood Road, approximately 500 feet east of Carmel Road; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 6.201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 6.202 and 6.204, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on March 16, 1998; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and the requirements in Section 6.204.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-3 to MX-1 on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

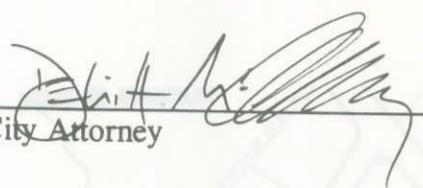
Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

Section 3. That this ordinance shall become effective upon its adoption.

-continued-

[Signature]
Mayor R. Thomas, City Council

APPROVED AS TO FORM:

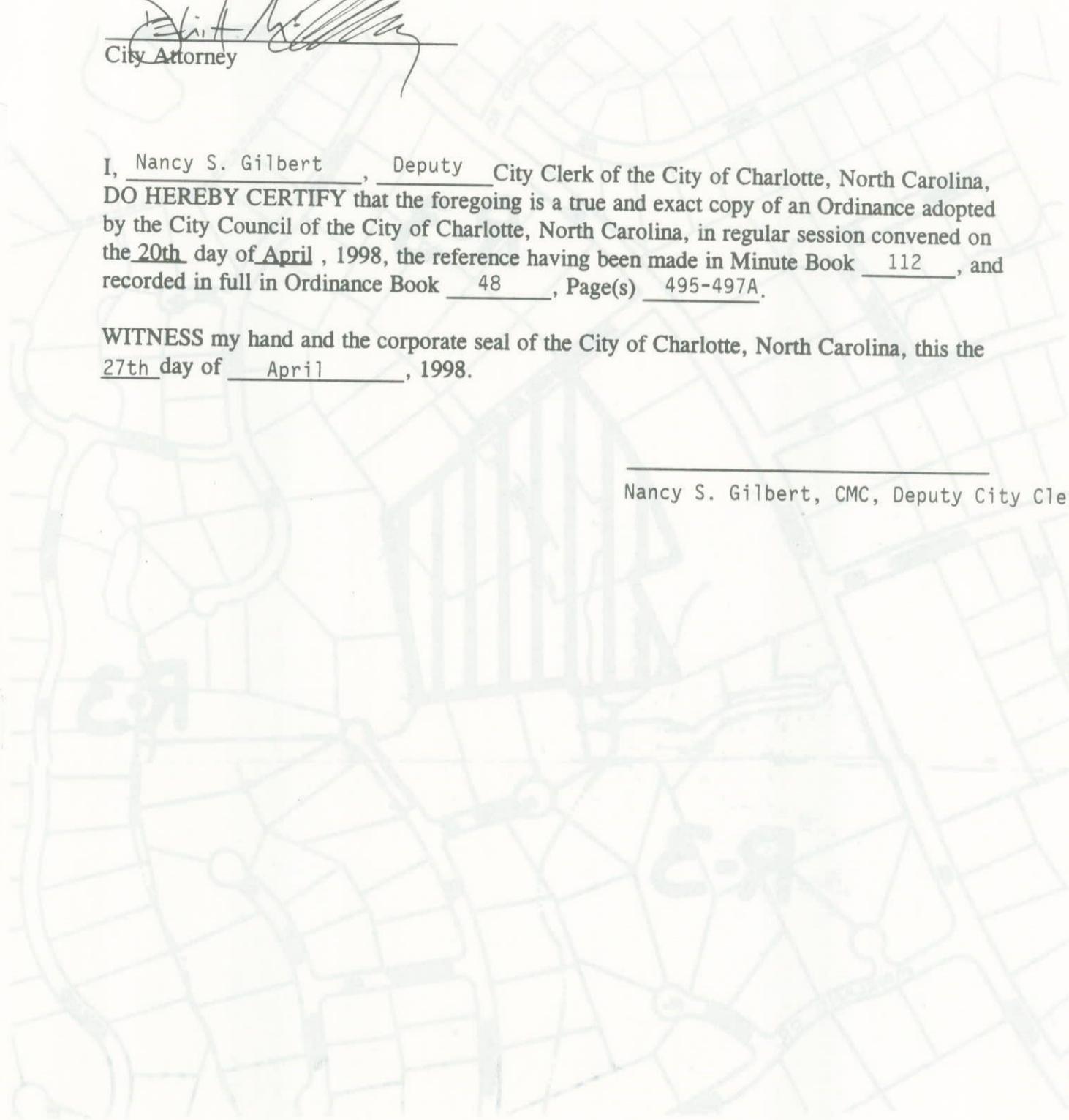


City Attorney

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of April, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 495-497A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of April, 1998.

Nancy S. Gilbert, CMC, Deputy City Clerk



Scale 1"=400'

Zoning Map No. 146

Petition #: 98-22

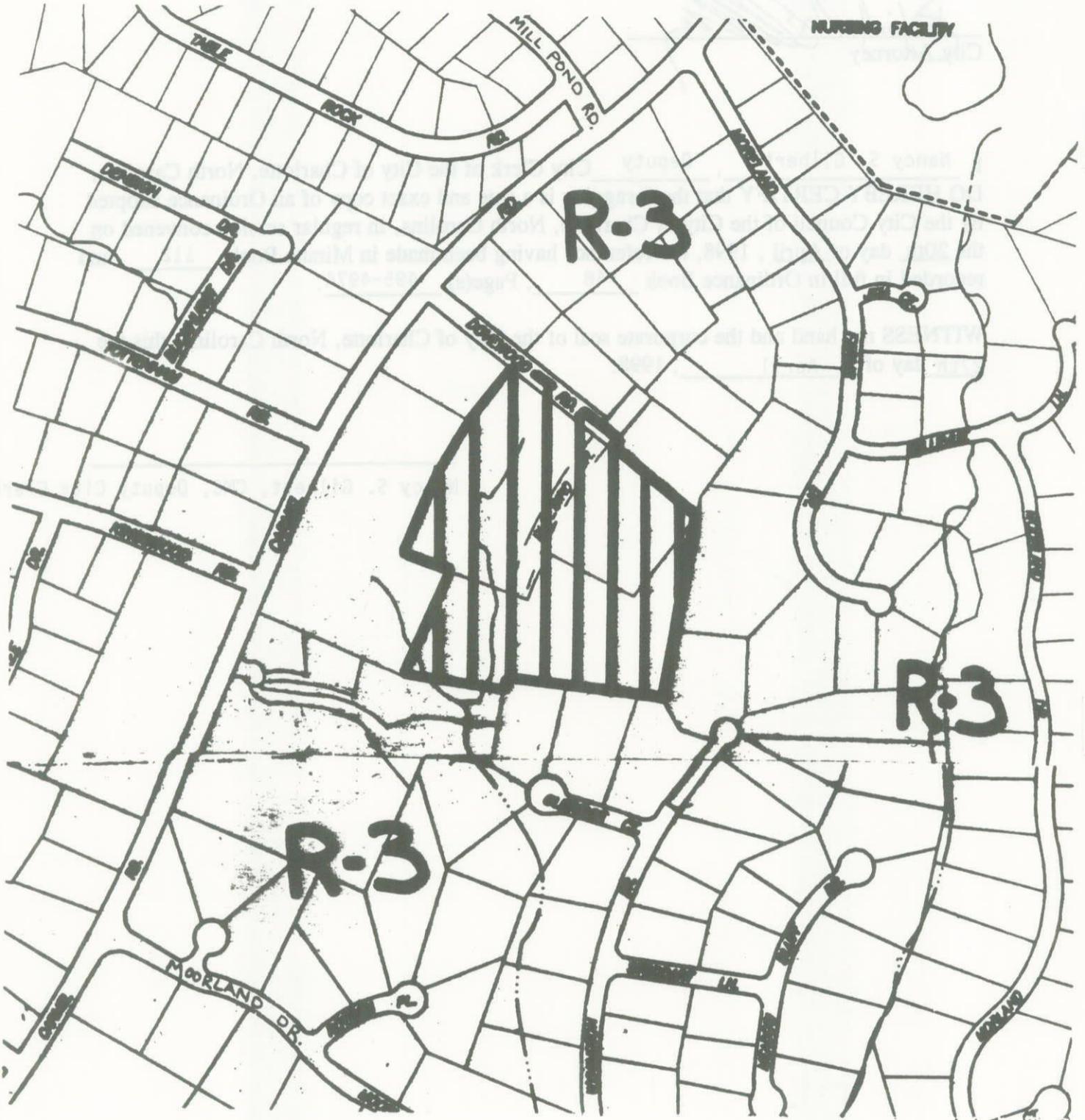
Petitioner: Elrod Construction Company

Hearing Date: March 16, 1998

Zoning Classification (Existing): R-3

Zoning Classification (Requested): MX-1

Location: Approximately 12.098 acres located on the south side of Dovewood Road, approximately 500' east of Carmel Road.



Zoning Map #(s): 146

Scale: 1" = 400'

98-22

CAROLINA SURVEYORS, INC.

P.O. Box 287 • PINEVILLE, NORTH CAROLINA 28134 0287 • (704) 889-7601 • FAX: (704) 889-7614

**12.098 TRACT
OFF DOVEWOOD DRIVE
NOVEMBER 18, 1997**

Beginning at an old iron located at the northwest corner of Lot 2 Dovewood Acres as recorded in Map Book 18, page 163 in the Mecklenburg County Registry, said old iron lying on the southern terminus of the extended centerline of Dovewood Drive; thence with line of said Lot 2 S 54-08-16 E 279.42 feet to an old iron in Lot 35-B Royden Phase 4 as shown in Map Book 28, page 447 in said registry; thence with the line of Lots 35-B and Lot 45 of Map Book 28, page 447, S 04-48-21 W 560.32 feet to an old iron; thence with the lines of Lots 19, 18 & 17 of Royden Map 2 as recorded in Map Book 21, page 125 in said Registry N 31-37-08 W 478.19 feet to an old iron; thence S 03-32-55 W 49.60 feet to an old iron; thence with Lot 5 of Hampton Manor as recorded in Map Book 26, page 94 in said Registry N 81-49-14 W 286.80 feet to an old iron, thence with the Donnell J. Lasiter property (now or formerly) as recorded in Deed Book 3386, page 263 in said Registry N 21-44-22 E 295.18 feet to a new iron set; thence N 72-27-50 W 141.19 feet to a new iron set; thence N 21-38-10 E 220.78 feet to a new iron set; thence N 28-00-10 E 195.82 feet to an old iron; thence with the Jose Miguel Salcines property (now or formerly) as recorded in Deed Book 3123, page 537 in said Registry N 34-37-50 E 195.37 feet to a new iron set on the southern margin of Dovewood Drive as shown in Map Book 18, page 163 in said Registry; thence with Dovewood Drive S 54-08-16 E 292.82 feet to a new iron set; thence with a circular curvature to the right, being subject to a radius of 20.02 feet, having an arc length of 31.45 feet to a new iron set (chorded by S 06-35-56 E 28.31 feet); thence S 51-35-56 E 60.00 feet to a new iron set; thence N 38-24-04 E 54.02 feet to the point of beginning. Containing 526992 Sq.Ft. or 12.098 Acres as shown on a survey for Elrod Construction Company dated October 30, 1997 by Carolina Surveyors, Inc.

APPROVED BY CITY COUNCIL

CITY CD

DATE 4-20-98

Petition No. 98-27
Hunt Assisted Living, LLC

ORDINANCE NO. 1030-Z

AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE.

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of approximately 3.706 acres located on the west side of Carmel Road at the intersection with Shadowlake Drive; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 6.201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 6.202 and 6.204, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on March 16, 1998; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and the requirements in Section 6.204.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-5 to INST(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

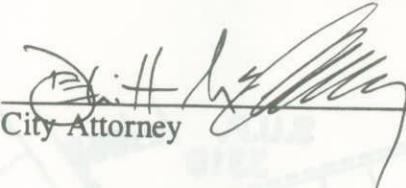
SEE ATTACHED

Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

Section 3. That this ordinance shall become effective upon its adoption.

-continued-

APPROVED AS TO FORM:

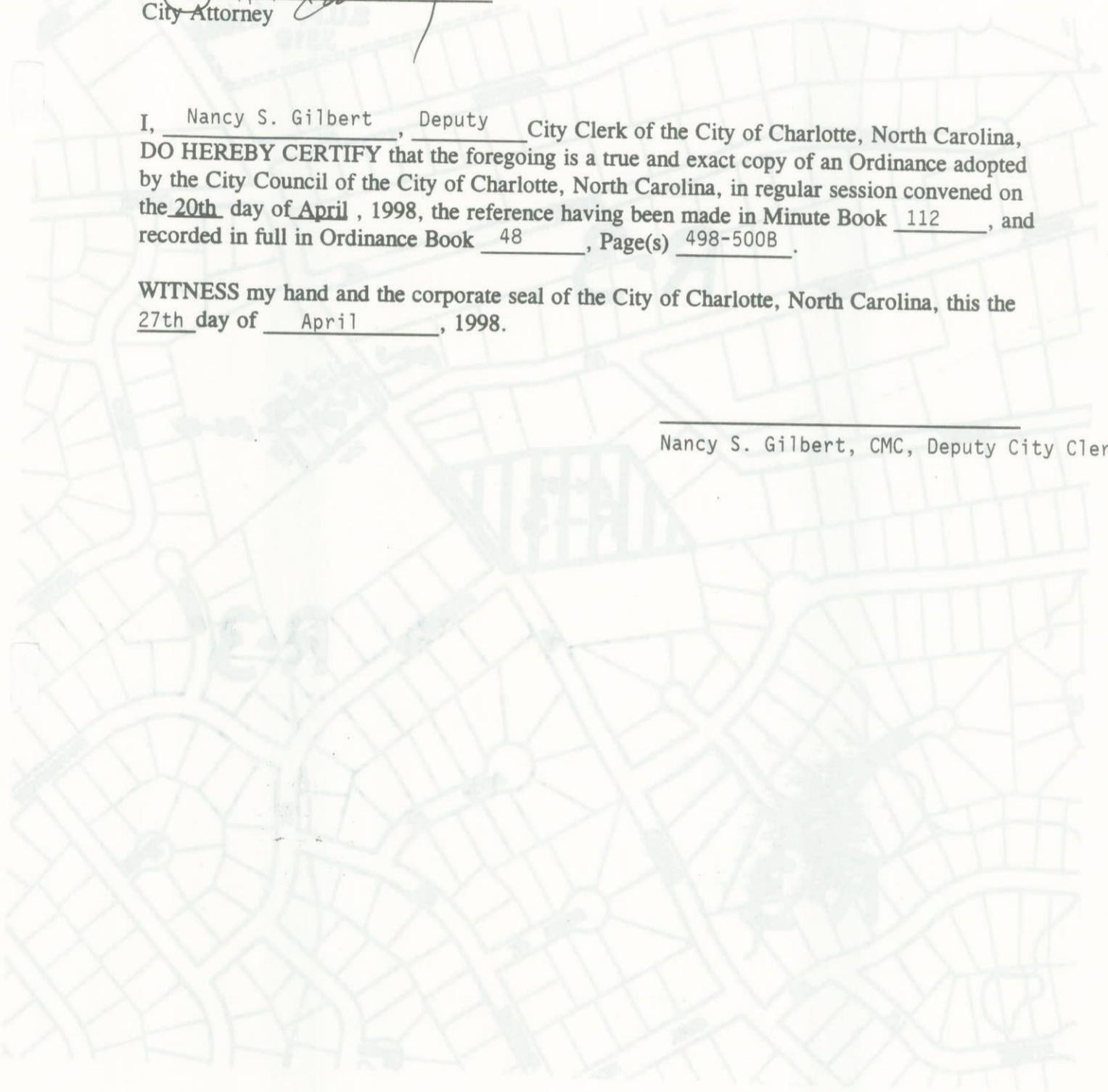


City Attorney

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of April, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 498-500B.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of April, 1998.

Nancy S. Gilbert, CMC, Deputy City Clerk



Scale: 1" = 400'

Zoning Map No: 107

Petition #: 98-27

Petitioner: Hunt Assisted Living, L.L.C.

Hearing Date: March 16, 1998

Zoning Classification (Existing): R-5

Zoning Classification (Requested): INST(CD)

Location: Approximately 3.706 acres located on the west side of Carmel Road at the intersection with Shadowlake Drive.



Zoning Map #(s): 167

Scale: 1" = 400'

This is a legal description for Charlotte Square (Hunt Assisted Living, LLC).

BEGINNING at a point on the western right-of-way of Carmel Road, said point also being the northeast corner of (now or formerly) Sarah Belle Wallace Map Book 04 Page 655 (Tax Reference 209-251-03; thence with the northern line of (now or formerly) Sarah Belle Wallace and William Gerald Connor (Deed Book 6930 Page 771) (Tax Reference 209-251-18) North 81° 40' 45" West, 503.25 feet to an existing iron pipe; thence with a eastern line of William Gerald Connors and Harry Grimmer and Co., Inc. (Deed Book 4982 Page 159) (Tax Reference 209-251-06) and Hayat Enterprises, Inc. (Deed Book 5641 Page 888) (Tax Reference 209-251-05) North 37° 22' 10" East, 375.98 feet to an existing iron pipe; thence with the southern line of Hayat Enterprises, Inc. and Bruce S. Jackson Property (Deed Book 5627 Page 895) (Tax Reference 209-251-04) and Arthur E. Knudsen (Deed Book 8980 Page 627) (Tax Reference 209-251-03) South 81° 28' 20" East, 271.61 feet to an existing iron pipe, said point being the southeast corner of Arthur E. Knudsen, said point also being the southwest corner of Robert L. Jones (Deed Book 4883 Page 67) (Tax Reference 209-251-02); thence with the southern line of Robert L. Jones and (now or formerly) Juanita S. Aughtry (Deed Book 4418 Page 855) (Tax Reference 209-251-01) South 71° 15' 20" East, 222.56 feet to a new iron pipe, said point being in the western right-of-way of Carmel Road, said point also being in the southeast corner of (now or formerly) Juanita S. Aughtry; thence with the western right-of-way of Carmel Road South 31° 42' 06" West, 10.99 feet to a new iron pipe; thence continuing South 40° 47' 31" West, 114.47 feet to a new iron pipe; thence with a curve to the left having a radius of 2,331.83 feet and an arc length of 28.62 feet and a chord bearing and distance of South 38° 13' 43" West, 208.55 feet to the point and place of beginning. The above described property contains 3.706± acres DMD or 161,432± square feet DMD.

98-27

Petition No. 98-27
Hunt Assisted Living, LLC

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Hunt Assisted Living and successors-in-interest of the property described as tax parcel 209-291-26 and described in detail further in the ordinance, identified below, approved by the City Council.

In approving this parallel conditional use permit, the Charlotte City Council amended Chapter 6: Part 2 of the City of Charlotte Zoning Ordinance and the official zoning map. The property now has a parallel conditional use district zoning classification of INST(CD) on the official zoning map.

This parallel conditional use permit is subject to and incorporates by reference all of the following: the schematic plan, the supporting text, all attached conditions, and Chapter 6: Part 1 and 2 of the City of Charlotte Zoning Ordinance, all of which preceding are binding upon the property and all subsequent development and use of the property. A failure to comply with any of the above may result in revocation of the parallel conditional use permit in accordance with the authority of the City Council under Chapter 6: Part 1 of the City of Charlotte Zoning Ordinance.

Three years from the date of approval of this parallel conditional use permit, the Planning Commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the City Council which may recommend that action be initiated to remove the parallel conditional use district in accordance with Chapter 6: Part 1.

APPROVED BY CITY COUNCIL

DATE 4-20-98

CITY CD

Petition No. 98-28
IAC Charlotte, LLC

ORDINANCE NO. 1031-7

AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE.

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of approximately 40.042 acres located on the southwest corner of the intersection between West Boulevard and Yorkmont Road; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 6.201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 6.202 and 6.204, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on March 16, 1998; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and the requirements in Section 6.204.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from I-2(CD) to I-2(CD)S.P.A. on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

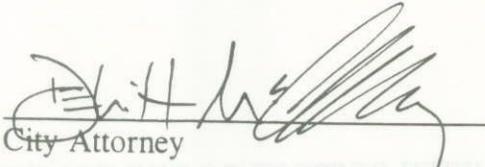
SEE ATTACHED

Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

Section 3. That this ordinance shall become effective upon its adoption.

-continued-

APPROVED AS TO FORM:


City Attorney

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of April, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 501-503B.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of April, 1998.

Nancy S. Gilbert, CMC, Deputy City Clerk

SEE ATTACHED

-continued-

98-28

LEGAL DESCRIPTION

LYING AND BEING IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING IRON HAVING N.C. GRID COORDINATES (NAO 83) OF N = 532,180.61 FEET AND E = 1,421,584.97 FEET, SAID EXISTING IRON BEING LOCATED S 42° 54' 39" W. 3640.45 FEET (GRID) AND 3841.05 FEET (GROUND) FROM NCGS STA. "AIRDRIVE", HAVING NC GRID COORDINATES (NAO 83) OF N = 534,866.82 FEET AND E = 1,424,042.07 FEET AND RUNNING THENCE WITH THE LINE OF THE PROPERTY OF THE CITY OF CHARLOTTE AS DESCRIBED IN THE DOCUMENT RECORDED IN BOOK 2818 AT PAGE 34 OF THE MECKLENBURG COUNTY PUBLIC REGISTRY THE FOLLOWING THREE (3) COURSES AND DISTANCE: (1) S 02° 54' 39" E 356.23 FEET TO AN EXISTING IRON; (2) S 17° 47' 08" W 178.89 FEET TO AN EXISTING IRON; AND (3) S 21° 10' 12" W 204.63 FEET TO AN EXISTING IRON; THEN WITH THE PROPERTY OF ROBERT O. BYRUM, AS DESCRIBED IN THE DOCUMENT RECORDED IN BOOK 1444 AT PAGE 510, AFORESAID REGISTRY, THE FOLLOWING TWO (2) COURSES AND DISTANCES: (1) S 88° 18' 34" W 15.00 FEET TO AN EXISTING IRON; AND (2) S 05° 30' 41" E 492.60 FEET TO AN EXISTING IRON IN THE NORTHERLY MARGIN OF THE 80-FOOT RIGHT OF WAY OF BYRUM ROAD (S.R. #1255); THENCE WITH SAID NORTHERLY MARGIN OF SAID RIGHT OF WAY OF BYRUM ROAD THE FOLLOWING TWO (2) COURSES AND DISTANCES: (1) S 87° 26' 58" W 428.58 FEET TO AN EXISTING IRON; AND (2) S 87° 44' 31" W 244.02 FEET TO AN EXISTING IRON; THENCE N 16° 29' 48" W 611.61 FEET TO AN EXISTING IRON; THENCE N 02° 03' 54" E 797.11 FEET TO AN IRON SET; THENCE N 49° 58' 30" E 156.69 FEET TO AN EXISTING CONCRETE MONUMENT IN THE SOUTHERLY MARGIN OF THE RIGHT OF WAY OF WEST BOULEVARD (NC HWY 160) (NC DOT PROJECT #9.810032); THENCE WITH SAID SOUTHERLY MARGIN OF SAID RIGHT OF WAY OF WEST BOULEVARD THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) S 74° 45' 51" E 308.08 FEET TO AN IRON SET; AND (2) S 71° 11' 41" E 454.79 FEET TO AN EXISTING CONCRETE MONUMENT; AND (3) WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 2,989.79 FEET, AN ARC DISTANCE OF 49.50 FEET TO AN EXISTING IRON, THE POINT OR PLACE OF BEGINNING, SAID ARC BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF S 73° 44' 47" E 49.50 FEET, AND CONTAINING 25.9533 ACRES, MORE OR LESS, ALL AS SHOWN ON THAT MAP ENTITLED "ALTA/ACSM LAND TITLE SURVEY FOR IAC CHARLOTTE L.L.C. PREPARED BY WK DICKSON DATED DECEMBER 4, 1996, REFERENCE TO WHICH MAP IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION.

TOGETHER WITH A PERPETUAL NON-EXCLUSIVE EASEMENT FOR OPERATING AND MAINTAINING A SANITARY SEWER LINE AS DESCRIBED IN THE DOCUMENT RECORDED IN BOOK 8546 AT PAGE 590 OF THE MECKLENBURG COUNTY PUBLIC REGISTRY (WHICH SUPERSEDED AND REPLACED THE EASEMENT AGREEMENT RECORDED IN BOOK 8397 AT PAGE 511, AFORESAID REGISTRY).

Petition No. 98-28
IAC Charlotte, LLC

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to IAC Charlotte, LLC and successors-in-interest of the property described as tax parcels 141-014-08, 09, 10, 11, 12, 15, 16 & 17 and described in detail further in the ordinance, identified below, approved by the City Council.

In approving this parallel conditional use permit, the Charlotte City Council amended Chapter 6: Part 2 of the City of Charlotte Zoning Ordinance and the official zoning map. The property now has a parallel conditional use district zoning classification of I-2(CD) S.P.A. on the official zoning map.

This parallel conditional use permit is subject to and incorporates by reference all of the following: the schematic plan, the supporting text, all attached conditions, and Chapter 6: Part 1 and 2 of the City of Charlotte Zoning Ordinance, all of which preceding are binding upon the property and all subsequent development and use of the property. A failure to comply with any of the above may result in revocation of the parallel conditional use permit in accordance with the authority of the City Council under Chapter 6: Part 1 of the City of Charlotte Zoning Ordinance.

Three years from the date of approval of this parallel conditional use permit, the Planning Commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the City Council which may recommend that action be initiated to remove the parallel conditional use district in accordance with Chapter 6: Part 1.

APPROVED BY CITY COUNCIL

CITY CD

DATE 4-20-98

Petition No. 98-29A-C, E-I
Babak Emadi (Various North Charlotte
Area Property Owners)

ORDINANCE NO. 1032-Z

AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE.

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of approximately 3.33 acres comprised of various properties located along North Davidson Street and Yadkin Avenue; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 6.201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 6.202 and 6.204, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on March 16, 1998; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and the requirements in Section 6.204.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-5, O-2, B-1 and I-2 to NS on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

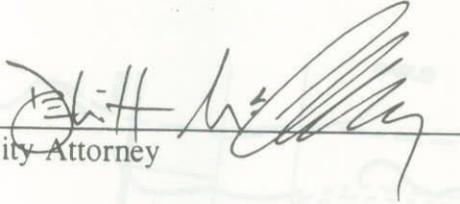
SEE ATTACHED

Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

Section 3. That this ordinance shall become effective upon its adoption.

-continued-

APPROVED AS TO FORM:


City Attorney

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of April, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 504-506L.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of April, 1998.

Nancy S. Gilbert, CMC, Deputy City Clerk

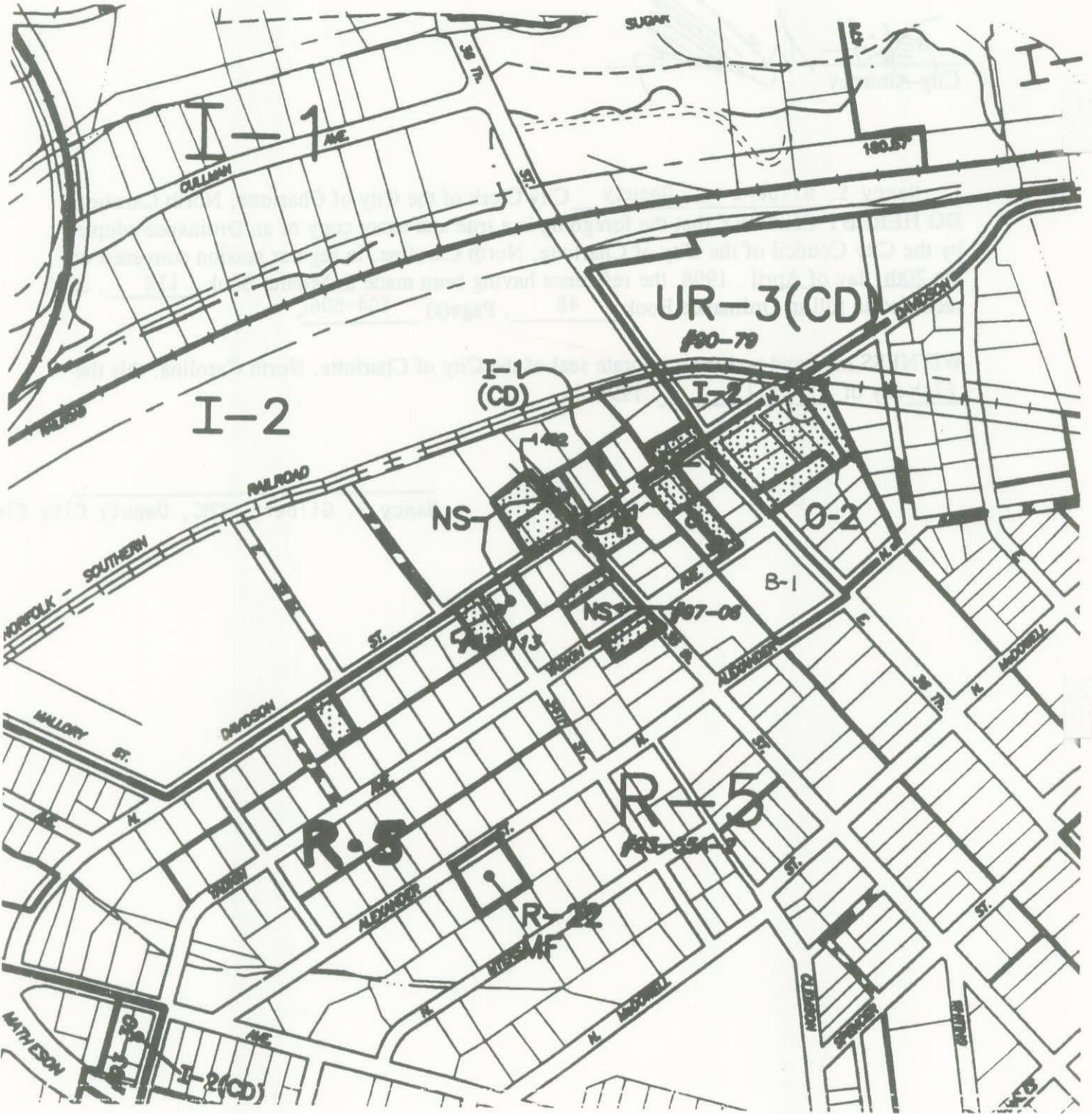
Petitioner: Babak Emadi (Various North Charlotte Area Property Owners)

Hearing Date: March 16, 1998

Zoning Classification (Existing): R-5, O-2, B-1, and I-2

Zoning Classification (Requested): NS

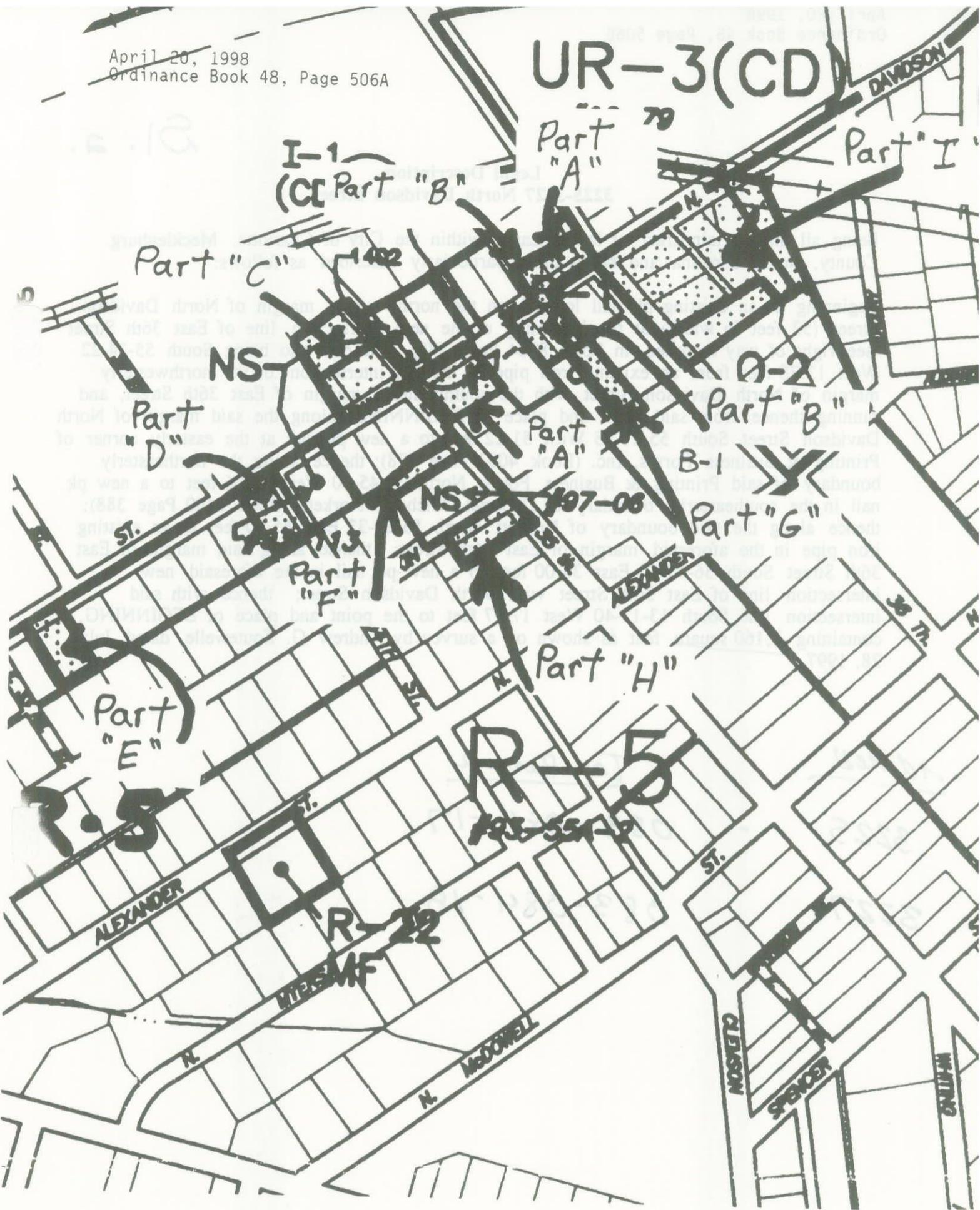
Location: Approximately $\frac{3}{2}$ acres comprised of various properties located along North Davidson Street and Yadkin Avenue.



Zoning Map #(s): 89

Scale: 1" = 400'

UR-3(CD)



Sl. 2.

Legal Description
3225-3227 North Davidson Street

Being all that certain tract of land located within the City of Charlotte, Mecklenburg County, North Carolina and being more particularly described as follows:

Beginning at an existing pk nail located on the northwesterly margin of North Davidson Street (52 feet in width) at the beginning of the new intersection line of East 36th Street (see right of way recorded in Book 8284 Page 378), said nail also being South 55-24-22 West 13.78 feet from an existing iron pipe at the old intersection of the northwesterly margin of North Davidson Street with the southwesterly margin of East 36th Street, and running thence from said point and place of BEGINNING along the said margin of North Davidson Street South 55-21-33 West 51.22 feet to a new pk nail at the easterly corner of Printing & Business Forms, Inc. (Book 4003 Page 378); thence along the northeasterly boundary of said Printing & Business Forms North 36-45-30 West 50.06 feet to a new pk nail in the southeasterly boundary of Deborah Michelle Norkett (Book 8460 Page 388); thence along the said boundary of Norkett North 55-21-33 East 65.00 feet to an existing iron pipe in the aforesaid margin of East 36th Street; thence along said margin of East 36th Street South 36-45-30 East 38.00 feet to a new pk nail in the aforesaid new intersection line of East 36th Street with North Davidson Street; thence with said intersection line South 13-13-40 West 17.97 feet to the point and place of BEGINNING, containing 3,160 square feet as shown on a survey by Andrew G. Zoutewelle dated July 28, 1997.

Address

Tax Parcel

3225

-

083-084-17

3227

083-084-18

10-29

S. 22.

**Legal Description
3221 North Davidson Street**

Being all that certain tract of land located within the City of Charlotte, Mecklenburg County, North Carolina and being more particularly described as follows:

BEGINNING at an existing building corner located in the northwesterly margin of North Davidson Street, said point being South 55-21-33 West 51.22 feet from an existing pk nail in the new intersection line of the northwesterly margin of North Davidson Street and the southwesterly margin of East 36th Street (see Book 8284 Page 378), and running thence from said point and place of BEGINNING along the said margin of North Davidson Street South 55-34-42 West 60.08 feet to an existing iron pipe at the intersection of said margin of North Davidson Street with the northeasterly margin of a ten-foot alley; thence along said alley margin North 36-40-36 West 49.83 feet to new pk nail at the southerly corner of Deborah Michelle Norkett (Book 8460 Page 388); thence along the boundary of said Norkett North 55-21-33 East 60.00 feet to an existing building corner at the westerly corner of J. Paul Sires (Book 8558 Page 789); thence along the southwesterly boundary of said Sires South 36-45-30 East 50.06 feet to the point and place of BEGINNING, containing 2,996 square feet as shown on a survey by Andrew G. Zoutewelle dated October 2, 1997.

3221

083-084-16

083-084-16

518 28

85-01

EXHIBIT A

Parcel 1: BEING one (1) parcel known generally as 3125 North Davidson Street, Charlotte, NC 28205, and more particularly described in a Deed which is recorded in Book 1126, Page 211, Mecklenburg Public Registry as follows:

BEGINNING at a point on the west side of North Caldwell Street (now N. Davidson Street), being in the center line of the southwesterly wall of the brick store building which was known as the "W. G. Shoemaker Store" in the year 1907, and runs thence tin a northwesterly direction with the center line of the said brick wall and at right angles to Caldwell Street (now N. Davidson Street) 75 feet to a stake in the westerly margin of Caldwell Street (now N. Davidson Street) in a northeasterly direction 25 feet to the point or place of GEGINNING; which pint is 106.4 feet S. W. of the S. W. corner of Caldwell (now N. Davidson Street) and 35th Street.

BEING the same property conveyed by JACK R. FOY to CLIFFORD E. GARDNER by Deed dated September 20, 1984, and recorded in Book 4902, at page 641 in the Mecklenburg Public Registry.

Parcel 2: FIRST LOT: BEGINNING at a stake on the northerly edge of North Caldwell Street (now Davidson) said stake being 43.5 feet in a southwesterly direction from the intersection of said North Caldwell (now Davidson) Street with 35th Street, formerly 31st Street; and running from said pint along the westerly line of Lot No. 3 in a northwesterly direction, 75 feet to the southerly edge of a 10-foot alloy; thence along the said edge of said alley in a southwesterly direction, parallel to the first line, 75 feet to the northerly edge of North Caldwell (now Davidson) Street; thence with the said edge of North Caldwell (now Davidson) Street in a northeasterly direction 50.4 feet to the BEGINNING; being Lots 1 and 2 of the Shoemaker property as shown on map by C. C. Hubbel, C.E. dated August 19, 1931.

THIRD LOT: BEGINNING at the intersection of the northerly line of North Caldwell (now Davidson) Street with the westerly line of 35th Street, formerly 31st Street, and runs thence with the said line of 35th Street in a northwesterly direction 75.73 feet to the southerly line of a 10 foot alley; thence with said line of said alley in a southwesterly direction 33.0 feet to a stake, corner of Lot No. 2; thence with the line of said Lot 2 in a southeasterly direction 75 feet to the northerly edge of North Caldwell (now Davidson) Street; thence with said line of North Caldwell (now Davidson) Street in a northeasterly direction 4.5 feet to the BEGINNING, being Lots 3, 4 and 5 of the Shoemaker property as shown on map made by C. D. Hubbel, Civil Engineer, dated August 19, 1931.

083-084-06

98-29

009221-000165

EXHIBIT A continue

Parcel 3: SECOND LOT: BEGINNING at the point of intersection of the northerly line of a 10-foot alley with the southwesterly line of 35th Street formerly 31st Street, said point being 85.73 feet in a northwesterly direction from the intersection of said line of 35th Street with the northerly line of Caldwell (now Davidson) Street, and running from said point along the said line of 35th Street in a northwesterly direction, 164.7 feet to a stake, the north corner of Lot No. 11; thence with the line of said lot 1 a southwesterly direction, 100 feet to the northwesterly corner of said lot; thence in a southeasterly direction 165 feet to the northerly edge of the alley herein before mentioned; thence along the said edge of said alley in a northeasterly direction about 120 feet to the BEGINNING; being Lots No. 6, 7, 8, 9, 10 and 11 of the Shoemaker property as shown on map of C. C. Hubbel, C. E. dated August 19, 1931.

THERE IS EXCEPTED from the said Second Lot so much of said property as was conveyed to Norfolk-Southern Railway Company by Deed dated December 10, 1963 and duly filed for record in the Mecklenburg County Registry, said excepted portion being more particularly described as follows: BEGINNING at an iron pin in the southwesterly side of East 35th Street, formerly 31st Street, said point being 168 feet southwesterly from a bolt in the northwestern intersection of 35th Street and North Caldwell (now Davidson) Street; thence north 42-13 W. along 35th Street 82.0 feet to the land of the Norfolk Southern Railway Company; thence S 57.06 W. 95.84 feet to an iron pin; thence S. 34.20 E. 82.0 feet to an iron pin; thence N. 56-31-30 E. 107.01 feet to the point of BEGINNING, containing 8,321 square feet and being the northwestern 82 feet of property conveyed by D. C. Station and wife to G. E. Suddreth and wife by deed recorded in Book 1077, Page 194 of the Mecklenburg Registry, being a part of the Second Lot described therein.

State of North Carolina, County of Mecklenburg

The foregoing certificate(s) of

Marguerite Moller

Notary(ies) Public is/are certified to be correct. This

19th

day of September

, 19 97

JUDITH A. GIBSON, REGISTER OF DEEDS By:

Valerie J. White

Deputy Register of Deeds

RD98

48-28

RS-81

EXHIBIT A

Being Lot No. 135 as shown on the plat of the property of **HIGHLAND PARK MFG. CO.**, made by **A.V. Blankenship, Civil Engineer**, dated **June 1953**, which plat is recorded in **Plat Book 6 at Page 899** of the **Mecklenburg County Public Registry**.

Being the same property conveyed to **Richard Edward McMahan and wife, Frances Hartis McMahan**, by **Deed of James F. McMahan and wife, Laverne McMahan**, dated **February 4, 1974**, and recorded **March 1, 1974** in **Book 3655** at **Page 983** of the **Mecklenburg County Public Registry**.

10510001-00000000

State of North Carolina, County of Mecklenburg
The foregoing certificate(s) of **Glenda S. Watts**

Notary(ies) Public is/are certified to be correct. This **16th** day of **May**, 19**97**.

JUDITH A. GIBSON, REGISTER OF DEEDS By: *Glenda S. Watts* Deputy Register of Deeds
RD102

98 29

AS-ON

56.

LEGAL DESCRIPTION
510 East 35th Street

Being all that certain tract of land located within the City of Charlotte, Mecklenburg County, North Carolina and being more particularly described as follows:

Beginning at an existing iron pin in the southwesterly margin of East 35th Street, said iron located North 43-32-48 West 100.00 feet from an iron pipe at the intersection of the said southwesterly margin of East 35th Street with the northwesterly margin of Yadkin Avenue, and running thence from said point and place of BEGINNING South 56-18-49 West 149.37 feet to an existing iron pin in the northeasterly boundary of Lot 127 (Map Book 6 Page 901); thence along said Lot 127 North 35-31-07 West 21.71 feet to a new iron pipe at the southerly or southwesterly corner of Lot 2; thence along the rear or southeasterly boundary of said Lot 2 North 54-48-07 East 44.01 feet to a new iron pipe at the common rear corner of Lots 1 and 2; thence North 53-34-11 East 101.27 feet to an existing iron pin in the aforesaid margin of East 35th Street; thence along said margin South 43-43-38 East 28.14 feet to the point and place of BEGINNING, containing 3,598 square feet as shown on a survey by Andrew G. Zoutewelle dated July 28, 1997.

083-083-05

98-24

083-083-05

98-24

57.

LEGAL DESCRIPTION
3221 Yadkin Avenue

Being all that certain tract of land located within the City of Charlotte, Mecklenburg County, North Carolina and being more particularly described as follows:

Beginning at an existing iron pipe located in the northwesterly right of way margin of Yadkin Avenue, said iron being South 55-46-05 West 101.97 feet from an iron pipe at the intersection of the said northwesterly margin of Yadkin Avenue with the southwesterly margin of East 36th Street, and running thence from said point and place of BEGINNING along the said margin of Yadkin Avenue South 56-14-18 West 49.75 feet to an existing iron pipe at the easterly front lot corner of William Wiley, Jr. (Book 8218 Page 335 of the Mecklenburg County Registry); thence with said William Wiley, Jr. North 42-35-50 West 149.59 feet to an existing iron pin in the southeasterly margin of a 10-foot alley; thence along said alley margin the following three calls: (1) North 55-45-00 East 44.80 feet to a new iron pipe, (2) South 81-45-00 East 7.00 feet to a new iron pipe and (3) South 42-45-32 East 145.30 feet to the point and place of BEGINNING, containing 7,320 square feet as shown on a survey by Andrew G. Zoutewelle dated July 28, 1997.

083-085-07

20-280-280

98-28

85-28

LEGAL DESCRIPTION
600 East 35th Street

58.

Being part of Lot 1 Block 6 of the Property of North Charlotte Realty Company as recorded in Map Book 230 Page 14 of the Mecklenburg County Registry located within the City of Charlotte, Mecklenburg County, North Carolina and being more particularly described as follows:

Beginning at a new iron pipe located at the intersection of the southwesterly right of way margin of East 35th Street (50 feet in width) and the southeasterly right of way margin of Yadkin Avenue (50 feet in width), and running thence from said point and place of BEGINNING along the said margin of East 35th Street South 43-17-18 East 45.84 feet to a new nail in concrete at the northerly or northeasterly corner of Loretta B. Monroe (Book 8829 Page 406); thence with the northwesterly boundary of said Monroe South 55-19-43 West 138.00 feet to a new iron pipe at the easterly or southeasterly corner of J.H. Parham (Book 3796 Page 313); thence along the northeasterly boundary of said Parham North 33-14-55 West 51.51 feet to a new iron pipe in the said southeasterly margin of Yadkin Avenue; thence with said margin of Yadkin Avenue North 58-03-08 East 130.00 feet to the point and place of BEGINNING, containing 6,470 square feet as shown on a survey by Andrew G. Zoutewelle dated October 13, 1997.

083-082-67

98-28

Legal Description for 3220 N. Davidson St

interest, in that certain lot or parcel of land, situate, lying and being in Charlotte Township, Mecklenburg County, State of North Carolina, and more particularly described as follows:

BEING a part of Square No. 1, as shown and designated on that map recorded in Book 209 at page 461 in the office of the Register of Deeds of Mecklenburg County, and bounded as follows:

BEGINNING at a stake in the southeasterly line of North Caldwell Street, at a point 160 feet southwesterly from the corner formed by the intersection of said southeasterly line of North Caldwell Street with the southwesterly line of East 36th Street (formerly called 32nd Street) and running thence with said southeasterly line of North Caldwell Street, N. 55-45 E. 40 feet to a stake; thence S. 42-30 E. 90 feet to a stake in the northwesterly line of an alley; thence with said line of said alley, S. 55-45 W. 40 feet to a stake; and thence N. 42-30 W. 90 feet to the point of Beginning.

Together with a right of way for purposes of ingress, egress and regress, in common with others having the lawful right to use the same, over an alleyway 10 feet wide, extending northwesterly from North Davidson Street, parallel with East 36th Street and 90 feet distant southwesterly therefrom (measured along a line parallel with North Davidson Street) to a point 90 feet distant southeasterly from North Caldwell Street (measured along a line parallel with East 36th street), and thence southwesterly, parallel with and 90 feet distant southeasterly from North Caldwell Street (measured along a line parallel with East 36th Street), a distance of 110 feet.

Description Continued:

BEING in all respects the second tract of land conveyed to Family Investment Company by W. S. Lander and wife, Buna L. Lander by deed dated January 14, 1952 and recorded in Book 1537 at Page 346 in the office of the Register of Deeds for Mecklenburg County.

BEING the same tract of land conveyed by Family Investment Company by deed dated _____ recorded in Book 2805 at Page 160 in the office of the Register of Deeds for Mecklenburg County.

December 29, 1997

I agree to the re-zoning 3220 N. Davidson property tax parcel no.1064522 083-085-13

Barbara G Mullany
SIGNATURE OF WIFE

copy
1/5/98 - Given to Brian

LEGAL DESCRIPTION
600 East 35th Street

Being part of Lot 1 Block 6 of the Property of North Charlotte Realty Company as recorded in Map Book 230 Page 14 of the Mecklenburg County Registry located within the City of Charlotte, Mecklenburg County, North Carolina and being more particularly described as follows:

Beginning at a new iron pipe located at the intersection of the southwesterly right of way margin of East 35th Street (50 feet in width) and the southeasterly right of way margin of Yadkin Avenue (50 feet in width), and running thence from said point and place of BEGINNING along the said margin of East 35th Street South 43-17-18 East 45.84 feet to a new nail in concrete at the northerly or northeasterly corner of Loretta B. Monroe (Book 8829 Page 406); thence with the northwesterly boundary of said Monroe South 55-19-43 West 138.00 feet to a new iron pipe at the easterly or southeasterly corner of J.H. Parham (Book 3796 Page 313); thence along the northeasterly boundary of said Parham North 33-14-55 West 51.51 feet to a new iron pipe in the said southeasterly margin of Yadkin Avenue; thence with said margin of Yadkin Avenue North 58-03-08 East 130.00 feet to the point and place of BEGINNING, containing 6,470 square feet as shown on a survey by Andrew G. Zoutewelle dated October 13, 1997.

083-082-07

78-29

PS-00

98-29

LEGAL DESCRIPTION

Being all that certain tract or parcel of land located within the City of Charlotte, Mecklenburg County, North Carolina and being more particularly described as follows:

Beginning at a new pk nail located at the intersection of the northeasterly right of way margin of East Thirty-Sixth Street (60 feet in width) and the southeasterly right of way margin of North Davidson Street (55 feet in width) and running thence from said POINT AND PLACE OF BEGINNING North 56-32-00 East 125.00 feet to a new pk nail at southwesterly edge of an old alley; thence crossing said alley and continuing with said North Davidson Street North 56-32-00 East 10.10 feet to a new pk nail; thence continuing with said North Davidson Street North 56-31-57 East 193.99 feet to a new iron pipe located in the southwesterly margin of a 10-foot alley as shown on Map Book 230 Page 14; thence following said alley South 25-10-09 East 241.90 feet to a new iron pipe at the northerly rear corner of the Trustees of the Church of Jesus Christ of Charlotte; thence following said Church of Jesus Christ the following two (2) calls: (1) South 56-24-18 West 64.47 feet to a new iron pipe and (2) South 53-35-13 West 193.91 feet to a new iron pipe located in the aforesaid northeasterly margin of East Thirty-Sixth Street; thence following the said East Thirty-Sixth Street North 41-41-29 West 60.00 feet to a new iron pipe located in the edge of an alley; thence crossing said alley and continuing with said East Thirty-Sixth Street North 41-40-00 West 10.11 feet to a new iron pipe; thence continuing with said East Thirty-Sixth Street North 41-41-34 West 181.96 feet to the POINT AND PLACE OF BEGINNING, containing 71,440 square feet as shown on a survey by Andrew G. Zoutewelle dated February 18, 1998.

98-29

NO-570-270

RS-87

APPENDIX A CITY CODE

DATE 4-20-98

98-31

Revised 2/4/98

ORDINANCE NO. 1033

AN ORDINANCE AMENDING APPENDIX A OF THE CITY CODE - ZONING ORDINANCE

AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. Amend CHAPTER 13: SIGNS as follows:

1. Section 13.105. PROHIBITED SIGNS (1) by adding another sentence at the end of item (1) which reads:

This item also does not apply to on-premises, planned development identification signs as regulated in Section 13.110 Creation of Special Sign Regulations, (5) On-Premises, Planned Development Identification Signs in Medians,

The revised item (1) in its entirety will read thusly:

The following signs are prohibited under any circumstance:

(1) Signs extending into the public right-of-way other than those permanent signs approved by the Charlotte Department of Transportation along the City Street System, or the North Carolina Department of Transportation along the State System Streets. This does not apply to decorative signs which are regulated by Section 10-25 of Chapter 10 of the Charlotte Code. This item also does not apply to on-premises, planned development identification signs as regulated in Section 13.110. Creation of Special Sign Regulations, (5) On-Premises, Planned Development Identification Signs in Medians.

2. Section 13.108. Specifications for permanent signs requiring a permit, (4)

Detached signs (d) by adding a new sentence at the end which reads:

This item does not apply to Section 13.110.(5).

The revised item (5) in its entirety will read thusly:

(d) All portions of a sign shall be located behind the street right-of-way; however, all signs greater than 30 inches in height as measured from the level of the center of the adjacent street intersection and having a vertical clearance less than 72 inches from the level of the center of the adjacent street intersection shall be located a minimum of 5 feet behind a right-of-way. This item does not apply to Section 13.110.(5); and

3. Add an item (5) to Section 13.110. Creation of Special Sign Regulations as follows:

(5) On-Premises, Planned Development Identification Signs in Medians

For the purpose of providing alternative, safe, and attractive locations for planned development identification signs in divided entrance medians of streets providing direct access to the development, the following standards apply:

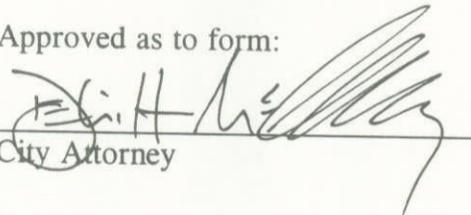
1. The location of the identification sign must be in a median of a Class V or lesser public or private street directly serving as an entrance to the planned development. For the purposes of this sign provision, a planned development shall include planned residential, nonresidential, or mixed use developments that include a public or private street as a part of its development.
2. For those sign locations in a median of a Class V or lesser public street, a right-of-way encroachment agreement must be first executed through the Charlotte Department of Transportation (CDOT). Contact CDOT for information concerning cost, submittal, and liability insurance coverage requirements. Through the right-of-way encroachment process CDOT will review the sign location and design to determine whether the sign can be installed/constructed in a manner that will not adversely affect public safety.
3. The location of sign must not conflict with required intersection sight triangle sight distance from driveways, or other sight distance

requirements as determined by CDOT.

4. Type of Sign Permitted: Ground mounted identification.
5. Maximum Number: 1 per street front; where a sign is permitted, 2 separate sign faces may be used in conjunction with a wall, fence or other architectural feature.
6. Maximum Size: 24 square feet
7. Maximum Height: 4 feet
8. Permitted Illumination: Illuminated
9. Location: In median of planned development access street a minimum of 5 feet from intersecting street right-of-way.
10. The owner(s) of the planned development will be responsible for maintenance of the sign and any accompanying lighting and landscaping.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:


City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of April, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 507-509.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of April, 1998.


Nancy S. Gilbert, CMC, Deputy City Clerk