

ORDINANCE NO. 965-X

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA

WHEREAS, the City Council of the City of Charlotte, North Carolina, has been petitioned under G.S. 160A-31, as amended, to annex the area described herein, and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held in the CMGC Meeting Chamber at 7 o'clock P.M., on the 12th day of January, 1998, and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory is hereby annexed and made part of the City of Charlotte, as the 12th day of Jan., 1998.

(Insert Metes and Bounds Description)

See attached Exhibit A incorporated herein by reference  
Section 2. Upon and after the 12th date of Jan., 1998, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Charlotte and shall be entitled to the same privileges and benefits as other parts of the City of Charlotte. Said territory shall be subject to municipal taxes in accordance with G.S. 160A-58.10.

Section 3. The Mayor of the City of Charlotte shall cause to be recorded in the Office of the Register of Deeds of Mecklenburg County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section I hereof, together with a duly certified copy of this ordinance.

Adopted this 12th date of January, 1998

Attest:

Brenda R. Freeze  
City Clerk, Brenda R. Freeze, CMC

Pat McCrory  
Mayor, Pat McCrory

APPROVED AS TO FORM:

H. M. M. M. M.  
City Attorney  
v. Dep.

**CERTIFICATION**

I, Brenda R. Freeze, 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 12th day of January, 1998, the reference having been made in Minute Book 111, and recorded in full in Ordinance Book 48, Page(s) 333-335.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 15th day of January, 1998.

Brenda R. Freeze, CMC  
Brenda R. Freeze, CMC, City Clerk

January 12, 1998  
Ordinance Book 48, Page 334 EXHIBIT A

LEGAL DESCRIPTION

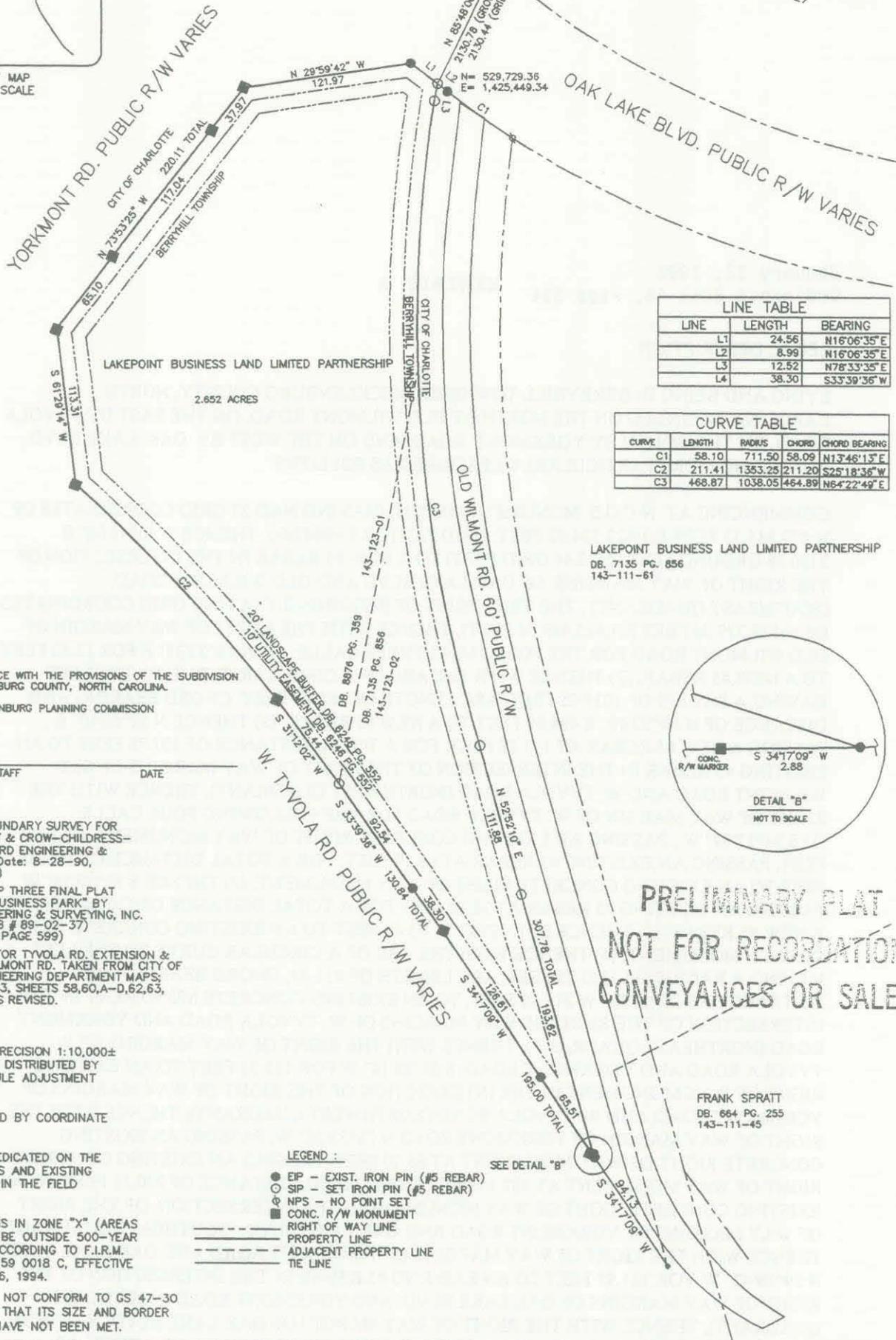
LYING AND BEING IN BERRYHILL TOWNSHIP, MECKLENBURG COUNTY, NORTH CAROLINA, BOUNDED ON THE NORTH BY OLD WILMONT ROAD, ON THE EAST BY TYVOLA ROAD, ON THE SOUTH BY YORKMONT ROAD, AND ON THE WEST BY OAK LAKE BLVD., AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT N.C.G.S. MONUMENT "DITCH" (HAVING NAD 27 GRID COORDINATES OF N:529,885.33 FEET E:1,423,324.62 FEET, GRID FACTOR 0.9998393), THENCE S 85°48'06" E 2130.78 GROUND FEET (2130.44 GRID FEET) TO A NEW #5 REBAR IN THE INTERSECTION OF THE RIGHT OF WAY MARGINS OF OAK LAKE BLVD AND OLD WILMONT ROAD, (SOUTHEAST QUADRANT), THE TRUE POINT OF BEGINNING, (HAVING GRID COORDINATES OF N:529,729.36 FEET E:1,425,449.34 FEET), THENCE WITH THE RIGHT OF WAY MARGIN OF OLD WILMONT ROAD FOR THE FOLLOWING THREE CALLS: (1) N 78°33'35" E FOR 12.52 FEET TO A NEW #5 REBAR, (2) THENCE WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 1038.05 FEET, ARC LENGTH OF 468.87 FEET, CHORD BEARING AND DISTANCE OF N 64°22'49" E 464.89 FEET TO A NEW #5 REBAR, (3) THENCE N 52°52'10" E, PASSING A NEW #5 REBAR AT 111.88 FEET, FOR A TOTAL DISTANCE OF 307.78 FEET TO AN EXISTING #5 REBAR IN THE INTERSECTION OF THE RIGHT OF WAY MARGINS OF OLD WILMONT ROAD AND W. TYVOLA ROAD (NORTHWEST QUADRANT), THENCE WITH THE RIGHT OF WAY MARGIN OF W. TYVOLA ROAD FOR THE FOLLOWING FOUR CALLS: (1) S 34°17'09" W, PASSING AN EXISTING CONCRETE RIGHT OF WAY MONUMENT AT 2.88 FEET, PASSING AN EXISTING #5 REBAR AT 68.39 FEET, FOR A TOTAL DISTANCE OF 195.00 FEET TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT, (2) THENCE S 33°39'36" W, PASSING AN EXISTING #5 REBAR AT 38.30 FEET FOR A TOTAL DISTANCE OF 130.84 FEET TO A NEW #5 REBAR, (3) THENCE S 31°12'02" W 75.44 FEET TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT, (4) THENCE WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 1353.25 FEET, ARC LENGTH OF 211.41, CHORD BEARING AND DISTANCE OF S 25°18'36" W 211.20 FEET, TO AN EXISTING CONCRETE MONUMENT IN THE INTERSECTION OF THE RIGHT OF WAY MARGINS OF W. TYVOLA ROAD AND YORKMONT ROAD (NORTHEAST QUADRANT), THENCE WITH THE RIGHT OF WAY MARGINS OF W. TYVOLA ROAD AND YORKMONT ROAD S 61°29'14" W FOR 113.31 FEET TO AN EXISTING RIGHT OF WAY MONUMENT IN THE INTERSECTION OF THE RIGHT OF WAY MARGINS OF YORKMONT ROAD AND W. TYVOLA ROAD (NORTHWEST QUADRANT), THENCE WITH THE RIGHT OF WAY MARGIN OF YORKMONT ROAD N 73°53'25" W, PASSING AN EXISTING CONCRETE RIGHT OF WAY MONUMENT AT 65.10 FEET, PASSING AN EXISTING CONCRETE RIGHT OF WAY MONUMENT AT 182.14 FEET FOR A TOTAL DISTANCE OF 220.11 FEET TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT IN THE INTERSECTION OF THE RIGHT OF WAY MARGINS OF YORKMONT ROAD AND OAK LAKE BLVD. (SOUTHEAST QUADRANT), THENCE WITH THE RIGHT OF WAY MARGINS OF YORKMONT ROAD AND OAK LAKE BLVD., N 29°59'42" W FOR 121.97 FEET TO AN EXISTING #5 REBAR IN THE INTERSECTION OF THE RIGHT OF WAY MARGINS OF OAK LAKE BLVD. AND YORKMONT ROAD (NORTHEAST QUADRANT), THENCE WITH THE RIGHT OF WAY MARGIN OF OAK LAKE BLVD. N 16°06'35" E FOR 24.56 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 2.652 ACRES, AS SURVEYED BY CONCORD ENGINEERING AND SURVEYING, INC., DATED NOVEMBER 14, 1997, JOB # 97-07-04,



VICINITY MAP  
NOT TO SCALE

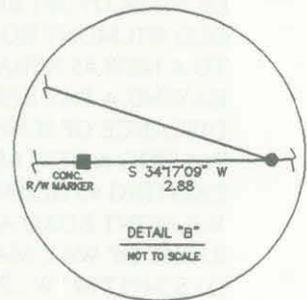
N.C.G.S. MON. "DITCH"  
N= 529,885.33  
E= 1,423,324.62  
GRID FACTOR  
0.9998393 (1927 DATUM)



LINE TABLE		
LINE	LENGTH	BEARING
L1	24.56	N16°06'35" E
L2	8.99	N16°06'35" E
L3	12.52	N78°33'35" E
L4	38.30	S33°39'36" W

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	58.10	711.50	58.09	N13°46'13" E
C2	211.41	1353.25	211.20	S25°18'36" W
C3	468.87	1038.05	464.89	N64°22'49" E

LAKEPOINT BUSINESS LAND LIMITED PARTNERSHIP  
DB. 7135 PG. 856  
143-111-61



**PRELIMINARY PLAT**  
**NOT FOR RECORDATION,**  
**CONVEYANCES OR SALES.**

FRANK SPRATT  
DB. 664 PG. 255  
143-111-45

APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION  
ORDINANCE OF MECKLENBURG COUNTY, NORTH CAROLINA.  
CHARLOTTE-MECKLENBURG PLANNING COMMISSION

PLANNING COMMISSION STAFF \_\_\_\_\_ DATE \_\_\_\_\_

REFERENCES:

1. PLAT TITLED "BOUNDARY SURVEY FOR FRANK S. SPRATT & CROW-CHILDRESS-KLEIN" BY CONCORD ENGINEERING & SURVEYING INC. (Date: 8-28-90, JOB # 90-08-40)
2. PLAT TITLED "MAP THREE FINAL PLAT OF LAKEPOINTE BUSINESS PARK" BY CONCORD ENGINEERING & SURVEYING, INC. Dated: 4-89 (JOB # 89-02-37) (MAP BOOK 24 - PAGE 599)
3. PROPOSED R/W FOR TYVOLA RD. EXTENSION & CHANGES FOR WILMONT RD. TAKEN FROM CITY OF CHARLOTTE ENGINEERING DEPARTMENT MAPS; JOB #512-85-083, SHEETS 58,60,A-D,62,63, 70 A-B, 75,78 AS REVISED.

NOTES:

1. RAW RATIO OF PRECISION 1:10,000± MISCLOSURE WAS DISTRIBUTED BY THE COMPASS RULE ADJUSTMENT METHOD.
2. AREA DETERMINED BY COORDINATE COMPUTATION.
3. THIS MAP IS PREDICATED ON THE POSSESSION LINES AND EXISTING CORNERS FOUND IN THE FIELD AS SHOWN.
4. THIS PROPERTY IS IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN) ACCORDING TO F.I.R.M. PANEL NO. 370159 0018 C, EFFECTIVE DATE JANUARY 6, 1994.
5. THIS PLAT DOES NOT CONFORM TO GS 47-30 AS AMENDED IN THAT ITS SIZE AND BORDER REQUIREMENTS HAVE NOT BEEN MET.

LEGEND:

- EIP - EXIST. IRON PIN (#5 REBAR)
- SIP - SET IRON PIN (#5 REBAR)
- ⊕ NPS - NO POINT SET
- CONC. R/W MONUMENT
- RIGHT OF WAY LINE
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- TIE LINE

SEE DETAIL "B"

I, JAMES E. CRADDOCK, CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEEDS AS SHOWN); THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES WAS 1:10,000+; THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN DEEDS AS SHOWN; AND THAT THE ANGULAR ERROR OF CLOSURE WAS 04" PER TURN; AND THAT

- THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
- THIS SURVEY IS AN EXCEPTION TO THE DEFINITION OF SUBDIVISION.

WITNESS MY HAND AND OFFICIAL SEAL THIS 18TH DAY OF NOVEMBER, 1997.

REGISTERED LAND SURVEYOR

LICENSE NO. L-3039

BOUNDARY SURVEY FOR ANNEXATION

PROPERTY OF: LAKEPOINT BUSINESS LAND LIMITED PARTNERSHIP

BERRYHILL TWP., MECKLENBURG CO., NC

ADDRESS: \_\_\_\_\_, NC

LOT \_\_\_\_\_ BLOCK \_\_\_\_\_

MAP RECORDED IN MB. \_\_\_\_\_, PG. \_\_\_\_\_; DEED RECORDED IN DB. 8876, PG. 359  
DB. 7135 PG. 856

SURVEY FOR: ESSEX CAPITAL

SCALE: 1 IN. = 100 FT. DATE: NOVEMBER 14, 19 97



CONCORD  
ENGINEERING &  
SURVEYING, INC.

ENGINEERS - SURVEYORS - PLANNERS  
45 SPRING STREET SW CONCORD (704) 786-5404  
CONCORD, NC 28025 CHARLOTTE (704) 332-9934  
FAX (704) 786-7454

January 12, 1998  
Ordinance Book 48, Page 336

ORDINANCE NUMBER: 966 AMENDING CHAPTER 14

**AN ORDINANCE AMENDING CHAPTER 14 OF THE CHARLOTTE CITY CODE  
ENTITLED "MOTOR VEHICLES AND TRAFFIC"**

---

WHEREAS, the North Carolina General Assembly has enacted 1997 N.C. Session Law c. 216 which established G.S. 160A-300.1, entitled "Use of traffic control photographic systems," applicable to the City of Charlotte; and

WHEREAS, G.S. 160A-300.1 authorizes the City of Charlotte to use photographic images as prima facie evidence of traffic violations as defined in G.S. 20-158; and

WHEREAS, in the year 1995, approximately 25% of Charlotte's total traffic accidents occurred at signalized intersections, and a majority of those accidents may have occurred as a result of violations of G.S. 20-158; and

WHEREAS, the objective of a monitoring program is to increase safety at the intersections within the City of Charlotte where the most accidents occur, and to change the driving habits of local motorists, and to provide a deterrent to potential violators; and

NOW, THEREFORE, BE IT ORDAINED by the Charlotte City Council that the City of Charlotte implement a system for capturing traffic control violations, as defined under G.S. 20-158, with a traffic control photographic system that will use the photographic images as prima facie evidence of the traffic violations and will authorize the Charlotte Department of Transportation or an agent of the department to issue civil citations for the violations.

Section 1. Chapter 14, "Motor Vehicles and Traffic," of the Charlotte City Code is hereby amended to create Article VIII, entitled "Traffic Control Photographic Systems" to read as follows:

**"ARTICLE VIII. TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS**

**Sec. 14-226. Definitions.**

(a) "*Traffic control photographic system*" is an electronic system consisting of a photographic, video or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control and to automatically produce photographs, video or digital images of each vehicle violating a standard traffic control.

(b) "*In operation*" means operating in good working condition.

(c) "*System location*" is the approach to an intersection toward which a photographic, video or electronic camera is directed and is in operation.

(d) "Vehicle owner" is the person identified by the North Carolina Division of Motor Vehicles as the registered owner of a vehicle.

**Sec. 14-227. General.**

(a) The City of Charlotte Department of Transportation shall administer the Traffic Control Photographic Program and shall maintain a list of system locations where traffic control photographic systems are installed.

(b) Any citation for a violation of G.S. 20-158 issued by an officer of the Charlotte-Mecklenburg Police Department at a system location shall be treated in the same manner as prescribed in this Article.

(c) The citation shall clearly state the manner in which the violation may be appealed. The citation shall be processed by officials or agents of the City of Charlotte and shall be forwarded by personal service or first-class mail to the owner's address as given on the motor vehicle registration.

**Sec. 14-228. Offense.**

(a) It shall be unlawful for a vehicle to cross the stop line at a system location when the traffic signal for that vehicle's direction of travel is emitting a steady red light, or for a vehicle to violate any other traffic regulation specified in G.S. 20-158.

(b) The owner of a vehicle shall be responsible for a violation under this section, except when he can provide evidence that the vehicle was in the care, custody, or control of another person at the time of the violation, as described in subsection (c).

(c) Notwithstanding subsection (b), the owner of the vehicle shall not be responsible for the violation if, within 21 days after notification of the violation, he furnishes the officials or agents of the city:

1. The name and address of the person or entity who leased, rented, or otherwise had the care, custody, and control of the vehicle at the time of the violation; or
2. An affidavit by him stating that, at the time of the violation, the vehicle involved was stolen or was in the care, custody, or control of some person who did not have his permission to use the vehicle.

**Sec. 14-229. Penalty.**

Any violation of Section 14-228 (a) shall be deemed a noncriminal violation for which a civil

January 12, 1998  
Ordinance Book 48, Page 338

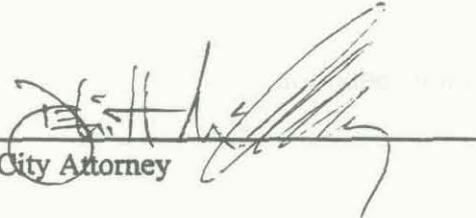
penalty of fifty dollars (\$50.00) shall be assessed, and for which no points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle. Failure to pay the civil penalty or file an appeal within twenty-one (21) days after notification of the violation shall result in an additional penalty of fifty dollars (\$50.00). The city may establish procedures for the collection of the civil penalties and may enforce the penalties by a civil action in the nature of a debt.

**Sec. 14-230. Appeals.**

A notice of appeal shall be filed within twenty-one (21) days after notification of the violation. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the citation. Appeals shall be heard through an administrative process established by the City of Charlotte Department of Transportation. An individual desiring a hearing must post a bond equal to the amount of the civil penalty before an appeal hearing will be scheduled. The hearing officer's decision is subject to review in the Superior Court of Mecklenburg County by proceedings in the nature of certiorari."

Section 2. This ordinance shall become effective upon adoption.

Approved As To Form:

  
\_\_\_\_\_  
City Attorney

**CERTIFICATION**

I, Brenda R. Freeze, 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 12th day of January, 1998, the reference having been made in Minute Book 111, and recorded in full in Ordinance Book 48, Page(s) 336-338.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 15th day of January, 1998.

  
\_\_\_\_\_  
Brenda R. Freeze, CMC, City Clerk