

April 4, 1977
Resolutions Book 12 - Page 340

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
AUTHORIZING THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION
TO FILE AND EXECUTE AN APPLICATION PURSUANT TO FEDERAL
FUNDING UNDER SECTION 9 OF THE URBAN MASS TRANSPORTATION
ACT OF 1964, AS AMENDED.

WHEREAS, the Charlotte-Mecklenburg Planning Commission has been designated by the Governor of North Carolina as the Metropolitan Planning Organization (MPO) for the Charlotte urbanized area: and

WHEREAS, the Urban Mass Transportation Administration (UMTA) requires that the designated MPO for an area be (1) the applicant for and (2) the recipient of UMTA Section 9 funding; and

WHEREAS, the Transit Planning Office of the City of Charlotte requires the use of UMTA Section 9 funding to complete work addressed in Charlotte's Fiscal Year 1978 Unified Work Program; and

WHEREAS, Federal funding is requested in the amount of \$58,556, with local matching funds in the amount of \$14,639;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session, duly assembled, that:

- (1) It concurs with the filing of an application for Section 9 technical studies funds (as referenced in the FY-78 Unified Work Program for the Charlotte Urbanized Area) to the United States Department of Transportation, Urban Mass Transportation Administration by Mr. Allen Tate, Chairman of the Charlotte-Mecklenburg Planning Commission; and
- (2) The City of Charlotte assures the availability of the local share of the money to perform this work

in the amount of \$14,639 or 20% of eligible project costs subject to final approval in the City's annual appropriation process.

Approved as to form:

Henry W. Underhill Jr
City Attorney

Date: March 25, 1977

C E R T I F I C A T I O N

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 4th day of April, 1977, the reference having been made in Minute Book 65, page _____.

WITNESS my hand and corporate seal of the City of Charlotte, North Carolina, this the 5th day of April, 1977.

Ruth Armstrong
Ruth Armstrong
City Clerk

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE CLAIMS AGAINST THE CITY IN AMOUNTS NOT EXCEEDING \$5,000.00 FOR PERSONAL INJURY OR FOR DAMAGES TO PROPERTY ARISING OUT OF THE OPERATION OF THE CHARLOTTE TRANSIT SYSTEM.

WHEREAS, the City of Charlotte has become the owner of the Charlotte Transit System in accordance with N. C. G. S. 160A-311; and

WHEREAS, claims against the City of Charlotte for personal injuries and property damages may be filed from time to time against the City of Charlotte arising out of the operation of the Charlotte Transit System; and

WHEREAS, based upon past experience, many such claims are expected to involve sums of money in the amount of \$5,000.00 or less; and

WHEREAS, the procedure for handling such claims now includes submission of all claims to the City Council for approval or disapproval involving \$300.00 or more; and

WHEREAS, due to the nature of the operation, savings in time, money and administrative effort can be obtained by delegating to the City Manager, or his designee, the authority to handle tort claims involving sums of money in the amount of \$5,000.00 or less arising out of the operation of the Charlotte Transit System; and

WHEREAS, the City Council is desirous of delegating that authority to the City Manager, or his designee; and

WHEREAS, N. C. G. S. 160A-12 permits the City Council to provide for the exercise or performance of duties and powers by its officers and officials, by adoption of a resolution setting forth the directions and restrictions for the exercises of said powers.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session duly assembled, that the City Manager, or his designee, is hereby authorized to handle, in accordance with the laws governing municipal liability and non-liability arising out of such operations, those claims filed against the City in tort arising out of the operation of the Charlotte Transit System when the amount involved does not exceed the sum of \$5,000.00. Settlement of a claim by the City Manager, or his designee, pursuant to this section shall constitute a complete release of the City from any and all damages sustained by the person or persons

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involved in such settlement in any manner arising out of the accident,
or events, or occasion of which complaint is made.

Approved as to form:

Harry W. Underhill Jr.
City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 4th day of April, 1977, the reference having been made in Minute Book 65, page , and recorded in full in Resolutions Book 12, page 342-343.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 5th day of April, 1977.

Ruth Armstrong
City Clerk

April 4, 1977

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Copy of a Resolution Passed by the City Council
of the City of Charlotte, North Carolina

The following resolution was introduced, and Councilman Whittington moved that it be adopted. The motion was seconded by Councilwoman Chafin, and, upon being put to a vote, the resolution was unanimously carried;

WHEREAS, the City of Charlotte and the North Carolina Board of Transportation, on the 28th day of June, 1976, entered into a municipal agreement as to the construction and improvement of Sardis Road (SR 3356) from the end of the Fairview Road Extension project to the vicinity of Randolph Road, under Project 9.8100311, Mecklenburg County; and,

WHEREAS, the parties thereto now wish to amend the aforementioned agreement to provide for traffic operating controls on the project; and,

WHEREAS, except as hereinabove provided, the City Council ratifies and affirms the municipal agreement entered into on the 28th day of June, 1976, for Project 9.8100311, Mecklenburg County between this Municipality and the Board of Transportation.

NOW, THEREFORE, BE IT RESOLVED that the supplemental agreement for Project 9.8100311, Mecklenburg County, be and it is hereby formally approved by the City Council of the City of Charlotte, and that the mayor and the City Clerk (or Manager) of this Municipality be and they are empowered to sign and execute the required agreement between this Municipality and the Board of Transportation.

This Resolution was passed and adopted the 4th day of April, 1977.

I, Ruth Armstrong City Clerk (or Manager) of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and correct copy of excerpts from the minutes of the City Council of this Municipality;

WITNESS, my hand and the official seal of the City of Charlotte on this 5th day of April, 1977.

Ruth Armstrong
CLERK (OR MANAGER)
CITY OF CHARLOTTE
NORTH CAROLINA

April 4, 1977

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"RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF CHARLOTTE FOR CONDEMNATION ACTION IN THE
GRIER HEIGHTS COMMUNITY DEVELOPMENT TARGET AREA"

WHEREAS the City of Charlotte has undertaken the execution of the Grier Heights Community Development Target Area, the same being an Urban Redevelopment Project, to be executed in accordance with the provisions of Article 22 of Chapter 160A of the General Statutes of North Carolina; and

WHEREAS the Urban Renewal Law as set out in said Article and Chapter provides for the acquisition, preparation, sale, sound replanning, and redevelopment of property within a redevelopment area, as defined by said law; and

WHEREAS such area has been established in accordance with the requirements of such law and the said Grier Heights Community Development Target Area approved by the Governing Body of the City of Charlotte; and

WHEREAS such law specifically provides for the exercise of power of Eminent Domain in order that the purpose of the law as set out in said Article 22 of Chapter 160A to be achieved and accomplished, such purposes being in the public interest and designed to promote the health, safety and welfare of the inhabitants of this community and locality; and

WHEREAS the City of Charlotte has, under the applicable laws and regulations relating to such procedure, endeavored to establish a fair market value on properties within the area, and has in good faith through its proper agents endeavored to negotiate for the acquisition of properties within the fair market value thereof, the City of Charlotte recognizing in such negotiations that it needed to acquire said property in accordance with the said redevelopment plan previously approved; and

WHEREAS the City of Charlotte, after such fair negotiations, has of this date been unable to acquire such properties as hereinafter set out and this acquisition of such properties being essential to the achievement of the plans and accomplishment of the purpose of the redevelopment law as the same relates thereto; and

WHEREAS it therefore appears that it will be necessary for the City of Charlotte to institute condemnation proceedings under the provisions of the North Carolina Law of Eminent Domain and the exercise of powers thereunder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that the Council approves and hereby orders the institution of condemnation proceedings in its proper corporate name with respect to the following properties:

<u>Block No.</u>	<u>Parcel No.</u>	<u>Owner</u>	<u>Fair Market Value</u>
20	29	Fred & James Ardrey	\$1,500

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 4th day of April, 1977, the reference having been made in Minute Book 65, and is recorded in full in Resolutions Book 12, at Page 345.

Ruth Armstrong
City Clerk

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A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN ENCROACHMENT AGREEMENT WITH SOUTHERN RAILWAY COMPANY FOR A CROSSING, IMPROVEMENT, RELOCATION AND UPGRADING OF SIGNALS ON STATESVILLE AVENUE

BE IT RESOLVED by the City Council of the City of Charlotte, that the Mayor and City Clerk are hereby authorized to execute an Encroachment Agreement with the Southern Railway Company to perform certain work in connection with the widening and improving of said crossing and the relocation and upgrading of flashing light signals on a public street known as Statesville Avenue and across the right of way of Southern Railway Company.

The terms of payment to the Railway Company for this crossing are as follows:

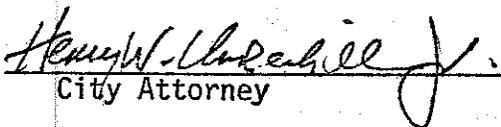
For the widening of Statesville Avenue at this crossing, the estimated cost is \$6,600 for which the City will pay 50% and the Railroad will pay %50.

For the relocation and upgrading of the flashing light signals at this crossing, the estimated cost is \$3,000 for which the City will pay 90% and the Railroad Company will pay 10%.

Thereafter, annual maintenance costs will be shared equally between the City and the Railroad and bill to be rendered at the close of each fiscal year of the City.

The above percentages are established and are in accordance with N. C. State Statutes as determined by the City Attorney's Office.

Approved as to form:


City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk for 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 a regular session convened on the 4th day of April, 1977, the reference having been made in Minute Book 65, page , and recorded in full in Resolutions Book 12, page 346.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 5th day of April, 1977.

ECL/jgr


Ruth Armstrong, City Clerk