

J&B-51417-M-116

FORM 3517-3  
Revised 9-1-68

RESOLUTION

At a regular meeting of the City Council of the City of Charlotte, North Carolina  
, held on the 11th day of February, 1980, the following  
was ordered and spread upon the minutes:

"It is hereby ordered by the City Council of the City of Charlotte, North Carolina  
, that the form of agreement between the said City and the Seaboard  
Coast Line Railroad Company, dated March 3, 1977, by the provisions of which the said Rail-  
road Company grants to the said City an easement or right of way, within the limits  
therein set out, for maintaining a public road or street crossing (includ-  
ing the usual appurtenances, such as <sup>approaches</sup> paved roadway, curbs, gutters, sidewalks, shoulders, slopes, fills, cuts  
and drainage facilities) at grade across the right of way and track or tracks of the Seaboard Coast Line Rail-  
road Company at Thermal Road, Charlotte, North Carolina,

as particularly described in said agreement and as more fully shown on the print attached to and made a  
part of said agreement, be and the same is hereby approved."

"Further that the Mayor and Clerk of said City are hereby authorized  
and directed to execute said agreement in the name and on behalf of said City."

I hereby certify that the foregoing is a true extract from the minutes of the meeting of the  
City Council of the City of Charlotte, North Carolina  
, held on the 11th day of February, A. D., 1980.  
*Ruth Armstrong*  
Clerk

I hereby certify that the agreement hereto attached has been recorded on the minutes of the  
City Council of the City of Charlotte, North Carolina  
after execution, in accordance with the above resolution.  
*Ruth Armstrong*  
Clerk

"RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF CHARLOTTE FOR CONDEMNATION ACTION IN THE  
THIRD WARD COMMUNITY DEVELOPMENT TARGET AREA"

WHEREAS the City of Charlotte has undertaken the execution of the Third Ward 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 re-planning, 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 Third Ward 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 herein-after 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>
12	6	Lucille E. Baker	\$31,500
12	7	L.A.W. Realty, Inc.	\$15,800

Read, approved, and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 11th day of February, 1980, the reference having been made in the minutes of the meeting in Minute Book 72, at Page 481, and recorded in full in Resolutions Book 15, at Page 251.

Ruth Armstrong, City Clerk

February 11, 1980  
Resolutions Book 15 - Page 252

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO PHILIP F. HOWERTON, JR., AND WIFE, ANN S. HOWERTON, JAMES E. MARTIN, SR., TRUSTEE, AND RICHARD A. BIRGEL, CESTUI QUE HOLDER, LOCATED AT 8617 PROVIDENCE ROAD IN THE COUNTY OF MECKLENBURG FOR THE FOUR MILE CREEK OUTFALL PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Philip F. Howerton, Jr. and wife, Ann S. Howerton, James E. Martin, Sr., Trustee, and Richard A. Birgel, cestui que holder, located at 8617 Providence Road in Mecklenburg County for a perpetual easement for a sanitary sewer easement plus a temporary construction easement in connection with the Four Mile Creek Outfall Project; and

WHEREAS, the City has in good faith undertaken to negotiate for the purchase of this property, but has been unable to reach an agreement with the owners for the purchase price.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that pursuant to Section 7.81, Chapter 713 of the 1965 Session Laws of North Carolina, being the Charter of the City of Charlotte, as amended, and the authority granted by North Carolina General Statutes 160A-241, condemnation proceedings are hereby authorized to be instituted against the property of Philip F. Howerton, Jr., and wife, Ann S. Howerton, James E. Martin, Sr., Trustee, and Richard A. Birgel, cestui que holder, located at 8617 Providence Road in the County of Mecklenburg, under the procedures set forth in Article 9, Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that \$1,700.00, the amount of the appraised value of said property, is hereby authorized to be deposited in the office of the Clerk of Superior Court of Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

Approved as to form:

Henry W. Woodhill 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 11th day of February, 1980, and the reference having been made in Minute Book 72 page 482, and recorded in full in Resolutions Book 15, page 252.

WITNESS, my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of February, 1980.

Ruth Armstrong  
Ruth Armstrong, City Clerk