

A RESOLUTION AUTHORIZING THE REFUND OF PROPERTY TAXES

Reference is made to the schedule of "Taxpayers and Refunds Requested" attached to the Docket for consideration of the City Council. On the basis of that schedule, which is incorporated herein, the following facts are found:

1. The City-County Tax Collector has collected property taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time limits.
3. The amounts listed on the schedule were collected through either a clerical or assessor error.

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 12th day of February 2007 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of February, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 40, Pages (551-552).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of February, 2007.


Brenda R. Freeze, CMC, City Clerk

**TAXPAYERS AND REFUNDS REQUESTED
(Clerical Error)**

<u>Name</u>	<u>Amount</u>
GENERAL ELECTRIC CAPITAL CORP	\$ 893.13
STATIA ROXANNE	131.62
LITAKER HARRY L	423.80
STATIA ROXANNE	120.54
STATIA ROXANNE	120.54
PRAED CATHY L	90.34
JOHNSON & JOHNSON FINANCE CORP	28.77
MORRIS MANNING & MARTIN LLP	192.37
MORRIS, MANNING & MARTIN LLP	1,013.91
MORRIS, MANNING & MARTIN LLP	231.12
CAMP CHARLES BARON	14.28
HA JIP	20.89
WELTON JANET P PA	3.12
HIPPLE INC	19.64
CROW SCOTT TRANSMISSION	6.90
YARLAGADDA HARISH	84.42
YARLAGADDA HARISH	84.42
YARLAGADDA HARISH	84.42
APARTMENT REALTY ADVISORS OF	31.34
SAVE-A-LOAD INC	93.95
BANKAMERICA SPECIAL ASSETS COR	136,444.14
BANKAMERICA SPECIAL ASSETS COR	122,127.60
S F I ELECTRONICS INC	16.51
RESIDENCE INN BY MARRIOTT	5,701.92
RESIDENCE INN BY MARRIOTT	4,478.20
RESIDENCE INN BY MARRIOTT	3,358.66
RESIDENCE INN BY MARRIOTT	3,888.97
FRONTGATE	1,293.38
UTILIQUEST	515.53
UTILIQUEST	1,056.14
AMBROSE DONALD J	146.29
LANCASTER TAMARA G	133.45
LANCASTER TAMARA G	122.22
THOMAS R G PROPERTIES LLC	78.42
HEDRICK RICHARD	66.36
HEDRICK RICHARD	66.36
HEDRICK RICHARD	66.36
HEDRICK RICHARD	72.46
RED SKY GALLERY LTD	122.31
Total	<u>\$ 283,444.80</u>

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE a residual portion of right-of-way located at the intersection of Selwyn Avenue and Brandywine Road in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **Manor House Investment Company, LLC** has filed a petition to close **a residual portion of right-of-way located at the intersection of Selwyn Avenue and Brandywine Road** in the City of Charlotte; and

Whereas, the residual portion of right-of-way to be closed lies within the Myers Park Community beginning approximately 65 feet west from Selwyn Avenue intersection down Brandywine Road continuing back towards Selwyn Avenue east approximately 131 feet around the corner radius to its terminus as shown in the map marked "Exhibit A" and is more particularly described by metes and bounds in a document marked "Exhibit B" both of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina.

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 and

Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of February 12, 2007 that it intends to close a residual portion of right-of-way located at the intersection of Selwyn Avenue and Brandywine Road and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 26th day of March, 2007 in CMGC meeting chamber, 600 East 4th Street Charlotte North Carolina.

The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing as required by N.C.G.S. 160A-299.

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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of February, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 40, Page 553.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of February, 2007.



Brenda R. Freeze, CMC, City Clerk

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE a portion of Means Court in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **Phoenix Corporation** has filed a petition to close **a portion of Means Court** in the City of Charlotte; and

Whereas, the portion of Means Court to be closed lies within the Steele Creek Community beginning 380 feet from Westhall Drive continuing west around the radius approximately 416 feet to its terminus as shown in the map marked "Exhibit A" and is more particularly described by metes and bounds in a document marked "Exhibit B" both of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina.

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 it's 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 and

Now, therefore, be it resolved, by the City Council of the City of Charlotte, at it's regularly scheduled session of February 12, 2007 that it intends to close a portion of Means Court and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 26th day of March, 2007 in CMGC meeting chamber, 600 East 4th Street Charlotte North Carolina.

The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing as required by N.C.G.S. 160A-299.

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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of February, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 40, Page 554.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of February, 2007.



Brenda R. Freeze, CMC, City Clerk

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE two 10-foot alleyways bounded by N. Church Street, W. 30th Street, N. Tryon Street and W. 29th Street in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **J.K.S. Management, LLC** has filed a petition to close **two 10-foot alleyways bounded by N. Church Street, W. 30th Street, N. Tryon Street and W. 29th Street** in the City of Charlotte; and

Whereas, the two 10-foot alleyways to be closed lies within the Historic North Charlotte Community. Alleyway #1 beginning from W. 30th Street continuing approximately 390 feet to its terminus at W. 29th Street and alleyway #2 beginning from N. Church Street continuing approximately 199 feet southeastwardly to its terminus at alleyway #1 as shown on maps marked "Exhibit A-1 and A-2" and is more particularly described by metes and bounds in a document marked "Exhibit B-1 and B-2" both of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina.

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 and

Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of February 12, 2007 that it intends to close two 10-foot alleyways bounded by N. Church Street, W. 30th Street, N. Tryon Street and W. 29th Street and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 26th day of March, 2007 in CMGC meeting chamber, 600 East 4th Street Charlotte North Carolina.

The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing as required by N.C.G.S. 160A-299.

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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of February, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 40, Page 555.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of February, 2007.



Brenda R. Freeze, CMC, City Clerk

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 7:00 P.M. on February 12, 2007.

Members Present: Councilmember Barnes, Burgess, Carter, Dulin, Foxx, Kinsey, Lassiter, Mitchell, Mumford, and Turner.

Members Absent: Councilmember Lochman

Also Present:

* * * * *

Councilmember Burgess introduced the following resolution, a summary of which had been provided to each Councilmember, which was read by title:

**RESOLUTION OF THE CITY OF CHARLOTTE, NORTH CAROLINA,
APPROVING AN INSTALLMENT PAYMENT CONTRACT WITH NEW
CHARLOTTE CORPORATION AND 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 (the "State");

WHEREAS, the City has the power, pursuant to North Carolina General Statutes, to (1) purchase real and personal property, (2) enter into installment purchase contracts to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the City Council of the City of Charlotte, North Carolina (the "City Council") has determined that it is in the best interests of the City to enter into an Installment Payment Contract dated as of March 15, 2007 (the "Contract"), with New Charlotte Corporation (the "Corporation") with an aggregate principal amount of installment payments due thereunder not to exceed \$35,000,000 to acquire certain equipment for general governmental purposes (the "Equipment");

WHEREAS, the Corporation will execute and deliver Certificates of Participation, Series 2007D (FY2007 Equipment Acquisition Project) Evidencing Proportionate Undivided Interests in Installment Payments Pursuant to the Contract (the "2007D Certificates");

WHEREAS, in connection with the sale of the 2007D Certificates by the Corporation to Banc of America Securities LLC and Wachovia Bank, National Association (the "Underwriters"), the City

desires to make certain representations and warranties to the Underwriters in the form of the City's Letter of Representations to the Underwriters (the "*Letter of Representations*");

WHEREAS, there has been described to the City Council the following documents (collectively, the "*Instruments*"), copies of which have been made available to the City Council, which the City Council proposes to approve, enter into and deliver, as applicable, to effectuate the proposed installment purchase financing:

- (1) the Contract;
- (2) the Letter of Representations;
- (3) the Contract of Purchase to be dated on or about March 8, 2007 between the Corporation and the Underwriters (the "*Purchase Contract*");

WHEREAS, to make an offering and sale of the 2007D Certificates, there will be prepared a Preliminary Official Statement (the "*Preliminary Official Statement*"), a draft thereof having been presented to the City Council, and a final Official Statement (collectively with the Preliminary Official Statement, the "*Official Statement*") with respect to the 2007D Certificates, which Official Statement will contain certain information regarding the City;

WHEREAS, it appears that each of the Instruments and the Preliminary Official Statement is in an 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. That all actions of the City, the City Manager, the City Director of Finance, the City Clerk, the City Attorney and their respective designees, whether previously or hereinafter taken, in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments.

Section 2. Authorization of the Official Statement. That the form, terms and content of the Official Statement are in all respects authorized, approved and confirmed, and the use of the Official Statement by the Underwriters in connection with the sale of the 2007D Certificates is hereby in all respects authorized, approved and confirmed.

Section 3. Authorization to Execute the Contract. That the City approves the acquisition of the Equipment in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the City in accordance with its terms. The form and content of the Contract are hereby in all respects authorized, approved and confirmed, and the City Manager and the City Clerk and their respective designees are hereby authorized, empowered and directed to execute and deliver the Contract, including necessary counterparts, in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the City's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Contract presented to the City Council, and that from and after the execution and delivery of the Contract, the City Manager, the City Director of Finance and the City Clerk are hereby 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 4. Letter of Representations; Purchase Contract. That the form and content of the Purchase Contract are hereby in all respects approved, and the City Manager is authorized to execute the Letter of Representations for the purposes stated therein; and

Section 5. City Representative. That the City Manager, the City Director of Finance, the City Treasurer and the City Debt Manager are hereby designated as the City's Representatives to act on behalf of the City in connection with the transaction contemplated by the Instruments and the Official Statement, and each is authorized to proceed with the acquisition of the Equipment in accordance with the Instruments and to seek opinions as a matter of law from the City Attorney, which 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 City's representative and/or designee or designees are in all respects authorized on behalf of the City to supply all information pertaining to the City as purchaser under the Contract for use in the Official Statement and the transactions contemplated by the Instruments or the Official Statement, the City Manager, the City Clerk and the City Director of Finance of the City or their respective designees are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by the Instruments or the Official Statement or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 6. Severability. That if any section, phrase or provision of this Resolution is for any reason declared invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 7. Repealer. That all motions, orders, resolutions and parts thereof, in conflict herewith are hereby repealed.

Section 8. Effective Date. This Resolution will take effect immediately on its adoption.

On motion of Councilmember Burgess, seconded by Councilmember Mitchell, the foregoing resolution titled "RESOLUTION OF THE CITY OF CHARLOTTE, NORTH CAROLINA APPROVING AN INSTALLMENT PAYMENT CONTRACT WITH NEW CHARLOTTE CORPORATION AND RELATED MATTERS" was duly adopted by the following vote:

AYES:

NAYS:

PASSED, ADOPTED AND APPROVED this 12th day of February, 2007.

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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of February, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 40, Pages (556-559).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of February, 2007.


Brenda R. Freeze, CMC, City Clerk

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 **POTTS STREET PARALLEL OUTFALL 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 **POTTS STREET PARALLEL OUTFALL PROJECT** and estimated to be approximately **1,788 square feet (.041 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. 003-253-16, said property currently owned by **WACHOVIA BANK, N. A. , and Any Other Parties in Interest**, or the owners' successor-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, 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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of February, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 40, Page 560.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of February, 2007.


Brenda R. Freeze, CMC, City Clerk

**A RESOLUTION OF THE CITY COUCIL OF THE CITY OF CHARLOTTE
ADOPTING AND APPROVING THE EXCHANGE OF LAND RIGHTS IN THE
RAIL CORRIDOR ALONG SOUTH BOULEVARD WITH DIN/CAL, INC., A
TEXAS CORPORATION, ITS SUCCESSORS AND ASSIGNS**

WHEREAS, the City of Charlotte (the "City") purchased the 130 foot wide Charter Right-of-Way, formerly owned by the Norfolk Southern Railroad, located in the SouthEnd area of the City; and

WHEREAS, in 2005, the City through the action of its council adopted the SouthEnd Transit Station Area Plan to guide the development along the buffer area of the 130-foot wide Rail Corridor; and

WHEREAS, the Staff is working with Din/Cal, Inc., its successors and assigns (doing business as "Charlotte Downtown Apartments"), who has a contract to purchase the "Carroll Alignment" property from Carroll Family #1, LLC and Westbrook Family LLC to implement transit friendly redevelopment along the Rail Corridor; and

WHEREAS, the buffer area in the Charter Right-of-Way in which Din/Cal, Inc., its successors and assigns, is interested lies outside of the currently preserved transit corridor, excepting that a portion of the Charter Right-of-Way that has been improved with a light rail support facility and station known as "Signal House No. 09"; and

WHEREAS, Din/Cal, Inc., its successors and assigns, propose to enclose "Signal House No. 09" into the development of the apartment project to be constructed around and above the Signal House so that the it will appear to be part of the apartment project and blend in with the rest of the apartment project instead of a stand-alone metal building; and

WHEREAS, in order to proceed with the development of the "Carroll Alignment" property, the City and Din/Cal, Inc., its successors and assigns, agree to exchange property rights for a full and fair compensation, as provided by the North Carolina General Statutes; and

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

- A. The City shall receive from Din/Cal, Inc., its successors and assigns, the following, which is a full and fair compensation for the exchange of property rights:
 1. "Fee" title and rights to 10,610 sq. ft. (37 feet in width from the center line of the Rail Corridor by 286 feet in length) that will remain in use as the rail corridor being with tax parcel numbers 123-033-01 & 02..

2. The benefit of the enhancement to the appearance of Signal House No. 09, a metal building so that it will appear to be part of the apartment project.
 3. Additional utility work and landscaping as specified in the Plans.
- B. Din/Cal, Inc., its successors and assigns, will receive:
1. Release of rail Right-of-Way to 6,661 square feet (28 feet in width from the Westerly edge of the Rail Corridor being a portion of tax parcel numbers 123-033-01 & 02.
 2. A release of Air Rights above "Signal House No. 9" for the area approximately 5 feet above the Signal House.
 3. The right to place, in the Charter Right of Way, in the ground, at, near or around the location of "Signal House #9", footings, or other materials necessary to support the improvement to be constructed in the air space above "Signal House #9".

BE IT FURTHER RESOLVED, that the actual exchange of property rights set forth herein between the City and Din/Cal, Inc., its successors and assigns, shall not occur until the following events have occurred:

1. Federal Transit Authority approval of the exchange of land rights is received.
2. Din/Cal, Inc., its successors and assigns, acquire the property from the Carroll/Westbrook Family.
3. Approval of Din/Cal, Inc.'s, its successors and assigns, plans related to the use of the Charter Right-of-Way and the construction of the apartment project above and around "Signal House No. 09" by the City.

FURTHER RESOLVED, that the City Council for the City of Charlotte authorizes the City Manager to execute any and all legal documents to complete the exchange of the land rights between the City and Din/Cal, Inc., its successors and assigns, and that the City Manager and/or her/his designee is authorized to execute any and all documents in connection with such transfer of property rights between the City and Din/Cal, Inc., its successors and assigns.

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 a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of February, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 40, Pages (561-563).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of February, 2007.



Brenda R. Freeze, CMC, City Clerk