

RESOLUTION CLOSING A PORTION OF PROSPECT STREET AND AN ALLEYWAY OFF OF PROSPECT STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close a portion of Prospect Street and an alleyway off of Prospect Street which calls for a public hearing on the question; and

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close a portion of Prospect Street and an alleyway off of Prospect Street to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. §160A-299; and

WHEREAS, the petitioner will provide an access easement to Charlotte-Mecklenburg Utilities, Duke Energy, Piedmont Natural Gas, and all other owners of existing underground utilities and telecommunications to maintain their facilities as shown on the attached maps marked "Exhibits A-1 and A-2"; and

WHEREAS, the petitioner and an abutting property owner have agreed to a distribution of right-of-way as shown in "Exhibit C" attached hereto and made part hereof; and

WHEREAS, the public hearing was held on the 22<sup>nd</sup> day of February, 2010, and City Council determined that the closing of a portion of Prospect Street and an alleyway off of Prospect Street is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of February 22, 2010, that the Council hereby orders the closing of a portion of Prospect Street and an alleyway off of Prospect Street in the City of Charlotte Mecklenburg County, North Carolina as shown in the maps marked "Exhibits A-1 and A-2", and is more particularly described by metes and bounds in the documents marked "Exhibits B-1 and B-2", both of which are attached hereto and made a part hereof.

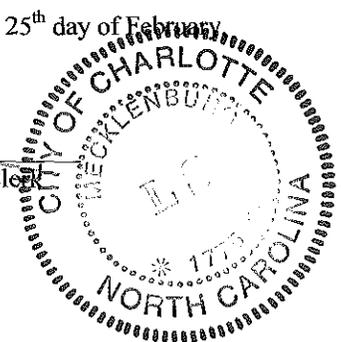
BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

**CERTIFICATION**

I, Melissa T. Johnson, Deputy 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 22<sup>nd</sup> day February, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Page 383.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of February 2010.

  
Melissa T. Johnson, Deputy City Clerk





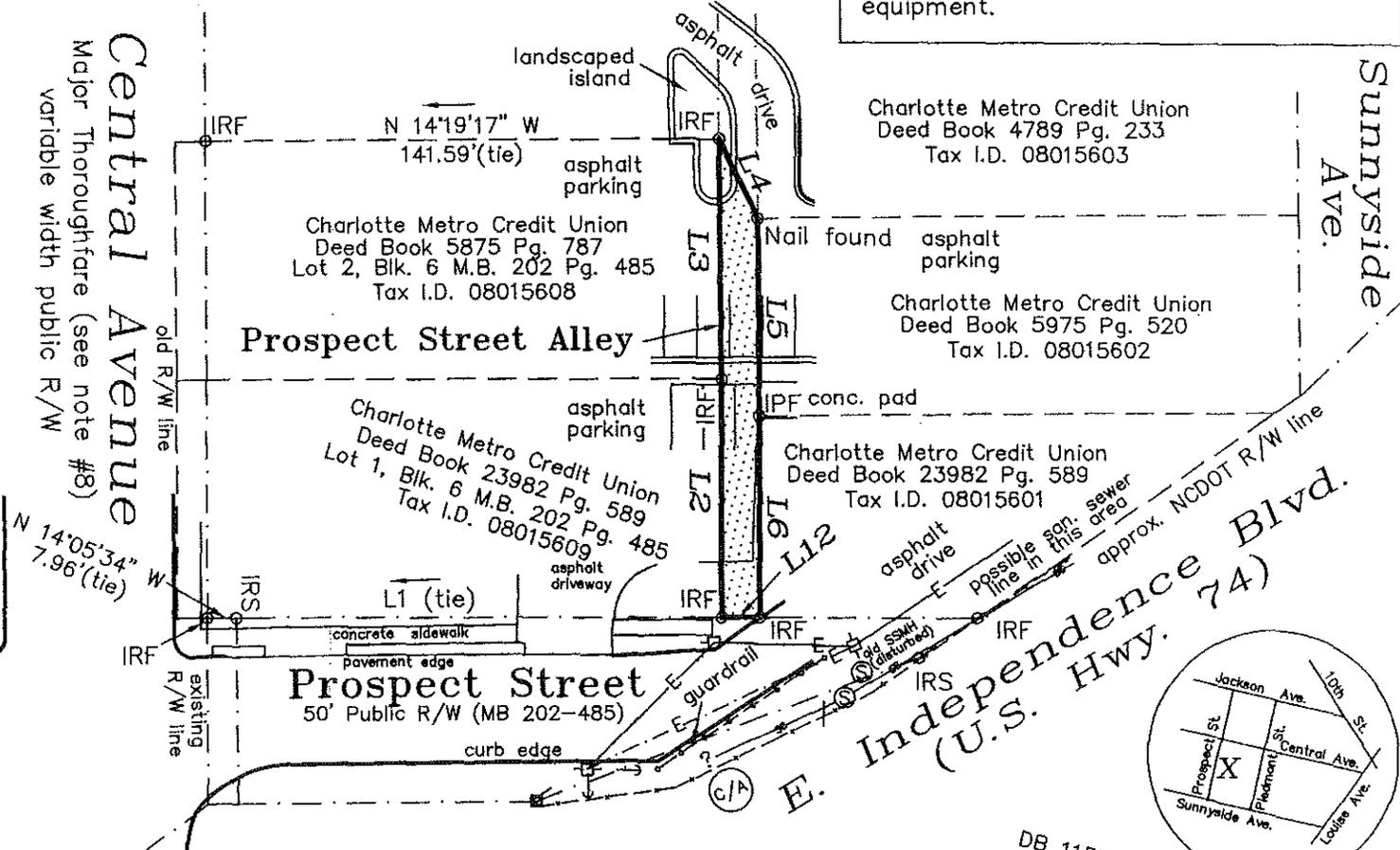
NOTES

1. TOTAL AREA to be abandoned is 1,272 S.F. (or 0.0292 acre), by coordinates.
2. Prospect Street Alley and Prospect Street are shown on plat recorded in Map Book 202 Page 485.
3. This survey does not reflect a complete title examination. There may be additional easements and/or restrictions not shown.
4. The utilities shown are based on the following: observed above-ground structures, CMUD customer service maps and paint markings provided by the NC ONE-CALL Utility Locating Center. There may be additional utilities not shown. It is the contractor and/or developer's responsibility to verify all utility locations prior to grading, excavation and demolition.  
CALL BEFORE YOU DIG 1-800-632-4949.
5. This property does not lie within a designated Flood Hazard Area as per Flood Insurance Rate Map Panel No. 3710455400J dated March 02, 2009.
6. Central Avenue is known as a Class III Major Thoroughfare, and the proposed right of way is 40 feet from road centerline. Independence Boulevard is known as a Class I Freeway-Expressway, and the proposed right of way is 175' from centerline road per City of Charlotte Zoning Ordinance, Section 12.103. The location of the 175' proposed right-of-way line is subject to determination by Charlotte Dept. of Transportation as specified in Sec.12.103 (1). Charlotte D.O.T. should also be contacted to determine the applicability of the proposed right of way. See Central Avenue R/W width of 50' as shown on Map Book 202 Page 485. Existing right of way width of Central Avenue varies from 50'. No recorded R/W deed was found by the surveyor.
7. No recorded alley abandonment or withdrawal was found for that portion of the 10' alley crossing tax parcel 08015603. Per conversation with Jeff Boenisch, CDOT, dated September 04, 2009 and per Mecklenburg County GIS, that portion of the alley has apparently been previously withdrawn.

THIS MAP DOES NOT REFLECT A COMPLETE BOUNDARY SURVEY OF ALL OF THE PROPERTIES INVOLVED. THIS MAP IS INTENDED TO BE USED FOR RIGHT-OF-WAY ABANDONMENT ONLY. THIS SURVEY IS BASED UPON MY BEST KNOWLEDGE, INFORMATION AND BELIEF.

SEAL  
L-3098  
LAND SURVEYOR  
ANDREW G. ZOUTEWELLE  
12/21/2009  
Zoutewelle, PLS L-3098

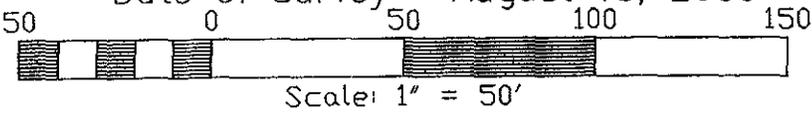
Easement in favor of Charlotte-Mecklenburg Utilities, Duke Energy, Piedmont Natural Gas, and all other owners of existing underground utilities and telecommunication facilities, upon, under, and across the entire property described above for access to and for the installation, maintenance, replacement, and repair of water, sanitary sewer, gas lines, conduit, cable, wires, and related equipment.



Copyright 2009

ALLEY ABANDONMENT  
**Prospect Street Alley**  
CHARLOTTE, MECKLENBURG COUNTY, N.C.  
for CHARLOTTE METRO CREDIT UNION  
Date of Survey August 18, 2009

Exhibit A-2



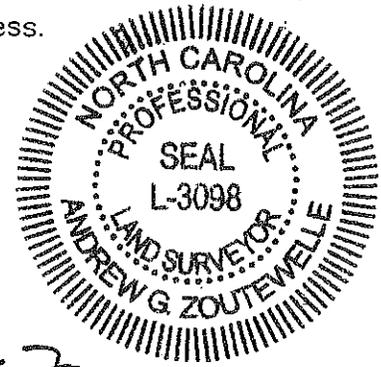
**A.G. ZOUTEWELLE**  
SURVEYORS  
1418 East Fifth St. Charlotte, NC 28204  
Phone: 704-372-9444 Fax: 704-372-9555  
Firm Licensure Number C-1054

PROSPECT STREET DESCRIPTION

A parcel or tract of land lying and being in the City of Charlotte, Mecklenburg County, North Carolina known as Prospect Street and more particularly described as follows:

BEGINNING at an iron rebar set on the proposed southerly right of way margin of Central Avenue (a variable width public R/W) in the line of Charlotte Metro Credit Union property as described in deed recorded in Book 23982 Page 589, Mecklenburg County Registry, said iron standing South 14-05-34 East 7.96 feet from an iron rebar found on the existing southerly right of way margin of Central Avenue; thence from said POINT AND PLACE OF BEGINNING, leaving Central Avenue and with the line of Charlotte Metro Credit Union property as described in deed recorded in Book 23982 Page 589, South 14-05-34 East 133.50 feet to an iron rebar found on the northerly margin of the Prospect Street Alley as shown on Map Book 202 Page 485; thence crossing said alley, South 14-20-08 East 10.54 feet to an iron rebar found, a corner of Charlotte Metro Credit Union as described in deed recorded in Book 23982 Page 589; thence with the line of Charlotte Metro Credit Union South 13-51-52 East 59.69 feet to an iron rebar found on the northeasterly right of way margin of East Independence Boulevard (U.S. Hwy 74), a variable width public R/W; thence with said northeasterly right of way margin the following three (3) courses and distances: (1) North 48-51-47 West 19.37 feet to an iron rebar set; (2) North 34-48-11 West 112.12 feet to a concrete right-of-way monument found and (3) North 14-30-00 West 82.02 feet to an iron rebar set on the proposed southerly right of way margin of Central Avenue; thence with said proposed right of way margin North 74-52-22 East 51.50 feet to the BEGINNING, containing 7,566 square feet, more or less.

LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S 14°05'34" E	133.50'
L7	S 13°51'52" E	59.69'
L8	N 48°51'47" W	19.37'
L9	N 34°48'11" W	112.12'
L10	N 14°30'00" W	82.02'
L11	N 74°52'22" E	51.48'
L12	S 14°20'08" E	10.54'

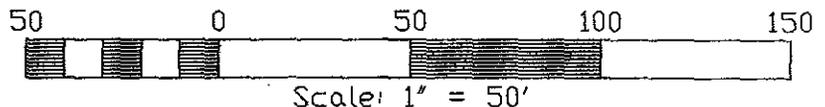


*Andrew G. Zoutewelle*  
12/21/2009  
Copyright 2009

Exhibit B-1

- LEGEND
- ch. chord
  - L,R curve length & radius s.f.
  - square feet (by coordinates)
  - C.M.P. corrugated metal pipe
  - R.C.P. reinforced concrete pipe
  - MB,DB record map and deed references
  - └─┘ guy anchor
  - utility pole
  - ⊗ light pole
  - ▣ pad transformer
  - water valve
  - fire hydrant
  - storm catch basin
  - ⊗ storm yard inlet
  - ⊗ water meter
  - ⊗ gas valve
  - IPF iron pin found
  - IRS iron pin set (1/2" rebar)
  - ⊙ sanitary sewer manhole
  - ⊙ telephone manhole
  - ⊙ controlled-access
  - E- overhead utilities

ROADWAY ABANDONMENT  
A Portion of Prospect Street  
CHARLOTTE, MECKLENBURG COUNTY, N.C.  
for CHARLOTTE METRO CREDIT UNION  
Date of Survey August 18, 2009



**A.G. ZOUTEWELLE**  
**SURVEYORS**  
1418 East Fifth St. Charlotte, NC 28204  
Phone: 704-372-9444 Fax: 704-372-9555  
Firm Licensure Number C-1054

PROSPECT STREET ALLEY DESCRIPTION

A parcel or tract of land lying and being in the City of Charlotte, Mecklenburg County, North Carolina known as Prospect Street Alley and more particularly described as follows:

COMMENCING at an iron rebar set on the proposed southerly right of way margin of Central Avenue (a variable public R/W) in the line of Charlotte Metro Credit Union property as described in deed recorded in Book 23982 Page 589, Mecklenburg County Registry and running thence with the line of Charlotte Metro Credit Union property, South 14-05-34 East 133.50 feet to an iron rebar found, the POINT AND PLACE OF BEGINNING; thence from said BEGINNING point, with the line of Charlotte Metro Credit Union property as described in deeds recorded in Book 23982 Page 589, Book 5875 Page 787, Book 4789 Page 233 and Book 5975 Page 520 the following five (5) courses and distances: (1) North 75-36-59 East 66.21 feet to an iron rebar found; (2) North 75-09-36 East 66.41 feet to an iron rebar found; (3) South 49-43-28 West 24.58 feet to a nail found; (4) South 75-24-21 West 54.69 feet to an iron pipe found and (5) South 75-28-29 West 55.84 feet to an iron rebar found on the existing easterly right of way margin of Prospect Street (50' public R/W); thence with said easterly right of way margin, North 14-20-08 West 10.54 feet to the BEGINNING, containing 1,270 square feet, more or less.

LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S 14°05'34" E	133.50'
L2	N 75°36'59" E	66.21'
L3	N 75°09'36" E	66.41'
L4	S 49°43'28" W	24.58'
L5	S 75°24'21" W	54.69'
L6	S 75°28'29" W	55.84'
L12	S 14°20'08" E	10.54'



*A.G.Z.*  
12/21/2009

Exhibit B-2

Copyright 2009

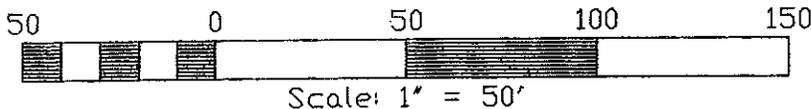
ALLEY ABANDONMENT

*Prospect Street Alley*

CHARLOTTE, MECKLENBURG COUNTY, N.C.

for CHARLOTTE METRO CREDIT UNION

Date of Survey August 18, 2009



**A.G. ZOUTEWELLE**  
**SURVEYORS**  
1418 East Fifth St. Charlotte, NC 28204  
Phone: 704-372-9444 Fax: 704-372-9555  
Firm Licensure Number C-1054

- ch. chord
- L,R curve length & radius s.f.
- square feet (by coordinates)
- C.M.P. corrugated metal pipe
- R.C.P. reinforced concrete pipe
- MB,DB record map and deed references

- ☐ guy anchor
- ☐ utility pole
- ☼ light pole
- ☒ pad transformer
- ☒ water valve
- ☉ fire hydrant
- ☐ storm catch basin
- ☒ storm yard inlet
- ☒ water meter
- ☒ gas valve
- IPF iron pin found
- IRS iron pin set (1/2" rebar)
- ⊙ sanitary sewer manhole
- ⊙ telephone manhole
- ⊙/A controlled-access
- E- overhead utilities

LEGEND

**A RESOLUTION OF THE CHARLOTTE CITY COUNCIL FINDING THE  
PROCUREMENT OF ADDITIONAL DEICING FLUID TO BE AN EMERGENCY.**

A motion was made by Burgess and seconded by Carter  
for the adoption of the following Resolution, and upon being put to a vote was duly adopted:

**WHEREAS**, on January 29-31, 2010, a winter storm caused the airport to deice and maintain the operational status of the airport; and

**WHEREAS**, the airport exceeded the previously approved purchase order for deicing fluid and needed additional fluid to maintain the operational status of the airport; and

**WHEREAS**, immediate action was necessary to procure additional deicing fluid for the airfield pavements without delay to preserve the health and safety of the travelling public; and

**WHEREAS**, the airport exceeded the City Manager's financial approval capacity to effect this additional purchase of deicing fluid; and

**WHEREAS**, North Carolina General Statute 143-129(e)(2) allows an exception to the formal bidding requirements for special emergencies that affect the health and safety of the people or their property.

**NOW THEREFORE BE IT RESOLVED**, by the Charlotte City Council that the procurement of additional deicing fluid was an emergency that required immediate action by the City allowing for the emergency procurement of deicing fluid that exceeded \$100,000 in total.

**CERTIFICATION**

I, Melissa T. Johnson, Deputy 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 22<sup>nd</sup> day February, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Page 388.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of February, 2010.

  
Melissa T. Johnson, Deputy City Clerk



ACTION A

**RESOLUTION**

EXTRACT FROM THE MINUTES OF A regular  
MEETING OF THE Charlotte City Council  
HELD ON February 8, 2010  
The following resolution was introduced by -  
Burgess

seconded by Carter, read in full, considered  
and adopted.

RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND  
RATIFYING THE EXECUTION OF THE GRANT AGREEMENTS FOR PROJECT  
NUMBERS 36244.17.10.1 BETWEEN THE NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION AND THE CITY OF CHARLOTTE, NORTH CAROLINA

BE IT RESOLVED, by the CITY COUNCIL of  
THE CITY OF CHARLOTTE, NORTH CAROLINA

SECTION 1. That said City Council hereby  
authorizes, adopts, approves, accepts and ratifies the execution  
of  
a Grant Agreement with the North Carolina Department of

Transportation and the City of Charlotte, North Carolina

SECTION 2. That the Execution of said Grant Agreement in  
quadruplicate on behalf of said City Council  
by T. J. Orr, Aviation Director  
and the impression of the official seal of the City of Charlotte  
and the attestation by Stephanie Kelly; City Clerk  
is  
hereby authorized, adopted, approved, accepted and ratified.

SECTION 3. That the Aviation Director is  
hereby

authorized to execute payment requests under these Grant  
Agreements

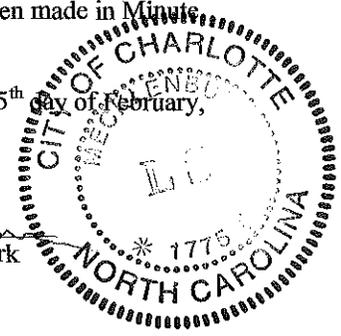
on behalf of said City of Charlotte.

**CERTIFICATION**

I, Melissa T. Johnson, Deputy 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 22<sup>nd</sup> day February, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Pages (389-390).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of February, 2010.

  
Melissa T. Johnson, Deputy City Clerk



**RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON FEBRUARY 22, 2010**

A motion was made by Burgess and seconded by  
Carter for the adoption of the following Resolution, and upon being put  
to a vote was duly adopted:

WHEREAS, this Municipal Agreement is to provide for the undertaking of public transportation studies described in each cycle of the Planning Work Program; and,

WHEREAS, the NCDOT will reimburse the City up to \$437,427 for FY 2010; and,

WHEREAS, the format and cost sharing philosophy is consistent with past municipal agreements; and,

WHEREAS, the City Manager and City Clerk are hereby empowered to sign and execute the Agreement with the North Carolina Department of Transportation; and,

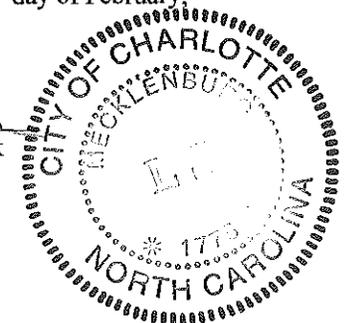
NOW, THEREFORE, BE IT RESOLVED that the Municipal Agreement between the North Carolina Department of Transportation and the City of Charlotte Department of Transportation, is hereby formally approved by the City Council of the City of Charlotte.

**CERTIFICATION**

I, Melissa T. Johnson, Deputy 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 22<sup>nd</sup> day February, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Page 391.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of February 2010.

  
Melissa T. Johnson, Deputy City Clerk



RESOLUTION AUTHORIZING THE LEASE OF ROOFTOP SPACE TO  
DUKE ENERGY CAROLINAS, LLC

---

WHEREAS, the City of Charlotte currently holds a long-term ground lease for property located at 4411 Northpointe Industrial Boulevard (the "Property") in Charlotte, Mecklenburg County, North Carolina; and

WHEREAS, the City expects to acquire fee simple ownership of the Property, pursuant to the terms of its ground lease; and

WHEREAS, on the Property is situated a city-owned and city-constructed building containing space within it, around it, and on its rooftop, which is suitable for the placement and operation of photovoltaic panels and associated equipment which will not interfere with the City's current or future needs; and

WHEREAS, Duke Energy Carolinas, LLC desires to lease approximately 13,632 square feet of rooftop space, along with space within and around the building, for the installation and maintenance of photovoltaic equipment, services and related facilities for a term of twenty five (25) years; and

WHEREAS, in consideration of leasing this portion of the Property, Duke Energy Carolinas, LLC has agreed to pay annual rent in the amount of One Thousand Three Hundred Sixty-Three Dollars (\$1,363) for the first lease year, with the annual rent increasing by two and one-half percent (2.5%) for each successive year of the lease term; and

WHEREAS, Section 8.131 of the Charter of the City of Charlotte authorizes the city to lease its property for terms of more than ten years upon resolution of the City Council adopted at a regular meeting after public notice; and

WHEREAS, the required notice has been published and Council is convened in a regular meeting;

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Charlotte, pursuant to Section 8.131 of the City of Charlotte Charter, that it hereby authorizes the lease of the above referenced Property as follows:

The City Council hereby approves lease of the City property described above to Duke Energy Carolinas, LLC for twenty five (25) years, and authorizes the City Manager or his Designee to execute any instruments necessary to the lease.

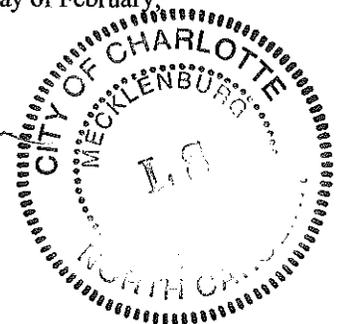
THIS THE 22nd DAY OF FEBRUARY, 2010.

**CERTIFICATION**

I, Melissa T. Johnson, Deputy 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 22<sup>nd</sup> day February, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Pages (392-393).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of February, 2010.

  
Melissa T. Johnson, Deputy 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 **LINCOLN-WILSON HEIGHTS NEIGHBORHOOD IMPROVEMENTS 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 **LINCOLN-WILSON HEIGHTS NEIGHBORHOOD IMPROVEMENTS PROJECT** and estimated to be approximately **487 square feet (.011 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. 075-052-26, said property currently owned by **JAMES WEST BARNES and spouse, if any; 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.

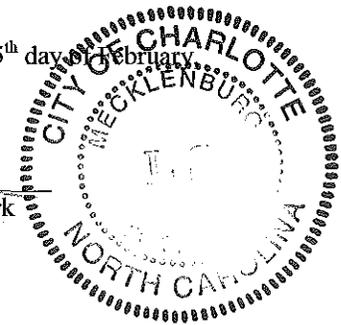
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

**CERTIFICATION**

I, Melissa T. Johnson, Deputy 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 22<sup>nd</sup> day February, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Page 394.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of February, 2010.

  
Melissa T. Johnson, Deputy 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 **STATESVILLE ROAD WIDENING (I-85 to SUNSET) 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 **STATESVILLE ROAD WIDENING (I-85 to SUNSET) PROJECT** and estimated to be approximately **5,054 square feet (.116 acre) of permanent easement and 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. 041-101-11, said property currently owned by **4601 STATESVILLE ROAD, LLC; DEREK G. THOMPSON, Trustee; BANK OF COMMERCE, Beneficiary, Any Other Parties in Interest**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

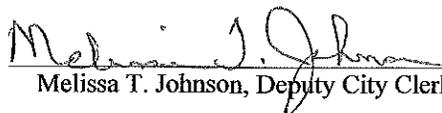
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

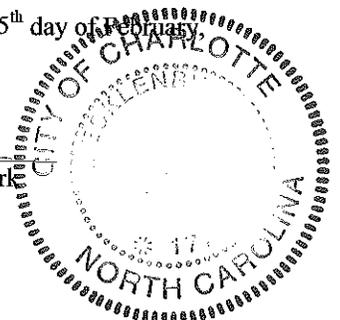
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

**CERTIFICATION**

I, Melissa T. Johnson, Deputy 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 22<sup>nd</sup> day February, 2010, the reference having been made in Minute Book 130, and recorded in full in Resolution Book 42, Page 395.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of February, 2010.

  
Melissa T. Johnson, Deputy 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 **STATESVILLE ROAD WIDENING 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 the **STATESVILLE ROAD WIDENING PROJECT** and estimated to be approximately **5,893 square feet (.135 acre) of fee-simple, storm drainage easement, and 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. 041-211-19, said property currently owned by **FRANK FARGIS and spouse, if any; MARIE FARGIS (a/k/a "Margie Fargis") and spouse, if any; MECKLENBURG COUNTY TAX COLLECTOR, Any Other Parties in Interest, or the owners' successor-in-interest.**

ESTIMATED JUST COMPENSATION:

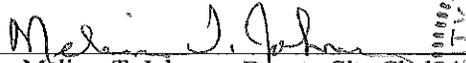
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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, Melissa T. Johnson, Deputy 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 22<sup>nd</sup> day February, 2010, the reference having been made in Minute Book 138, and recorded in full in Resolution Book 42, Page 396.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of February, 2010.

  
Melissa T. Johnson, Deputy City Clerk

