

RESOLUTION AMENDING SETBACK
REQUIREMENTS FOR EIGHTH STREET
BETWEEN GRAHAM AND CHURCH
STREETS.

WHEREAS, by resolution, setback lines were established for Eighth Street in 1956 which would require all streets to have a sixty-foot right of way; and

WHEREAS, Eighth Street between Graham and Church Streets in the Fourth Ward area will be discontinuous and no longer a part of the major thoroughfare plan thereby eliminating the requirement for such a right of way.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, at its regularly assembled meeting of February 9, 1976, that the resolution establishing setback lines for Eighth Street on City Engineering Department map dated October 30, 1956 be, and is hereby amended to exclude Eighth Street between Graham and Church Streets from the required setback lines.

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of February, 1976, the reference having been made in Minute Book 63, and recorded in full in Resolutions Book 11, at page 289.

Ruth Armstrong
City Clerk

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 Councilman Withrow and, upon being put to a vote, the resolution was unanimously carried;

WHEREAS, the North Carolina Board of Transportation has prepared and adopted plans to make certain street and highway improvements within this Municipality under Project W. O. 9.8100304, said plans consisting of the construction and improvement of Albemarle Road (NC 24-27) from the vicinity of Reddman Road (SR 3146) east to Lawyers Road (SR 3128), that said project is considered to be a most necessary street and highway improvement for the promotion of public safety and convenience; and,

WHEREAS, the Board of Transportation and this Municipality propose to enter into an agreement for the above mentioned project wherein this Municipality shall cooperate with said Board to the extent of:

- (1) Effecting the necessary adjustments of any utilities under franchise without expense to the Board of Transportation, and providing for the adjustments of any municipally owned utilities without cost or obligation to the Board of Transportation, except that said Board will reimburse this Municipality in accordance with the Board's municipally owned utility policy.
- (2) Participating in the right of way costs incurred by the Board of Transportation to the extent of twenty (20) percent of the total cost thereof to be paid to said Board in two (2) equal annual installments with the due dates of said installments being October 1, 1976 and October 1, 1977. Payments shall be based on cost estimates to be adjusted when the actual cost figures are determined.
- (3) Reimbursing the Board of Transportation for the construction cost of all new sidewalks that do not replace existing sidewalks as shown on the project plans with said reimbursement to be made in a lump sum amount after completion of the project and within sixty (60) days after billing by said Board.
- (4) Agreeing that the crossovers on the project shall remain indefinitely as shown on the project plans.
- (5) Authorizing the Board of Transportation to withhold so much of this Municipality's share of funds allocated by the General Statutes of North Carolina, Section 136-41.1, in the event this Municipality fails to pay said Board in accordance with the provisions for payment hereinabove provided, until such time as said Board has received payment in full.
- (6) Entering into an agreement with the Board of Transportation as to establishing, maintaining, and enforcing traffic operating controls for the regulation and movement of traffic on the project.

- 2 -

NOW, THEREFORE, BE IT RESOLVED that Project W. O. 9.8100304, Mecklenburg County, be and it is hereby formally approved by the City Council of the City of Charlotte and that the Mayor and City Clerk (or Manager) of this Municipality be and they are hereby empowered to sign and execute the required agreement between this Municipality and the Board of Transportation.

This Resolution was passed and adopted the 9th day of February 1976.

I, Ruth Armstrong, 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 10th day of February, 1976.

City Seal

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

A RESOLUTION AUTHORIZING THE REFUND
OF CERTAIN 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 collected taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers made demand in writing for refund of the amounts set out on the schedule within eight years from the date the amounts were due to be paid.
3. The amounts listed on the schedule were collected through clerical error or by a tax illegally levied and assessed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 9th day of February, 1976, that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested", be refunded the amounts therein set out and that the schedule and this resolution be spread upon the minutes of this meeting.

Approved as to form:

Thomas W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of February, 1976, the reference having been made in Minute Book 63, and recorded in full in Resolutions Book 11, at Page 292.

Ruth Armstrong
City Clerk

TAXPAYERS AND REFUNDS REQUESTED

<u>NAME</u>	<u>AMOUNT OF REFUND REQUESTED</u>	<u>REASON</u>
Trotter & Allen Construction	\$ 129.96	Clerical Error
Trotter & Allen Construction	17.34	Clerical Error
Trotter & Allen Construction	213.42	Clerical Error
James F. Simmons, III	142.80	Clerical Error
Eula Evans Gilmore	21.68	Clerical Error
Johny James Watkins	8.23	Clerical Error
Eugene Rhodes	7.70	Clerical Error
Leonard Bruce Phillips	4.84	Clerical Error
Andrew Jackson Jones, Jr.	44.04	Clerical Error
Claude Terrell Deaton	15.25	Clerical Error
Robert Lee Blackwelder	8.09	Clerical Error
Bluffwood, Inc.	157.61	Clerical Error
P. L. Peterson Trust	115.81	Clerical Error
Itel Computer Leasing Corp.	286.47	Clerical Error
Joseph I. Lubin & Elk Realty	2,564.85	Clerical Error
Professional Billing Corp.	28.38	Clerical Error
Mrs. Ruth Reilley Wilkes Life Estate	31.13	Clerical Error
Barry P. Sebralla & wife, Anna H.	73.92	Illegal Levy
Michael E. Quinn	6.33	Clerical Error
Annie Barkley Lowery	11.44	Clerical Error
Candace O. Armfield	11.18	Illegal Levy
Zola M. Anderson	8.89	Clerical Error
William Sidney Abernethy, Jr. and wife, Dorothy	107.62	Clerical Error
William Sidney Abernethy, Jr.	<u>124.08</u>	Clerical Error
	\$4,141.06 =====	

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO JOSEPH E. JOHNSTON AND WIFE, FRANCES JOHNSTON; GEORGE A. JOHNSTON AND WIFE, EZELLE JOHNSTON; DEMA J. ARMSTRONG; DEMA JOHNSTON NEWBERRY AND HUSBAND, EDWARD B. NEWBERRY; DAVID JOHNSTON AND WIFE, CECELIA JOHNSTON; AND SAMUEL DAVID JOHNSTON, JR., LOCATED AT 620 EAST 18th STREET IN THE CITY OF CHARLOTTE FOR THE IRWIN-SUGAR CREEK PARK - PHASE II PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Joseph E. Johnston and wife, Frances Johnston; George A. Johnston and wife, Ezelle Johnston; Dema J. Armstrong; Dema Johnston Newberry and husband, Edward B. Newberry; David Johnston and wife, Cecelia Johnston; and Samuel David Johnston, Jr., located at 620 East 18th Street in the City of Charlotte, for park purposes in connection with the construction of the Irwin-Sugar Creek Park - Phase II 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 in Chapter 160A-241 of the General Statutes of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of Joseph E. Johnston and wife, Frances Johnston; George A. Johnston and wife, Ezelle Johnston; Dema J. Armstrong; Dema Johnston Newberry and husband, Edward B. Newberry; David Johnston and wife, Cecelia Johnston; and Samuel David Johnston, Jr., located at 620 East 18th Street in the City of Charlotte, 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 \$1,200.00, 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. 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 9th day of February, 1976, and the reference having been made in Minute Book 63, page _____, and recorded in full in Resolutions Book 11 page 294.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of February, 1976.

Ruth Armstrong
Ruth Armstrong, City Clerk

February 9, 1976
Resolutions Book 11 - Page 295

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO ELMER CARLIN WHITTAKER AND WIFE, MARY HARTSON WHITTAKER LOCATED AT 3700 WENDWOOD LANE (CORNER OF RANDOLPH ROAD AND WENDWOOD LANE) IN THE CITY OF CHARLOTTE FOR THE RANDOLPH ROAD WIDENING PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Elmer C. Whittaker and wife, Mary Hartson Whittaker located at 3700 Wendwood Lane (corner of Randolph Road and Wendwood Lane) in the City of Charlotte, for right of way purposes and a temporary construction easement and a permanent drainage easement in connection with the Randolph Road Widening 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 in Chapter 160A-241 of the General Statutes of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of Elmer C. Whittaker and wife, Mary Hartson Whittaker located at 3700 Wendwood Lane (corner of Randolph Road and Wendwood Lane) in the City of Charlotte, 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 \$2,600.00, 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. 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 9th day of February, 1976, and the reference having been made in Minute Book 63, page _____, and recorded in full in Resolutions Book 11, page 295.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of February, 1976.

Ruth Armstrong
Ruth Armstrong, City Clerk

February 9, 1976
Resolutions Book 11 - Page 296

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO JANIE STEWART LOCATED AT 1625 McDONALD STREET (OFF BEATTIES FORD ROAD) IN THE CITY OF CHARLOTTE FOR THE NORTHWEST JUNIOR HIGH SCHOOL AREA PARK SITE PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Janie Stewart located at 1625 McDonald Street (off Beatties Ford Road) in the City of Charlotte, for park purposes in connection with the construction of the Northwest Junior High School Area Park Site 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 owner 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 in Chapter 160A-241 of the General Statutes of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of Janie Stewart located at 1625 McDonald Street (off Beatties Ford Road) in the City of Charlotte, 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 \$350.00, 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. 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 9th day of February, 1976, and the reference having been made in Minute Book 63, page , and recorded in full in Resolutions Book 11, page 296.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of February, 1976.

Ruth Armstrong
Ruth Armstrong, City Clerk