

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE portions of two alleyways north of East Independence Boulevard in the city of Charlotte, Mecklenburg county, North Carolina

Whereas, Todd M. Pfalzgraf has filed a petition to close portions of two alleyways north of East Independence Boulevard in the city of Charlotte; and

Whereas, portions of two alleyways north of East Independence Boulevard to be closed lies from East Independence Boulevard northeastwardly approximately 120 feet between Louise and Oakland Avenues as shown in a 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 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 January 11, 1999, that it intends to close portions of two alleyways north of East Independence Boulevard, and that the said street (or portion thereof) being more particularly described on a map and by a metes and bounds description available for inspection in the City Clerk's office, and hereby calls a public hearing on the question to be held at 7:00pm on Monday, the 8th day of February, 1999 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 11th day of January, 1999, the reference having been made in Minute Book 113, and recorded in full in Resolution Book 35, Page(s) 444.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 1999.

Brenda R. Freeze, CMC
Brenda R. Freeze, CMC, City Clerk

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE portions of
Oklawana Street, East and West Holly Vista Drives, and all of Cedar Street in the city of
Charlotte, Mecklenburg County, North Carolina

Whereas, **Hossein Javadikojani** has filed a petition to close portions of **Oklawana Street, East and West Holly Vista Drives, and all of Cedar Street** in the city of Charlotte; and

Whereas, the portions of Oklawana Street, East and West Holly Vista Drives, and all of Cedar Street petitioned to be closed lies from Laborde Avenue and Wildwood Street northwestwardly to their termini as shown in a 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 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 January 11, 1999, that it intends to close **portions of Oklawana Street, East and West Holly Vista Drives, and all of Cedar Street**, and that the said street (or portion thereof) being more particularly described on a map and by a metes and bounds description available for inspection in the City Clerk's office, and hereby calls a public hearing on the question to be held at 7:00pm on Monday, the 8th day of February, 1999 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 11th day of January, 1999, the reference having been made in Minute Book 113, and recorded in full in Resolution Book 35, Page(s) 445.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 1999.

Brenda R. Freeze, CMC
Brenda R. Freeze, CMC, City Clerk

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 has collected certain 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 11th day of January, 1999 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 11th day of January, 1999, the reference having been made in Minute Book 113, and recorded in full in Resolution Book 35, Page(s) 446-447.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 1999.


Brenda R. Freeze, CMC, City Clerk

**TAXPAYERS AND REFUNDS REQUESTED
 MORE THAN \$100**

<u>Name</u>	<u>Amount of Refund</u>
	<u>Clerical Error</u>
City of Charlotte	\$ 160.91
Nationsbanc Leasing Corp	662.29
H P I Management LP	1,989.31
H P I Management LP	1,715.37
Cadmus Direct Marketing Inc	1,306.66
Washburn Direct Marketing inc	238.37
White Paula Michele	122.41
Laurel B Houser	1,587.57

Board of Equalization Review Adjustment

Ratcliffe Velma C	403.56
Ann B Boone	112.95
Strapex Corp	7,779.23
Total	<u>\$16,078.63</u>

Extract of Minutes of a regular meeting of the City Council of the City of Charlotte, North Carolina held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on January 11, 1999.

* * *

A regular meeting of the City Council of the City of Charlotte, North Carolina (the "*City Council*") was held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on January 11, 1999 (the "*Meeting*"), after proper notice, and was called to order by the Mayor, and upon the roll being called, the following members of the City Council answered present: Councilmembers Autrey, Baker, Cannon, Greene, Jackson, Majeed, Reid, Sellers, Spencer, and Wheeler

The following members of the City Council were absent: Councilmember Rousso

Also present: Pam Syfert, City Manager, DeWitt McCarley, City Attorney, and Brenda R. Freeze, City Clerk

Councilmember Cannon introduced the following resolution (the "*Resolution*"), a summary of which had been provided to each Council member, a copy of which was available with the City Clerk and 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 (i) purchase real and personal property, (ii) enter into installment purchase contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (iii) 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 January 15, 1999 (the "*Contract*") with the New Charlotte Corporation (the "*Corporation*") in order to acquire certain equipment for general governmental purposes (the "*Equipment*");

WHEREAS, the Corporation will execute and deliver Certificates of Participation, Series 1999A Evidencing Proportionate Undivided Interests in Installment Payments Pursuant to the Contract (the "*1999A Certificates*");

WHEREAS, in connection with the sale of the 1999A Certificates by the Corporation to NationsBank, N.A., First Union Capital Markets, a Division of Wheat First Securities, Inc., and Interstate/Johnson Lane Corporation (the "*Underwriters*"), the City desires to make certain representations and warranties to the Underwriter 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 form of the Contract;
- (2) the form of the Letter of Representation from the City to the Underwriters;
- (3) the form of the Contract of Purchase to be dated on or about January 21, 1999 between the Corporation and the Underwriters (the "*Purchase Contract*");

WHEREAS, to make an offering and sale of the 1999A 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 1999A 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 Preliminary Official Statement dated on or about January 12, 1999 are in all respects authorized, approved and confirmed, and the use of the Preliminary Official Statement and of the final Official Statement to be dated on or about January 21, 1999 (the "*Official Statement*") by the Underwriters in connection with the sale of the 1999A 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 shall be and the same hereby are in all respects authorized, approved and confirmed, and the City Manager and the City Clerk and their respective designees shall be and they hereby are 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 shall to them seem 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. Financing Statements. That the form and content of the Financing Statements shall be and the same hereby are in all respects authorized, approved and confirmed, and the City Manager or her designee shall be and they hereby are authorized, empowered and directed to execute and deliver the Financing Statements, in substantially the form and content presented to the Board of Commissioners, but with such changes, modifications, additions or deletions therein as shall to her seem necessary, desirable or appropriate, her 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 Financing Statements presented to the Board of Commissioners.

Section 5. Letter of Representations; Purchase Contract. That the form and content of the Purchase Contract shall be and the same hereby is in all respects approved, and the City Manager is authorized to execute the Letter of Representations for the purposes stated therein; and

Section 6. 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 Preliminary 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 Preliminary Official Statement and the transactions contemplated by the Instruments or the Preliminary 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 in order to consummate the transactions contemplated by the Instruments or the Preliminary Official Statement or as they deem necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution.

Section 7. Severability. That if any section, phrase or provision of this Resolution shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 8. Repealer. That all motions, orders, resolutions and parts thereof, in conflict herewith are hereby repealed.

Section 9. Effective Date. This Resolution will take effect immediately on its adoption.

On motion of Councilmember Cannon, seconded by Councilmember Wheeler, the foregoing resolution entitled "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: Unanimous

NAYS: None

CITY OF CHARLOTTE, NORTH CAROLINA

[SEAL]

By: Brenda R. Freeze, CMC
City Clerk

Brenda R. Freeze, CMC

RECEIVED

WITNESSES my hand and the corporate seal of the City of Charlotte, North Carolina, this 11th day of January, 1999.

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 **HOSKINS 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 **HOSKINS ROAD WIDENING PROJECT** and estimated to be approximately **5,856 square feet (.1344 acre) for fee-simple** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 039-016-01 said property currently owned by **W. H. KEISTLER and spouse, if any; DOROTHY KEISTLER and spouse, if any; POLLY W. KEISTLER and spouse, if any;** 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 11th day of January, 1999, the reference having been made in Minute Book 113, and recorded in full in Resolution Book 35, Page(s) 453-454.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 1999.

Brenda R. Freeze CMC
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 **WEST TRADE STREET 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 **WEST TRADE STREET IMPROVEMENTS PROJECT** and estimated to be approximately **465 square feet for fee-simple; 610 square feet for permanent sidewalk easement; 821 square feet for a 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. 071-019-04, said property currently owned by **EARL TERRY JAMES and spouse, if any; JERELINE CLARK JAMES COLLINS EILAND and spouse, if any;** 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 11th day of January, 1999, the reference having been made in Minute Book 113, and recorded in full in Resolution Book 35, Page(s) 455-456.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of January, 1999.

Brenda R. Freeze, CMC
Brenda R. Freeze, CMC, City Clerk