

RESOLUTION CLOSING A PORTION OF WEST 3rd STREET AND A RESIDUAL PORTION OF SOUTH MINT 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 West 3rd Street and a residual portion of South Mint 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 West 3rd Street and a residual portion of South Mint 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, AT&T, and all other owners of existing underground utilities and telecommunications to maintain their facilities as shown on the attached maps marked Exhibit A-1 and A-2; and

WHEREAS, the public hearing was held on the 11th day of January, 2010, and City Council determined that the closing of a portion of West 3rd Street and a residual portion of South Mint 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.

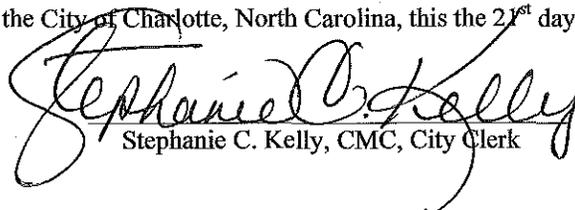
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of January 11, 2010, that the Council hereby orders the closing of a portion of West 3rd Street and a residual portion of South Mint Street in the City of Charlotte Mecklenburg 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 documents marked "Exhibits B-1 and B-2", both of which are attached hereto and made a part hereof. This action shall be effective on the date that the Mint Street, Poplar Street, and 4th Street network are changed into a two way operation, constructed and accepted by the City of Charlotte for maintenance in addition to obtaining a building permit for the construction of the new Knights Stadium. The abandonment approval shall be void if the above conditions are not met within five years of this date.

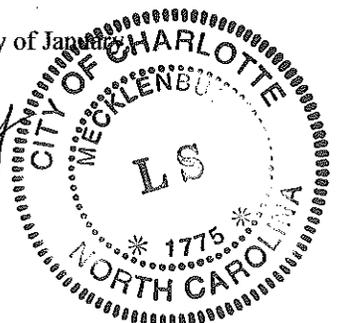
BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

CERTIFICATION

I, Stephanie C. Kelly, 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 January, 2009, the reference having been made in Minute Book 129, and recorded in full in Resolution Book 42, Pages (341-345).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of January 2010.

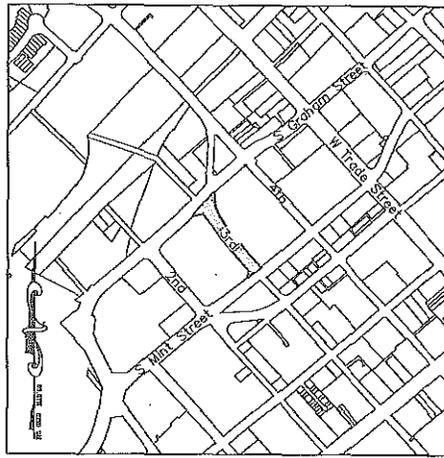

Stephanie C. Kelly, CMC, City Clerk



Legend

- EIP Existing Iron Pin
- PK PK Nail
- CM Concrete Monument
- PT Calculated Point
- R/W Right-of-Way
- N/F Now or Formerly
- CGF Combined Grid Factor

South Graham Street
Variable Public Right-of-Way



Vicinity Map - Not to Scale

Notes:

1. Deed Reference(s) - DB 12889-1
2. Tax Parcel ID - 07311205 & 0731114
3. Current Owner - Mecklenburg County
4. Area in 3rd Street: ±0.803 acres; determined by coordinate computation.
5. Grid distance = Horizontal distance X Combined Grid Factor (0.999872595)
6. All bearings are NC Grid Bearings.
7. All distances are shown horizontal.
- ① 8. Easements in favor of Charlotte-Mecklenburg Utilities, Duke Energy, Piedmont Natural Gas, AT&T, Time Warner Cable, and all owners of existing underground utilities and telecommunication facilities upon, under, and across the entire property described above are reserved for access to and for the installation, maintenance, replacement, and repair of storm drainage facilities, water, sewer, conduit, cable, wires, and related equipment.

I, David B. Boyles, certify that this map was drawn from an actual survey made under my supervision. The ratio of precision as calculated is 1/10,000+. I hereby affix my hand and seal this 17th day of November, 2009.

David B. Boyles
Registration No.: L-3135 NC

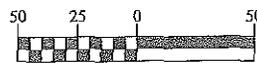


Exhibit Map
for
Mecklenburg County
City of Charlotte,
Mecklenburg County,
North Carolina

LandDesign
Surveying

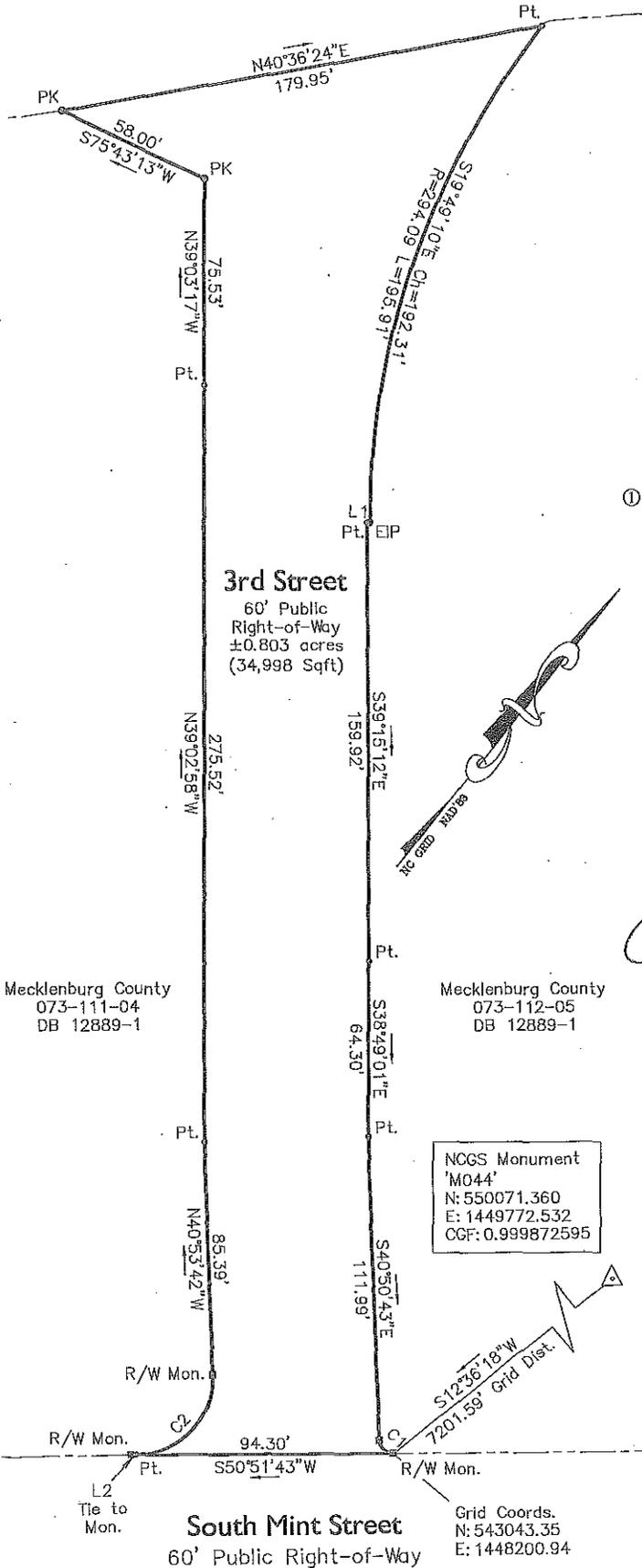
Phone: (704) 376-7777
Fax: (704) 376-2448
223 North Graham St.
Charlotte, NC 28202
License No.: C-1925

Scale: 1"=50'



Date: October 27, 2005
Project Number: 4105052

Revision ①: 11-17-09
To add underground utility note



| CURVE TABLE | | | | |
|-------------|--------|--------|-------|-------------|
| CURVE | LENGTH | RADIUS | CHORD | BEARING |
| C1 | 7.65 | 5.00 | 6.93 | S85°13'16"E |
| C2 | 45.53 | 28.70 | 40.90 | N04°34'21"E |

| LINE TABLE | | |
|------------|--------|-------------|
| LINE | LENGTH | BEARING |
| L1 | 1.00 | S53°57'40"W |
| L2 | 1.95 | S50°02'20"W |

Mecklenburg County
073-111-04
DB 12889-1

Mecklenburg County
073-112-05
DB 12889-1

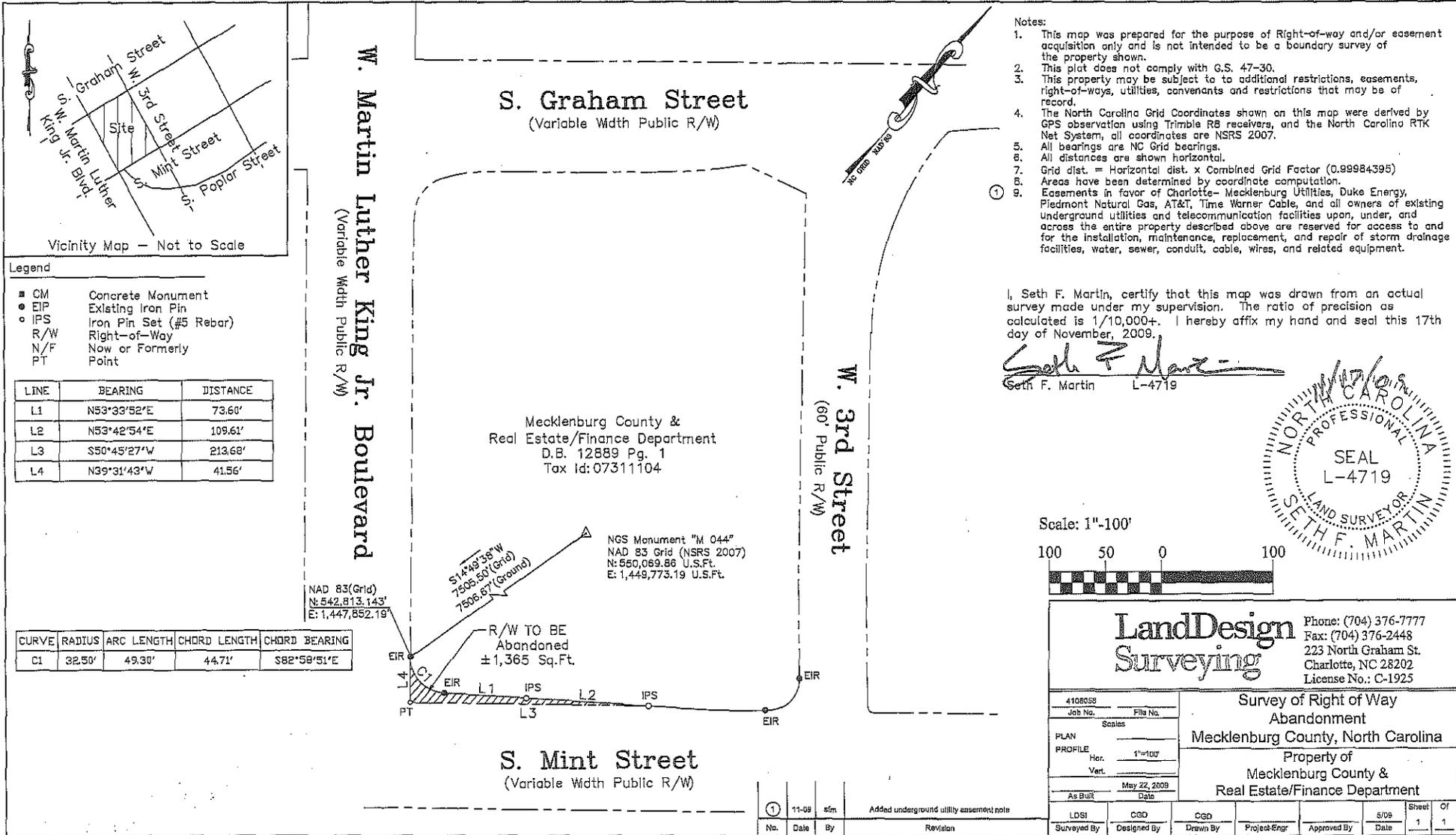
NCGS Monument
'M044'
N: 550071.360
E: 1449772.532
CGF: 0.999872595

Grid Coords.
N: 543043.35
E: 1448200.94

EXHIBIT B-1

Legal Description of West 3rd Street between South Mint Street and South Graham Street

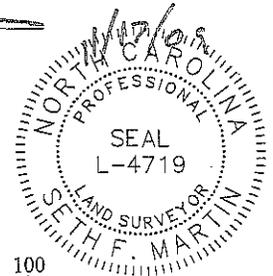
BEGINNING at a Right of Way monument on the western right-of-way of South Mint Street and the northern right-of-way of 3rd Street, being the southeastern corner of the Mecklenburg County property (Tract 1) as recorded in Deed Book 12889 page 1, and being located South 12 degrees 36 minutes 18 seconds West from NCGS monument 'M044' (N:550071.360 E:1449772.532 CGF:0.999872595) and having grid coordinates of N:543043.35 E:1448200.94, being the POINT OF BEGINNING; THENCE with the right-of-way of South Mint Street South 50 degrees 51 minutes 43 seconds West for a distance of 94.30 feet to a point, being the northeastern corner of the Mecklenburg County property (Tract 2) as recorded in Deed Book 12889 page 1; THENCE with the northern property line of aforementioned Tract 2 the following five (5) courses and distances: 1) along a curve to the left having a radius of 28.70 feet and an arc length of 45.53 feet, being subtended by a chord of North 04 degrees 34 minutes 33 seconds East for a distance of 40.90 feet to a R/W monument; 2) THENCE North 40 degrees 53 minutes 42 seconds West for a distance of 85.39 feet to a point; 3) THENCE North 39 degrees 02 minutes 58 seconds West for a distance of 275.52 feet to a point; 4) THENCE North 39 degrees 03 minutes 17 seconds West for a distance of 75.53 feet to a PK nail; 5) THENCE South 75 degrees 43 minutes 13 seconds West for a distance of 58.00 feet to a PK nail on the right-of-way of South Graham Street; THENCE with the right-of-way of South Graham Street North 40 degrees 36 minutes 24 seconds East for a distance of 179.95 feet to a point, being the southwest property corner of the aforementioned Tract 1; THENCE with the southern property line of Tract 1 the following six (6) courses and distances: 1) along a curve to the left having a radius of 294.09 feet and an arc length of 195.91 feet, being subtended by a chord of South 19 degrees 49 minutes 10 seconds East for a distance of 192.31 feet to an existing iron pin; 2) THENCE South 53 degrees 57 minutes 40 seconds West for a distance of 1.00 feet to a point; 3) THENCE South 39 degrees 15 minutes 12 seconds East for a distance of 159.92 feet to a point; 4) THENCE South 38 degrees 49 minutes 01 seconds East for a distance of 64.30 feet to a point; 5) THENCE South 40 degrees 50 minutes 43 seconds East for a distance of 111.99 feet to a R/W monument; 6) THENCE along a curve to the left having a radius of 5.01 feet and an arc length of 7.65 feet, being subtended by a chord of South 85 degrees 13 minutes 16 seconds East for a distance of 6.93 feet to the POINT OF BEGINNING; together with and subject to covenants, easements, and restrictions of record. Said property contains 0.803 acres more or less.



- Notes:
1. This map was prepared for the purpose of Right-of-way and/or easement acquisition only and is not intended to be a boundary survey of the property shown.
 2. This plat does not comply with G.S. 47-30.
 3. This property may be subject to additional restrictions, easements, right-of-ways, utilities, covenants and restrictions that may be of record.
 4. The North Carolina Grid Coordinates shown on this map were derived by GPS observation using Trimble R8 receivers, and the North Carolina RTK Net System, all coordinates are NSRS 2007.
 5. All bearings are NC Grid bearings.
 6. All distances are shown horizontal.
 7. Grid dist. = Horizontal dist. x Combined Grid Factor (0.99984395)
 8. Areas have been determined by coordinate computation.
 9. Easements in favor of Charlotte- Mecklenburg Utilities, Duke Energy, Piedmont Natural Gas, AT&T, Time Warner Cable, and all owners of existing underground utilities and telecommunication facilities upon, under, and across the entire property described above are reserved for access to and for the installation, maintenance, replacement, and repair of storm drainage facilities, water, sewer, conduit, cable, wires, and related equipment.

I, Seth F. Martin, certify that this map was drawn from an actual survey made under my supervision. The ratio of precision as calculated is 1/10,000+. I hereby affix my hand and seal this 17th day of November, 2009.

Seth F. Martin
Seth F. Martin L-4719



Vicinity Map - Not to Scale

Legend

- CM Concrete Monument
- EIP Existing Iron Pin
- IPS Iron Pin Set (#5 Rebar)
- R/W Right-of-Way
- N/F Now or Formerly
- PT Point

| LINE | BEARING | DISTANCE |
|------|-------------|----------|
| L1 | N53°33'52"E | 73.60' |
| L2 | N53°42'54"E | 109.61' |
| L3 | S50°45'27"W | 213.68' |
| L4 | N39°31'43"W | 41.56' |

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING |
|-------|--------|------------|--------------|---------------|
| C1 | 32.50' | 49.30' | 44.71' | S82°58'51"E |

| | | | | | | |
|--------------|-------------|----------|------------------------------------|-------------|------|-------|
| 410858 | Job No. | File No. | Survey of Right of Way | | | |
| Scales | | | Abandonment | | | |
| PLAN | | | Mecklenburg County, North Carolina | | | |
| PROFILE | | | Property of | | | |
| Hor. 1"=100' | | | Mecklenburg County & | | | |
| Vert. | | | Real Estate/Finance Department | | | |
| As Built | | | Date | | | |
| May 22, 2009 | | | | | | |
| LDSI | CGD | CGD | | | | |
| Surveyed By | Designed By | Drawn By | Project-Engr | Approved By | S/OB | Sheet |
| | | | | | Date | Of |
| | | | | | 1 | 1 |

| | | | |
|-----|-------|-----|-----------------------------------------|
| ① | 11-09 | sfm | Added underground utility easement note |
| No. | Date | By | Revision |

EXHIBIT B-2

Legal Description of a portion of South Mint Street between West Martin Luther King Jr. Boulevard and West 3rd Street

COMMENCING in the City of Charlotte, Mecklenburg County, North Carolina at NGS control monument "M 044", said monument having North Carolina NAD 83 (NSRS 2007) grid coordinates of North: 550,069.86, East: 1,449,773.19; THENCE South 14 degrees 49 minutes 38 seconds West for a grid distance of 7505.50 feet to an iron pin found at the northeastern right-of-way line of West Martin Luther King Jr. Boulevard (a variable width public right-of-way), and being a point in the west property line now or formerly owned by Mecklenburg County and Real Estate, Finance Department as recorded in Deed Book 12889 Page 1 of the Mecklenburg County Register of Deeds, THE POINT OF BEGINNING; THENCE along the southeastern property line of the Mecklenburg County and Real Estate, Finance Department, along a curve to the left having an arc length of 49.30 feet, a radius of 32.50 feet, a chord bearing of South 82 degrees 58 minutes 51 seconds East for a distance of 44.71 feet to an iron pin found; THENCE North 53 degrees 33 minutes 52 seconds East for a distance of 73.60 feet to an iron pin set; THENCE North 53 degrees 42 minutes 54 seconds East for a distance of 109.61 feet to an iron pin set at the northwestern right-of-way line of South Mint Street; THENCE following the right-of-way line of South Mint Street, South 50 degrees 45 minutes 27 seconds West for a distance of 213.68 feet to a point being the intersection of West Martin Luther King Jr. Boulevard; THENCE along the right-of-way line of West Martin Luther King Jr. Boulevard, North 39 degrees 31 minutes 43 seconds West for a distance of 41.56 feet to THE POINT OF BEGINNING, containing 1,365 Square Feet, more or less.

A RESOLUTION OF THE CHARLOTTE CITY COUNCIL AUTHORIZING THE CITY MANAGER TO SALE SURPLUS CITY PERSONAL PROPERTY BY ELECTRONIC AUCTION.

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

WHEREAS, North Carolina General Statute 160A-270(c) allows the City Council to sell personal property at electronic auction upon adoption of a resolution authorizing the appropriate official to dispose of the property at electronic auction; and

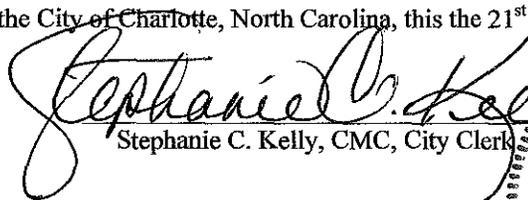
WHEREAS, the City Manager has recommended that the property listed on the attached Exhibit A be declared as surplus and sold at electronic auction.

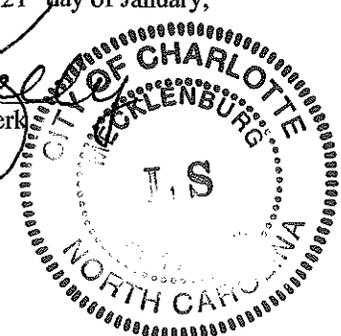
NOW THEREFORE, it is hereby resolved, by the Charlotte City Council that the City Manager or his designee is authorized to sell by electronic auctions beginning February 1, 2010 at 8:00 a.m. and ending March 1, 2010 at 3:00 pm the surplus property described on Exhibit A on PublicSurplus.com. Surplus units can be previewed at the City-County Asset Recovery and Disposal facility, 3301 Rotary Drive, Charlotte, North Carolina. The terms of the sale shall be net cash. The City Manager or his designee is directed to publish at least once and not less than ten days before the opening dates of the auctions, a copy of this resolution or a notice summarizing its content as required by North Carolina General Statute 160A-270(c).

CERTIFICATION

I, Stephanie C. Kelly, 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 January, 2009, the reference having been made in Minute Book 129, and recorded in full in Resolution Book 42, Page 346.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of January, 2010.


Stephanie C. Kelly, CMC, City Clerk



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

Whereas, **Mecklenburg County** has filed a petition to close a portion of **North Myers Street** in the City of Charlotte; and

Whereas, a portion of North Myers Street lies within the Belmont Community, a 40 foot wide right-of-way beginning at East 12th Street and continuing approximately 567 feet to its terminus and consisting of 22,706 square feet, as shown in the map marked "Exhibit A" and is more particularly described by metes and bounds in the document marked "Exhibit B" all of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina; and

Whereas, the procedure for closing streets and alleys as outlined in the 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;

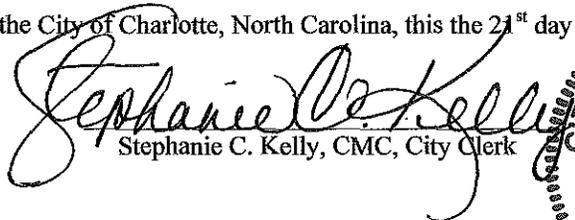
Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of January 11, 2010, that it intends to close a portion of North Myers Street and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 8th, day of February 2010, in CMGC meeting chamber, 600 East 4th Street, Charlotte, North Carolina.

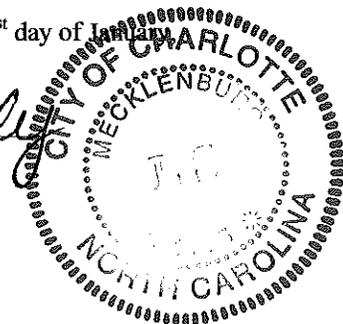
The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing as required by N.C.G.S. 160A-299.

CERTIFICATION

I, Stephanie C. Kelly, 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 January, 2009, the reference having been made in Minute Book 129, and recorded in full in Resolution Book 42, Page 347.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of January, 2010.


Stephanie C. Kelly, CMC, City Clerk



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

Whereas, **Mecklenburg County** has filed a petition to close a portion of **Armory Drive** in the City of Charlotte; and

Whereas, a portion of Armory Drive lies within the Elizabeth Community, a 60-foot wide right-of-way beginning at Kings Drive and continuing approximately 410 feet southeastwardly then tapering to a width of 35 feet and continuing an additional 280 feet to its terminus and consisting of 28,809 square feet, as shown in the map marked "Exhibit A" and is more particularly described by metes and bounds in the document marked "Exhibit B" all of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina; and

Whereas, the procedure for closing streets and alleys as outlined in the 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;

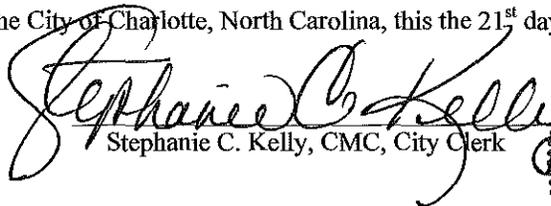
Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of January 11, 2010, that it intends to close a portion of Armory Drive and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 8th, day of February 2010, in CMGC meeting chamber, 600 East 4th Street, Charlotte, North Carolina.

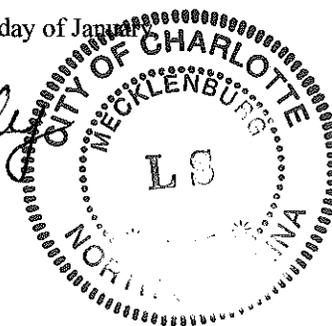
The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing as required by N.C.G.S. 160A-299.

CERTIFICATION

I, Stephanie C. Kelly, 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 January, 2009, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 42, Page 348.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of January, 2010.


Stephanie C. Kelly, CMC, City Clerk



RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE a residual portion of Thrift Road and Freedom Drive in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **Wesley Village, LLC** has filed a petition to close a residual portion of **Thrift Road and Freedom Drive** in the City of Charlotte; and

Whereas, a residual portion of Thrift Road and Freedom Drive lies within the Wesley Heights Community, a triangular shaped right-of-way beginning at the intersection of Thrift Road and Freedom Drive, continuing north approximately 180 feet on Thrift Road to its terminus and consisting of 20,110 square feet, as shown in the map marked "Exhibit A" and is more particularly described by metes and bounds in the document marked "Exhibit B" all of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina; and

Whereas, the procedure for closing streets and alleys as outlined in the 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;

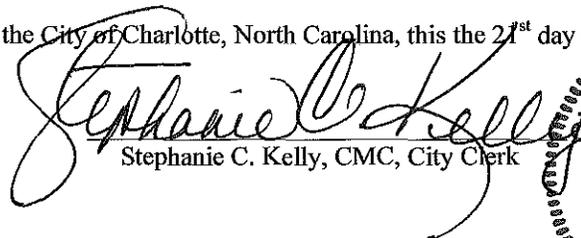
Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of January 11, 2010, that it intends to close a residual portion of Thrift Road and Freedom Drive and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 8th, day of February 2010, in CMGC meeting chamber, 600 East 4th Street, Charlotte, North Carolina.

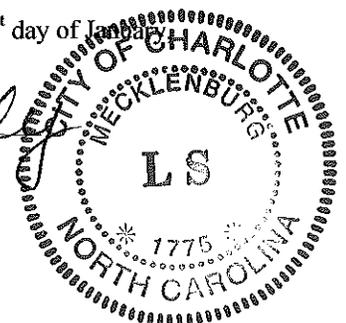
The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing as required by N.C.G.S. 160A-299.

CERTIFICATION

I, Stephanie C. Kelly, 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 January, 2009, the reference having been made in Minute Book 12\$, and recorded in full in Resolution Book 42, Page 349.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of January 2010.


Stephanie C. Kelly, CMC, City Clerk



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:

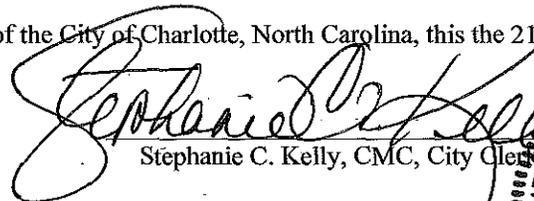
1. The City-County Tax Collector has collected property taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time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

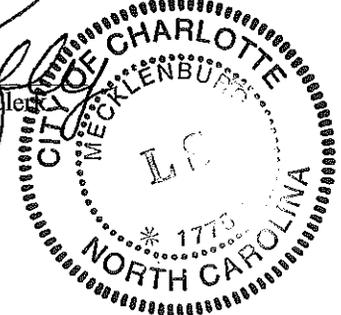
NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 11th day of January, 2010 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

CERTIFICATION

I, Stephanie C. Kelly, 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 January, 2009, the reference having been made in Minute Book 124, and recorded in full in Resolution Book 42, Pages (350-351).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of January, 2010.


Stephanie C. Kelly, CMC, City Clerk



TAXPAYERS AND REFUNDS REQUESTED
(Clerical Error)

| NAME | AMOUNT |
|-----------------------------------|---------------------|
| PURSER, JEFFREY ADAM | \$ 25.24 |
| MAHR METERING SYSTEMS CORPORATION | 96.94 |
| ALLEN, L ROSS | 1,390.93 |
| FISHER FAMILY TRUST | 80.25 |
| HAMILTON JONES LLC | 108.23 |
| OWEIDA, SAMI J | 1,109.81 |
| KEMPERT, DAVID | 202.24 |
| CENTER FOR INTEGRATIVE MEDICINE | 70.17 |
| SMITH, CLAUD K JR | 41.55 |
| R T GODLEY INVESTMENTS LLC | 13,024.22 |
| SANDIFORD, ANTHONY | 244.90 |
| SMITH, TORRENCE WATSON JR | 33.47 |
| HUANG, WONCHIN | 854.37 |
| PAOLO, CARLA | 462.68 |
| DENSON, DAVID J | 489.51 |
| YAKO, JENNIFER M | 80.25 |
| PALAZZO, JOHN NICHOLAS | 5.40 |
| CHASE HOME FINANCE LLC | 137.58 |
| CAROLINA POSTAL CREDIT UNION | <u>176.32</u> |
| TOTAL | <u>\$ 18,634.06</u> |

**A RESOLUTION AUTHORIZING THE REFUND OF
CERTAIN BUSINESS PRIVILEGE LICENSES**

Reference is made to the schedule of "Business Privilege License 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:

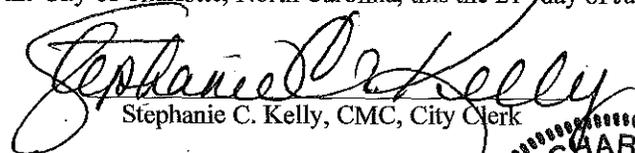
1. The City-County Tax Collector has collected certain taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time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

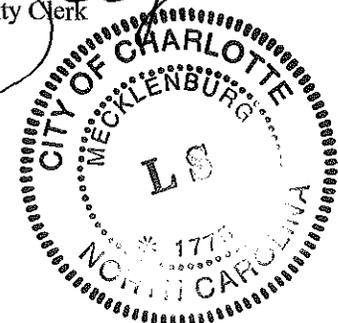
NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 11th day of January 2010 that those taxpayers listed on the schedule of "Business Privilege License Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

CERTIFICATION

I, Stephanie C. Kelly, 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 January, 2009, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 42, Pages (352-353).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of January, 2010.


Stephanie C. Kelly, CMC, City Clerk



BUSINESS PRIVILEGE LICENSE
REFUNDS REQUESTED

| <u>NAME</u> | <u>AMOUNT</u> |
|-----------------------------------|------------------|
| Hollywood Tans | \$ 38.26 |
| World Tractor & Equipment Co. LLC | <u>936.08</u> |
| Total | <u>\$ 974.34</u> |

RESOLUTION AUTHORIZING AMENDMENT OF LEASE OF CELL TOWER
PROPERTY TO
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS

WHEREAS, the City of Charlotte owns a parcel of land and a communications tower located at 5731 Closeburn Drive, Charlotte, Mecklenburg County, North Carolina (the "Property"); and

WHEREAS, Cellco Partnership d/b/a Verizon Wireless ("Cellco") has been leasing a portion of the Property, consisting of square footage on the ground and space on a telecommunications tower, since 1992; and

WHEREAS, the Cellco lease is due to expire on February 6, 2012, and Cellco desires to extend the current term of the lease to February 29, 2012 and to be granted an additional five year term, beginning on March 1, 2012, along with four five-year optional renewal terms; and

WHEREAS, Cellco also desires to install six new antennas in place of the six existing antennas on the tower; and

WHEREAS, the lease term extension and communications equipment changes desired by Cellco will not interfere with the City's current or future needs with respect to the Property; and

WHEREAS, in consideration of the lease extension and equipment change, Cellco has agreed to pay market rent in the monthly amount of One Thousand Eight Hundred Forty Four Dollars and Thirteen Cents (\$1,844.13) through April 30, 2013, with the monthly rent increasing by three percent (3%) on March 1, 2013 and on March 1 of 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 amendment of the lease of the above referenced Property as follows:

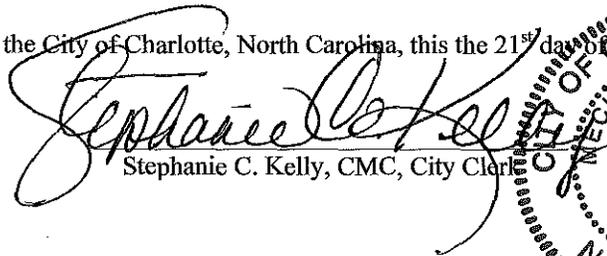
The City Council hereby approves amending the lease of the city property described above to Cellco Partnership d/b/a Verizon Wireless to extend the lease term, allow equipment changes, and adjust the rent, all as set forth above, and authorizes the City Manager or his Designee to execute any instruments necessary to the lease amendment.

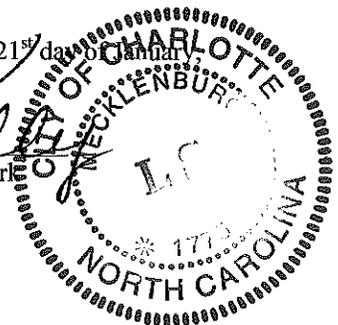
THIS THE 11th DAY OF JANUARY, 2010.

CERTIFICATION

I, Stephanie C. Kelly, 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 January, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Pages (354-355).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of January, 2010.


Stephanie C. Kelly, 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 **STATESVILLE ROAD WIDENING (I-85 to SUNSET ROAD) 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 ROAD) PROJECT** and estimated to be approximately **4,121 square feet (.095 acre) of fee-simple area, 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. 045-302-06 and 045-302-05, said property currently owned by **PAUL BARNES STEWART (a/k/a "Paul B. Stewart") and wife, JEAN BROWN STEWART (a/k/a "Jean B. Stewart")**; **MECKLENBURG COUNTY TAX COLLECTOR, Any Other Parties in Interest**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

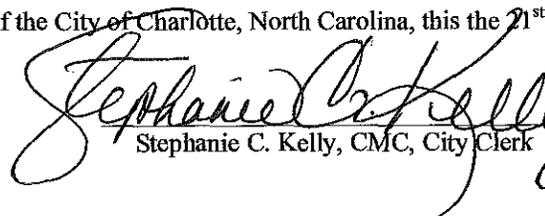
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

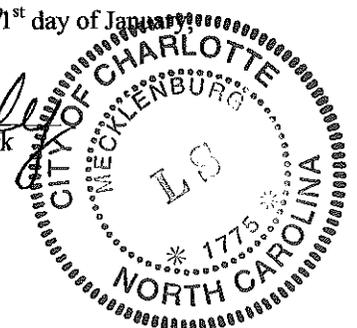
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

CERTIFICATION

I, Stephanie C. Kelly, 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 January, 2009, the reference having been made in Minute Book 129, and recorded in full in Resolution Book 42, Page 356.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of January, 2010.


Stephanie C. Kelly, 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 **STATESVILLE ROAD WIDENING (I-85 to SUNSET ROAD) 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 ROAD) PROJECT** and estimated to be approximately **1,769 square feet (.041 acre) of fee-simple area, storm drainage easement, utility easement, combined utility and 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. 045-324-03, said property currently owned by **TAMMY BIRMINGHAM and spouse, if any, Any Other Parties in Interest**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

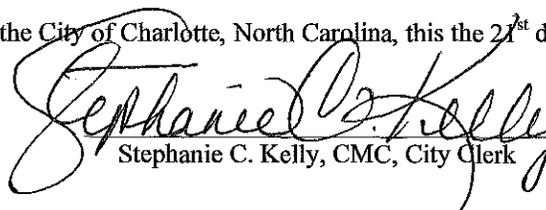
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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, Stephanie C. Kelly, 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 January, 2009, the reference having been made in Minute Book 129, and recorded in full in Resolution Book 42, Page 357.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of January, 2010.


Stephanie C. Kelly, CMC, City Clerk

