

**REVISED RESOLUTION CLOSING THAT PORTION  
OF WEST 18TH STREET LOCATED BETWEEN  
NORTH BREVARD STREET AND NORFOLK  
SOUTHERN RAILWAY COMPANY IN THE CITY OF  
CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA**

WHEREAS, pursuant to the provisions of 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to Close West 18th Street lying between North Brevard Street and Norfolk Southern Railway which calls for a public hearing on the question; and

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to Close said portion of West 18th Street to be sent by registered or certified mail to all owners of property adjoining said street (or portion thereof), there being only one such adjoining owner, namely the petitioner Southern Region Industrial Realty, Inc., which owns all of the property adjoining said portion of 18th Street except on the portion thereof abutting the right-of-way of North Brevard Street, and prominently posted a notice of the closing and public hearing in at least two places along said portion of said 18th Street, all as required by G.S. 160-299; and

WHEREAS, the public hearing was held on the 26th day of July, 1993, and City Council determined that the closing of said portion of 18th 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 July 26, 1993, that the Council hereby orders the closing of said portion of 18th Street in the City of Charlotte, Mecklenburg County, North Carolina as described below:

Beginning at a point being in the southerly margin for 18th Street 50.00 feet northwesterly of, as measured normal to the centerline of Parkwood Avenue and being the True Point of Beginning for the herein described tract of land; thence

North ~~41°07'26" East~~ along the southern margin for 18th Street ~~244 feet more or less~~ or less to its western terminus; thence,

North 48°07'26" East along said western terminus 40 feet more or less to a point on the northern margin for 18th Street; thence,

South 41°55'00" East along said northern margin for 18th Street 250 feet, more or less to a point being

50.00 feet northwesterly of as measured normal to the centerline of Parkwood Avenue; thence,

Southwestwardly along the arc of a curve to the left at all point being 50.00 feet northwesterly of as measured normal to the centerline of Parkwood Avenue said arc being subtended by a chord bearing of South 56°21'55" west for a distance of 41 feet, more or less to the point of beginning.

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.

C E R T I F I C A T I O N

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 26th day of July, 19 93, the reference having been made in Minute Book 102, page 221-222, and recorded in full in Resolution Book 31, page 221-222.

WITNESS my hand and corpportate seal of the City of Charlotte, North Carolina, this the 28th day of July, 1993.

Brenda R. Freeze  
Brenda R. Freeze, 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 26th day of July, 1993 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set out and that the schedule and this resolution be spread upon the minutes of this meeting.

Approved as to form:

  
City Attorney

Read, approved, and adopted by the City Council of the City of Charlotte, North Carolina, in a regular session convened on the 26th day of July, 1993, the reference having been made in Minute Book 102 and recorded in full in Resolution Book 31, page(s) 223-225.

Brenda Freeze  
City Clerk

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

<u>Name</u>	<u>Amount of Refund</u>
Sebrella Barry P	\$ 96.98
Handy Pantry #68	56.97
Corporate Media Services	93.95
Martin Luther Davis	45.50
Grimes William Ashley	42.27
Pressley Jeralea Didier	26.03
Pressley William Code	34.62
Austin Auto Fabrics Inc.	40.24
Morris Mary H	19.47
Engels Diane Lynn	40.15
Little James Calvin	26.51
Baucom Press Inc	45.23
Tennis & Ski Shops Inc	20.36
Tennis & Ski Shops Inc	16.82
Tennis & Ski Shops Inc	24.30
ARC Group Corp	40.02
Howard Hazeline Pickens	54.73
RAGA India Cruisine	67.84
Howard Hazeline Pickens	45.28
Yoakley David Rex	28.75
Mccue Mark David	<u>6.43</u>
Total	<u>\$872.45</u>

TAXPAYERS AND REFUNDS REQUESTED  
MORE THAN \$100

<u>Name</u>	<u>Amount of Refund</u>
Caudle Lori Klutts	\$ 278.16
Fairview Plaza Associates	5,403.81
I-Seventy Seven Charlotte	5,007.15
Phoenix Mutual Life Ins	2,915.77
Purser LAT Company	6,858.80
Keller Cosmetics Inc	2,946.46
Blair Jean N &	152.61
Austin Auto Fabrics Inc	167.28
Austin Auto Fabrics Inc	275.26
ACME Petroleum & Fuel	140.63
Zeigler Jack M	143.75
Zeigler Jack M	181.34
Zeigler Jack M	200.86
McElveen Michael R & WF	108.31
Hord James Clarence	131.91
Austin Auto Fabrics Inc	380.22
Points & Picas Graphics	136.88
Imperial Printing Prod	369.19
Courtyard The	1,525.26
LaPointe Frank J	292.93
Crosland Group Inc The	2,213.70
Pressley Investment	503.42
Clemmer Leonard J	<u>442.20</u>
Total	<u>\$ 30,775.90</u>

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE AMENDING  
THE FIVE YEAR CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 1994 TO  
1998.

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WHEREAS, the City of Charlotte recognizes the importance of developing long range capital improvement planning to maintain the growth and vitality of the community; and

WHEREAS, the City of Charlotte has a five year Capital Improvement Program based on policy and financial assumptions, so stated in the FY94-98 Capital Improvement Program that balances the potential physical development planning with long range financial capacity; and

WHEREAS, it is the recommendation of the Utility Department Director that the Program adopted on June 28, 1993 be expanded to include a project for construction of the Donald Ross Road Area Sewer Main.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte in its regular session duly assembled, that it does hereby adopt this revision to the Capital Improvement Program for fiscal years 1994 to 1998.

This the 26th day of July, 1993.

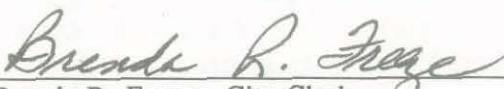
Approved as to form:

Deany W. Underhill Jr.  
City Attorney

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 26th day of July, 1993, the reference having been made in Minute Book 102 and recorded in full in Resolution Book 31, Page(s) 226-227.

WITNESS my hand and corporate seal of the City of Charlotte, North Carolina, this the 28th day of July, 1993.

  
\_\_\_\_\_

Brenda R. Freeze, City Clerk

RESOLUTION DECLARING AN INTENT TO ABANDON AND  
CLOSE A PORTION OF THE RIGHT-OF-WAY OF OLD DOWD ROAD  
ON THE SOUTHERLY SIDE THEREOF, LOCATED BETWEEN  
BOYER STREET AND JOSH BIRMINGHAM PARKWAY  
IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, National Welders Supply Co., Inc., and National Land Company have filed a Petition to close and abandon a portion of the southerly right-of-way of Old Dowd Road in the City of Charlotte; and

WHEREAS, the portion of the southerly right-of-way of Old Dowd Road petitioned to be closed lies generally between Boyer Street and Josh Birmingham Parkway as shown on the survey attached hereto and marked "Exhibit A," and the exact portion petitioned to be closed is more particularly described by metes and bounds on a document marked "Exhibit B," both 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 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 (or portion thereof) 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

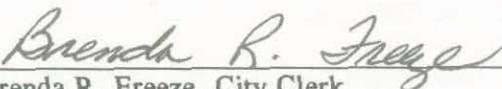
NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte, at its regularly scheduled session of July 26, 1993, that it intends to close and abandon a portion of the southerly right-of-way of Old Dowd Road lying between Boyer Street and Josh Birmingham Parkway, said southerly portion of the right-of-way of Old Dowd Road to be closed and abandoned being more particularly described on a Map and by 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 p.m., on Monday, the 23rd day of August, 1993, at the Council Chambers, 600 East Fourth Street, Charlotte, North Carolina 28202.

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 26th day of July, 1993, the reference having been made in Minute Book 102 and recorded in full in Resolution Book 31, Page(s) 228-229.

WITNESS my hand and corporate seal of the City of Charlotte, North Carolina, this the 28th day of July, 1993.

  
\_\_\_\_\_  
Brenda R. Freeze, City Clerk

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA

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

WHEREAS, the City of Charlotte and the North Carolina Department of Transportation propose to make certain traffic control improvements under Project I-0301 BD, Mecklenburg County, said project to consist of the installation of traffic signals at intersection of SR 1641 (Little Rock Road) and several locations as specified in the attached agreement; and,

WHEREAS, the City of Charlotte desires to enter into a municipal agreement with the Department of Transportation whereby the City shall purchase or provide and install the required traffic signal equipment for the project.

WHEREAS, the Department of Transportation shall reimburse the City actual costs for each signal as specified in the attached agreement, not to exceed the total sum of \$100,900 for the work performed by the City.

NOW, THEREFORE, BE IT RESOLVED that Project I-0301 BD, Mecklenburg County, is hereby formally approved by the City Council of the Municipality of Charlotte and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

I, Brenda 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 26th day of July, 1993, and the reference having been made in Minute Book 102, and recorded in full in Resolution Book 31, Page 230-231

WITNESS, my hand and the corporate seal of the City of  
Charlotte, North Carolina, this the 28th day of July,  
1993.

(SEAL)

Brenda R. Freeze  
Brenda Freeze, City Clerk

APPROVED AS TO FORM

Asst. City Attorney  
Asst. CITY ATTORNEY

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA

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

WHEREAS, the City of Charlotte and the North Carolina Department  
of Transportation propose to make certain traffic control  
improvements under Project U-2507 B, Mecklenburg County, said project  
to consist of the installation of three traffic signals which are  
located in Charlotte at the following locations; (1) SR 2467 (Mallard  
Creek Road) and SR 2725 (Governor Hunt Road; (2) SR 2467 (Mallard  
Creek Road) and SR 2665 (Harris Boulevard) and (3) SR 2467 (Mallard  
Creek Road) and Old Mallard Creek Road; and,

WHEREAS, the City of Charlotte desires to enter into a municipal  
agreement with the Department of Transportation whereby the City  
shall purchase or provide and install the required traffic signal  
equipment for the project.

WHEREAS, the Department of Transportation shall reimburse the  
City actual costs for each signal as specified in the attached  
agreement, not to exceed the sum of \$121,300 for the work performed  
by the City.

NOW, THEREFORE, BE IT RESOLVED that Project U-2507 B,  
Mecklenburg County, is hereby formally approved by the City Council  
of the Municipality of Charlotte and that the Mayor and Clerk of this  
Municipality are hereby empowered to sign and execute the Agreement  
with the Department of Transportation.

I, Brenda 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 26th  
day of July, 1993, and the reference having been made in  
Minute Book 102, and recorded in full in Resolution Book 31,  
Page 232-233

WITNESS, my hand and the corporate seal of the City of  
Charlotte, North Carolina, this the 28th day of July,  
19 93 .

(SEAL)

Brenda R. Freeze  
Brenda Freeze, City Clerk

APPROVED AS TO FORM

Atty. General  
CITY ATTORNEY

CERTIFIED COPY OF RESOLUTION  
MUNICIPALITY OF CHARLOTTE

A motion was made by Councilmember McCrory and seconded by Councilmember Martin for the adoption of the following resolution, and upon being put to a vote was duly adopted:

WHEREAS, the Department and the Municipality of Charlotte propose to make certain street improvement within the Municipality consist of the improvement of the intersection of SR 1748 (Mount Holly Road) and Tom Sadler Road, to include turn lanes, crossing signal modification and traffic signal installation; and,

WHEREAS, the Municipality shall be responsible for the design, preparation of project plans, relocation and adjustment of all utilities, acquisition of any necessary right of way and construction of the roadway portion of the project. Upon completion of the work performed by the Municipality, the Department shall reimburse the Municipality 100% of the actual costs associated with the roadway work and 90% of the actual costs associated with the traffic signal work.

WHEREAS, the Department of Transportation, an agency of the State of North Carolina, pursuant to the provisions of G.S. 136-18 (12) proposes to contract with the Federal Highway Administration to obtain Federal-Aid funds for the improvements in the protective devices at certain highway-railway crossings on the Municipal Street System for which the Municipality is responsible; and,

WHEREAS, in order to carry out the aforesaid projects and to promote the public interest and general welfare of the Municipality, it is necessary for the Municipality to enter into a contract with the Department of Transportation to provide for the installation and maintenance of the protective devices at certain highway-railroad crossings on the Municipal Street System.

WHEREAS, the Municipality will reimburse the Department of Transportation for all cost not reimbursed by the Federal Highway Administration within 90 days of billing by the Department. The Municipality will also reimburse the Department for any and all expenses incurred in the planning, design and installation of the protective devices incurred by the Department of Transportation, not reimbursed by the Federal Highway Administration.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Mayor and the Clerk of the Municipality of Charlotte are hereby formally authorized to enter into a contract with the Department of Transportation to obtain Federal-Aid highway funds necessary to improve the protective devices at the said grade crossing, for the Department of Transportation to perform certain work, and the Mayor and Clerk of

the Municipality are hereby empowered to sign and execute the required agreement between the Municipality and the Department of Transportation.

I, Brenda R. Freeze, Clerk of the Municipality of Charlotte, do hereby certify that the above is a true and correct copy of the excerpts of the Minutes of the governing body of the said Municipality of a meeting duly held on the 26th day of July, 1993.

WITNESS my hand and the official seal of the Municipality this the 28th day of July, 1993.

(SEAL)

Brenda R. Freeze  
CLERK, MUNICIPALITY OF CHARLOTTE  
NORTH CAROLINA

APPROVED AS TO FORM

John J. [Signature]  
CITY ATTORNEY

CERTIFIED COPY OF RESOLUTION  
MUNICIPALITY OF CHARLOTTE

A motion was made by Councilmember McCrory and seconded by Councilmember Martin for the adoption of the following resolution, and upon being put to a vote was duly adopted:

WHEREAS, the Department and the Municipality of Charlotte propose to make certain street improvement within the Municipality consist of the improvement of the intersection of Mount Holly Road and Toddville Road, to include turn lanes, crossing signal modification and a traffic signal; and,

WHEREAS, the Municipality shall be responsible for the design, preparation of project plans, relocation and adjustment of all utilities, acquisition of any necessary right of way and construction of the roadway portion of the project. Upon completion of the work performed by the Municipality, the Department shall reimburse the Municipality 90% of the actual costs associated with the roadway work and traffic signal work.

WHEREAS, the Department of Transportation, an agency of the State of North Carolina, pursuant to the provisions of G.S. 136-18 (12) proposes to contract with the Federal Highway Administration to obtain Federal-Aid funds for the improvements in the protective devices at certain highway-railway crossings on the Municipal Street System for which the Municipality is responsible; and,

WHEREAS, in order to carry out the aforesaid projects and to promote the public interest and general welfare of the Municipality, it is necessary for the Municipality to enter into a contract with the Department of Transportation to provide for the installation and maintenance of the protective devices at certain highway-railroad crossings on the Municipal Street System.

WHEREAS, the Municipality will reimburse the Department of Transportation for all cost not reimbursed by the Federal Highway Administration within 90 days of billing by the Department. The Municipality will also reimburse the Department for any and all expenses incurred in the planning, design and installation of the protective devices incurred by the Department of Transportation, not reimbursed by the Federal Highway Administration.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Mayor and the Clerk of the Municipality of Charlotte are hereby formally authorized to enter into a contract with the Department of Transportation to obtain Federal-Aid highway funds necessary to improve the protective devices at the said grade crossing, for the Department of Transportation to perform certain work, and the Mayor and Clerk of

the Municipality are hereby empowered to sign and execute the required agreement between the Municipality and the Department of Transportation.

I, Brenda R. Freeze, Clerk of the Municipality of Charlotte, do hereby certify that the above is a true and correct copy of the excerpts of the Minutes of the governing body of the said Municipality of a meeting duly held on the 26th day of July, 1993.

WITNESS my hand and the official seal of the Municipality this the 28th day of July, 1993.

(SEAL)

Brenda R. Freeze  
CLERK, MUNICIPALITY OF CHARLOTTE  
NORTH CAROLINA

APPROVED AS TO FORM

[Signature]  
CITY ATTORNEY

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA

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

WHEREAS, the City of Charlotte and North Carolina  
Department of Transportation (NCDOT) propose to enter into an  
agreement to make certain improvements to NCDOT maintained streets  
and highways within Charlotte known as the South Boulevard and  
Archdale Drive Intersection Improvement Project, and

WHEREAS, the City will acquire all right-of-way and  
easements for the improvements and construct such improvements at  
no cost or liability to the NCDOT, and

WHEREAS, the City will implement appropriate traffic  
control measures during and following construction of the project;

NOW, THEREFORE, BE IT RESOLVED that the Agreement for the  
South Boulevard and Archdale Drive Intersection Improvement Project  
is hereby formally approved by the City Council of the City of  
Charlotte and the Mayor and Clerk of the City are hereby empowered  
to sign and execute the Agreement with the North Carolina  
Department of Transportation.

I, Brenda R. Freeze, Clerk of the Municipality  
of Charlotte, do hereby certify that the foregoing is a true and  
correct copy of the excerpts from the Minutes of the meeting of the  
City Council duly held on the 26th day of July, 1993.

WITNESS, my hand and the official seal of said  
Municipality on this the 28th day of July,  
1993.

(SEAL)

Brenda R. Freeze  
CLERK  
MUNICIPALITY OF CHARLOTTE  
NORTH CAROLINA

APPROVED AS TO FORM

BY: [Signature]  
Asst. City Attorney

EXTRACT FROM MINUTES  
OF MEETING OF CITY COUNCIL OF  
THE CITY OF CHARLOTTE

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held at the Meeting Chamber, the Charlotte-Mecklenburg Government Center in Charlotte, North Carolina, the regular place of meeting, at 7:00 p.m., on July 26, 1993.

Present: Mayor Richard Vinroot, presiding, and Councilmembers Campbell, Hammond, McCrory, Majeed, Mangum, Martin, Reid, Scarborough and Wheeler

Absent: Councilmembers Clodfelter and Patterson

Also present: O. Wendell White, City Manager, Henry W. Underhill, Jr., City Attorney, Brenda R. Freeze, City Clerk, and Richard D. Martin, Director of Finance.

\* \* \* \* \*

Councilmember Mangum introduced the following three orders authorizing bonds, copies of which had been provided to each member of the City Council, which were read by title and summarized by the City Attorney:

ORDER AUTHORIZING \$12,760,000  
SANITARY SEWER BONDS

BE IT ORDERED by the City Council of the City of Charlotte:

1. That, pursuant to The Local Government Bond Act, as amended, the City of Charlotte, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Sanitary Sewer

Bonds in an aggregate principal amount not exceeding \$12,760,000 for the purpose of providing funds, with any other available funds, for enlarging, extending, renovating and improving the sanitary sewer system of the City, within and without the corporate limits, including planning, designing, constructing, reconstructing and installing storage buildings, sludge processing and storage facilities, standby generators, lift stations, force mains, filter units, sewer trunk mains and sewer lines, outfalls, tributaries, tributary expansions, wastewater treatment plants and plant additions and improvements, renovation and repair of sewer lines and acquisition of any necessary equipment, land, interests in land and rights of way.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of the debt of said City has been filed with the City Clerk and is open to public inspection.

4. That this order shall take effect when approved by the voters of said City at a referendum as provided in said Act.

ORDER AUTHORIZING \$58,490,000  
WATER BONDS

BE IT ORDERED by the City Council of the City of Charlotte:

1. That, pursuant to The Local Government Bond Act, as amended, the City of Charlotte, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Water Bonds in an aggregate principal amount not exceeding \$58,490,000 for the

purpose of providing funds, with any other available funds, for enlarging, extending, renovating and improving the water system of the City, within and without the corporate limits, including expansion of facilities, planning, designing, constructing and installing water mains and lines, standby generators, water treatment plant expansion, sludge disposal systems, booster pump stations and storage tanks and facilities, renovation of storage facilities and acquisition of any necessary equipment, land, interests in land and rights of way.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of the debt of said City has been filed with the City Clerk and is open to public inspection.

4. That this order shall take effect when approved by the voters of said City at a referendum as provided in said Act.

ORDER AUTHORIZING \$27,000,000  
ENVIRONMENTAL CLEAN-UP BONDS

BE IT ORDERED by the City Council of the City of Charlotte:

1. That, pursuant to The Local Government Bond Act, as amended, the City of Charlotte, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Environmental Clean-Up Bonds in an aggregate principal amount not exceeding \$27,000,000 for the purpose of providing funds, with any other available funds, for the environmental clean-up and remediation, and related improving, developing, replacing, expansion and

relocation of the City's real property, including, without limitation, public buildings and building sites, storage tanks, solid waste disposal systems and sanitary landfills and firefighting and training facilities, within and without the corporate limits, including the planning, designing and implementation of such project or projects.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of the debt of said City has been filed with the City Clerk and is open to public inspection.

4. That this order shall take effect when approved by the voters of said City at a referendum as provided in said Act.

The City Council thereupon designated either the Director of Finance, the Deputy Director of Finance or the City Treasurer as the officer whose duty it shall be to make and file with the City Clerk the sworn statement of debt of the City which is required by The Local Government Bond Act, as amended, to be filed before the public hearing on the orders which were introduced at this meeting.

Thereupon the Director of Finance filed with the City Clerk, in the presence of the City Council, the sworn statement of debt as so required.

Thereupon the order entitled: "ORDER AUTHORIZING \$12,760,000 SANITARY SEWER BONDS" was passed on first reading.

Thereupon the order entitled: "ORDER AUTHORIZING \$58,490,000 WATER BONDS" was passed on first reading.

Thereupon the order entitled: "ORDER AUTHORIZING \$27,000,000 ENVIRONMENTAL CLEAN-UP BONDS" was passed on first reading.

On motion duly made, seconded and unanimously carried, the City Council fixed 7:00 p.m., August 23, 1993, at the Meeting Chamber, the Charlotte-Mecklenburg Government Center in Charlotte, North Carolina, as the hour, day and place for the public hearing upon the foregoing orders and directed that the City Clerk publish said orders, together with the appended statement giving notice of said hearing as required by The Local Government Bond Act, as amended, once in The Charlotte Observer not later than the sixth day before said date.

\* \* \* \* \*

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said City Council at a meeting held on July 26, 1993 as relates in any way to the introduction and passage on first reading of three orders authorizing bonds of said City and the calling of a public hearing upon such orders and that said proceedings are recorded in Minute Book No. 102 of the minutes of said City Council, on page(s) \_\_\_\_\_ and a full copy of the foregoing orders is recorded in Resolution Book 31 on page(s) 239-244 .

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said City Council, stating that regular meetings of said City Council are held (with certain exceptions not applicable to said meeting) at the Charlotte-Mecklenburg Government Center in

Charlotte, North Carolina in the Conference Center on the first Monday of each month at 5:00 P.M. (Workshop); and in the Meeting Chamber on the second and fourth Mondays of each month at 7:00 p.m. and on the third Monday of each month at 6:00 P.M. (zoning), has been on file in the office of the City Clerk pursuant to North Carolina General Statutes, Sec. 143-318.12, as of a date not less than seven days before said meeting.

WITNESS my hand and the corporate seal of said City, this 28th day of July, 1993.

Brenda K. Freese  
City Clerk

(SEAL)

**RESOLUTION OF  
THE CITY OF CHARLOTTE, NORTH CAROLINA  
APPROVING AN AMENDED AND RESTATED INSTALLMENT PURCHASE CONTRACT  
AND RELATED MATTERS**

*WHEREAS*, the City of Charlotte, North Carolina (the "City") is a validly existing municipal corporation of the State of North Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "State");

*WHEREAS*, the City has the power, pursuant to North Carolina General Statutes, to (i) purchase property and construct facilities and (ii) enter into installment purchase contracts in order to finance the construction of property used, or to be used, for public purposes;

*WHEREAS*, in a resolution dated October 8, 1990, after a public hearing held on that date after notice thereof was published on September 28, 1990, the City determined that it was in the best interests of the City to enter into an Installment Purchase Contract dated as of June 1, 1991 (the "Contract") with New Charlotte Corporation (the "Corporation") in order to provide for the construction, acquisition, installation and equipping of certain convention facilities for public purposes (the "Convention Facility"), including the land on which said convention facilities will be located (the "Real Property" and collectively with the Convention Facility, the "Project");

*WHEREAS*, the City has previously determined and hereby further determines, (i) that the Project is essential to its proper, efficient and economic operation, (ii) that the Project will provide an essential and necessary function permitting the City to carry out certain of its public functions, (iii) that the City anticipates an ongoing need for the Project;

*WHEREAS*, pursuant to a certain Indenture of Trust dated as of June 1, 1991 (the "1991 Indenture"), by and between the Corporation and NCNB National Bank of North Carolina, as trustee, the successor of which is NationsBank of North Carolina, N.A. (the "Trustee"), the Corporation assigned all of its rights, title and interest in and to all Revenues (hereinafter defined) and any other receipts received by or on behalf of the Corporation under the Contract and all rights under the Contract (except the rights of the Corporation under Section XI, certain notice rights and those Additional Payments payable to the Corporation under the Contract) to the Trustee;

*WHEREAS*, there were executed and delivered, pursuant to the Indenture, Certificates of Participation, Series 1991 (the "1991 Certificates") evidencing proportionate undivided interests in rights to receive Revenues under the Contract in the initial aggregate principal amount of \$167,643,940.65, all of which are currently outstanding;

*WHEREAS*, the proceeds from the sale of the 1991 Certificates are being disbursed by the Trustee for the construction, acquisition, installation and equipping of the Project and for other purposes set forth herein;

*WHEREAS*, the City has been advised that principal components of the installment payments under the Contract payable from December 1, 2010 through December 1, 2021 may be refinanced so that net present value savings are achieved on such installment payments;

*WHEREAS*, there will be executed and delivered, pursuant to the 1991 Indenture and Supplemental Indenture, Number 1 dated as of August 1, 1993 (the "Supplemental Indenture" and collectively with the 1991 Indenture, the "Indenture"), Refunding Certificates of Participation (Convention Facility Project), Series 1993C (the "1993C Certificates" and collectively with the 1991 Certificates and any Additional Certificates executed and delivered under the Indenture, the "Certificates") evidencing proportionate undivided interests in rights to receive certain Revenues under the Contract in the aggregate principal amount not to exceed \$150,000,000 in order to provide moneys to refund in advance of their maturity the 1991 Certificates maturing on December 1, 2011 and December 1, 2021 (the "Refunded Certificates");

*WHEREAS*, a portion of the proceeds of the 1993C Certificates will be deposited under an Escrow Agreement dated as of August 1, 1993 (the "Escrow Agreement") between the Corporation and NationsBank of North Carolina, N.A., as escrow agent;

*WHEREAS*, the Certificates shall evidence proportionate undivided interests in certain Revenues and shall be payable solely from the sources provided;

*WHEREAS*, an amendment to the Contract (the "Amended and Restated Contract") is necessary to effectuate the execution and delivery of the 1993C Certificates and the refunding of the Refunded Certificates and such an amendment is authorized by Section 9.04 of the Indenture;

*WHEREAS*, the execution, delivery and performance of an Amended and Restated Contract by the Corporation, and the assignment by the Corporation to the Trustee, pursuant to the Indenture, of all Revenues and other rights under the Amended and Restated Contract (except the rights of the Corporation under Section XI, certain notice rights and those Additional Payments payable to the Corporation under an Amended and Restated Contract), have been authorized, approved and directed by all necessary and appropriate action of the Corporation;

*WHEREAS*, the obligation of the City to make Installment Payments and Additional Payments shall constitute a limited obligation of the City, payable solely from currently budgeted appropriations of the City, including funds received from the County of Mecklenburg, North Carolina under the County Ordinance To Impose And Levy A Room Occupancy Tax And A Prepared Food And Beverage Tax, adopted July 25, 1990, pursuant to Chapter 908, 1983 Session Laws, as amended and restated by Chapter 821, 1989 Session Laws and Chapter 922, 1990 Session Laws; shall not constitute a general obligation or other indebtedness of the City within the meaning of the Constitution of the State; and shall not constitute a direct or indirect pledge of the faith and credit or taxing power of the City within the meaning of the Constitution of the State;

*WHEREAS*, pursuant to the amendment of the Contract, the installment payments required of the City under the Contract will be reduced;

*WHEREAS*, the City anticipates that the primary source of funds from which it will make the installment payments will be the proceeds of the room occupancy tax and the prepared food and beverage tax which are being deposited into a special fund (the "New Convention Center Fund");

*WHEREAS*, the City wishes to increase the size of the contingency fund created in the funds which are being held to pay for the construction of the Convention Facility;

*WHEREAS*, no deficiency judgment may be rendered against the City in any action for breach of a contractual obligation under this Contract, and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under this Contract;

*WHEREAS*, there have been presented to the City Council (the "Council") the following documents (collectively, the "Instruments"), copies of which are attached hereto, which the City proposes to approve, enter into and deliver to effectuate the proposed purchase financing:

- (1) the form of the Amended and Restated Contract;
- (2) the form of the Escrow Agreement; and
- (3) the form of Supplemental Indenture, Number 1.

*WHEREAS*, there has been presented to the Council the Preliminary Official Statement to be dated on or about July 27, 1993 relating to the offering and sale of the 1993C Certificates by the Underwriters (the "Preliminary Official Statement");

*WHEREAS*, it appears that each of the Instruments and the Preliminary Official Statement is in appropriate form and is an appropriate instrument for the purposes intended;

*WHEREAS*, the net sums to fall due under the Amended and Restated Contract will not exceed \$15,000,000 in each year for 30-½ years (after subtracting from the sum falling due in the final year the deposit to the Reserve Fund from the proceeds of the Certificates) and can be included in the City's budget;

*WHEREAS*, it is reasonable to conclude that the payments under the Amended and Restated Contract are not excessive for the stated purpose of constructing, acquiring, installing and equipping the Project, and no increase in the property tax rate will be required to raise funds to fall due under the contract in each fiscal year during the term of the Amended and Restated Contract;

*WHEREAS*, the City Attorney is of the opinion that this transaction is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of the State;

*WHEREAS*, the City has further determined and hereby expresses its determination that the Installment Payments, the Additional Payments and all other obligations of the City under the Amended and Restated Contract are not excessive for their stated purposes;

*WHEREAS*, the City hereby determines that all findings, conclusions and determinations of the City in the Resolution adopted by the City Council on October 8, 1980 are fully affirmed;

*WHEREAS*, the City's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the City has conformed with generally accepted accounting principles in preparing its Annual Budget Ordinance;

*WHEREAS*, past audit reports of the City indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the City has not been censured by the North Carolina Local Government Commission (the "LGC"), external auditors, or any other regulatory agencies in connection with such management;

*WHEREAS*, the LGC has approved of the form of the Amended and Restated Contract;

*WHEREAS*, the City is not in default in meeting any of its debt service or contract obligations;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AS FOLLOWS:

**Section 1.** That all actions of the City in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments and the Preliminary Official Statement.

**Section 2.** That the City approves the construction, acquisition, installation and equipping of the Project in accordance with the terms of the Amended and Restated Contract, which will be a valid, legal and binding obligation of the City in accordance with its terms. The form and content of the Amended and Restated Contract are in all respects authorized, approved and confirmed, and the City Manager or his designee and the City Clerk are authorized, empowered and directed to execute and deliver the Amended and Restated Contract for and on behalf of the City, including necessary counterparts, in substantially the form attached hereto, 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 their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Amended and Restated Contract, the City Manager and the City Clerk or their respective designees 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 Amended and Restated Contract as executed.

**Section 3.** That the form and content of the Escrow Agreement are in all respects authorized, approved and confirmed, and the City Manager and the City Clerk are authorized, empowered and directed to execute and deliver the Escrow Agreement for and on behalf of the City, including necessary counterparts, in substantially the form attached hereto, 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 their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Escrow Agreement, the City Manager and the City Clerk or their respective designees 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 Escrow Agreement as executed.

**Section 4.** That the form and content of the Letter of Representation are in all respects authorized, approved and confirmed, and the City Manager and the City Clerk are authorized, empowered and directed to execute and deliver the Letter of Representation for and on behalf of the City, including necessary counterparts, in substantially the form attached hereto, 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 their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Letter of Representation, the City Manager and the City Clerk or their respective designees 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 Letter of Representation as executed.

**Section 5.** That to the extent that savings are realized due to the amendment of the Contract, that such savings be transferred from the New Convention Center Fund to the construction contingency fund, and that such funds remain in the construction contingency fund until construction of the New Convention Center is completed.

**Section 6.** That the information pertaining to the City supplied by the City for use in the Preliminary Official Statement and the Final Official Statement to be dated on or about August 5, 1993 relating to the offering and sale of the 1993C Certificates (the "Official Statement") is in all respects authorized, approved and confirmed, and the City Manager is authorized to sign the Official Statement on behalf of the City.

**Section 7.** That the City Manager is hereby designated as the City's representative to act on behalf of the City in connection with the transactions contemplated by the Instruments and the Preliminary Official Statement, and the City Manager is authorized and directed to proceed with the construction, acquisition, installation and equipping of the Project in accordance with the Instruments, and to seek opinions on matters of law from the City Attorney, which the 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 Manager is hereby authorized to designate one or more employees of the City to take all actions which the City Manager is authorized to perform under this Resolution, and the City Manager or his designees are in all respects authorized on behalf of the City to supply all information pertaining to the City for use in the Preliminary Official Statement and the transactions contemplated by the Instruments or the Preliminary Official Statement. The City Clerk and the City Manager are authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Instruments or as they may deem necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution.

**Section 8.** That if any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

**Section 9.** That all motions, orders, resolutions, ordinances and parts thereof, in conflict herewith are hereby repealed.

**Section 10.** That this Resolution shall become effective on the date of its adoption.

YEAS	<u>Councilmembers Campbell, Hammond,</u>
	<u>McCrary, Majeed, Mangum, Martin,</u>
	<u>Reid, Scarborough and Wheeler</u>
	_____
NAYES	<u>None</u>
	_____

READ, APPROVED AND ADOPTED this 26th day of July, 1993.

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 26th day of July, 1993, the reference having been made in Minute Book 102 and recorded in full in Resolution Book 31, Page(s) 245-250.

WITNESS my hand and corporate seal of the City of Charlotte, North Carolina, this the 28th day of July, 1993.

  
\_\_\_\_\_  
Brenda R. Freeze, City Clerk

RESOLUTION

EXTRACT FROM THE MINUTES OF A regular meeting  
MEETING OF THE Charlotte City Council  
HELD ON July 26, 1993

The following Resolution was introduced by Councilmember Mangum  
seconded by Councilmember Wheeler, read in full, considered  
and adopted.

RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND  
RATIFYING THE EXECUTION OF THE GRANT AGREEMENT FOR PROJECT  
NUMBER 3-37-0012-19 BETWEEN THE UNITED STATES OF AMERICA  
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 Grant Agreement  
between the Federal Aviation Administration on behalf of the United  
States of America and the City of Charlotte, North Carolina

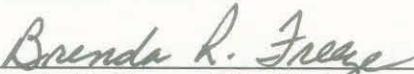
SECTION 2. That the Execution of said Grant Agreement in  
quadruplicate on behalf of said City Council  
by T. J. Orr, Aviation Director  
and the impression of the official seal of the City of Charlotte  
(if there is no seal, so stat  
and the attestation by Brenda Freeze; City Clerk  
is hereby authorized, adopted, approved, accepted and ratified.

SECTION 3. That the Aviation Director is hereby  
(Title of Position, Airport Manager,  
City Manager, etc.)  
authorized to execute payment requests under this Grant Agreement on  
behalf of said City of Charlotte.

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 26th day of July, 1993, the reference having been made in Minute Book 102 and recorded in full in Resolution Book 31, Page(s) 251-252.

WITNESS my hand and corporate seal of the City of Charlotte, North Carolina, this the 28th day of July, 1993.

  
\_\_\_\_\_  
Brenda R. Freeze, City Clerk

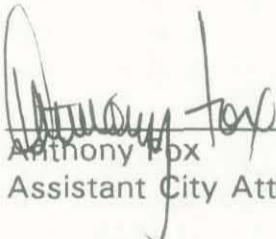
RESOLUTION

Whereas, the City of Charlotte is committed to utilizing to the fullest extent possible Disadvantaged Business Enterprises; and

Whereas, the City of Charlotte has established definitive procedures to ensure that Disadvantaged Enterprises shall have the maximum feasible opportunity to compete for contracts; and

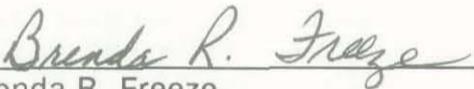
Whereas, the U.S. Department of Transportation, Federal Transit Administration has set a minimum goal for the Federal share of grant-related contracts; therefore, be it resolved by the City Council of Charlotte, NC that the Mayor is authorized to execute documents establishing the City's FY 1994 goal for the Federal share of transit-related contracts at 13% for Disadvantaged Business Enterprises.

Approved as to form:

  
\_\_\_\_\_  
Anthony Fox  
Assistant City Attorney

CERTIFICATION

The undersigned duly qualified City Clerk of the City of Charlotte, NC certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Charlotte City Council held on July 26, 1993.

  
\_\_\_\_\_  
Brenda R. Freeze  
City Clerk

July 28, 1993  
\_\_\_\_\_  
Date