

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 14th day of June, 2004 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 839-844.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of June, 2004.



Brenda R. Freeze, CMC, City Clerk

TAXPAYERS AND REFUNDS REQUESTED
 MORE THAN \$100
 (Clerical Error)

<u>Name</u>	<u>Refund Amount</u>
AAI/CARMEL ON PROVIDENCE	\$ 2,607.36
AAI/FOREST HILLS	334.74
ALBIZA LUIS	693.84
ALEXANDER JOHN B	155.40
ALLEGIANCE HEALTHCARE COR	1,835.82
APRA INC	3,617.46
ARROWOOD COMPANY LIMITED	9,706.20
ARROWPOINT ASSOCIATES	1,008.84
ARROWPOINT ASSOCIATES	4,454.10
ASSOCIATED APARTMENT	688.38
ASSOCIATED APARTMENT INVESTORS	1,086.54
ASSOCIATED APARTMENT INVESTORS	1,341.06
ASSOCIATED APARTMENT INVESTORS	2,531.34
BAILEY JAMES B	238.98
BARKER J E	108.36
BASS RESOURCES INC	4,193.70
BATSON EDITH JOANNA	376.74
BEL-EQR III LP	2,260.02
BEL-EQR IV LP	3,853.08
BIAMONTE SAMUEL F (TST)	137.76
BLC4K NO 2 LLC	606.90
BRANNAN ROBERT B	167.16
BRE/HV PROPERTIES LLC	6,430.20
BULLARD LEIGH T	411.60
BUNDICK CLIFTON	102.90
CALDWELL CORNER LLC	828.53
CAROLINA TRACTOR & EQUIPMENT	9,313.50
CDC PINEVILLE LLC	4,443.18
CELANESE ACETATE LLC	157.50
CELANESE ACETATE LLC	15,770.58
CHARLOTTE GATEWAY VILLAGE LLC	5,889.52
CHARLOTTE MEDICAL PLAZA II LTD	634.62
CHARLOTTE MONTCLAIR LIMITED	8,670.48
CHARLTTE NC I L P	4,214.28
CHILDRESS KLEIN	121.80
CHILDRESS KLEIN	1,764.00
CHILDRESS KLEIN	4,885.86
CHILDRESS KLEIN	7,843.50
CHILDRESS KLEIN	9,446.22
CHOATE JOHN LESLIE JR	126.42
CLANTON IVONIA HAYES	413.70
CNM SHOPPES LLC	2,974.50
CONSOLIDATED REALTY COMPANY	544.32
CONSOLIDATED REALTY COMPANY	1,089.06
CREEK CLUB LTD	1,880.76
CROCKETT REAL ESTATE	579.60
CROSS CREEK APARTMENTS	118.86

CROSS CREEK APARTMENTS	4,442.76
CROWN AMERICAN CORP	4,758.75
CURRY CLAYTON SMITH JR	116.34
DAWSON JESSICA M	178.46
DELANE GLEN APARTMENTS LLC	2,286.90
EQR-FANCAP 2000A LP	3,567.48
EQUISTAR CHARLOTTE COMPANY LLC	13,447.14
ERIC CHARLES BLAU	593.88
ESA 0206 INC	6,558.30
FADEL ALBERT SHICKERY	265.86
FAISON ARROWOOD PROP LTD	1,018.92
FIFTY TWO TWELVE OFFICE ASSOC	146.58
FIRST INDUSTRIAL B & L LLC	1,611.12
FLOYD BLACKWELL	833.95
FORLIDAS ANGELO J	148.26
FORLIDAS ANGELO J	244.44
FORLIDAS ANGELO J &	239.82
FORLIDAS ANGELO J &	617.82
FORLIDAS PHILIP J &	527.10
FUND II & FUND II OW	9,424.38
G&I III RESOURCE SQUARE LLC	4,555.74
G&I III RESOURCE SQUARE LLC	6,502.44
GALLAGHER THOMAS J	1,358.28
GALLERIA VILLAGE LLC	2,992.08
GIBSON ELLEN H	109.30
GIBSON ELLEN H	167.32
GIBSON ELLEN H	225.79
GIBSON ELLEN H	237.94
GIBSON ELLEN H	403.93
GOLDEN FIDELITY PROPERTIES LLC	506.94
GRIMMER HARRY C	737.52
GUPTON ELIZABETH W	393.96
HARDAGE ANNE HEATH	324.66
HARRIS THOMAS B JR	168.00
HELEN SCARBOROUGH	270.06
HELGA ENTERPRISES INC	328.86
HIDDEN VALLEY APARTMENTS	925.68
HLM DESIGN INC	253.03
HMC ACQUISITION PROPERTIES INC	3,761.10
HOSPITALITY AMERICA INC	3,567.90
HOWARD WEBB JR	1,223.01
HSI NORTH CAROLINA LLC	263.76
HUGES SUPPLY	189.42
INKEEPER MOTOR LODGE/GASTONIA	4,261.32
INTOWN SUITES CHARLOTTE NORTH	3,788.55
INTOWN SUITES INC	3,658.95
JOE WEBSTER	1,629.18
JOHNSON LARRY M	233.94
JOHNSON ROBERT L	652.68
KEENER ERNEST P &	108.36
KNICKERBOCKER PROPERTIES INC	27,817.02
LA QUINTA DEVELOPMENT PARTNERS	8,182.86

LA QUINTA MOTOR INNS INC	2,643.48
LAIRD EARL EDWARD	415.80
LAPOINTE MANAGEMENT LLC	312.90
LAWRENCE DANIEL CARL	352.38
LEDBETTER REVONDA W	123.48
LERNER HARRY TRUSTEE	327.18
LEWIS AL G JR	126.00
LITAKER DANIEL M	227.64
LODGE AT OLD CONCORD LLC	5,234.46
LUWA CORP	474.18
LYLE CARL B JR	222.18
MARDRU	3,544.80
MARGARET MITCHELL	6,874.98
MARRIOTT RESIDENCE INN II LP	3,190.05
MCCOY EUNICE WATSON	102.06
MHG-QUEENS LLC	12,944.40
MILEHAM WILLIAM D III	231.42
MILLER LESTER E	306.18
MINOR NAN C	189.42
ML NORTH CAROLINA APARTMENTS	693.42
ML NORTH CAROLINA APARTMENTS	1,612.80
MOLELLA STEPHEN D	330.54
MOORE JOHN K	321.30
MURATA OF AMERICA INC	9,937.20
MYERS PARK COUNTRY CLUB INC	136.50
MYERS PARK COUNTRY CLUB INC	215.04
MYERS PARK COUNTRY CLUB INC	215.04
MYERS PARK COUNTRY CLUB INC	882.00
NATIONAL REALTY SALES	345.24
NATIONAL REALTY SALES	1,305.58
NATIONAL WELDERS SUPPLY CO INC	457.38
NINE THOUSAND ONE HUNDRED ONE	10,658.34
NINTH STREET INVESTORS LLC	138.76
NINTH STREET INVESTORS LLC	448.51
NINTH STREET INVESTORS LLC OF	440.10
NINTY EIGHT HL CHARLOTTE LLC	2,794.68
NORRIS JOHN W	166.74
ONE THOUSAND THREE HUNDRED THI	592.62
OWINGS CHASE LP	2,614.08
P&C RP LLC	844.20
PARKWAY PROPERTIES LP	582.12
PARKWAY PROPERTIES LP	977.34
PARKWAY PROPERTIES LP	1,388.94
PARKWAY PROPERTIES LP	1,633.38
PATEL RAVINDRA C	601.02
PERGAMOS INTRNTAL INVEST	519.96
PHARR DAVID H	288.12
PIZZAGALLE PROPERTIES LLC	262.50
PIZZAGALLE PROPERTIES LLC	3,428.88
PIZZAGALLI PROPERTIES LLC	2,270.94
PIZZAGALLI PROPERTIES LLC	2,906.82
PLUMMER BILLY D	220.08

PNEUMAFIL CORP	2,419.62
PNEUMAFIL CORP	3,761.10
PORATH JOHN P	242.76
POWELL BENJAMIN R	672.00
PREFCO III LTD PRTNSHP	748.02
PROLOGIS -NORTH CAROLINA LP	1,480.92
QUEENS PROPERTIES LLC	7,531.86
RAINTREE HOMEOWNERS	2,933.28
RAINTREE HOMEOWNERS	3,936.66
RANKIN WILTON	275.10
RICO SHIRLEY A	451.50
RIVERBIRCH APARTMENTS ASSOC II	30,658.74
ROBERTS DAN S	233.94
RODBELL STACY	226.80
ROSEHAVEN JOINT VENTURE	235.62
ROSENSTADT FAMILY TRUST THE	104.16
ROSHAN DHANA INC	1,166.34
ROYAL REALTY ASSOCIATES LLC	2,143.68
SAURER	2,653.14
SCHAR TIMOTHY D	440.58
SEDGEWOOD HEIGHTS LLC	178.50
SEDGEWOOD HEIGHTS LLC	199.50
SEIGEL DEBBIE H	148.26
SEVEN SEVENTEEN HB	12,075.72
SHIV SHAKTI OF CHARLOTTE LLC	4,045.44
SHRI GOPINATH HOSPITALITY LLC	2,117.25
SIMS JAMES W JR	105.00
SITA INC	1,086.12
SOLECTRON TECHNOLOGY INC	7,231.56
SOLECTRON TECHNOLOGY INC	16,322.88
SORKIN REUBEN R/L/T	214.62
SOVRAN ACQUISITION LIMITED	4,705.26
SPEIR BARBARA R	471.24
SPRINGHILL SMC CORP	12,285.84
SREE ARROWOOD TWO LLC	4,434.78
STANDISH WILLIAM R	786.24
STATE EMPLOYEES CREDIT UNIONN	310.80
STEGALL T G LEASING CO	1,861.44
STERLING INNS LLC	3,108.00
STUDIO PLUS OF TYVOLA INC	1,896.72
STUDIO PLUS PROPERTIES INC	3,143.25
STUDIO PLUS PROPERTIES INS	6,544.86
SUMMIT PROPERTIES PARTNERSHIP	918.96
SUMMIT PROPERTIES PARTNERSHIP	5,696.46
SUMMIT PROPERTIES PARTNERSHIP	8,412.18
SUNRISE HOTEL LLC	2,792.58
SWAN RUN LTD	685.44
SWAN RUN LTD	829.92
TEACHERS INSURANCE & ANNUITY A	2,273.88
TEACHERS INSURANCE AND ANNUITY	2,554.44
TEACHERS INSURANCE AND ANNUITY	2,600.22
TEAGUE JOHN P	268.38

TERRY J BRENNAN	180.60
TIAA REALTY INC	3,396.96
TIAA REALTY INC	4,095.84
TIMBER CREST APARTMENTS LLC	6,795.60
TPM PROPERTIES LTD PTNRSP	220.08
TROTTER GEORGE R JR	334.32
TROTTER M MCHALE	110.46
TROTTER M MCHALE	766.08
TRYON FOREST LIMITED	295.68
TRYON FOREST LIMITED	668.64
TULL CHRISTOPHER	273.84
TULL CHRISTOPHER	286.44
UNIVERSITY WALK OF CHARLOTTE	4,035.78
W NINE/LWS REAL ESTATE LP	26,248.32
WALSH THOMAS FRANCIS	249.90
WHITE EUGENE A	383.04
WHITEHALL COMMONS LLC	11,247.18
WOODLAWN LLC	1,168.86
WOODLAWN LLC	1,593.90
WOODLAWN LLC	7,176.12
WOODLIEF JOHN B	1,310.40
WOODVIEW ASSOCIATES	5,484.36
Total	<u>\$ 598,504.23</u>

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

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 14th day of June, 2004 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 845-846.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of June, 2004.



Brenda R. Freeze, CMC, City Clerk

BUSINESS PRIVILEGE LICENSE
REFUNDS REQUESTED

<u>Name</u>	<u>Refund Amount</u>
Blue Fish Restaurant	\$ 109.00
Air Power, Inc.	797.36
Bryant, Clark, Tennaro	222.67
Charlotte Center City Partners	1,608.20
Cotswold Photographers	50.00
Cynthia Gonzalez	200.00
Dilworth Coffee House	79.00
Fligel's Uniform Co.	240.37
French Quarter Restaurant	150.35
Goodyear Tire & Rubber #2321	536.00
Greens Lunch	186.53
Gymboree Play & Music	25.00
Henderson Properties	111.82
Jillians of Charlotte	4,023.34
KS Crittendon, Inc.	45.97
Mervil Paylor Design	117.92
Network Controls International, Inc	225.76
Packaging Material & Equipment	26.75
Pennsylvania Wood	245.72
Siemens Building	6,838.33
Suburban Mortgage	38.21
	<hr/>
Total	\$ 15,878.30

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31
BALLANTYNE YMCA**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, N.C. at 7:00 p.m. on June 14, 2004.

Section 2. The area proposed for annexation is described as follows:

LEGAL DESCRIPTION

BEGINNING at an existing iron pin located on the southeasterly margin of Bryant Farms Road, formerly Providence Road West, which pin is also located on the northwesterly most corner of Tract B, as shown on the map entitled "Ballantyne Record Plat Fire Station and Elementary School Sites" recorded in Map Book 29, Page 53 of the Mecklenburg County Public Registry; thence with the line of the Tract B described above, S 27° 02' 16" E 960.00 feet to an iron pin set; thence S 62° 57' 44" W 330.00 feet to an iron pin set; thence S 26° 5' 32" W 50.00 feet to an iron pin set; thence S 62° 57' 44" W 520.79 feet to an iron pin set; thence N 14° 03' 36" W 247.89 feet to an iron pin set; thence N 57° 37' 19" E 84.73 feet to an iron pin set; thence N 05° 59' 50" E 65.42 feet to an iron pin set; thence N 40° 20' 16" E 119.05 feet to an iron pin set; thence N 8° 26' 46" W 139.98 feet to an iron pin set; thence S 86° 10' 30" W 179.38 feet to an iron pin set; thence S 62° 59' 30" W 109.75 feet to an iron pin set; thence N 89° 44' 36" W 144.75 feet to an iron pin set; thence S 5° 59' 12" W 143.23 feet to an iron pin set; thence S 35° 36' 14" E 273.18 feet to an iron pin set; thence S 12° 52' 04" E 94.47 feet to an iron pin set; thence N 73° 17' 45" W 101.45 feet to an iron pin set; thence N 70° 48' 38" W 283.83 feet to an iron pin set on the easterly margin of Community House Road; thence with the easterly margin of Community House Road N 1° 09' 39" E 49.50 feet to an existing iron pin; thence S 88° 50' 22" E 5.07 feet to an existing iron pin; thence with the easterly margin of Community House Road with the arc of a curve to the left having a chord direction of N 7° 21' 37" W, a chord distance of 294.39 feet and a radius of 990 feet to an existing iron pin; thence with the margin of Community House

Road N 15° 54' 42" W 280.41 feet to an iron pin set; thence with the arc of a curve to the right having a chord direction of N 24° 52' 25" E, a chord distance of 45.73 feet and a radius of 35 feet to an existing iron pin; thence with the southeasterly margin of Bryant Farms Road N 65° 21' 10" E 1077.81 feet to an existing iron pin, the point and place of beginning, containing 22.866 acres as shown on the survey for Ballantyne YMCA by David B. Boyles, NCRLS, dated October 29, 1999.

Being a portion of the property conveyed to Mecklenburg County by deed of Bissell Ballantyne, LLC, CMH-DWH Ballantyne, LLC and MRI Ballantyne Limited Partnership, dated August 24, 1998, and recorded in Book 9981, Page 968 of the Mecklenburg County Public Registry.

Section 3. Notice of the public hearing shall be published in the *Mecklenburg Times*, a newspaper having general circulation in the City of Charlotte, at least ten (10) days prior to the date of the public hearing.

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 14th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 847-848.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of June, 2004.



Brenda R. Freeze, CMC, City Clerk

Extract of Minutes of a regular meeting of the City Council of the City of Charlotte, North Carolina held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on June 14, 2004.

* * *

A regular meeting of the City Council of the City of Charlotte, North Carolina (the "*City Council*") was held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on June 14, 2004 (the "*Meeting*"), after proper notice, and was called to order by the Mayor, and upon the roll being called, the following members of the City Council answered present: Mayor McCrory, Councilmembers Burgess, Cannon, Carter, Kinsey Lassiter, Mitchell, Mumford, and Turner

The following members of the City Council were absent: Councilmembers Graham, Lochman, and Tabor

Also present: City Manager Syfert, City Attorney McCarley, and City Clerk Freeze

Councilmember Burgess introduced the following resolution (the "*Resolution*"), a summary of which had been provided to each Council member, a copy of which was available with the City Clerk and which was read by title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF WATER AND SEWER SYSTEM COMMERCIAL PAPER REVENUE BOND ANTICIPATION NOTES; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE CITY'S WATER AND SEWER SYSTEM COMMERCIAL PAPER REVENUE BOND ANTICIPATION NOTES, SERIES 2004 AND CERTAIN RELATED MATTERS.

WHEREAS, the City Council (the "*City Council*") of the City of Charlotte, North Carolina (the "*City*") hereby determines that it is necessary to improve its water and sanitary sewer systems (collectively, the "*Water and Sewer System*"), including, but not limited to, the extension of existing water and sewer lines and rehabilitation or replacement of others; construction of new water and sewer mains and outfalls; rehabilitation and upgrades of water and wastewater treatment plants; and acquisition of land (the "*Project*") at an estimated cost not to exceed \$400,000,000;

WHEREAS, the City Council is considering the issuance of not to exceed \$400,000,000 Water and Sewer System Commercial Paper Revenue Bond Anticipation Notes, Series 2004 of the City (the "*2004 Bond Anticipation Notes*") to finance the Project;

WHEREAS, the City Council has considered and recognized that variable interest rate debt instruments may subject the City to the risk of higher interest rates in the future and that in addition to the variable interest cost, the County must pay the fees of the provider of a liquidity facility and the Dealer for the 2004 Bond Anticipation Notes, which fees will increase the variable interest cost to the City;

WHEREAS, the City Council believes that a commercial paper financing is superior to a fixed rate financing because it will lower the City's overall cost of capital;

WHEREAS, the City Council wants to (A) retain Parker Poe Adams & Bernstein L.L.P. of Charlotte, North Carolina, as bond counsel; (B) retain Wachovia Bank, National Association, of Charlotte, North Carolina, as the commercial paper dealer (the "*Dealer*"); (C) approve the selection by the Dealer of Helms

Mulliss & Wicker, PLLC of Charlotte, North Carolina, as dealer's counsel; (D) retain Sterne, Agee & Leach, Inc. of Charlotte, North Carolina and Waters and Company, LLC of Birmingham, Alabama, as financial advisors; (E) retain Wachovia Bank, National Association of Charlotte, North Carolina, as issuing and paying agent for the 2004 Bond Anticipation Notes; and (F) retain Wachovia Bank, National Association of Charlotte, North Carolina, as the liquidity provider for such 2004 Bond Anticipation Notes; and

WHEREAS, the City Council wants the Director of Finance of the City to file with the Local Government Commission of North Carolina (the "*Commission*") an application for its approval of the 2004 Bond Anticipation Notes, on a form prescribed by the Commission, and (1) request in such application that the Commission approve (A) the negotiation of the sale of the 2004 Bond Anticipation Notes to Wachovia Bank, National Association, (B) the City's use of Parker Poe Adams & Bernstein L.L.P., as bond counsel for the City, (C) the Underwriters' use of Helms Mulliss & Wicker, PLLC, as dealer's counsel, (D) the City's use of Sterne, Agee & Leach, Inc. and Waters and Company, LLC, as financial advisors, (E) the City's use of Wachovia Bank, National Association, as issuing and paying agent for the 2004 Bond Anticipation Notes, and (F) the City's use of Wachovia Bank, National Association, as the liquidity provider for such 2004 Bond Anticipation Notes and (2) state in such application such facts and to attach thereto such exhibits in regard to the 2004 Bond Anticipation Notes and to the City and its financial condition, as may be required by the Commission, and to take all other action necessary to the issuance of the 2004 Bond Anticipation Notes.

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

Section 1. That the 2004 Bond Anticipation Notes are to be issued by the City for the purpose of providing funds (1) to finance the costs of the Project, (2) to fund a debt service reserve for the 2004 Bond Anticipation Notes or purchase a surety policy in lieu thereof and (3) to pay the costs of issuing the 2004 Bond Anticipation Notes all as set out fully in the Offering Memorandum and other documents attached to the City's application to the Commission. The use of the proceeds of the 2004 Bond Anticipation Notes, as described, is necessary in order to meet the expanding needs of the users of the Water and Sewer System and to assure that the Water and Sewer System remains in full compliance with all state and federal requirements for the provision of water and sanitary sewer services.

Section 2. That (1) Parker Poe Adams & Bernstein L.L.P. shall hereby be retained to serve as bond counsel, (2) Wachovia Bank, National Association shall hereby be retained to serve as dealer, (3) the Dealer's use of Helms Mulliss & Wicker, PLLC as dealer's counsel, (4) Wachovia Bank, National Association shall hereby be approved as trustee for the 2004 Bond Anticipation Notes, (5) Sterne, Agee & Leach, Inc. and Waters and Company, LLC shall hereby be retained as financial advisors in connection with the issuance by the City of the 2004 Bond Anticipation Notes, and (6) Wachovia Bank, National Association shall be approved as the liquidity provider for such 2004 Bond Anticipation Notes.

Section 3. That the Director of Finance of the City with advice from the City Manager and bond counsel, is hereby authorized, directed and designated to file an application with the North Carolina Local Government Commission for its approval of the issuance of the 2004 Bond Anticipation Notes.

Section 4. That the City Council finds and determines and asks the Commission to find and determine from the City's application and supporting documentation:

- (a) that the issuance of the 2004 Bond Anticipation Notes is necessary or expedient;
- (b) that the not to exceed stated principal amount of the 2004 Bond Anticipation Notes will be sufficient but is not excessive, when added to other moneys available to the Water and Sewer System, for the proposed Project;

- (c) that the Water and Sewer System as now constituted and as it will be constituted after the completion of the Project is feasible;
- (d) that the City's debt management procedure and policies are excellent; and
- (e) that the 2004 Bond Anticipation Notes can be marketed at a reasonable interest cost to the City.

Section 5. That the Mayor, the City Manager and the Director of Finance are hereby authorized to do any and all other things necessary to complete the steps necessary for the issuance of the 2004 Bond Anticipation Notes.

Section 6. That the City Council requests that the Commission sell the 2004 Bond Anticipation Notes through negotiation to Wachovia Bank, National Association on such terms as may be agreed on but at an initial interest rate not exceeding 6.00%. The form and content of the Offering Memorandum with respect to the 2004 Bond Anticipation Notes are in all respects authorized, approved and confirmed, and the use of the Offering Memorandum by the Dealer in connection with the sale of the 2004 Bond Anticipation Notes is hereby in all respects authorized, approved and confirmed.

Section 7. That this Resolution shall become effective on the date of its adoption.

On motion of Councilmember Burgess, seconded by Councilmember Cannon, the foregoing resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF WATER AND SEWER SYSTEM COMMERCIAL PAPER REVENUE BOND ANTICIPATION NOTES; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE CITY'S WATER AND SEWER SYSTEM COMMERCIAL PAPER REVENUE BOND ANTICIPATION NOTES, SERIES 2004 AND CERTAIN RELATED MATTERS." was duly adopted by the following vote: Unanimous

STATE OF NORTH CAROLINA)
)
 CITY OF CHARLOTTE) ss:

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 14th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 849-851.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of June, 2004.



 Brenda R. Freeze, CMC, City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **CLEAR CREEK BASIN SANITARY SEWER-FORCE MAIN 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 **CLEAR CREEK BASIN SANITARY SEWER-FORCE MAIN PROJECT** and estimated to be approximately **11,011 square feet (.253 acre) of sanitary sewer 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. 139-011-34, said property currently owned by **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., (as Nominee for Household Finance Corporation), and 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, 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 14th day of June, 2004 the reference having been made in Minute Book 12/1, and recorded in full in Resolution Book 38, Page(s) 852.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of June, 2004.


Brenda R. Freeze, CMC, City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **CLEAR CREEK BASIN SANITARY SEWER-GRAVITY 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 **CLEAR CREEK BASIN SANITARY SEWER-GRAVITY PROJECT** and estimated to be approximately **68,956 square feet (1.583 acre) of sanitary sewer 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. 139-082-03, said property currently owned by **C. G. ALLEN, JR.; SHASTA B. ALLEN; SUZANNE ALLEN GULLEDGE and spouse, if any, and 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, 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 14th day of June, 2004 the reference having been made in Minute Book 121 and recorded in full in Resolution Book 38, Page(s) 853.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of June, 2004.



Brenda R. Freeze, CMC, City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **BILLY GRAHAM/WILKINSON REALIGNMENT/WILKINSON TUNNELING PROJECT**;

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 **BILLY GRAHAM/WILKINSON REALIGNMENT/WILKINSON TUNNELING PROJECT**, and estimated to be approximately **18,052 square feet (.414 acre) for fee-simple, existing right-of-way, permanent storm drainage easement, permanent utility 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. 061-201-01, said property currently owned by **J. VAUGHN KLUTTS, JR. and spouse, if any; CHARLES J. DUNN and spouse, if any; BANK OF AMERICA, Possible Judgment Creditor; TITAN BUILDING PRODUCTS, INC., Possible Judgment Creditor; CHEMICAL BANK OF NEW YORK, Possible Judgment Creditor, and 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, 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 14th day of June, 2004 the reference having been made in Minute Book 121 and recorded in full in Resolution Book 38, Page(s) 854.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of June, 2004.



Brenda R. Freeze, CMC, City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **CLEAR CREEK BASIN SANITARY SEWER-FORCE MAIN 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 **CLEAR CREEK BASIN SANITARY SEWER-FORCE MAIN PROJECT** and estimated to be approximately **25,002 square feet (.574 acre) for sanitary sewer 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. 139-011-33, said property currently owned by **JEFFREY T. WHITLEY; ANGELA H. WHITLEY; RICHARD H. LESTER, Trustee; G. ROBERT TURNER, III, Trustee; FIRST CHARTER BANK, Beneficiary; NEUSE, INCORPORATED, Trustee; FIRST-CITIZENS BANK & TRUST COMPANY, Beneficiary; and 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, 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 14th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 855.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of June, 2004.


Brenda R. Freeze, CMC, City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **CHARLESTON/MONROE STORM DRAINAGE IMPROVEMENTS PROJECT**; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

PROPERTY DESCRIPTION:

Amount necessary for the **CHARLESTON/MONROE STORM DRAINAGE IMPROVEMENTS PROJECT** and estimated to be approximately **2,261 square feet (.052 acre) for permanent easement and temporary construction easement**, and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 163-072-02, said property currently owned by **KEVIN D. SHALLY; MARCIA K. SHALLY; NATIONAL REAL ESTATE, Trustee; AMERIQUEST MORTGAGE COMPANY, Beneficiary, and 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, 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 14th day of June, 2004 the reference having been made in Minute Book 124 and recorded in full in Resolution Book 38, Page(s) 856.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of June, 2004.



Brenda R. Freeze, CMC, City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **NEIGHBORHOOD IMPROVEMENT: OAKLAWN PARK 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 **NEIGHBORHOOD IMPROVEMENT: OAKLAWN PARK PROJECT** and estimated to be approximately **5,122 square feet (.118 acre) for fee-simple, sidewalk easement, utility 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. 075-071-06, said property currently owned by **GLADYS S. FEIMSTER and spouse, if any; CONSTANCE R. STIENSTRA, Trustee; CHASE MANHATTAN MORTGAGE CORPORATION, Beneficiary, and 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, 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 14th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 857.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of June, 2004.


Brenda R. Freeze, CMC, City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **PARKSOUTH DRIVE SIDEWALK DESIGN PACKAGE 1 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 **PARKSOUTH DRIVE SIDEWALK DESIGN PACKAGE 1 PROJECT** and estimated to be approximately **2,100 square feet (.048 acre) for utility 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. 179-041-34, said property currently owned by **SHARON A. WRIGHT and spouse, if any; PRLAP, INC., Trustee; BANK OF AMERICA, N. A., Beneficiary; CHARLOTTE-MECKLENBURG COUNTY TAX COLLECTOR, and 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, 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 14th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 858.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of June, 2004.



Brenda R. Freeze, CMC, City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **SOUTH CORRIDOR LIGHT RAIL TRANSIT 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 **SOUTH CORRIDOR LIGHT RAIL TRANSIT PROJECT** and estimated to be approximately **24,205 square feet (.556 acre) of fee-simple**, and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 173-021-17, said property currently owned by **CLUBVIEW APARTMENTS, INC.; ROBERT G. FOX, Trustee; FIRST CHARTER NATIONAL BANK, Beneficiary and Assignee; CITY OF CHARLOTTE-MECKLENBURG COUNTY TAX COLLECTOR; RICK MACALUSO, Purported Lessee; and 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, 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 14th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 859.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of June, 2004.



Brenda R. Freeze, CMC, City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **SOUTH CORRIDOR LIGHT RAIL TRANSIT 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 **SOUTH CORRIDOR LIGHT RAIL TRANSIT PROJECT** and estimated to be approximately **112,914 square feet (2.592 acre) of fee-simple**, and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 173-021-15, said property currently owned by **CLUBVIEW APARTMENTS, INC.; ROBERT G. FOX, Trustee; FIRST CHARTER NATIONAL BANK, Beneficiary and Assignee; CITY OF CHARLOTTE-MECKLENBURG COUNTY TAX COLLECTOR; M & M JANITORIAL SERVICES, Purported Lessee; SOCIETY OF NETWORK PARTNERS, Purported Lessee; AUDIO VISUAL SERVICES, INC., Purported Lessee; J I L FORTE STUDIO, Purported Lessee; MID-ATLANTIC ROOFING, Purported Lessee; and 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, 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 14th day of June, 2004 the reference having been made in Minute Book 12] and recorded in full in Resolution Book 38, Page(s) 860.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of June, 2004.



Brenda R. Freeze, CMC, City Clerk

RESOLUTION CLOSING A PORTION OF HAMORTON PLACE 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 Hamorton Place 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 Hamorton Place 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 City of Charlotte, Charlotte-Mecklenburg Utilities, Duke Power Company and BellSouth Telecommunications, Inc., and all other owners of existing underground utilities and telecommunications to maintain their facilities as shown on the attached map marked Exhibit A.

WHEREAS, the public hearing was held on the 14th day of June, 2004 and City Council determined that the closing of a portion of Hamorton Place 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 June 14, 2004 that the Council hereby orders the closing of a portion of Hamorton Place in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A", and is more particularly described by metes and bounds in document marked "Exhibit B", both of which are attached hereto and made a part hereof.

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

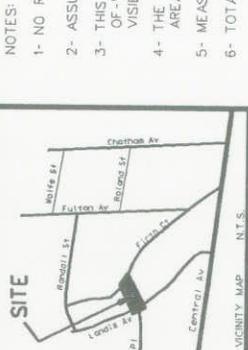
CERTIFICATION

I, 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 14th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 861-863.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of June, 2004.


Brenda R. Freeze, CMC, City Clerk

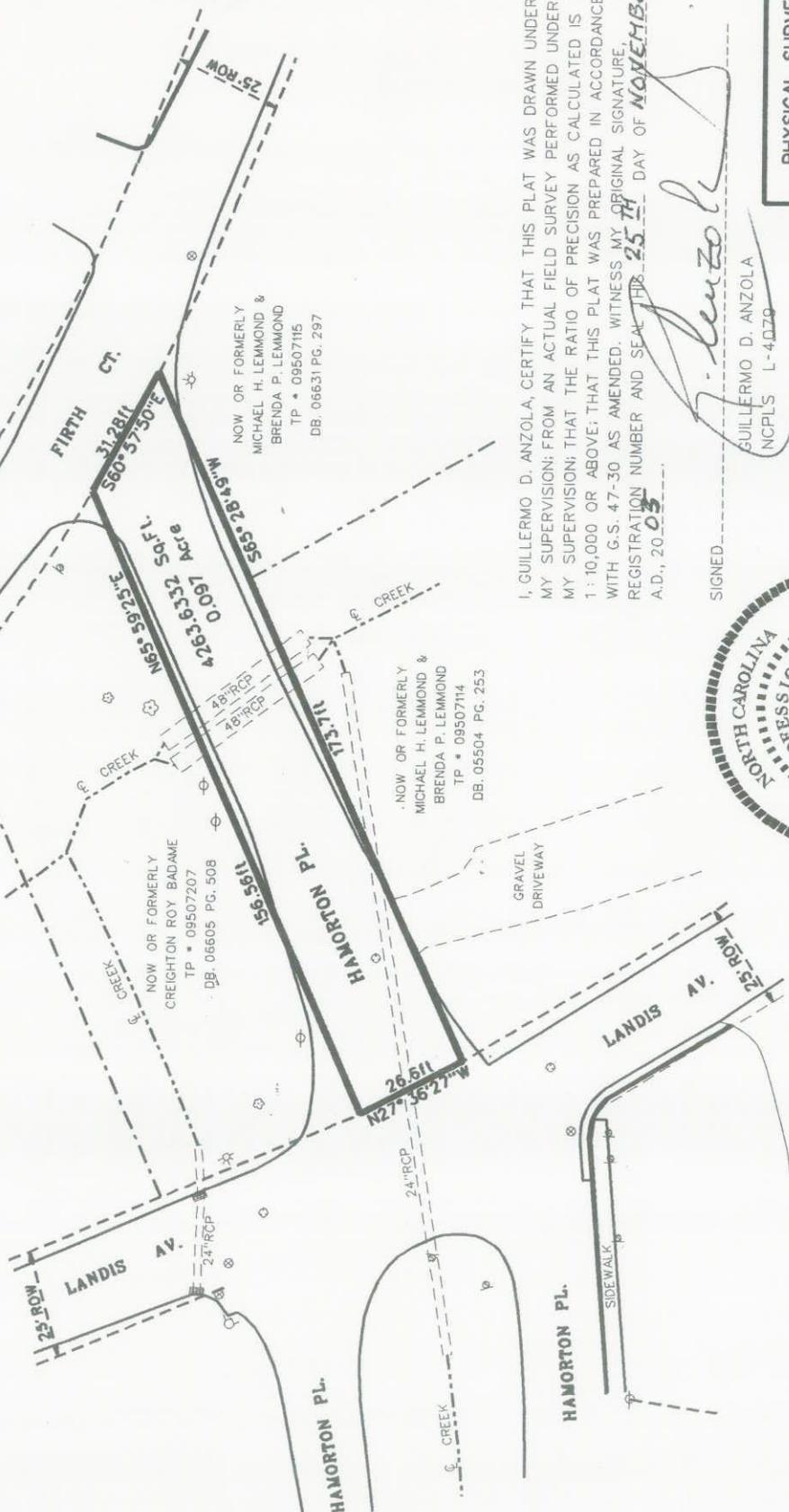
"EXHIBIT A"



- NOTES:
- 1- NO RECORDED RIGHT-OF-WAY FOUND FOR THIS PORTION OF ROAD.
 - 2- ASSUMED RIGHT-OF-WAY SHOWN ON THE PLAT.
 - 3- THIS PLAT IS SUBJECT TO ANY EASEMENTS, AGREEMENTS, OR RIGHTS-OF-WAY OF RECORD PRIOR TO DATE OF THIS PLAT, WHICH WAS NOT VISIBLE AT THE TIME OF THE SURVEY.
 - 4- THE PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA ACCORDING TO F.E.M.A. PANEL NO. 370169-0014B
 - 5- MEASUREMENTS ON THIS MAP ARE IN FEET AND DECIMALS THEREOF.
 - 6- TOTAL AREA = 4,263.6332 SQ.F.T.; 0.097 Acre.

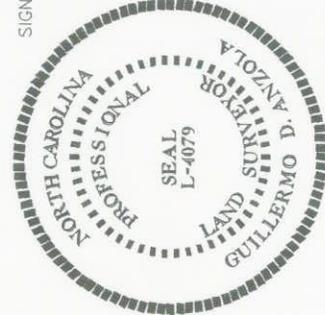
LEGEND

○	TREE
⊙	SIGN
⊕	WATER VALVE
⊖	POWER POLE
⊗	LIGHT POLE
⊘	SANITARY SEWER MANHOLE
⊙	FIRE HYDRANT
⊚	CATCH BASIN
—	PROPERTY LINE
---	ADJOINING PROPERTIES
==	PAVED ROAD

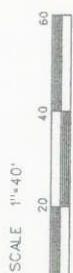


I, GUILLERMO D. ANZOLA, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION; FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY SUPERVISION; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 OR ABOVE; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL DB 05504 DAY OF NOVEMBER A.D., 2003.

SIGNED _____
 GUILLERMO D. ANZOLA
 NCPLS L-4079



PHYSICAL SURVEY OF
 A PORTION OF
 HAMORTON PLACE
 FOREST CIRCLE SUBDIVISION
 PLAT BOOK 332,
 PAGES 78 & 79
 CITY OF CHARLOTTE
 MECKLENBURG COUNTY, NC
 PREPARED FOR:
 DRAKEFORD REALTY CO.
 119 EAST 7th ST. Suite 2-D



Prepared by:
NOVA ENGINEERING & SURVEYING, INC.
 PHOTOGRAMMETRIC ENGINEERING, SURVEYING & GIS SERVICES
 600 TOWNE CENTRE BLVD, SUITE 403 PINEVILLE, NC 28134
 PH. 704-689-5816 - FAX 704-689-5810
 E-mail: NOVADIGET@AOL.COM



EXHIBIT "B"

Legal Description for the portion of HAMORTON PLACE Street.

Portion of HAMORTON PLACE Street, parcel or tract of land being situated in the City of Charlotte, Mecklenburg County, North Carolina, recorded in Map Book 332 Pages 78 and 79 of Forest Circle Subdivision, being more particularly described as follows:

BEGINNING at a point marking the intersection of the southerly existing 25 foot right-of-way of Firth Court and the southwesterly margin of Hamorton Place and running thence S65°28'49"W, 173.70 feet to a point on the existing 25 foot right-of-way of Landis Avenue; thence northwesterly along the existing right-of-way of Landis Avenue, N27°36'27"W, 26.60 feet to a point on the existing 25 foot right-of-way of Landis Avenue; thence northeasterly along the property line that lies southerly of the property of now or formerly of Creighton Roy Badame, Deed Book 6605, Page 508, N65°59'25"E, 156.56 feet to a point on the existing 25 foot right-of-way of Firth Court; thence southeasterly along the existing right-of-way of Firth Court, S60°57'50"E, 31.28 feet to the point and place of BEGINNING. CONTAINING 4,263.6332 square feet of area (0.097 acre), more or less, as shown on that certain Physical Survey for Drakeford Realty Co., prepared By Nova Engineering & Surveying, Inc., Guillermo D. Anzola, PLS # L-4079, dated November 25th, 2003.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
ADOPTING THE FIVE-YEAR CAPITAL INVESTMENT PLAN FOR FISCAL YEARS
2005 to 2009.**

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

WHEREAS, the City of Charlotte continuously develops and reviews the policy, financial and planning assumptions and impacts of capital investment projects for the City; and

WHEREAS, the City of Charlotte has a five-year Capital Investment Plan based on policy assumptions, so stated in the FY2005-2009 Capital Investment Plan that balances the potential physical development planning with long-range financial capacity; and

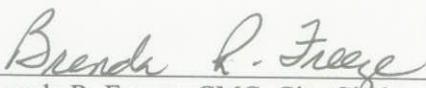
NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte, in its regular session duly assembled, that it does hereby adopt the Capital Investment Plan for fiscal years 2005 to 2009.

This 14th day of June 2004

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 14th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 864.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of June, 2004.



Brenda R. Freeze, CMC, City Clerk

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE ADOPTING CHANGES TO THE CITY PAY PLANS AND EMPLOYEE GROUP INSURANCE PLANS FOR FISCAL YEAR 2005

WHEREAS, the City of Charlotte desires to provide its employees with a competitive pay package and recognizes the importance of rewarding employees for their performance; and

WHEREAS, the City of Charlotte desires to provide its employees with a competitive benefits package;

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 the pay and benefits recommendations for fiscal year 2005.

♦♦
This 14th day of June, 2004

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 14th day of June, 2004 the reference having been made in Minute Book 121 and recorded in full in Resolution Book 38, Page(s) 865.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of June, 2004.



Brenda R. Freeze, CMC, City Clerk