

RESOLUTION REGARDING PROPOSED DECLARATION OF WITHDRAWAL

WHEREAS, Triplett-Heard Rentals, LLC, Triplett-Barnes Rentals, LLC, G.E. Vinroot Construction Company, Simwin Properties LLC, and Clark CVSSAM, LLC (collectively "Property Owners") have submitted to the City of Charlotte a proposed Declaration of Withdrawal of Dedication regarding an alley located in the City of Charlotte off of North Sharon Amity Road and depicted on a survey attached hereto as Exhibit A and more particularly described in Exhibit B attached hereto; and

WHEREAS, pursuant to G.S. 136-95, the Property Owners have requested that the City adopt a resolution indicating that the dedication described in the proposed declaration of withdrawal is not part of a street plan adopted under G.S. 136-66.2.

NOW THEREFORE BE IT RESOLVED by the Charlotte City Council that the alley depicted on Exhibit A attached hereto and described with more particularity in Exhibit B is not part of a street plan adopted under G.S. 136-66.2.

This the 26th day of June, 2001.

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 25th day of June, 2001, the reference having been made in minute book 116, and recorded in full in Resolution Book 37, page(s) 142-144

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26th day of June, 2001.

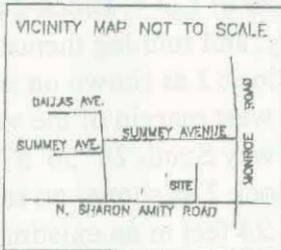
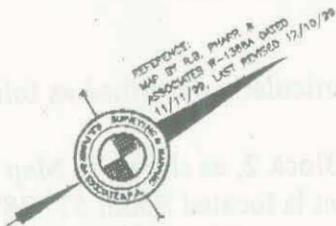
Brenda R. Freeze, CMC
Brenda R. Freeze, CMC, City Clerk

THIS IS TO CERTIFY THAT ON THE 19th DAY OF JANUARY 2000 AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE 1800 (21 NCAC 58) AND THE ERROR OF CLOSURE FOR THIS PARCEL DOES NOT EXCEED ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

SIGNED C. Clark Neilson

R. B. PHARR & ASSOCIATES, REGISTERED SURVEYORS
433 HAYWOOD AVE.
CHARLOTTE, N.C. 28204
TEL. (704) 378-8188

DATE	DRAWN	REVISED
E.M.	D.E.	D.P.



SUBJECT PROPERTY ZONED B-1

LEGEND

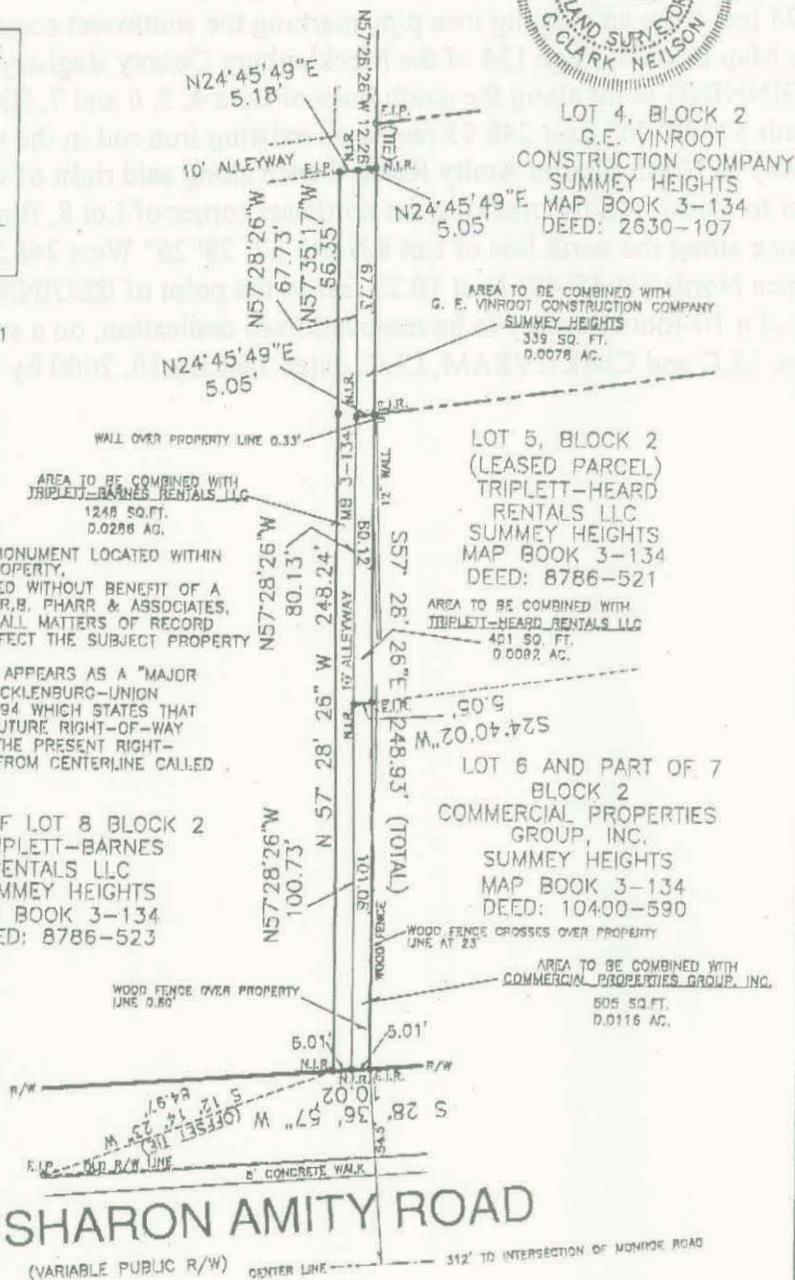
- E.I.P. - EXISTING IRON PIN
- E.I.R. - EXISTING IRON ROD
- N.I.R. - NEW IRON ROD
- R/W - RIGHT OF WAY
- SQ. FT. - SQUARE FEET

NOTES:

1. NO RECOVERABLE N.C.G.S. MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.
2. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. R.B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HERE ON.
3. NORTH SHARON AMITY ROAD APPEARS AS A "MAJOR THOROUGHFARE" ON THE MECKLENBURG-UNION THOROUGHFARE PLAN OF 1994 WHICH STATES THAT IT MAY BE SUBJECT TO A FUTURE RIGHT-OF-WAY OF 50' FROM CENTERLINE. THE PRESENT RIGHT-OF-WAY EXCEEDS THE 50' FROM CENTERLINE CALLED FOR IN THE PLAN.

- AREA TO BE COMBINED WITH G. E. VINROOT CONSTRUCTION COMPANY SUMMEY HEIGHTS 339 SQ. FT. 0.0078 AC.
- AREA TO BE COMBINED WITH TRIPLETT-HEARD RENTALS LLC 401 SQ. FT. 0.0092 AC.
- AREA TO BE COMBINED WITH TRIPLETT-BARNES RENTALS LLC 1248 SQ. FT. 0.0286 AC.
- AREA TO BE COMBINED WITH COMMERCIAL PROPERTIES GROUP, INC. 505 SQ. FT. 0.0116 AC.

TOTAL AREA OF ALLEY SHOWN:
2431 SQ. FT.
0.0572 AC.



NORTH SHARON AMITY ROAD

(VARIABLE PUBLIC R/W) CENTER LINE 312' TO INTERSECTION OF MONROE ROAD

SURVEY OF:
PORTION OF UNNAMED 10' ALLEYWAY TO BE REMOVED FROM DEDICATION

CHARLOTTE N.C.

PREPARED FOR SIMWIN PROPERTIES, LLC AND CLARK CVSAM, LLC

SCALE 1"=40'

MAP BOOK 3 PAGE 134

DEED BOOK _____ PAGE _____

TAX NUMBER: 181-107

FLOOD CERTIFICATION

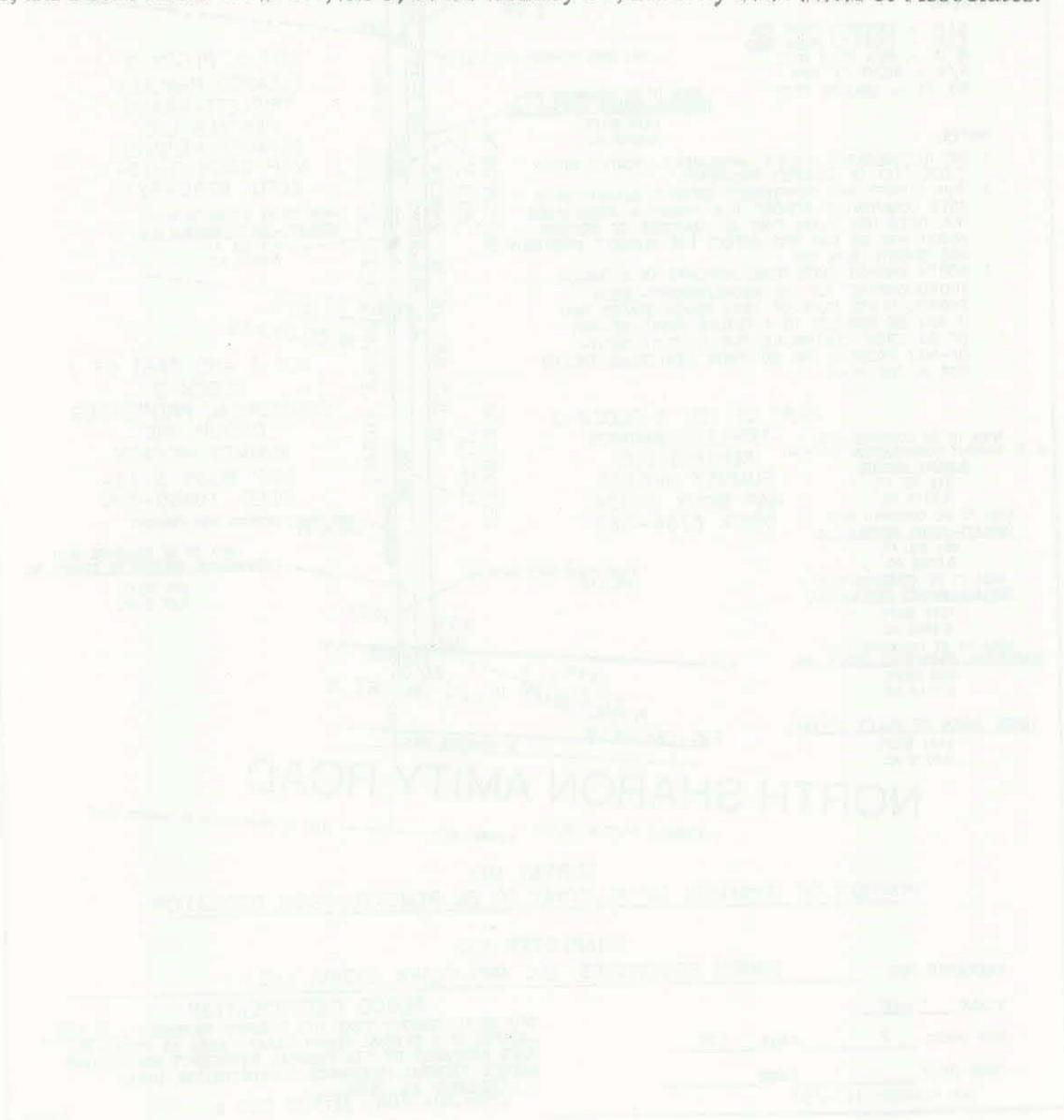
THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED FEBRUARY 26, 1992.

COMMUNITY-PANEL #370159 0020 B

EXHIBIT "B"

Lying in Mecklenburg County, North Carolina, and being more particularly described as follows:

BEGINNING at a new iron rod located in the south line of Lot 4, Block 2, as shown in Map Book 3, Page 134 of the Mecklenburg County Registry, which point is located South 57° 28' 26" East 12.28 feet from an existing iron pipe marking the southwest corner of Lot 4, Block 2 as shown in Map Book 3, Page 134 of the Mecklenburg County Registry, and running thence from said BEGINNING point along the south lines of Lots 4, 5, 6 and 7, Block 2 as shown on said map, South 57° 28' 26" East 248.93 feet to an existing iron rod in the west margin of the variable right of way of North Sharon Amity Road; thence along said right of way South 28° 36' 57" West 10.02 feet to a new iron rod marking the northeast corner of Lot 8, Block 2 as shown on said map; thence along the north line of Lot 8 North 57° 28' 26" West 248.24 feet to an existing iron pipe; thence North 24° 45' 49" East 10.23 feet to the point of BEGINNING, and being shown as a portion of a 10-foot alleyway to be removed from dedication, on a survey prepared for Simwin Properties, LLC and Clark CVSAM, LLC, dated January 10, 2000 by R.B. Pharr & Associates.



442246.2

**RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE a portion of
Casa Loma Road in the City of Charlotte, Mecklenburg County, North Carolina**

Whereas, **Douglas M. and Kay A. Smith** has filed a petition to close a portion of **Casa Loma Road** in the city of Charlotte; and

Whereas, the portion of Casa Loma Road to be closed lies from Holly Vista Avenue south approximately 238 feet to its terminus at the property line of W.A. and B.D. Eury as shown in a map marked "Exhibit A" and is more particularly described by metes and bounds in a document marked "Exhibit B", both of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina.

Whereas, the procedure for closing streets and alleys as outlined in North Carolina General Statutes, Section 160A-299, requires that City Council first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said statute further requires that the resolution shall be published once a week for two successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley and

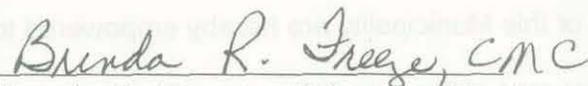
Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of June 25, 2001, that it intends to close a portion of Casa Loma Road and that the said street (or portion thereof) being more particularly described on a map and by a metes and bounds description available for inspection in the City Clerk's office, and hereby calls a public hearing on the question to be held at 7:00pm on Monday, the 27th day of August, 2001 in CMGC meeting chamber, 600 East 4th Street Charlotte North Carolina.

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

CERTIFICATION

I, Brenda R. Freeze City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 29th day of June, 2001, the reference having been made in minute book 116, and recorded in full in Resolution Book 37, page(s) 145.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of June, 2001.


Brenda R. Freeze, CMC, City Clerk

**"METROLINA REGIONAL TRAVEL DEMAND MODEL SURVEYS"
RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON JUNE 25, 2001**

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

WHEREAS, the North Carolina Department of Transportation (hereinafter referred to as the Department), the City of Charlotte (hereinafter referred to as the City), and the State of South Carolina (hereinafter referred to as the State) have agreed for the Department to employ a private engineering firm to perform travel surveys for the Metrolina Regional Travel Demand Model (External Station Survey and Household Travel Survey), the "Surveys"; and,

WHEREAS, the City and State have agreed to participate in the costs of these Surveys with the City reimbursing the Department in two lump sum payments in the amount of \$249,937.50 on July 1, 2001 and \$249,937.50 on July 1, 2002 and the State reimbursing the Department in the amount of \$75,000 in one lump sum on July 1, 2001; and,

WHEREAS, the Department shall coordinate and oversee the Surveys in accordance with Departmental and Federal policies, procedures and specifications, and the Scope of Services which shall be established by the Department's Statewide Planning Branch and the City and State.

NOW, THEREFORE, BE IT RESOLVED that the Metrolina Regional Travel Demand Model Surveys Project, is hereby formally approved by the City Council of the City of Charlotte and the Director of Transportation and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

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 25th day of June 2001, the reference having been made in Minute book 116, and recorded in full in resolution book 37, page(s) 146-147.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of June 2001.

Brenda R. Freeze, CMC, City Clerk

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

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

WHEREAS, the North Carolina Department of Transportation and the City of Charlotte propose to make certain street and highway improvements consisting of the improvement to the intersection of South Boulevard (US 521) and Woodlawn Road (SR 3814); and,

WHEREAS, the Department of Transportation and the City of Charlotte propose to enter into an agreement for construction of the aforementioned highway improvement whereby the City of Charlotte agrees to prepare the planning document, obtain all permits, design the project plans, acquire the right of way and adjust utilities, award the construction contract, and supervise construction; and,

WHEREAS, said agreement provides for the City of Charlotte to be responsible for the costs of design and preparation of plans for the entire project, for the costs of engineering and supervision of construction of the entire project, and for administrative costs incurred in the acquisition of right of way of the project; and,

WHEREAS, the City of Charlotte shall be responsible for one hundred percent (100%) of all cost associated with the relocation and adjustment of utilities and acquisition of right of way (including administrative costs), at no expense or liability to the Department; and,

WHEREAS, said agreement further provides for the Department of Transportation to reimburse the City of Charlotte to a maximum extent of \$1,500,000 for the actual cost of planning design and construction of the project.

NOW, THEREFORE, BE IT RESOLVED that Project U-2100, Mecklenburg County, is hereby formally approved by the City Council of the City of Charlotte and that the Director of Transportation and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

I, Brenda R. Freeze, Clerk of the City of Charlotte, 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 25th day of June, 2001, and the reference having been made in Minute Book 116, and recorded in full in Resolution Book 37, Page 148.

WITNESS, my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of June, 2001.

SEAL

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

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

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

WHEREAS, the North Carolina Department of Transportation and the City of Charlotte propose to make certain traffic control improvements consisting of the revision of a traffic signal at the intersection of West Morehead Street (SR 3815) and Berryhill Road (SR 1198) and Wilkinson Boulevard (US 29-74); and,

WHEREAS, said Department of Transportation and this Municipality propose to enter into an Agreement for the above-captioned project whereby this Municipality agrees; (1) to revise the traffic signal equipment, interconnect the signal to the existing traffic signal system, and other such work as required on the project in accordance with the project plans, and (2) to acquire right of way and easements for two radii improvements at Wilkinson Blvd./Berryhill Road intersection and radius improvement on SE corner of Remount Road/Wilkinson Blvd. Intersection; and,

WHEREAS, the City of Charlotte agrees to reimburse the Department of Transportation for the entire cost of said radius improvements with reimbursement to be made in one final payment upon completion of the work (estimated cost is \$100,000).

NOW, THEREFORE, BE IT RESOLVED that Project U-3862, Mecklenburg County, is hereby formally approved by the City Council of the Municipality of Charlotte and that the Director of Transportation and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

I, Brenda R. Freeze, Clerk of the City of Charlotte, 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 25th day of June, 2001, and the reference having been made in Minute Book 116, and recorded in full in Resolution Book 37, Page 149.

WITNESS, my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29 day of June, 2001.

SEAL

Brenda R. Freeze, CMC,

Brenda R. Freeze, CMC
City Clerk

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

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **MCALPINE CREEK RELIEF SEWER 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 **MCALPINE CREEK RELIEF SEWER PROJECT**, and estimated be approximately **20,989 square feet (.482 acre) for a permanent sanitary sewer easement**, and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 211-175-23, said property currently owned by **KEITH A. KELLY and wife, ANDRA E. KELLY; MARK D. MCGOLDRICK, Trustee; ALLEN TATE MORTGAGE SERVICES, INC., Beneficiary; 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 25th day of June, 2001, the reference having been made in Minute Book 116, and recorded in full in Resolution Book 37, Page(s) 150-151 .

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of June, 2001.

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

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

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **MORGAN STREET STORM DRAINAGE IMPROVEMENT 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 **MORGAN STREET STORM DRAINAGE IMPROVEMENT PROJECT** and estimated to be approximately **39,477 square feet (0.91 acre) for a permanent drainage easement**, and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 063-107-13 and 063-107-14, said property currently owned by **HARVEY W. GOUCH, SR. and wife, LOUISE G. GOUCH; JAMESON P. WELLS, Trustee; ESTATE OF CHARLES BERNARD GOUCH, SR., Beneficiary; Any and All Heirs at Law of the Estate of Charles Bernard Gouch, Sr.; Any Other Parties in Interest**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

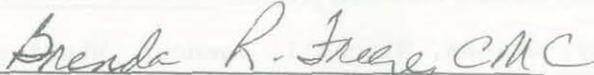
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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 25th day of June, 2001, the reference having been made in Minute Book 116, and recorded in full in Resolution Book 37, Page(s) 152-153.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of June, 2001.


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 25, 2001.

* * *

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 25, 2001 (the "Meeting"), after proper notice, and was called to order by the Mayor, and upon the roll being called, the following members of the City Council answered present: Councilmembers Cannon, Carter, Castano, Lochman, Autrey, Graham, Mitchell, Spencer, Wheeler, and White

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

Also present: _____

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

RESOLUTION OF THE CITY OF CHARLOTTE, NORTH CAROLINA APPROVING AN ESCROW AGREEMENT AND RELATED MATTERS

WHEREAS, the New Charlotte Corporation (the "Corporation") executed and delivered \$9,755,000 principal amount of Certificates of Participation (1994 Stadium Parking Facility Project), Series 1994C (the "1994C Certificates") evidencing proportionate undivided interests in Installment Payments pursuant to an Installment Payment Contract between the Corporation and the City, of which \$7,645,000 aggregate principal amount is currently outstanding;

WHEREAS, Duke Energy Corporation has exercised its option to purchase the Stadium Parking Facility financed with the proceeds of the 1994C Certificates, and, as a result thereof, unless remedial action is taken by the City, including defeasing the 1994C Certificates, such purchase would have the effect of rendering the interest with respect to the 1994C Certificates taxable to the holders thereof;

WHEREAS, the City wishes to provide for the defeasance of the outstanding 1994C Certificates from the proceeds of the sale of the Stadium Parking Facility in order to assure that the interest with respect to the 1994C Certificates remains excludable from gross income for federal income tax purposes to the holders thereof;

WHEREAS, the Trust Agreement dated as of August 15, 1994 between the Corporation and First Union National Bank of North Carolina, the successor to which is First Union National Bank, as trustee, under which the 1994C Certificates were initially executed and delivered, permits the defeasance of the

1994C Certificates in the manner set forth in the Escrow Agreement dated as of June 1, 2001 (the "Escrow Agreement") between the City and First Union National Bank, as escrow agent;

WHEREAS, the City will make available the proceeds from the sale of the Stadium Parking Facility to be applied as set forth in the Escrow Agreement;

WHEREAS, there has been described to the City Council the Escrow Agreement, a copy of which has been made available to the City Council, which the City Council proposes to approve, enter into and deliver.

WHEREAS, it appears that the Escrow Agreement is in an appropriate form and is an appropriate instrument for the purposes intended;

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

Section 1. Authorization to Execute the Escrow Agreement. The form and content of the Escrow Agreement shall be and the same hereby are in all respects authorized, approved and confirmed, and the City Manager, the City Director of Finance or their respective designees shall be and they hereby are authorized, empowered and directed to execute and deliver the Escrow Agreement, including necessary counterparts, in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of the City's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Escrow Agreement presented to the City Council, and that from and after the execution and delivery of the Escrow Agreement, the City Manager, the City Director of Finance 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 2. Severability. That if any section, phrase or provision of this Resolution shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 3. Repealer. That all motions, orders, resolutions and parts thereof, in conflict herewith are hereby repealed.

Section 4. Effective Date. This Resolution will take effect immediately on its adoption.

