

**RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON JUNE 28, 2004**

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

WHEREAS, The City plans to install countdown pedestrian signals at 68 State intersections in Charlotte;

WHEREAS, The North Carolina Department of Transportation (NCDOT) will be reimbursing the City actual costs of the project, up to \$100,000; and,

WHEREAS, The format and cost sharing philosophy with NCDOT is consistent with past municipal agreements.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Agreement between the North Carolina Department of Transportation and the City of Charlotte Department of Transportation, 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, Nancy S. Gilbert, Deputy 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 28th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 866.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 2004.



Nancy S. Gilbert, CMC, Deputy City Clerk

RESOLUTION

RESOLUTION AUTHORIZING THE FILING OF GRANT APPLICATIONS WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY, UNITED STATES OF AMERICA

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

WHEREAS, the Administrator of the U.S. Environmental Protection Agency is authorized to make grants to reduce air pollution, including transportation related projects;

WHEREAS, it is required by the U.S. Environmental Protection Agency in accordance with the provision of Title VI of Civil Rights Act of 1964, that in connection with the filing of an application for assistance, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Environmental Protection Agency requirements thereunder; and

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

1. That the City Manager is authorized to execute and file applications on behalf of the City of Charlotte with the U.S. Environmental Protection Agency to aid in reducing air pollution by financing related transit initiatives.
2. That the City Manager is authorized to execute and file with such applications an assurance or any other document required by the U.S. Environmental Protection Agency effectuating the purposes of Title VI of the Civil Rights Act of 1964.
3. That the City Manager is authorized to execute grant agreements and any amendments thereto on behalf of the City of Charlotte with the U.S. Environmental Protection Agency to aid in reducing air pollution by financing related transit initiatives.

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 28th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 867.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 2004.



Nancy S. Gilbert, CMC, Deputy City Clerk

Charlotte City Council

Resolution Authorizing Donation of Surplus Personal Property To Another Governmental Agency

Whereas, North Carolina General Statute 160A-274 authorizes the City to donate personal property belonging to the City of Charlotte to another governmental agency upon adoption of a resolution by the City of Charlotte Council Members to dispose of the property; and,

Whereas, City of Charlotte owns the twenty NEC laptops proposed for donation,

Whereas, the laptops have been declared surplus and are no longer needed by the City of Charlotte and,

Whereas the North Carolina National Guard has requested the donation of the laptops to use in Iraq,

Whereas, the Charlotte City Manager has recommended that the twenty surplus laptops be donated to this National Guard unit,

Be it resolved by the Charlotte City Council that the City Manager or her designee is authorized to donate the personal property described on the attached Exhibit A which is hereby declared to be surplus,

Said surplus property is to be donated in accordance with N.C.G.S. 160A-274 in compliance with the City of Charlotte policies. The City Manager or her designee is directed to publish at least once and not less than ten (10) days before the date of donation, a copy of this resolution or a notice summarizing its content as required by North Carolina General Statute 160A-274.

I, Nancy S. Gilbert, Deputy 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 28th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 868-869.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 2004.



Nancy S. Gilbert, CMC, Deputy City Clerk

Exhibit A

NEC laptop computers

Total of twenty

Specifications:

333 megahertz

128 up to 256 megabytes of ram

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 **9,074 square feet (.209 acre) for existing right of way, storm drainage easement, and temporary construction easement**, and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 075-079-07, said property currently owned by **SARAH ELIZABETH GRIER 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, Nancy S. Gilbert, Deputy 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 28th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 870.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 2004.



Nancy S. Gilbert, CMC, Deputy 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 **PARK SOUTH 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 **PARK SOUTH SIDEWALK DESIGN PACKAGE 1 PROJECT** and estimated to be approximately **50 square feet (.001 acre) for a permanent utility easement**, and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 173-091-21, said property currently owned by **FIRST GROUP PROPERTIES, INC.; JOHN J. KEANE, Trustee; FIRST TRUST BANK, 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, Nancy S. Gilbert, Deputy 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 28th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 871.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 2004.



Nancy S. Gilbert, CMC, Deputy 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 **LONG CREEK PUMP STATION 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 **LONG CREEK PUMP STATION PROJECT** and estimated to be approximately **525,549 square feet (12.065 acre) of fee-simple, 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 Nos. 053-061-01, 053-281-03, 053-281-02, said property currently owned by **CLARIANT 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, Nancy S. Gilbert, Deputy 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 28th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 872.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 2004.



Nancy S. Gilbert, CMC, Deputy 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 **ANDOVER ROAD STORM DRAINAGE IMPROVEMENTS – PH. II 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 **ANDOVER ROAD STORM DRAINAGE IMPROVEMENTS – PH. II PROJECT** and estimated to be approximately **868 square feet (.020 acre) of 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. 181-072-09, said property currently owned by **RICHARD IRVING MCHENRY 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, Nancy S. Gilbert, Deputy 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 28th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 873.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 2004.



Nancy S. Gilbert, CMC, Deputy City Clerk

RESOLUTION CLOSING PORTIONS OF KENILWORTH AVENUE 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 portions of Kenilworth Avenue which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close portions of Kenilworth Avenue 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 public hearing was held on the 28th day of June, 2004 and City Council determined that the closing of two portions of Kenilworth Avenue 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 28, 2004, that the Council hereby orders the closing of two portions of Kenilworth Avenue in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A-1 and A-2", and is more particularly described by metes and bounds in document marked "Exhibit B-1 and B-2", 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, Nancy S. Gilbert, Deputy 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 28th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 874-878.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 2004.



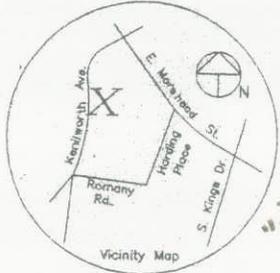
Nancy S. Gilbert, CMC, Deputy City Clerk

THIS SURVEY IS CERTIFIED TO ONLY THE PERSONS OR ENTITIES SHOWN IN THE TITLE BLOCK OF THIS IS TO CERTIFY THAT THIS SURVEY IS BASED UPON MY BEST KNOWLEDGE, INFORMATION AND BELIEF THIS SURVEY DOES NOT REFLECT A COMPLETE TITLE EXAMINATION OR UTILITIES. PRECISION IS GREATER THAN 1:10,000

Andrew G. Zoutewelle

Andrew G. Zoutewelle, PLS L-3098

11-13-03
Date



LEGEND

| | |
|--------|--------------------------------|
| ch. | chord |
| L,R | curve length & radius |
| s.f. | square feet (by coordinates) |
| I.PIN | iron survey stake |
| conc. | concrete |
| a/c | air conditioner |
| MB, DB | record map and deed references |
| IPF | iron pipe found |
| IPS | iron pipe set |
| ⊙ | sanitary sewer manhole |
| ⊗ | water valve |
| -SS- | sanitary sewer line |
| -W- | water line |

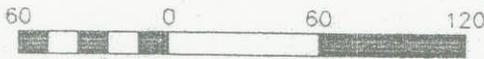
S 11°17'47" W 582.71' tie to P.K. nail found at intersection of easterly R/W margin of Kenilworth Ave. and northerly R/W margin Romany Rd.

General Notes

- 1.) Kenilworth Avenue is shown on a plat recorded in Map Book 332 Page 464.
- 2.) Utilities shown hereon have been located based on CMUD Customer Service maps, markings provided by the NC ONE Utility Locating Service and field observations of surface structures. Additional utilities may exist. Contractors should contact the NC ONE CAII Utility Locating Service at 1-800-632-4949 before any excavation or digging is begun.

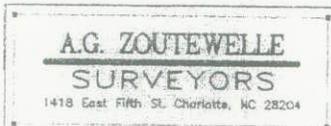
| NUMBER | DIRECTION | DISTANCE |
|--------|---------------|----------|
| L1 | N 01°59'43" E | 8.47' |
| L2 | S 01°59'43" W | 5.64' |
| L3 | S 16°29'12" W | 8.35' |

| NUMBER | RADIUS | LENGTH | Ch. BEARING | Ch. DISTANCE |
|--------|--------|--------|---------------|--------------|
| C1 | 450.72 | 13.87 | N 10°39'08" E | 13.87 |



Scale 1" = 60'

ANDREW G. ZOUTEWELLE, L-3098
Telephone 704-372-9444
1418 E. Fifth St. Charlotte, NC 28204

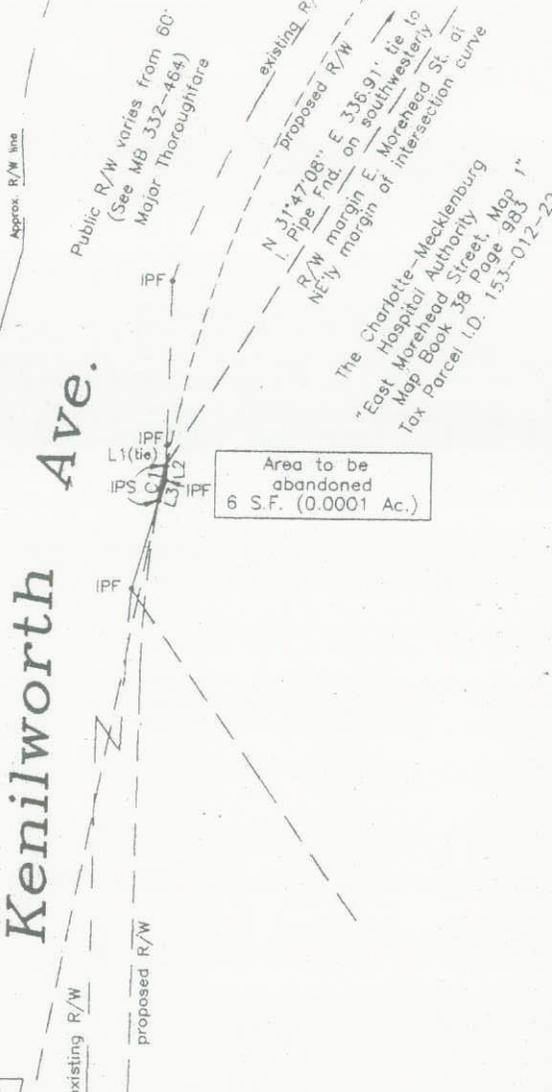


Last Revised 11-07-03

RIGHT OF WAY ABANDONMENT SURVEY
A PORTION OF KENILWORTH AVENUE
for CHARLOTTE-MECKLENBURG HOSPITAL AUTHORITY
Scale 1" = 60' August 11, 2003



Kenilworth Ave.



Area to be abandoned
6 S.F. (0.0001 Ac.)

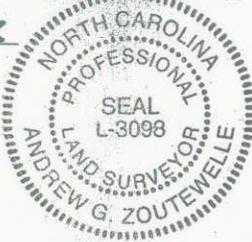
The Charlotte-Mecklenburg Hospital Authority
"East Morehead Street, Map Book 38 Page 983
Tax Parcel I.D. 153-012-22

THIS SURVEY IS CERTIFIED TO ONLY THE PERSONS OR ENTITIES SHOWN IN THE TITLE BLOCK BECAUSE THIS IS TO CERTIFY THAT THIS SURVEY IS BASED UPON MY BEST KNOWLEDGE, INFORMATION AND BELIEF. THIS SURVEY DOES NOT REFLECT A COMPLETE TITLE EXAMINATION OR UTILITIES. PRECISION IS GREATER THAN 1:10,000.

AGZ

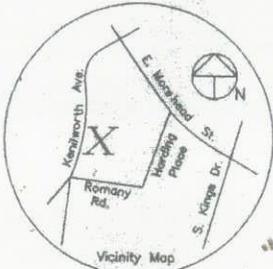
Andrew G. Zoutewelle, PLS, L-3098

11-13-03
Date



| NUMBER | RADIUS | LENGTH | CHORD BEARING | CHORD DIST. |
|--------|--------|--------|---------------|-------------|
| C1 | 545.72 | 50.64 | N 17°36'40" E | 50.62 |
| C2 | 160.23 | 97.25 | S 18°19'19" W | 95.76 |
| C3 | 160.23 | 7.04 | S 37°04'51" W | 7.04 |

| NUMBER | DIRECTION | DISTANCE |
|--------|---------------|----------|
| L1 | N 20°16'09" E | 55.06' |
| L2 | S 00°42'55" W | 3.38' |



MB 5-438 (1947)

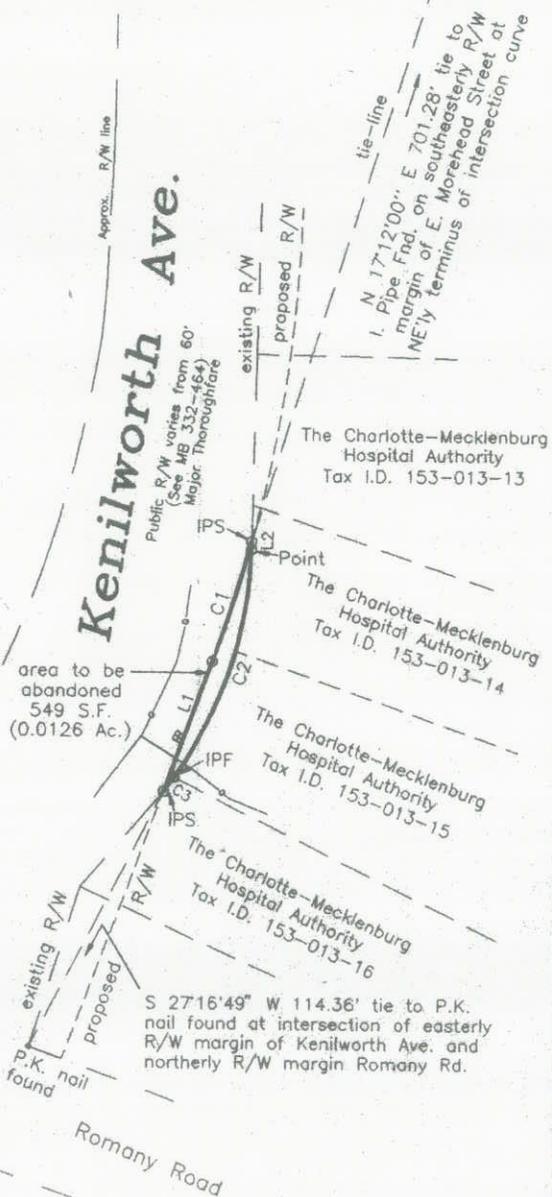
LEGEND

| | |
|--------|--------------------------------|
| ch. | chord |
| L,R | curve length & radius |
| s.f. | square feet (by coordinates) |
| I,PIN | iron survey stake |
| conc. | concrete |
| a/c | air conditioner |
| MB, DB | record map and deed references |
| IPF | iron pipe found |
| IPS | iron pipe set |
| ⊙ | sanitary sewer manhole |
| ⊗ | water valve |
| -SS- | sanitary sewer line |
| -W- | water line |
| ⊠ | water meter |
| -G- | gas line |

General Notes

- Kenilworth Avenue is shown on plat recorded in Map Book 332 Page 464.
- Utilities shown hereon have been located based on CMUD Customer Service maps, markings provided by the NC ONE Utility Locating Service and field observations of surface structures. Additional utilities may exist. Contractors should contact the NC ONE CAI Utility Locating Service at 1-800-632-4949 before any excavation or digging is begun.

Kenilworth Ave.



60 0 60 120

Scale 1" = 60'

ANDREW G. ZOUTEWELLE, L-3098
Telephone 704-372-9444
1418 E. Fifth St. Charlotte, NC 28204



Last Revised 11-07-03

RIGHT OF WAY ABANDONMENT SURVEY
A PORTION OF KENILWORTH AVENUE
for CHARLOTTE-MECKLENBURG HOSPITAL AUTHORITY
Scale 1" = 60' August 11, 2003

Exhibit B-1

Legal Description

Portion of Kenilworth Avenue Right of Way Containing 6 Square Feet

Being all that certain tract or parcel of land located within the City of Charlotte, Mecklenburg County, North Carolina, and being known as a portion of Kenilworth Avenue as shown in Map Book 332 Page 464 of the Mecklenburg County Registry and more particularly described as follows:

COMMENCING at a P.K. nail found at the intersection of the easterly right of way margin of Kenilworth Avenue (having a variable right of way) and the northerly right of way margin of Romany Road (50' right of way) and running thence along a Tie Line bearing North 11 degrees 17 minutes 47 seconds East 582.71 feet to an iron pipe set on the existing easterly right of way margin of Kenilworth Avenue, said iron pipe being the true point and place of BEGINNING; thence along the arc of a circular curve to the right having a radius of 450.72 feet an arc length of 13.87 feet (chord bearing North 10 degrees 39 minutes 08 seconds East, 13.87 feet) to an iron pipe set; thence South 01 degrees 59 minutes 43 seconds West 5.64 feet to an iron pipe found on the existing easterly right of way margin of Kenilworth Avenue; thence with said easterly right of way margin South 16 degrees 29 minutes 12 seconds west 8.35 feet to an iron pipe set, the point and place of BEGINNING, containing 6 square feet (or 0.0001 acre), as shown on a survey by A.G. Zoutewelle, P.A. dated August 11, 2003, last revised November 7, 2003.

Exhibit B-2

Legal Description

Portion of Kenilworth Avenue Right of Way Containing 549 Square Feet

Being all that certain tract or parcel of land located within the City of Charlotte, Mecklenburg County, North Carolina, and being known as a portion of Kenilworth Avenue as shown in Map Book 332 Page 464 of the Mecklenburg County Registry and more particularly described as follows:

COMMENCING at a P.K. nail found at the intersection of the easterly right of way margin of Kenilworth Avenue (having a variable right of way) and the northerly right of way margin of Romany Road (50' right of way) and running thence along a Tie Line bearing North 27 degrees 16 minutes 49 seconds East 114.36 feet to an iron pipe set on the existing easterly right of way margin of Kenilworth Avenue, said iron pipe being the true point and place of BEGINNING; thence North 20 degrees 16 minutes 09 seconds East 55.06 feet to an unmarked point; thence along the arc of a circular curve to the left having a radius of 545.72 feet an arc length of 50.64 feet (chord bearing North 17 degrees 36 minutes 40 seconds East 50.62 feet) to an iron pipe set on the existing easterly right of way margin of Kenilworth Avenue; thence with said existing right of way the following three (3) courses and distances: (1) South 00 degrees 42 minutes 55 seconds West 3.38 feet to an unmarked point; (2) along the arc of a circular curve to the right having a radius of 160.23 feet an arc length of 97.25 feet (chord bearing South 18 degrees 19 minutes 19 seconds West 95.76 feet) to an iron pipe found and; (3) along the arc of a circular curve to the right having a radius of 160.23 feet an arc length of 7.04 feet (chord bearing South 37 degrees 04 minutes 51 seconds West 7.04 feet) to an iron pipe set, the point and place of BEGINNING, containing 549 square feet (or 0.0126 acre), more or less, as shown on a survey by A.G. Zoutewelle, P.A. dated August 11, 2003, last revised November 7, 2003.

RESOLUTION CLOSING A PORTION OF WESTFIELD ROAD 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 Westfield Road 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 Westfield Road 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, 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 28th day of June, 2004 and City Council determined that the closing of a portion of Westfield Road 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 28, 2004, that the Council hereby orders the closing of a portion of Westfield Road 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, Nancy S. Gilbert, Deputy 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 28th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 879-881.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 2004.

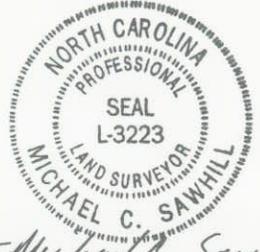


Nancy S. Gilbert, CMC, Deputy City Clerk

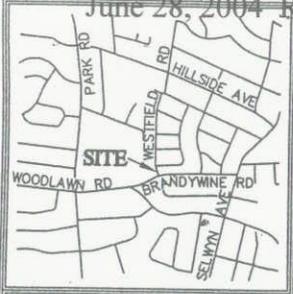
EXHIBIT A

June 28, 2004 Resolution Book 38, Page 880

| CURVE | RADIUS | LENGTH | CHORD BEARING | CHORD | DELTA |
|-------|---------|--------|---------------|--------|-----------|
| C1 | 20.00' | 22.33' | N 28°53'10" E | 21.19' | 63°58'17" |
| C2 | 129.35' | 48.20' | S 14°46'15" E | 47.92' | 21°21'06" |



Michael C. Sawhill
5-6-04



VICINITY MAP NOT TO SCALE

MECKLENBURG COUNTY
TAX PARCEL #175-173-05
DEED BOOK 11684 PAGE 250
MAP BOOK 5 PAGE 215

PRESUMED 15" CMUD SANITARY
SEWER EASEMENT
(NO RECORD DOCUMENT FOUND)

MECKLENBURG COUNTY
TAX PARCEL #175-173-04
DEED BOOK 12026 PAGE 348
MAP BOOK 5 PAGE 215

MECKLENBURG COUNTY
TAX PARCEL #175-173-03
DEED BOOK 11744 PAGE 285
MAP BOOK 5 PAGE 215

MECKLENBURG COUNTY
TAX PARCEL #175-173-02
DEED BOOK 11684 PAGE 220
MAP BOOK 5 PAGE 215

MECKLENBURG COUNTY
TAX PARCEL #175-173-01
DEED BOOK 12254 PAGE 815
MAP BOOK 5 PAGE 215

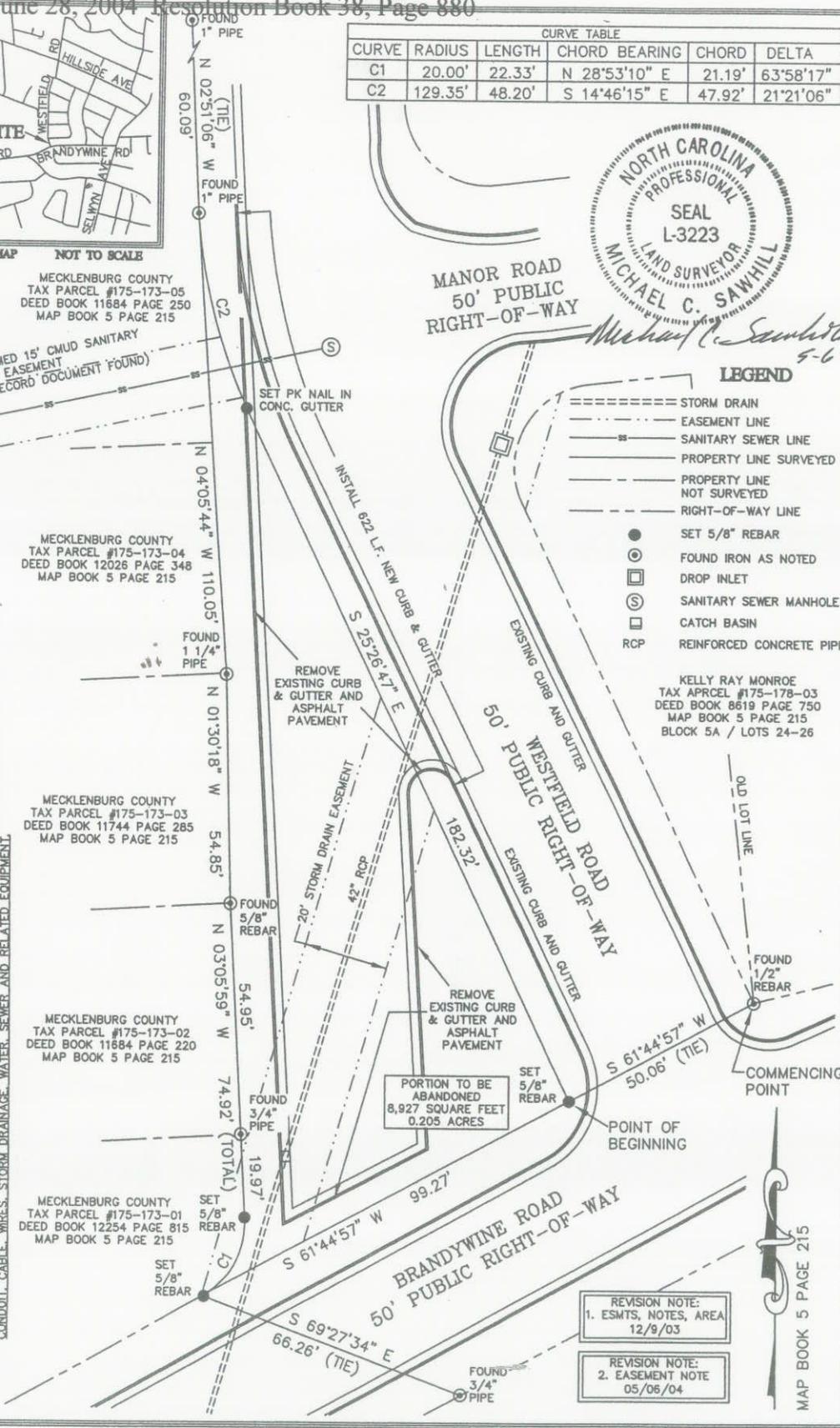
EASEMENT NOTE:
EASEMENT IN FAVOR OF CITY OF CHARLOTTE, CHARLOTTE-MECKLENBURG UTILITIES AND ALL OTHER OWNERS OF
EXISTING UNDERGROUND TELECOMMUNICATION FACILITIES, UPON, UNDER AND ACROSS THE ENTIRE PROPERTY
DESCRIBED ABOVE FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT AND REPAIR OF
CONDUIT, CABLE, WIRES, STORM DRAINAGE, WATER, SEWER AND RELATED EQUIPMENT.

MANOR ROAD
50' PUBLIC
RIGHT-OF-WAY

LEGEND

- STORM DRAIN
- - - EASEMENT LINE
- SANITARY SEWER LINE
- PROPERTY LINE SURVEYED
- PROPERTY LINE NOT SURVEYED
- RIGHT-OF-WAY LINE
- SET 5/8" REBAR
- FOUND IRON AS NOTED
- DROP INLET
- ⊙ SANITARY SEWER MANHOLE
- CATCH BASIN
- ⊖ RCP

KELLY RAY MONROE
TAX APRCEL #175-178-03
DEED BOOK 8619 PAGE 750
MAP BOOK 5 PAGE 215
BLOCK 5A / LOTS 24-26



REVISION NOTE:
1. ESMTS, NOTES, AREA
12/9/03

REVISION NOTE:
2. EASEMENT NOTE
05/06/04

MAP BOOK 5 PAGE 215

RIGHT-OF-WAY ABANDONMENT MAP
A PORTION OF WESTFIELD ROAD
MYERS PARK MANOR NEIGHBORHOOD
CITY OF CHARLOTTE
MECKLENBURG COUNTY
NORTH CAROLINA

| | |
|-----------------|----------------------------|
| PROJECT NUMBER: | CM802 |
| SURVEYED BY: | WRC |
| DRAWN BY: | TDC |
| CHECKED BY: | TDC |
| DRAWING SCALE: | 1" = 30' |
| ISSUE DATE: | FEBRUARY 11, 2004 |
| CAD FILE: | WESTFIELD-REVISED CURB.DWG |

**THE SURVEY
COMPANY, INC.**
4105-B STUART ANDREW BLVD
CHARLOTTE, NC 28217
(704) 561-9970 (704) 561-9972 FAX

EXHIBIT B: Westfield Road Right of Way Abandonment

BEING a 8,927 square foot portion of Westfield Road (a 50 foot wide public right-of-way) as shown on a map entitled "A Part Of Myers Park Manor" as recorded in Map Book 5, Page 215 of the Mecklenburg County Registry (hence MCR) and being more particularly described as follows:

COMMENCING at a found 1/2" rebar, said point being the intersection of the northerly right-of-way of Brandywine Road (a 50' public right-of-way) and the easterly right-of-way of Westfield Road (a 50' public right-of-way), said point also being the easterly most common corner of Lot 25 and Lot 26 of Block 5A as recorded in Map Book 5 page 215, MCR;

THENCE, along the northerly right-of-way of said Brandywine Road, S 61°44'57" W, 50.06 feet to a set 5/8" rebar, **THE POINT OF BEGINNING**;

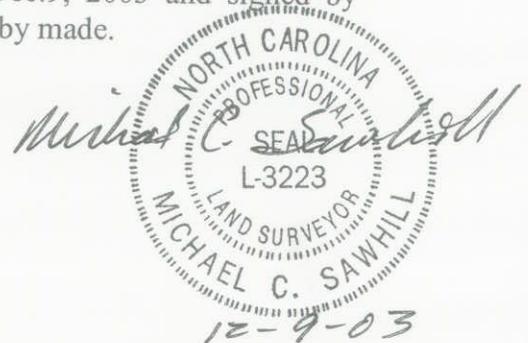
THENCE, continuing along said northerly right-of-way line of Brandywine Road, S 61°44'57" W, 99.27 feet to a set 5/8" rebar in the westerly right-of-way line of said Westfield Road, point also being the southeastern corner of Lot 6 of Block E, as recorded in Map Book 5 page 215, MCR;

THENCE, along the westerly right-of-way line of said Westfield Road the following four (4) courses:

1. with a non-tangent curve to the left having a radius of 20.00 feet, an arc length of 22.33' feet through a central angle of 63°58'17", with a chord of 21.19 feet, bearing N 28°53'10" E, to a set 5/8" rebar;
2. N 03°05'59" W, passing a found 3/4" pipe at 19.97 feet for a total distance of 74.92 feet to a found 5/8" rebar;
3. N 01°30'18" W, 54.85 feet to a found 1 1/4" pipe;
4. N 04°05'44" W, 110.05 feet to a found 1' pipe;

THENCE, departing said westerly right-of-way line, a new westerly right of way line of Westfield Road, with a curve to the left having a radius of 129.35 feet, an arc length of 48.20 feet through a central angle of 21°21'06", with a chord of 47.92 feet, bearing S 14°46'15" E, to a set PK nail in concrete gutter;

THENCE, continuing said new right of way line, S 25°26'47" E, 182.32 feet to **THE POINT OF BEINNING** and containing 8,927 square feet or 0.205 acres, more or less, as shown on that "Right-of-Way Abandonment Map – A Portion of Westfield Road", prepared by The Survey Company, Inc., last revised on Dec.9, 2003 and signed by Michael C. Sawhill, PLS No. 3223, to which reference is hereby made.



RESOLUTION CLOSING A PORTION OF ABELINE ROAD 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 Abeline Road 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 Abeline Road 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 BellSouth Telecommunications, Inc., Duke Power Company, 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 28th day of June, 2004 and City Council determined that the closing of a portion of Abeline Road 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 28, 2004, that the Council hereby orders the closing of a portion of Abeline Road 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, Nancy S. Gilbert, Deputy 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 28th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 882-884.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 2004.



Nancy S. Gilbert, CMC, Deputy City Clerk



| CURVE TABLE | | | | | | |
|-------------|--------|--------|---------|---------------|--------|-----------|
| CURVE | RADIUS | LENGTH | TANGENT | CHORD BEARING | CHORD | DELTA |
| C1 | 20.00' | 31.40' | 19.98' | N 15°45'59" W | 28.27' | 89°57'07" |

Note: "Easement in favor of Bellsouth Telecommunications, Inc., Duke Power Company and all other owners of existing underground telecommunication facilities, upon, under and across the entire property described above for access to and for the installation, maintenance, replacement and repair of conduit, wires, water lines, sewer lines, storm drainage lines and related equipment".

VICINITY MAP NOT TO SCALE

MAP BOOK 9 PAGE 101
Scale: 1 inch = 30 ft.



Michael C. Sawhill
5-6-04

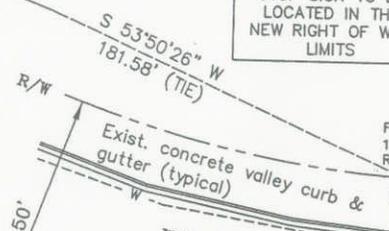
MECKLENBURG COUNTY
LOT 1 / BLOCK 14
MAP BOOK 9 PAGE 101

NOTE: PROPOSED FIRE HYDRANT AND STOP SIGN TO BE LOCATED IN THE NEW RIGHT OF WAY LIMITS

PORTION OF ABELINE ROAD
TO BE ABANDONED
7,054 SQ. FT.
0.161 ACRES

MECKLENBURG COUNTY
LOT 49A
MAP BOOK 2095
PAGE 441

FOUND 3/4" REBAR



WHITEHURST DRIVE
50' RIGHT-OF-WAY
(PER MAP BOOK 9 PAGE 101)

INSTALL NEW CURB, GUTTER & GUARDRAIL

Note: "No NCGS or City of Charlotte control monument was found to exist within 2000 feet of this site".

- CP Calculated Point
- Set #5 REBAR w/ Plastic Cap
- Found Iron As Noted
- OHU Overhead Utilities
- R/W Right of Way
- Utility Pole
- W Water line (approx. location)

REVISION: ADDED CURB & UTILITIES - 12/12/03

REV. 2: ADD CONSTRUCTION NOTES - 5/6/04

RIGHT-OF-WAY ABANDONMENT MAP
A PORTION OF ABELINE ROAD
CLANTON PARK NEIGHBORHOOD
CITY OF CHARLOTTE
MECKLENBURG COUNTY
NORTH CAROLINA

PROJECT NUMBER: CMS05
SURVEYED BY: WRC
DRAWN BY: TDC/MCS
CHECKED BY: MCS
DRAWING SCALE: 1" = 30'
ISSUE DATE: OCTOBER 17, 2002
CAD FILE: ABELINE.dwg (R2000)

THE SURVEY COMPANY, INC.
4105-B STUART ANDREW BLVD
CHARLOTTE, NC 28217
(704) 561-9970 (704) 561-9972 FAX
EMAIL: msawhill@surveyco.com

EXHIBIT B: Abeline Road Right of Way Abandonment

BEING a 7,054 square foot portion of Abeline Road (a 50 foot wide public right-of-way) as shown on map of a Portion of Rollinwood #2 as recorded in Map Book 9, Page 101 of the Mecklenburg County Registry (hence MCR) and being more particularly described as follows:

BEGINNING at a found ½” rebar on the northwesterly right-of-way of Whitehurst Drive, the beginning of a curve connecting said northwesterly right of way line of Whitehurst Drive (a 50 foot wide public right of way), with the southwesterly right-of-way line of Abeline Road (50 foot wide public right of way) said point also being a front corner of Lot 1, Block 14, said “Rollingwood #2” addition:

THENCE, with a curve to the left having a radius of 20.00 feet through a central angle of 89° 57’ 07” for an arc length of 31.40 feet, with a chord of 28.27 feet bearing N 15° 45’ 59” W, to a found ½” rebar;

THENCE, along said southwesterly right-of-way line of Abeline Road, N 61° 46’ 59” W, 141.96 feet to a calculated point in Irwin Creek, the terminus of Abeline Road;

THENCE, along said terminus and generally within Irwin Creek, the following two courses:

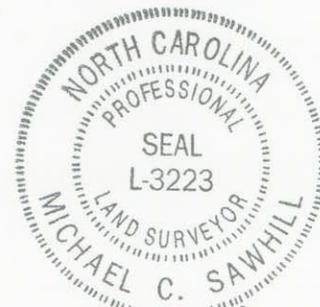
N 74° 14’ 20” E, 29.90 feet to a calculated point in Irwin Creek;

N 57° 36’ 00” E, 32.93 feet to a calculated point in the northeasterly right of way line of Abeline Road and a corner of that Mecklenburg County property, Lot 49A as shown on Map Book 2095, Page 441, MCR;

THENCE, along said northeasterly right of way line, S 61° 31’ 10” E, 125.49 feet to a set 5/8” rebar with plastic cap inscribed “The Survey Company”;

THENCE, departing said right of way and crossing Abeline Road, S 28° 28’ 50” W, 48.86 feet to a found ¾” rebar;

THENCE, S 31° 57’ 29” W, 20.41 feet to **THE POINT OF BEGINNING** and containing 7,054 square feet or 0.161 acres, more or less, as shown on that “Right-of-Way Abandonment Map – A Portion of Abeline Road – Clanton Park Neighborhood”, prepared by The Survey Company, Inc., dated Dec. 12, 2003 and signed by Michael C. Sawhill, PLS No. 3223, to which reference is hereby made.



Michael C. Sawhill
12-12-03

**A RESOLUTION OF THE CHARLOTTE CITY COUNCIL APPROVING THE
JUNE 2004 AMENDMENT TO THE RESTATED CONSOLIDATED SHARED
PROGRAMS JOINT UNDERTAKING AGREEMENT**

WHEREAS, Mecklenburg County ("County") and the City of Charlotte ("City") have entered into an agreement entitled "Restated Consolidated Shared Programs Joint Undertaking Agreement" which Agreement specifies the details and the financing of various programs or joint undertakings which are operated by one government or report for budget purposes to one government for the mutual benefit of both governments; and

WHEREAS, the City and the County would like to consolidate the environmental laboratory operated by Mecklenburg County's Land Use and Environmental Services Agency (LUESA) into the Charlotte Mecklenburg Utilities State certified wastewater and drinking water laboratories; and

WHEREAS, Charlotte Mecklenburg Utilities is planning to construct a new laboratory that would satisfy the requirements of both Charlotte Mecklenburg Utilities and the water sample testing conducted by LEUSA's water quality program; now, therefore, be it

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina that it does hereby approve the June 2004 Amendment to the Restated Consolidated Shared Programs Joint Undertaking Agreement which will consolidate the environmental laboratory operated by LUESA into the Charlotte Mecklenburg Utilities State certified wastewater and drinking water laboratories, and authorizes the City Manager to execute said Amendment.

Adopted this 28 day of June 2004.

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 28th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 885.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 2004.



Nancy S. Gilbert, CMC, Deputy 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 28, 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 28, 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, Graham, Kinsey, Lassiter, Lochman, Mitchell, Mumford, Tabor, and Turner

The following members of the City Council were absent: None

Also present: City Manager Syfert, Senior Deputy City Attorney Boyd, and Deputy City Clerk Gilbert

Councilmember Mitchell 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 COUNCIL
OF THE CITY OF CHARLOTTE, NORTH CAROLINA
DIRECTING THE PUBLICATION OF NOTICE OF INTENTION
TO APPLY TO THE LOCAL GOVERNMENT
COMMISSION FOR APPROVAL OF BONDS**

WHEREAS, the City Council (the "*City Council*") of the City of Charlotte, North Carolina (the "*City*") is considering the issuance of general obligation bonds of the City which shall be for the following purposes and in the following maximum amounts:

\$101,800,000 of bonds to provide funds to pay the capital costs of constructing, reconstructing, enlarging, extending and improving certain streets, including streets and roads constituting a part of the State highway system or otherwise the responsibility of the State and including the cost of related studies, streetscape and pedestrian improvements, relocation of utilities, plans and design; acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading or improving streets, roads, intersections and parking lots; acquiring, constructing, reconstructing or improving sidewalks, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; and the acquisition of land and rights-of-way in land required therefor;

\$15,000,000 of bonds to pay the capital costs of acquiring, constructing, developing, equipping and furnishing housing projects for the benefit of persons of low income, or moderate income, or low and moderate income, including without limitation loans, grants, interest supplements and other programs of financial assistance to persons of low income, or moderate income, or low and moderate income, and developers of housing for persons of low income, or moderate income, or low and moderate income, and construction of infrastructure improvements related thereto and the acquisition of land and rights-of-way required therefor; and

**NOTICE OF INTENTION TO APPLY TO THE
LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF BONDS**

NOTICE IS HEREBY GIVEN of intention of the undersigned to file application with the Local Government Commission, Raleigh, North Carolina for its approval of the issuance of general obligation bonds of the City of Charlotte, North Carolina which shall be for the following purposes and in the following maximum amounts:

\$101,800,000 of bonds to provide funds to pay the capital costs of constructing, reconstructing, enlarging, extending and improving certain streets, including streets and roads constituting a part of the State highway system or otherwise the responsibility of the State and including the cost of related studies, streetscape and pedestrian improvements, relocation of utilities, plans and design; acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading or improving streets, roads, intersections and parking lots; acquiring, constructing, reconstructing or improving sidewalks, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; and the acquisition of land and rights-of-way in land required therefor;

\$15,000,000 of bonds to pay the capital costs of acquiring, constructing, developing, equipping and furnishing housing projects for the benefit of persons of low income, or moderate income, or low and moderate income, including without limitation loans, grants, interest supplements and other programs of financial assistance to persons of low income, or moderate income, or low and moderate income, and developers of housing for persons of low income, or moderate income, or low and moderate income, and construction of infrastructure improvements related thereto and the acquisition of land and rights-of-way required therefor; and

\$13,800,000 of bonds to provide funds to pay the capital costs of infrastructure improvements in various neighborhoods of the City, including the cost of related studies, plans and design; acquiring, constructing, reconstructing, improving, installing or providing curbs, gutters, storm drainage and sidewalks; paving, resurfacing, grading or improving streets, roads and intersections; and providing related landscaping and lighting and acquiring any necessary equipment, land, interests in land and rights-of-way therefor.

Any citizen or taxpayer of the City of Charlotte, North Carolina objecting to the issuance of any or all of said bonds, within seven (7) days after the date of publication of this notice, may file with the Local Government Commission and with the undersigned a written statement setting forth each objection to the proposed bond issue and such statement shall contain the name and address of the person filing it.

CITY OF CHARLOTTE, NORTH CAROLINA

/s/ Brenda R. Freeze

City Clerk

City of Charlotte, North Carolina

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 28, 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 28, 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, Graham, Kinsey, Lassiter, Lochman, Mitchell, Mumford, Tabor, and Turner

The following members of the City Council were absent: None

Also present: City Manager Syfert, Senior Deputy City Attorney Boyd, and Deputy City Clerk Gilbert

Councilmember Mitchell 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 COUNCIL OF THE CITY OF CHARLOTTE,
NORTH CAROLINA AUTHORIZING THE DIRECTOR OF FINANCE TO APPLY TO THE
LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF THE CITY'S PROPOSED
GENERAL OBLIGATION PUBLIC IMPROVEMENTS BOND FINANCING,
GENERAL OBLIGATION HOUSING BOND FINANCING AND
GENERAL OBLIGATION NEIGHBORHOOD IMPROVEMENT BONDS AND
TO SUBMIT SUCH APPLICATION TO THE LOCAL GOVERNMENT COMMISSION**

WHEREAS, the City Council (the "*City Council*") of the City of Charlotte, North Carolina (the "*City*") proposes to set a public hearing on the following Bond Orders entitled:

"BOND ORDER AUTHORIZING THE ISSUANCE OF \$101,800,000 GENERAL OBLIGATION PUBLIC IMPROVEMENTS BONDS OF THE CITY OF CHARLOTTE, NORTH CAROLINA;"

"BOND ORDER AUTHORIZING THE ISSUANCE OF \$15,000,000 GENERAL OBLIGATION HOUSING BONDS OF THE CITY OF CHARLOTTE, NORTH CAROLINA;" and

"BOND ORDER AUTHORIZING THE ISSUANCE OF \$13,800,000 GENERAL OBLIGATION NEIGHBORHOOD IMPROVEMENTS BONDS OF THE CITY OF CHARLOTTE, NORTH CAROLINA;"

WHEREAS, it is necessary, as a condition to the consideration and adoption of the Bond Orders, to submit an Application to the Local Government Commission for Approval of the Bonds, all in the manner required by The Local Government Bond Act.

NOW, THEREFORE, be it resolved by the City Council that the Director of Finance of the City is hereby directed to file with the Local Government Commission an application for its approval of the General Obligation Public Improvements Bonds, General Obligation Housing Bonds and General Obligation Neighborhood Improvements Bonds hereinbefore described, on a form prescribed by said Commission, and (1) to request in such application that said Commission approve the City's use of Parker Poe Adams & Bernstein L.L.P. of Charlotte, North Carolina, as bond counsel for the City and (2) to state in such application such facts and to attach thereto such exhibits in regard to such General Obligation Public Improvements Bonds, General Obligation Housing Bonds and General Obligation Neighborhood Improvements Bonds and to the City and its financial condition, as may be required by said Commission.

BE IT FURTHER RESOLVED that this Resolution shall become effective on the date of its adoption.

Upon motion of Councilmember Mitchell seconded by Councilmember Cannon, the foregoing resolution entitled: **“RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA AUTHORIZING THE DIRECTOR OF FINANCE TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF THE CITY’S PROPOSED GENERAL OBLIGATION PUBLIC IMPROVEMENTS BOND FINANCING, GENERAL OBLIGATION HOUSING BOND FINANCING AND GENERAL OBLIGATION NEIGHBORHOOD IMPROVEMENT BONDS AND TO SUBMIT SUCH APPLICATION TO THE LOCAL GOVERNMENT COMMISSION”** was adopted by the following vote:
Unanimous

PASSED, ADOPTED AND APPROVED this 28th day of June, 2004.

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

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 28th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 889-890.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 2004.



Nancy S. Gilbert, CMC, Deputy 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 28, 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 28, 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, Graham, Kinsey, Lassiter, Lochman, Mitchell, Mumford, Tabor, and Turner

The following members of the City Council were absent: None

Also present: City Manager Syfert, Senior Deputy City Attorney Boyd, and Deputy City Clerk Gilbert

Councilmember Mitchell 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 COUNCIL
OF THE CITY OF CHARLOTTE, NORTH CAROLINA
MAKING CERTAIN STATEMENTS OF FACT
CONCERNING PROPOSED BOND ISSUE**

WHEREAS, the City Council (the "*City Council*") of the City of Charlotte, North Carolina (the "*City*") is considering the issuance of bonds of the City which shall be for the following purposes and in the following maximum amount:

\$101,800,000 of bonds to provide funds to pay the capital costs of constructing, reconstructing, enlarging, extending and improving certain streets, including streets and roads constituting a part of the State highway system or otherwise the responsibility of the State and including the cost of related studies, streetscape and pedestrian improvements, relocation of utilities, plans and design; acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading or improving streets, roads, intersections and parking lots; acquiring, constructing, reconstructing or improving sidewalks, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; and the acquisition of land and rights-of-way in land required therefor;

\$15,000,000 of bonds to pay the capital costs of acquiring, constructing, developing, equipping and furnishing housing projects for the benefit of persons of low income, or moderate income, or low and moderate income, including without limitation loans, grants, interest supplements and other programs of financial assistance to persons of low income, or moderate income, or low and moderate income, and developers of housing for persons of low income, or moderate income, or low and moderate income, and construction of infrastructure improvements related thereto and the acquisition of land and rights-of-way required therefor; and

\$13,800,000 of bonds to provide funds to pay the capital costs of infrastructure improvements in various neighborhoods of the City, including the cost of related studies, plans and design; acquiring, constructing, reconstructing, improving, installing or providing curbs, gutters, storm drainage and sidewalks; paving, resurfacing, grading or improving streets, roads and intersections; and providing related landscaping and lighting and acquiring any necessary equipment, land, interests in land and rights-of-way therefor.

WHEREAS, certain findings of fact by the City Council must be presented to enable the Local Government Commission of the State of North Carolina to make certain determinations as set forth in Section 159-52 the North Carolina General Statutes, as amended.

NOW, THEREFORE, BE IT RESOLVED that the City Council, meeting in open session on the 28th day of June, 2004, has made the following factual findings in regard to this matter:

A. **Facts Regarding Necessity of Proposed Financing.** The proposed bonds are necessary and expedient to pay (1) the capital costs of constructing, reconstructing, enlarging, extending and improving certain streets, including streets and roads constituting a part of the State highway system or otherwise the responsibility of the State and including the cost of related studies, streetscape and pedestrian improvements, relocation of utilities, plans and design; acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading or improving streets, roads, intersections and parking lots; acquiring, constructing, reconstructing or improving sidewalks, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; and the acquisition of land and rights-of-way in land required therefor; (2) the capital costs of acquiring, constructing, developing, equipping and furnishing housing projects for the benefit of persons of low income, or moderate income, or low and moderate income, including without limitation loans, grants, interest supplements and other programs of financial assistance to persons of low income, or moderate income, or low and moderate income, and developers of housing for persons of low income, or moderate income, or low and moderate income, and construction of infrastructure improvements related thereto and the acquisition of land and rights-of-way required therefor and (3) the capital costs of infrastructure improvements in various neighborhoods of the City, including the cost of related studies, plans and design; acquiring, constructing, reconstructing, improving, installing or providing curbs, gutters, storm drainage and sidewalks; paving, resurfacing, grading or improving streets, roads and intersections; and providing related landscaping and lighting and acquiring any necessary equipment, land, interests in land and rights-of-way therefor.

B. **Facts Supporting the Amount of Bonds Proposed.** The sums estimated for these bonds are adequate and not excessive for the proposed purposes. Estimates for the proposed construction and improvements have been carefully analyzed and determined by persons knowledgeable about the construction and improvements.

C. **Past Debt Management Procedures and Policies.** The City's debt management procedures and policies are excellent and have been carried out in compliance with law. The City employs a Director of Finance to oversee compliance with applicable laws relating to debt management. The City Council requires annual audits of City finances. In connection with these audits, compliance with laws is reviewed. The City is not in default in any of its debt service obligations. The City Attorney reviews all debt-related documents for compliance with laws.

D. **Past Budgetary and Fiscal Management Policies.** The City's budgetary and fiscal management policies have been carried out in compliance with laws. Annual budgets are closely reviewed by the City Council before final approval of budget ordinances. Budget amendments changing a function total or between functions are presented to the City Council at regular City Council meetings. The Director of Finance presents financial information to the City Council which shows budget to actual comparisons annually and otherwise as the City Manager deems necessary or as a member of the City Council may request.

E. ***Increase in Taxes; Retirement of Debt.*** The schedule for issuing the bonds will not require a property tax increase to pay principal and interest on the bonds. The schedule for issuance anticipates issuing all of the bonds in two or more series during fiscal years 2006 through 2008.

Upon motion of Councilmember Mitchell, seconded by Councilmember Cannon, the foregoing resolution entitled: **“RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE”** was adopted by the following vote:
Unanimous

PASSED, ADOPTED AND APPROVED this 28th day of June, 2004.

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

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 28th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Resolution Book 38, Page(s) 891-893.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of June, 2004.



Nancy S. Gilbert, CMC, Deputy City Clerk