

March 22, 1971  
Resolution Book 7 - Page 275

A RESOLUTION RESCINDING COUNCIL AUTHORIZATION TO INSTITUTE CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO CLINTON WESTBROOK AND WIFE, BOBBY P. WESTBROOK, LOCATED AT 3726 EASTWAY DRIVE FOR THE EASTWAY DRIVE WIDENING PROJECT.

WHEREAS, on the 22nd day of February, 1971, City Council authorized the institution of condemnation proceedings against the property of Clinton Westbrook and wife, Bobby P. Westbrook, located at 3726 Eastway Drive in the City of Charlotte for right of way purposes in connection with the Eastway Drive Widening Project; and

WHEREAS, the said resolution authorizing condemnation of this property did not state that the action was instituted pursuant to Chapter 740 of the N. C. Session Laws of 1967 which authorizes the City of Charlotte to condemn an entire structure, but not the underlying fee of that portion of the structure which lies outside of the right of way.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that the resolution authorizing condemnation proceedings for the acquisition of property belonging to Clinton Westbrook and wife, Bobby P. Westbrook, located at 3726 Eastway Drive in Mecklenburg County, City of Charlotte, is hereby rescinded and a new resolution be enacted.

Approved as to form:

6. 11 1971 - 1:00 p.m.  
City Attorney

CERTIFICATION

I, Ruth Armstrong, 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 22nd day of March, 1971, the reference having been made in Minute Book 55, page       , and recorded in full in Resolutions Book 7, page 275.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this 23rd day of March, 1971.

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City Clerk

March 22, 1971  
Resolution Book 7 - Page 276

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO CLINTON WESTBROOK AND WIFE, BOBBY P. WESTBROOK, LOCATED AT 3726 EASTWAY DRIVE FOR THE EASTWAY DRIVE WIDENING PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Clinton Westbrook and wife, Bobby P. Westbrook, located at 3726 Eastway Drive in the City of Charlotte for right of way purposes in connection with the Eastway Drive Widening Project; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that, pursuant to Section 7.81 of the Charter of the City of Charlotte, as amended by Chapter 216 of the 1967 Session Laws of North Carolina and Chapter 384 of the 1969 Session Laws of North Carolina, and pursuant to the authority contained in Chapter 740 of the 1967 Session Laws of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property, as well as the entire structure located thereon, belonging to Clinton Westbrook and wife, Bobby P. Westbrook, located at 3726 Eastway Drive in Mecklenburg County, under the procedure set forth in Article 9, Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that \$12,625.00, the amount of the appraised value of said property, is hereby authorized to be deposited in the office of the Clerk of Superior Court of Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

Approved as to form:

Henry W. Underhill Jr.  
City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk for 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 22nd day of March, 1971, the reference having been made in Minute Book 55, page       , and recorded in full in Resolutions Book 7, page 276.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of March, 1971.

\_\_\_\_\_  
City Clerk

March 22, 1971

Resolution Book 7 - Page 277

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO JAMES H. CANUPP AND WIFE, ETHEL W. CANUPP, LESSEE INDEPENDENCE MOTEL CORPORATION; STEPHEN H. VAN EVERY, JR., INDEPENDENCE MOTEL CORPORATION, AS GENERAL PARTNER AND THOMAS L. DULIN, CHARLES N. CISNE, ANN P. BABCOCK, G. RANDOLPH BABCOCK, HENRY P. BENOIT, JR., AND J. A. GARDNER, AS LIMITED PARTNERS OF REALTY DEVELOPMENT COMPANY, HENRY C. LOMAX, AS ATTORNEY-IN-FACT FOR STEPHEN H. VAN EVERY, JR., W. R. CUTHBERTSON, TRUSTEE; AND CITY NATIONAL BANK AS HOLDER OF DEED OF TRUST, LOCATED AT 3501 EAST INDEPENDENCE BOULEVARD FOR THE EASTWAY DRIVE WIDENING PROJECT.

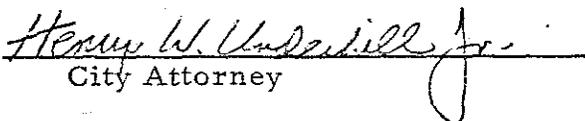
WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to James H. Canupp and wife, Ethel W. Canupp, Lessee Independence Motel Corporation; Stephen H. Van Every, Jr.; Independence Motel Corporation, as general partner, and Thomas L. Dulin, Charles N. Cisne, Ann P. Babcock, G. Randolph Babcock, Henry P. Benoit, Jr., and J. A. Gardner, as limited partners of Realty Development Company, Henry C. Lomax, as attorney-in-fact for Stephen H. Van Every, Jr., W. R. Cuthbertson, Trustee; and City National Bank as holder of Deed of Trust for the property located at 3501 East Independence Boulevard for right of way purposes for the Eastway Drive Widening purposes.

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that, pursuant to Section 7.01 of the Charter of the City of Charlotte as amended by Chapter 216, 1967 Session Laws of North Carolina, and further amended by Chapter 384 of the 1969 Session Laws of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of James H. Canupp and wife, Ethel W. Canupp; Lessee, Independence Motel Corporation, Realty Investment Company, and all other parties listed in Paragraph 1 of this resolution, said property being located at 3501 Independence Boulevard in the City of Charlotte, Mecklenburg County, under the procedures as set forth in Article 9, Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that the sum of \$24,000.00, the amount of the appraised value of said property, is hereby authorized to be deposited in the office of the Clerk of Superior Court of Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

Approved as to form:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of March, 1971, the reference having been made in Minute Book 55, at Page , and recorded in full in Resolution Book 7, at Page 277.

Ruth Armstrong  
City Clerk