

May 12, 1975  
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RESOLUTION OF THE CHARLOTTE CITY COUNCIL  
APPROVING THE COMPREHENSIVE PLAN 1995 AS A GENERAL  
STATEMENT OF DESIRABLE OBJECTIVES

BE IT RESOLVED, by the City Council of the City of Charlotte, in regular session that it hereby approves The Comprehensive Plan 1995 as a general statement of desirable objectives to guide future growth, change and development in the community.

In its approval, the Council recognizes that various elements of the Plan will be the subject of more intensive planning before specific commitments are made to their implementation. For example, elements of the proposed major thoroughfare plan will be the subject of engineering planning prior to their implementation. Similarly, the land development plan will require detailed examination of existing land uses and existing zoning prior to implementing the plan through revised zoning regulations.

Further, the City Council recognizes that changes are constantly occurring in the community that may make it desirable or necessary to modify the Plan or depart from its recommendations. It intends that the Plan will be monitored and updated from time to time to adjust to changed circumstances, or to respond to new goals that have been identified.

Despite these limitations, the City Council approves the Plan as a general objective to pursue towards achieving a desirable physical, social and economic environment for the citizens of Charlotte.

This 12th day of May, 1975.

Approved as to form:

Henry W. Underhill Jr.  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of May, 1975, the reference having been made in Minute Book 61, and recorded in full in Resolutions Book 10, at Page 423.  
Ruth Armstrong, City Clerk

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RESOLUTION AMENDING THE PAY PLAN  
OF THE  
CITY OF CHARLOTTE

BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that the Pay Plan heretofore adopted by the City Council to be effective October 1, 1960, as subsequently amended, is hereby further amended as follows:

Schedule IV, "Pay Range Assignment of Classes", is hereby amended as follows:

- (1) The title of Class No. 568, currently Urban Redevelopment Director, is changed to Community Development Director, and assigned to Class No. 390, pay range 33, pay steps A through F, inclusive.
- (2) The title of Class No. 352, currently Assistant Urban Redevelopment Director, is changed to Assistant Community Development Director and assigned to Class No. 329, pay range 28, pay steps A through F, inclusive.
- (3) The title of Class No. 510, currently Real Estate Supervisor - Urban Redevelopment, is changed to Real Estate Supervisor - Community Development and assigned to pay range 25, pay steps A through F, inclusive.
- (4) The title of Class No. 350, currently Assistant to the Urban Redevelopment Director, is changed to Assistant to the Community Development Director and assigned to pay range 18, pay steps A through F, inclusive.
- (5) Class No. 390, Community Development Planning Coordinator, is deleted.
- (6) Class No. 524, Relocation Supervisor, is deleted.
- (7) Class No. 391, Community Development Designer I, is added and assigned

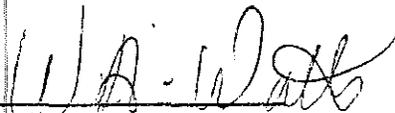
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- to pay range 19, pay steps A through F, inclusive.
- (8) Class No. 393, Community Development Designer II, is added and assigned to pay range 24, pay steps A through F, inclusive.
- (9) Class No. 418, Environmental Impact Coordinator, is added and assigned to pay range 24, pay steps A through F, inclusive.
- (10) Class No. 545, Social Services Contract Administrator, is added and assigned to pay range 20, pay steps A through F, inclusive.
- (11) Class No. 443, Management Analyst, is added and assigned to pay range 20, pay steps A through F, inclusive.
- (12) Class No. 458, Neighborhood Relations Assistant, is added and assigned to pay range 15, pay steps A through F, inclusive.
- (13) Class No. 463, Neighborhood Relations Supervisor, is added and assigned to pay range 21, pay steps A through F, inclusive.

BE IT FURTHER RESOLVED that this resolution shall be effective on

May 14, 1975.

Approved as to Form:

  
Deputy City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of May, 1975, the reference having been made in Minute Book 61, and recorded in full in Resolutions Book 10, at Page 424.

Ruth Armstrong  
City Clerk

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A RESOLUTION ABOLISHING THE URBAN REDEVELOPMENT DEPARTMENT AND ESTABLISHING IN LIEU THEREOF THE COMMUNITY DEVELOPMENT DEPARTMENT AND EXPANDING ITS DUTIES AND RESPONSIBILITIES.

WHEREAS, effective May 1, 1973, the City Council abolished the Redevelopment Commission of the City of Charlotte and established a new department designated as the Urban Redevelopment Department of the City of Charlotte; and

WHEREAS, as a result of the passage of the Housing and Community Development Act of 1974, it is necessary to expand the duties and responsibilities of the Urban Redevelopment Department to encompass the programs and activities to be undertaken by the City for Community Development purposes; and

WHEREAS, in order to reflect the expanded duties and responsibilities, it is desirable to abolish the Urban Redevelopment Department and establish in lieu thereof the Community Development Department of the City of Charlotte.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte in regular session duly assembled:

1. That the Urban Redevelopment Department, established May 1, 1973 is hereby abolished and in lieu thereof there is hereby established the Community Development Department of the City of Charlotte for the purpose of implementing the programs and activities embodied in the City's Community Development Program.

2. That the Community Development Department shall also continue to exercise all powers, duties and responsibilities heretofore previously exercised by the Urban Redevelopment Department of the City of Charlotte including, but not limited to the implementation and completion of any and all present Urban Renewal projects.

Approved as to form:

Henry W. Underhill Jr.  
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, in regular session convened on the 12th day of May, 1975, the reference having been made in Minute Book 61, page 426, and recorded in full in Resolutions Book 10, page 426.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of May, 1975.

Ruth Armstrong  
Ruth Armstrong, City Clerk

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RESOLUTION AMENDING THE PAY PLAN  
OF THE  
CITY OF CHARLOTTE

BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that the Pay Plan heretofore adopted by the City Council to be effective October 1, 1960, as subsequently amended, is hereby further amended as follows:

Schedule IV, "Pay Range Assignment of Classes", is hereby amended as follows:

Class No. 713, Psychological Test Analyst is added and assigned to pay range 18, pay steps A through F inclusive.

BE IT FURTHER RESOLVED that this resolution shall become effective as of May 14, 1975.

APPROVED AS TO FORM:

  
Deputy City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of May, 1975, the reference having been made in Minute Book 61, and recorded in full in Resolutions Book 10, at Page 427.

Ruth Armstrong  
City Clerk

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RESOLUTION DECLARING AN INTENT  
TO CLOSE A PORTION OF OTTS STREET  
IN THE CITY OF CHARLOTTE, MECKLEN-  
BURG COUNTY, NORTH CAROLINA AND  
CALLING A PUBLIC HEARING ON THE  
QUESTION.

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WHEREAS, the City of Charlotte is presently engaged in the expansion of the Motor Transport facility and related activities; and

WHEREAS, the City Engineer recommends that the City close a portion of Otts Street in connection with the expansion of the Motor Transport facility and related activities; and

WHEREAS, the said portion of Otts Street recommended to be closed lies between Seigle Avenue and a point approximately 886 feet southeast of the southeasterly margin of Seigle Avenue and being more particularly described as follows:

BEGINNING at a point on the southeasterly margin of Seigle Avenue which said point is marked by an iron, and being also the point of intersection between the southeasterly margin of Seigle Avenue and the northwesterly margin of Otts Street; from this said point along the northeasterly margin of Otts Street S. 54-04-00 E., 380.48 feet to a point; thence S. 56-43-56 E., 505.96 feet to a point marked by an iron; thence S. 33-06-40 W., 50.00 feet to a point on the southwesterly margin of Otts Street; thence N. 56-43-56 W., 507.02 feet to a point; thence N. 54-04-00 W., 379.36 feet to a point on the southeasterly margin of Seigle Avenue; thence N. 33-02-40 E., 50.00 feet to the point and place of BEGINNING, all as shown on a map prepared by the City of Charlotte, Department of Public Works, Engineering Division, dated March 18, 1975, on file in the office of the City Clerk.

However, the above described land presently comprising the right of way for Otts Street is subject to a continuing easement for the maintenance of a sanitary sewer line located within the street right of way; and further, is subject to a continuing easement for the installation and maintenance of any other utilities included but not limited to sanitary sewer lines, outfall lines and water lines.

WHEREAS, the procedure for closing streets as outlined in North Carolina General Statutes, Section 160A-299, requires that Council first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said Statute further requires that the resolu-

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tion shall be published once a week for four 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; and

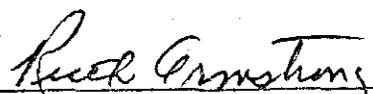
WHEREAS, the City of Charlotte is desirous to close said portion of Otts Street, as recommended by the City Engineer.

NOW, THEREFORE, BE IT RESOLVED AND DECLARED by the City Council of the City of Charlotte, at its regularly scheduled session of May 12th, 1975, that it intends to close that certain portion of Otts Street lying between Seigle Avenue and a point approximately 886 feet southeast of the southeasterly margin of Seigle Avenue, said portion of street being more particularly described hereinabove, and hereby calls a public hearing on the question to be held at 3:00 o'clock p.m., on Monday, the 9th day of June, 1975, in the Council Chamber of the City Hall. The City Clerk is hereby directed to publish a copy of this resolution in the "Charlotte News" once a week for four successive weeks next preceding the date fixed here for such hearing, as required by G.S. 160A-299; and further, said City Clerk is directed to send by registered or certified mail a copy of this resolution to all owners of property adjoining the said portion of the street as shown on the county tax records, as required by G.S. 160A-299. The City Engineer is hereby directed to prominently post a notice of the closing and public hearing in at least two places along the said portion of the street, as required by G.S. 160A-299.

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

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, 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 12th day of May, 1975, and the reference having been made in Minute Book 61, and recorded in full in Resolutions Book 10, at Page 428.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of May, 1975.

  
Ruth Armstrong, City Clerk

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RESOLUTION DECLARING AN INTENT  
TO CLOSE PERSIMMON STREET IN  
THE CITY OF CHARLOTTE, MECKLEN-  
BURG COUNTY, NORTH CAROLINA  
AND CALLING A PUBLIC HEARING ON  
THE QUESTION.

WHEREAS, the City of Charlotte is presently engaged in the expansion of the Motor Transport facility and related activities; and

WHEREAS, the City Engineer recommends that the City close Persimmon Street in connection with the expansion of the Motor Transport facility and related activities; and

WHEREAS, the said Persimmon Street recommended to be closed is more particularly described as follows:

BEING all of Persimmon Street which extends approximately 560 feet in a northwesterly direction from its intersection with the westerly margin of Louise Avenue, all as shown on a map prepared by the City of Charlotte, Department of Public Works, Engineering Division, dated March 18, 1975, on file in the office of the City Clerk.

However, the above described land presently comprising the right of way for Persimmon Street is subject to a continuing easement for the maintenance of a sanitary sewer line located within the street right of way; and further, is subject to a continuing easement for the installation and maintenance of any other utilities included but not limited to sanitary sewer lines, outfall lines and water lines.

WHEREAS, the procedure for closing streets as outlined in North Carolina General Statutes, Section 160A-299, requires that Council first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said Statute further requires that the resolution shall be published once a week for four 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; and

WHEREAS, the City of Charlotte is desirous to close said Persimmon Street, as recommended by the City Engineer.

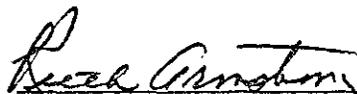
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NOW, THEREFORE, BE IT RESOLVED AND DECLARED by the City Council of the City of Charlotte, at its regularly scheduled session of May 12th, 1975, that it intends to close Persimmon Street which extends approximately 560 feet in a northwesterly direction from its intersection with the westerly margin of Louise Avenue, said street being more particularly described hereinabove, and hereby calls a public hearing on the question to be held at 3:00 o'clock p.m., on Monday, the 9th day of June, 1975, in the Council Chamber of the City Hall. The City Clerk is hereby directed to publish a copy of this resolution in the "Charlotte News" once a week for four successive weeks next preceding the date fixed here for such hearing, as required by G.S. 160A-299; and further, said City Clerk is directed to send by registered or certified mail a copy of this resolution to all owners of property adjoining the said street as shown on the county tax records, as required by G.S. 160A-299. The City Engineer is hereby directed to prominently post a notice of the closing and public hearing in at least two places along the said street, as required by G.S. 160A-299.

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

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, 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 12th day of May, 1975, and the reference having been made in Minute Book 61, and recorded in full in Resolutions Book 10, at Page 430.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of May, 1975.

  
Ruth Armstrong, City Clerk

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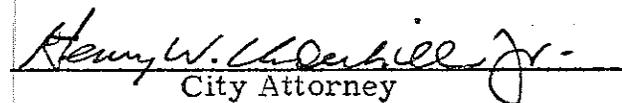
A RESOLUTION AUTHORIZING THE REFUND  
OF CERTAIN TAXES

Reference is made to the schedule of "Taxpayers and Refunds Requested" attached to the Docket for consideration of the City Council. On the basis of that schedule, which is incorporated herein, the following facts are found:

1. The City-County Tax Collector collected taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers made demand in writing for refund of the amounts set out on the schedule within eight years from the date the amounts were due to be paid.
3. The amounts listed on the schedule were collected through clerical error or by a tax illegally levied and assessed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 12th day of May, 1975, that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested", be refunded the amounts therein set out and that the schedule and this resolution be spread upon the minutes of this meeting.

Approved as to form:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of May, 1975, the reference having been made in Minute Book 61, and recorded in full in Resolutions Book 10, at Page 432.

Ruth Armstrong  
City Clerk

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TAXPAYERS AND REFUNDS REQUESTED

NAME	AMOUNT OF REFUND REQUESTED	REASON
Kaye Elaine Merrell	\$ 9.31	Clerical Error
Herbert M. Adrian, Jr. & Wife, Marilyn A.	18.26	Clerical Error
Bertie S. Ballenger (Mrs. B.W.)	51.00	Clerical Error
Roberta M. Barrow & Berniece C. Barrow	51.00	Clerical Error
Martin Gesko & Wife, Elizabeth L.	12.34	Clerical Error
Florence Reese Perlin	75.79	Clerical Error
Warren Edson Simons	5.15	Clerical Error
Metrix, Inc.	123.76	Clerical Error
National Acceptance Co. of Carolinas - Lsd. Eqp.	<u>282.44</u>	Illegal Levy
	\$ 629.05 =====	

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RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF CHARLOTTE, NORTH CAROLINA,  
RELATING TO RETENTION OF LAND IN THE  
BROOKLYN URBAN RENEWAL PROJECT NO. N. C. R-43

WHEREAS, the City of Charlotte, Charlotte, North Carolina, (hereinafter called "City") in furtherance of the objectives of the North Carolina Urban Redevelopment Law, N.C. G.S. 160A-500 et. seq., has undertaken a program for the clearance and reconstruction or rehabilitation of slum and blighted areas and in this connection is engaged in carrying out an Urban Renewal Project known as the Brooklyn Urban Redevelopment Area, Project No. N.C. R-43, (hereinafter called "Project") in an area (hereinafter called "Project Area") located in the City of Charlotte, Charlotte, North Carolina; and

WHEREAS, as of the date of the adoption of this Resolution, there has been prepared and approved by the City, a Redevelopment Plan (which also comprises the Urban Renewal Plan for the Project) approved by the City on February 7, 1966, and as subsequently amended and approved by the City (which Plan, as so amended, and as it may hereafter be further amended from time to time pursuant to law, and as so constituted from time to time, is, unless otherwise indicated by the context, hereinafter called "Redevelopment Plan"); and a copy of the Redevelopment Plan, as constituted on the date of this Resolution in the form of Land Controls and Restrictions, has been recorded among the land records for the place in which the Project Area is situated, namely, in the office of the Register of Deeds for the County of Mecklenburg and State of North Carolina in Book 3702 at Page 0565, Mecklenburg County Records; and

WHEREAS, in order to enable the City to achieve the objectives of the Redevelopment Plan and particularly to make the land in the Project Area available for use as a Public Street Right of Way for and in accordance with the uses specified in the Redevelopment Plan as amended, both the Federal Government and the City have undertaken to provide and have provided substantial aid and assistance to the City through a Contract for Loan and Capital Grant dated July 18, 1966, and all amendments thereto, with specific reference being made to amendments dated June 11, 1970 and November 2, 1971, in the case of the Federal Government and a Cooperation Agreement dated February 8, 1966, and all amendments thereto, with specific reference being made to amendment dated July 1, 1971, in the case of the City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte as follows:

(1) Subject to all the terms, covenants and conditions of this Resolution and the said Contract for Loan and Capital Grant and the Cooperation Agreement, all as amended, the City will retain the following described Property in the Project Area:

A parcel of land in Charlotte Township, Mecklenburg County, State of North Carolina, located in Redevelopment Section No. 4, Project No. N.C. R-43, shown as Parcel 10 on a plat prepared by Wilbur Smith and Associates, Inc.-Design, dated November 12, 1970, and being more particularly described as follows: Beginning at an iron pin at the intersection of the east right of way line of South McDowell Street and the north right of way line of Baxter Street Extension; thence the following courses along the said north right of way line of Baxter Street Extension: (1) Southerly along the arc of a curve to the left, having a radius of 30.00 feet, 47.14 feet to an iron pin; (2) S 36-25-56 E 345.69 feet to an iron pin; (3) Easterly along the arc of a curve to the left, having a radius of 318.10 feet, 419.39 feet to an iron pin; (4) N 68-01-41 E 56.40 feet to an iron pin; (5) Southeasterly along

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the arc of a curve to the right, having a radius of 480.74 feet, 547.73 feet to an iron pin; (6) S 46-41-31 E 17.58 feet to an iron pin; (7) Easterly along the arc of a curve to the left, having a radius of 84.00 feet, 95.05 feet to an iron pin; and (8) Southeasterly along the arc of a curve to the right, having a radius of 90.00 feet, 241.37 feet to an iron pin on the west right of way line of Pearl Street; thence S 42-08-16 W 11.86 feet along said west right of way line to an iron pin; thence S 46-41-31 E 40.01 feet to an iron pin in the East Boundary line of Redevelopment Section No. 4; thence along said boundary line S 42-08-16 W 80.02 feet to an iron pin; thence the following courses along the said south right of way line: (1) N 46-41-31 W 306.91 feet to an iron pin; (2) Westerly along the arc of a curve to the left having a radius of 400.74 feet, 456.58 feet to an iron pin; (3) S 68-01-41 W 56.40 feet to an iron pin; (4) Westerly along the arc of a curve to the right, having a radius of 398.10 feet, 524.86 feet to an iron pin; (5) N 36-25-56 W 338.67 feet to an iron pin; (6) Southerly along the arc of a curve to the left, having a radius of 30.00 feet, 49.57 feet to an iron pin on the east right of way line of South McDowell Street; thence northerly along the arc of a curve to the right having a radius of 2,824.79 feet, 141.73 feet to the point of Beginning and containing 152,401 square feet,

which it will develop for use as a Public Street Right of Way in accordance with the Redevelopment Plan as amended.

(2) Construction Required. The City will redevelop the property by the construction of a Public Street Right of Way (hereinafter called the "Improvements") and all plans and specifications and all work by the City or its successors and assigns with respect to such redevelopment of the Property and the construction and making of other improvements thereon, if any, shall be in conformity with the Redevelopment Plan, and all applicable State and Local Laws.

(3) Time for Construction. The City agrees for itself, its successors, and assigns, and every successor in interest to the Property, or any part thereof, that the City or its assigns shall begin the redevelopment of the Property within a reasonable period of time from the date this Resolution is adopted and diligently proceed to complete such redevelopment.

(4) Restrictions on Land Use. The City agrees for itself, its successors and assigns, and every successor in interest to the Property or any part thereof and the Deed, if any, shall contain covenants on the part of the City for itself, and successors and assigns, that the City, and such successors and assigns, shall:

(a) Devote the Property to and only to and in accordance with the uses specified in the Redevelopment Plan, as amended, and as the same may be hereafter amended, is amended from time to time;

(b) Comply with the Land Controls and Restrictions affecting the subject property, a copy of which is recorded in Book 3702 at Page 0565 of the Mecklenburg County, North Carolina Public Registry.

(c) Not discriminate upon the basis of sex, race, color, creed, or national origin in the sale,

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lease, or rental or in the use or occupancy of the Property or any improvements erected or to be erected thereon, or any part thereof.

(5) Effect of Covenants, Period of Duration. It is intended and resolved that the conditions and covenants provided in Section 4 thereof shall be covenants running with the land and that they shall, in any event, and without regard to technical classification or designation, legal or otherwise, and except only as otherwise specifically provided in this Resolution, be, to the fullest extent permitted by law and equity, binding for the benefit and in favor of, and enforceable by, the City, its successors and assigns, and the United States (in the case of the covenant provided in subdivision (b) of Section 4 of this Resolution), against the City, its successors and assigns, and every successor in interest to the Property or any part thereof or any interest therein, and any party in possession or occupancy of the Property or any part thereof. It is further intended and resolved that the conditions and covenants provided (a) in subdivision (a) of Section 4 of this Resolution shall remain in effect until December 31, 2003 (at which time such condition and covenant shall terminate), and (b) in subdivision (b) of such Section 4 shall remain in effect without limitation as to time.

(6) Enforceability by City and United States. In application, and not in restriction, of the provisions of Section 5 of this Resolution, it is intended and resolved that the City shall be deemed a beneficiary of the conditions and covenants provided in Section 4 herein, and the United States shall be deemed a beneficiary of the covenant provided in subdivision (b) of Section 4, both for and in their or its own right and also for the purposes of protecting the interest of the community and the other parties, public or private, in whose favor or for whose benefit such conditions and covenants have been provided. Such conditions and covenants shall run in favor of the City and the United States for the entire period during which such conditions and covenants shall be in force, without regard to whether the City or the United States is or has been an owner of any land or interest therein to, or in favor of, which such conditions and covenants relate. The City shall have the right, in the event of any breach of any such conditions or covenants, and the United States shall have the right, in the event of any breach of the covenant provided in said subdivision (b) of Section 4, to exercise all the rights and remedies, and to maintain any actions or suits at law or in equity or other proper proceedings to enforce the curing of such breach of condition or covenant, to which it or any other beneficiaries of such condition or covenant may be entitled.

(7) Representation as to Redevelopment. The City represents and agrees that its retention of the Property shall be for the purpose of redevelopment of the Property in accordance with the Redevelopment Plan and the Resolution.

(8) Conflict of Interest. No member, official, or employee of the City shall have any personal interest, direct or indirect, in the Resolution, nor shall any such member, official, or employee participate in any decision relating to the Resolution which affects his personal interests or the interests of any corporation, partnership, or association in which he is, directly or indirectly, interested. No member, official, or employee of the City shall be personally liable in the event of any default or breach by the City on any obligations under the terms of the Resolution.

(9) Prohibition Against Transfer of Property and Assignment. The City will not, prior to the proper completion of the Improvements, make or create, or suffer to be made or created, (a) any total or partial sale, conveyance, or lease of the Property, or any part thereof or interest therein, or (b) any assignment of the Resolution, or any part thereof, or (c) any agreement to do any of the foregoing.

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(10) Equal Employment Opportunity. The City, for itself, and its successors and assigns, agrees that it will include the following provisions of this Section 10 in every contract or purchase order which may hereafter be entered into between the City and any party (hereinafter in this Section called "Contractor") for or in connection with the construction of the Improvements, or any part thereof, provided for in this Resolution unless such contract or purchase order is exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967:

Equal Employment Opportunity. During the performance of this contract, the Contractor agrees with the City as follows:

- (a) The Contractor will not discriminate against any employee or applicant for employment because of race, religion, sex, color, or national origin. The Contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by the City setting forth the provisions of this nondiscrimination clause.
- (b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
- (c) The Contractor will send to each labor union or representative of workers with which the Contractor has a collective bargaining agreement or other contract or understanding, a notice, to be provided, advising the labor union or worker's representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (d) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.

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(e) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and by the rules, regulations, and orders of the Secretary of Labor or the Secretary of Housing and Urban Development pursuant thereto, and will permit access to the Contractor's books, records, and accounts by the City, the Secretary of Housing and Urban Development, and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of Paragraphs (a) through (g) of this Section in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any construction contract, subcontract, or purchase order as the City or the Department of Housing and Urban Development may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the City or the Department of Housing and Urban Development, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

(11) The proper officers of the City are hereby authorized, empowered and directed to cause a properly certified copy of this Resolution to be recorded among the land records in the office of the Register of Deeds of Mecklenburg County, and to furnish the Department of Housing and Urban Development with appropriate notification of the adoption of this Resolution and the recording information.

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(12) Delays Beyond Control of Parties. For the purposes of the Resolution, neither the City nor any successor shall be considered in breach of or in default under its obligations with respect to the preparation of the Property for redevelopment, or the beginning and completion of construction of the Improvements, or progress in respect thereto, in the event of enforced delay in the performance of such obligations due to unforeseeable causes beyond its control and without its fault or negligence, including, but not restricted to, acts of God, acts of the public enemy, acts of the Government, acts of the other party, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, or delays of subcontractors due to such causes; it being the purpose and intent of this provision that, in the event of the occurrence of any such enforced delay, the time or times for performance of the obligations of the City with respect to construction of the Improvements, as the case may be, shall be extended for the period of the enforced delay.

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of May, 1975, the reference having been made in Minute Book 61, and recorded in full in Resolutions Book 10, beginning on page 434.

Ruth Armstrong  
City Clerk

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RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF CHARLOTTE, NORTH CAROLINA,  
RELATING TO RETENTION OF LAND IN THE  
BROOKLYN URBAN RENEWAL PROJECT NO. N. C. R-43

WHEREAS, the City of Charlotte, Charlotte, North Carolina, (hereinafter called "City") in furtherance of the objectives of the North Carolina Urban Redevelopment Law, N.C. G.S. 160A-500 et. seq., has undertaken a program for the clearance and reconstruction or rehabilitation of slum and blighted areas and in this connection is engaged in carrying out an Urban Renewal Project known as the Brooklyn Urban Redevelopment Area, Project No. N.C. R-43, (hereinafter called "Project") in an area (hereinafter called "Project Area") located in the City of Charlotte, Charlotte, North Carolina; and

WHEREAS, as of the date of the adoption of this Resolution, there has been prepared and approved by the City, a Redevelopment Plan (which also comprises the Urban Renewal Plan for the Project) approved by the City on February 7, 1966, and as subsequently amended and approved by the City (which Plan, as so amended, and as it may hereafter be further amended from time to time pursuant to law, and as so constituted from time to time, is, unless otherwise indicated by the context, hereinafter called "Redevelopment Plan"); and a copy of the Redevelopment Plan, as constituted on the date of this Resolution in the form of Land Controls and Restrictions, has been recorded among the land records for the place in which the Project Area is situated, namely, in the office of the Register of Deeds for the County of Mecklenburg and State of North Carolina in Book 3702 at Page 0565, Mecklenburg County Records; and

WHEREAS, in order to enable the City to achieve the objectives of the Redevelopment Plan and particularly to make the land in the Project Area available for use as a Public Park for and in accordance with the uses specified in the Redevelopment Plan as amended, both the Federal Government and the City have undertaken to provide and have provided substantial aid and assistance to the City through a Contract for Loan and Capital Grant dated July 18, 1966, and all amendments thereto, with specific reference being made to amendments dated June 11, 1970 and November 2, 1971, in the case of the Federal Government and a Cooperation Agreement dated February 8, 1966, and all amendments thereto, with specific reference being made to amendment dated July 1, 1971, in the case of the City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte as follows:

(1) Subject to all the terms, covenants and conditions of this Resolution and the said Contract for Loan and Capital Grant and the Cooperation Agreement, all as amended, the City will retain the following described Property in the Project Area:

TRACT 1: A parcel of land in Charlotte Township, Mecklenburg County, State of North Carolina, located in Redevelopment Section No. 4, Project No. N.C. R-43, shown as Parcel 2 on a plat prepared by Wilbur Smith and Associates, Inc. - Design, dated August 21, 1973, and being more particularly described as follows: Beginning at an iron pin at the intersection of the north right of way line of Baxter Street Extension and the property line between Parcels 1 and 2; thence along said property line N 9-41-54 E 160.00 feet to an iron pin; thence N 35-56-05 E 205.07 feet to an iron pin on a curve in the south right of way line of Independence Expressway; thence in a southeasterly direction along said curve having a radius of 2,391.83 feet and bearing to the left, a distance of 490.80 feet to an iron pin; thence S 65-49-21 E 42.42 feet along said right of way line to an iron

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pin; thence S 46-41-31 E 171.06 feet along said right of way line to an iron pin on the north right of way line of Baxter Street Extension; thence along a curve in the north right of way line of Baxter Street Extension in a southwesterly direction, said curve having a radius of 480.74 feet a distance of 547.73 feet to an iron pin; thence still along the north right of way line of Baxter Street Extension S 68-01-41 W 56.40 feet to an iron pin in the north right of way line of Baxter Street Extension; thence in a southwesterly direction along a curve in the north right of way line of Baxter Street Extension said curve having a radius of 318.10 feet for a distance of 175.83 feet to the point of beginning and containing 91,071 square feet.

The above described area is subject to an easement as shown on plat. The total area shown in the above description includes said easement.

TRACT 2: A parcel of land in Charlotte Township, Mecklenburg County, State of North Carolina, located in Redevelopment Section No. 4, Project No. N.C. R-43, shown as Parcel 4 on a plat prepared by Wilbur Smith and Associates, Inc. - Design, dated August 21, 1973, and being more particularly described as follows: Beginning at an iron pin on a curve on the south right of way line of Baxter Street Extension at the intersection with the property line between parcels 4 and 6; thence easterly along the arc of a curve to the left having a radius of 398.10 feet, said curve being the south right of way line of Baxter Street, a distance of 220.05 feet to an iron pin at the intersection of the property line between parcels 4 and 9; thence along said property line S 13-40-15 E 268.62 feet to an iron pin; thence S 35-08-58 W 278.91 feet to a stone monument; thence S 0-18-07 W 196.60 feet to an iron pin; thence N 35-56-36 W 451.70 feet to an iron pin; thence along the property line between parcels 4 and 6, N 54-03-23 E 136.11 feet to an iron pin; thence along said property line N 9-41-54 E 220.00 feet to the point of beginning and containing 145,425 square feet.

The above described area is subject to an easement as shown on plat. The total area shown in the above description includes said easement.

which it will develop for use as a Public Park in accordance with the Redevelopment Plan, as amended.

(2) Construction Required. The City will redevelop the property by the construction of a Public Park (hereinafter called the "Improvements") and all plans and specifications and all work by the City or its successors and assigns with respect to such redevelopment of the Property and the construction and making of other improvements thereon, if any, shall be in conformity with the Redevelopment Plan, and all applicable State and Local Laws.

(3) Time for Construction. The City agrees for itself, its successors, and assigns, and every successor in interest to the Property, or any part thereof, that the City or its assigns shall begin the redevelopment of the Property within a reasonable period of time from the date this Resolution is adopted and diligently proceed to complete such redevelopment.

(4) Restrictions on Land Use. The City agrees for itself, its successors and assigns, and every successor in interest to the Property or any part thereof and the Deed, if any, shall contain covenants on the part of the City for itself, and successors and assigns, that the City, and such successors and assigns, shall:

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(a) Devote the Property to and only to and in accordance with the uses specified in the Redevelopment Plan, as amended, and as the same may be hereafter amended, as amended from time to time;

(b) Comply with the Land Controls and Restrictions affecting the subject property, a copy of which is recorded in Book 3702 at Page 0565 of the Mecklenburg County, North Carolina Public Registry.

(c) Not discriminate upon the basis of sex, race, color, creed, or national origin in the sale, lease, or rental or in the use or occupancy of the Property or any improvements erected or to be erected thereon, or any part thereof.

(5) Effect of Covenants, Period of Duration. It is intended and resolved that the conditions and covenants provided in Section 4 thereof shall be covenants running with the land and that they shall, in any event, and without regard to technical classification or designation, legal or otherwise, and except only as otherwise specifically provided in this Resolution, be, to the fullest extent permitted by law and equity, binding for the benefit and in favor of, and enforceable by, the City, its successors and assigns, and the United States (in the case of the covenant provided in subdivision (b) of Section 4 of this Resolution), against the City, its successors and assigns, and every successor in interest to the Property or any part thereof or any interest therein, and any party in possession or occupancy of the Property or any part thereof. It is further intended and resolved that the conditions and covenants provided (a) in subdivision (a) of Section 4 of this Resolution shall remain in effect until December 31, 2003 (at which time such condition and covenant shall terminate), and (b) in subdivision (b) of such Section 4 shall remain in effect without limitation as to time.

(6) Enforceability by City and United States. In amplification, and not in restriction, of the provisions of Section 5 of this Resolution, it is intended and resolved that the City shall be deemed a beneficiary of the conditions and covenants provided in Section 4 herein, and the United States shall be deemed a beneficiary of the covenant provided in subdivision (b) of Section 4, both for and in their or its own right and also for the purposes of protecting the interest of the community and the other parties, public or private, in whose favor or for whose benefit such conditions and covenants have been provided. Such conditions and covenants shall run in favor of the City and the United States for the entire period during which such conditions and covenants shall be in force, without regard to whether the City or the United States is or has been an owner of any land or interest therein to, or in favor of, which such conditions and covenants relate. The City shall have the right, in the event of any breach of any such conditions or covenants, and the United States shall have the right, in the event of any breach of the covenant provided in said subdivision (b) of Section 4, to exercise all the rights and remedies, and to maintain any actions or suits at law or in equity or other proper proceedings to enforce the curing of such breach of condition or covenant, to which it or any other beneficiaries of such condition or covenant may be entitled.

(7) Representation as to Redevelopment. The City represents and agrees that its retention of the Property shall be for the purpose of redevelopment of the Property in accordance with the Redevelopment Plan and the Resolution.

(8) Conflict of Interest. No member, official, or employee of the City shall have any personal interest, direct or indirect, in the Resolution, nor shall any such member, official, or employee participate in any decision relating to the Resolution which affects his personal interests or the interests of any corporation, partnership,

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or association in which he is, directly or indirectly, interested. No member, official, or employee of the City shall be personally liable in the event of any default or breach by the City on any obligations under the terms of the Resolution.

(9) Prohibition Against Transfer of Property and Assignment. The City will not, prior to the proper completion of the Improvements, make or create, or suffer to be made or created, (a) any total or partial sale, conveyance, or lease of the Property, or any part thereof or interest therein, or (b) any assignment of the Resolution, or any part thereof, or (c) any agreement to do any of the foregoing.

(10) Equal Employment Opportunity. The City, for itself, and its successors and assigns, agrees that it will include the following provisions of this Section 10 in every contract or purchase order which may hereafter be entered into between the City and any party (hereinafter in this Section called "Contractor") for or in connection with the construction of the Improvements, or any part thereof, provided for in this Resolution unless such contract or purchase order is exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967:

Equal Employment Opportunity. During the performance of this contract, the Contractor agrees with the City as follows:

- (a) The Contractor will not discriminate against any employee or applicant for employment because of race, religion, sex, color, or national origin. The Contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by the City setting forth the provisions of this nondiscrimination clause.
- (b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
- (c) The Contractor will send to each labor union or representative of workers with which the Contractor has a collective bargaining agreement or other contract or understanding, a notice, to be provided, advising the labor union or worker's representative of the Contractor's commitments under Section 202 of Executive Order 11246 of

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September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

- (d) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- (e) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and by the rules, regulations, and orders of the Secretary of Labor or the Secretary of Housing and Urban Development pursuant thereto, and will permit access to the Contractor's books, records, and accounts by the City, the Secretary of Housing and Urban Development, and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (f) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- (g) The Contractor will include the provisions of Paragraphs (a) through (g) of this Section in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any construction contract, subcontract,

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or purchase order as the City or the Department of Housing and Urban Development may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the City or the Department of Housing and Urban Development, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

(11) The proper officers of the City are hereby authorized, empowered and directed to cause a properly certified copy of this Resolution to be recorded among the land records in the office of the Register of Deeds of Mecklenburg County, and to furnish the Department of Housing and Urban Development with appropriate notification of the adoption of this Resolution and the recording information.

(12) Delays Beyond Control of Parties. For the purposes of the Resolution, neither the City nor any successor shall be considered in breach of or in default under its obligations with respect to the preparation of the Property for redevelopment, or the beginning and completion of construction of the Improvements, or progress in respect thereto, in the event of enforced delay in the performance of such obligations due to unforeseeable causes beyond its control and without its fault or negligence, including, but not restricted to, acts of God, acts of the public enemy, acts of the Government, acts of the other party, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, or delays of subcontractors due to such causes; it being the purpose and intent of this provision that, in the event of the occurrence of any such enforced delay, the time or times for performance of the obligations of the City with respect to construction of the Improvements, as the case may be, shall be extended for the period of the enforced delay.

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of May, 1975, the reference having been made in Minute Book 61, and recorded in full in Resolutions Book 10, beginning on page 440.

Ruth Armstrong  
City Clerk

May 12, 1975

Resolutions Book 10 - Page 446 RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF CHARLOTTE, NORTH CAROLINA,  
RELATING TO RETENTION OF LAND IN THE  
BROOKLYN URBAN RENEWAL PROJECT NO. N. C. R-43

WHEREAS, the City of Charlotte, Charlotte, North Carolina, (hereinafter called "City") in furtherance of the objectives of the North Carolina Urban Redevelopment Law, N.C. G.S. 160A-500 et. seq., has undertaken a program for the clearance and reconstruction or rehabilitation of slum and blighted areas and in this connection is engaged in carrying out an Urban Renewal Project known as the Brooklyn Urban Redevelopment Area, Project No. N.C. R-43, (hereinafter called "Project") in an area (hereinafter called "Project Area") located in the City of Charlotte, Charlotte, North Carolina; and

WHEREAS, as of the date of the adoption of this Resolution, there has been prepared and approved by the City, a Redevelopment Plan (which also comprises the Urban Renewal Plan for the Project) approved by the City on February 7, 1966, and as subsequently amended and approved by the City (which Plan, as so amended, and as it may hereafter be further amended from time to time pursuant to law, and as so constituted from time to time, is, unless otherwise indicated by the context, hereinafter called "Redevelopment Plan"); and a copy of the Redevelopment Plan, as constituted on the date of this Resolution in the form of Land Controls and Restrictions, has been recorded among the land records for the place in which the Project Area is situated, namely, in the office of the Register of Deeds for the County of Mecklenburg and State of North Carolina in Book 3367 at Page 87, Mecklenburg County Records; and

WHEREAS, in order to enable the City to achieve the objectives of the Urban Redevelopment Plan and particularly to make the land in the Project Area available for use as an Expressway Right of Way for and in accordance with the uses specified in the Redevelopment Plan as amended, both the Federal Government and the City have undertaken to provide and have provided substantial aid and assistance to the City through a Contract for Loan and Capital Grant dated July 18, 1966, and all amendments thereto, with specific reference being made to amendments dated June 11, 1970 and November 2, 1971, in the case of the Federal Government and a Cooperation Agreement dated February 8, 1966, and all amendments thereto, with specific reference being made to amendment dated July 1, 1971, in the case of the City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte as follows:

(1) Subject to all the terms, covenants and conditions of this Resolution and the said Contract for Loan and Capital Grant and the Cooperation Agreement, all as amended, the City will retain the following described Property in the Project Area:

Parcel No. 3, N.C. R-43 as shown in Map Book 15, at Page 259 of the Mecklenburg County, North Carolina Public Registry.

which it will cause to be developed for use as an Expressway Right of Way in accordance with the Redevelopment Plan as amended and for which it shall pay to the Brooklyn Urban Renewal Project No. N. C. R-43 Temporary Loan Payment Fund Transfer, the amount of ONE MILLION TWO HUNDRED NINE THOUSAND FIVE HUNDRED EIGHTY ONE AND NO/100 DOLLARS (\$1,209,581.00), which has been determined to be the fair market value of the property for said use, hereinafter called "Retention Price". The appropriate officials of the City are hereby authorized, answered and directed to pay the Retention Price herein specified to the said Project Temporary Loan Repayment Fund pursuant to the requirements of the Contract for Loan and Capital Grant, as amended. The City shall not commence

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to use the said Property for the intended purpose nor commence any construction thereon until the Retention Price has been deposited to the credit of the said Project Temporary Loan Repayment Fund.

(2) Construction Required. The City will cause the Property to be redeveloped by the construction of an Expressway Right of Way (hereinafter called the "Improvements") and all plans and specifications and all work by the City or its successors and assigns with respect to such redevelopment of the Property and the construction and making of other improvements thereon, if any, shall be in conformity with the Redevelopment Plan, and all applicable State and Local Laws.

(3) Time for Construction. The City agrees for itself, its successors, and assigns, and every successor in interest to the Property, or any part thereof, that the City or its assigns shall begin the redevelopment of the Property through the construction of the Improvements thereon within a reasonable period of time from the date this Resolution is adopted and diligently proceed to complete such construction.

(4) Restrictions on Land Use. The City agrees for itself, its successors and assigns, and every successor in interest to the Property or any part thereof that the City, and such successors and assigns, shall:

(a) Devote the Property to and only to and in accordance with the uses specified in the Redevelopment Plan, as amended, and as the same may be hereafter amended, as amended from time to time;

(b) Comply with the Land Controls and Restrictions affecting the subject property, a copy of which is recorded in Book 3367 at Page 87 of the Mecklenburg County, North Carolina Public Registry;

(c) Not discriminate upon the basis of sex, race, color, creed, or national origin in the sale, lease, or rental or in the use or occupancy of the Property or any improvements erected or to be erected thereon, or any part thereof.

(5) Effect of Covenants, Period of Duration. It is intended and resolved that the conditions and covenants provided in Section 4 thereof shall be covenants running with the land and that they shall, in any event, and without regard to technical classification or designation, legal or otherwise, and except only as otherwise specifically provided in this Resolution, be, to the fullest extent permitted by law and equity, binding for the benefit and in favor of, and enforceable by, the City, its successors and assigns, and the United States (in the case of the covenant provided in subdivision (b) of Section 4 of this Resolution), against the City, its successors and assigns, and every successor in interest to the Property or any part thereof or any interest therein, and any party in possession or occupancy of the Property or any part thereof. It is further intended and resolved that the conditions and covenants provided (a) in subdivision (a) of Section 4 of this Resolution shall remain in effect until December 31, 2003 (at which time such condition and covenant shall terminate), and (b) in subdivision (b) of such Section 4 shall remain in effect without limitation as to time.

(6) Enforceability by City and United States. In application, and not in restriction, of the provisions of Section 5 of this Resolution, it is intended and resolved that the City shall be deemed a beneficiary of the conditions and covenants

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provided in Section 4 herein, and the United States shall be deemed a beneficiary of the covenant provided in subdivision (b) of Section 4, both for and in their or its own right and also for the purposes of protecting the interest of the community and the other parties, public or private, in whose favor or for whose benefit such conditions and covenants have been provided. Such conditions and covenants shall run in favor of the City and the United States for the entire period during which such conditions and covenants shall be in force, without regard to whether the City or the United States is or has been an owner of any land or interest therein to, or in favor of, which such conditions and covenants relate. The City shall have the right, in the event of any breach of any such conditions or covenants, and the United States shall have the right, in the event of any breach of the covenant provided in said subdivision (b) of Section 4, to exercise all the rights and remedies, and to maintain any actions or suits at law or in equity or other proper proceedings to enforce the curing of such breach of condition or covenant, to which it or any other beneficiaries of such condition or covenant may be entitled.

(7) Representation as to Redevelopment. The City represents and agrees that its retention of the Property shall be for the purpose of redevelopment of the Property in accordance with the Redevelopment Plan and the Resolution.

(8) Conflict of Interest. No member, official, or employee of the City shall have any personal interest, direct or indirect, in the Resolution, nor shall any such member, official, or employee participate in any decision relating to the Resolution which affects his personal interests or the interests of any corporation, partnership, or association in which he is, directly or indirectly, interested. No member, official, or employee of the City shall be personally liable in the event of any default or breach by the City on any obligations under the terms of the Resolution.

(9) Prohibition Against Transfer of Property and Assignment. The City will not, prior to the proper completion of the Improvements, make or create, or suffer to be made or created, (a) any total or partial sale, conveyance, or lease of the Property, or any part thereof or interest therein, or (b) any assignment of the Resolution, or any part thereof, or (c) any agreement to do any of the foregoing; however, the City may convey the Property, or any part thereof, to the North Carolina Board of Transport for development of an Expressway Right of Way.

(10) Equal Employment Opportunity. The City, for itself, and its successors and assigns, agrees that it will include the following provisions of this Section 10 in every contract or purchase order which may hereafter be entered into between the City and any party (hereinafter in this Section called "Contractor") for or in connection with the construction of the Improvements, or any part thereof, provided for in this Resolution unless such contract or purchase order is exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967:

Equal Employment Opportunity. During the performance of this contract, the Contractor agrees with the City as follows:

- (a) The Contractor will not discriminate against any employee or applicant for employment because of race, religion, sex, color, or national origin. The Contractor will take affirmative action to insure that applicants are employed, and that

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employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by the City setting forth the provisions of this nondiscrimination clause.

- (b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
- (c) The Contractor will send to each labor union or representative of workers with which the Contractor has a collective bargaining agreement or other contract or understanding, a notice, to be provided, advising the labor union or worker's representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (d) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- (e) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and by the rules, regulations, and orders of the Secretary of Labor or the Secretary of Housing and Urban Development pursuant thereto, and will permit access to the Contractor's books, records, and accounts by the City, the Secretary of Housing and Urban Development, and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

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(f) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of Paragraphs (a) through (g) of this Section in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any construction contract, subcontract, or purchase order as the City or the Department of Housing and Urban Development may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the City or the Department of Housing and Urban Development, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

(11) The proper officers of the City are hereby authorized, empowered and directed to cause a properly certified copy of this Resolution to be recorded among the land records in the office of the Register of Deeds of Mecklenburg County, and to furnish the Department of Housing and Urban Development with appropriate notification of the adoption of this Resolution and the recording information.

(12) Delays Beyond Control of Parties. For the purposes of the Resolution, neither the City nor any successor shall be considered in breach of or in default under its obligations with respect to the preparation of the Property for redevelopment, or the beginning and completion of construction of the Improvements, or progress in

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respect thereto, in the event of enforced delay in the performance of such obligations due to unforeseeable causes beyond its control and without its fault or negligence, including, but not restricted to, acts of God, acts of the public enemy, acts of the Government, acts of the other party, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, or delays of subcontractors due to such causes; it being the purpose and intent of this provision that, in the event of the occurrence of any such enforced delay, the time or times for performance of the obligations of the City with respect to construction of the Improvements, as the case may be, shall be extended for the period of the enforced delay.

This Resolution is hereby passed and made retroactive in its effect to the 19th day of September, 1973.

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of May, 1975, the reference having been made in Minute Book 61, and recorded in full in Resolutions Book 10, beginning on Page 446.

Ruth Armstrong  
City Clerk

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RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF CHARLOTTE, NORTH CAROLINA,  
RELATING TO RETENTION OF LAND IN THE  
BROOKLYN URBAN RENEWAL PROJECT NO. N.C. R-60

WHEREAS, the City of Charlotte, Charlotte, North Carolina, (hereinafter called "City") in furtherance of the objectives of the North Carolina Urban Redevelopment Law, N.C. G.S. 160A-500 et. seq., has undertaken a program for the clearance and reconstruction or rehabilitation of slum and blighted areas and in this connection is engaged in carrying out an Urban Renewal Project known as the Brooklyn Urban Redevelopment Area, Project No. N.C. R-60, (hereinafter called "Project") in an area (hereinafter called "Project Area") located in the City of Charlotte, Charlotte, North Carolina; and

WHEREAS, as of the date of the adoption of this Resolution, there has been prepared and approved by the City, a Redevelopment Plan (which also comprises the Urban Renewal Plan for the Project) approved by the City on June 6, 1966, and as subsequently amended and approved by the City (which Plan, as so amended, and as it may hereafter be further amended from time to time pursuant to law, and as so constituted from time to time, is, unless otherwise indicated by the context, hereinafter called "Redevelopment Plan"); and a copy of the Redevelopment Plan, as constituted on the date of this Resolution in the form of Land Controls and Restrictions, has been recorded among the land records for the place in which the Project Area is situated, namely, in the office of the Register of Deeds for the County of Mecklenburg and State of North Carolina in Book 3306 at Page 15, Mecklenburg County Records; and

WHEREAS, in order to enable the City to achieve the objectives of the Redevelopment Plan and particularly to make the land in the Project Area available for use as an Expressway Right of Way for and in accordance with the uses specified in the Redevelopment Plan, as amended, both the Federal Government and the City have undertaken to provide and have provided substantial aid and assistance to the City through a Contract for Loan and Capital Grant dated August 4, 1967, and all amendments thereto, with specific reference being made to amendments dated June 11, 1970 and March 30, 1971, in the case of the Federal Government and a Cooperation Agreement dated June 7, 1966, and all amendments thereto, with specific reference being made to amendments dated March 21, 1967 and December 16, 1970, in the case of the City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte as follows:

(1) Subject to all the terms, covenants and conditions of this Resolution and the said Contract for Loan and Capital Grant and the Cooperation Agreement, the City will retain the following described Property in the Project Area:

Parcel No. 12, N.C. R-60 as shown in Map Book 15, at Page 325 of the Mecklenburg County, North Carolina Public Registry.

which it will cause to be developed for use as an Expressway Right of Way in accordance with the Redevelopment Plan as amended and for which it shall pay to the Brooklyn Urban Renewal Project No. N.C. R-60 Temporary Loan Payment Fund Transfer, the amount of TWO MILLION SEVEN HUNDRED TWENTY EIGHT THOUSAND SEVEN HUNDRED EIGHTY AND NO/100 DOLLARS (\$2,728,780.00), which has been determined to be the fair market value of the property for said use, hereinafter called "Retention Price". The appropriate officials of the City are hereby authorized, answered and directed to pay the Retention Price herein specified to the said Project Temporary Loan Repayment Fund pursuant to the requirements of the Contract for Loan and Capital Grant, as amended. The City shall not commence to use the said Property for the intended purpose nor commence any construction thereon until the Retention Price has been deposited to the credit of the said Project Temporary Loan Repayment Fund.

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(2) Construction Required. The City will cause the Property to be redeveloped by the construction of an Expressway Right of Way (hereinafter called the "Improvements") and all plans and specifications and all work by the City or its successors and assigns with respect to such redevelopment of the Property and the construction and making of other improvements thereon, if any; shall be in conformity with the Redevelopment Plan, and all applicable State and Local Laws.

(3) Time for Construction. The City agrees for itself, its successors, and assigns, and every successor in interest to the Property, or any part thereof, that the City or its assigns shall begin the redevelopment of the Property within a reasonable period of time from the date this Resolution is adopted and diligently proceed to complete such redevelopment.

(4) Restrictions on Land Use. The City agrees for itself, its successors and assigns, and every successor in interest to the Property or any part thereof and the Deed, if any, shall contain covenants on the part of the City for itself, and successors and assigns, that the City, and such successors and assigns, shall:

(a) Devote the Property to and only to and in accordance with the uses specified in the Redevelopment Plan, as amended, and as the same may be hereafter amended, as amended from time to time;

(b) Comply with the Land Controls and Restrictions affecting the subject property, a copy of which is recorded in Book 3306 at Page 15 of the Mecklenburg County, North Carolina Public Registry;

(c) Not discriminate upon the basis of sex, race, color, creed, or national origin in the sale, lease, or rental or in the use or occupancy of the Property or any improvements erected or to be erected thereon, or any part thereof.

(5) Effect of Covenants, Period of Duration. It is intended and resolved that the conditions and covenants provided in Section 4 thereof shall be covenants running with the land and that they shall, in any event, and without regard to technical classification or designation, legal or otherwise, and except only as otherwise specifically provided in this Resolution, be, to the fullest extent permitted by law and equity, binding for the benefit and in favor of, and enforceable by, the City, its successors and assigns, and the United States (in the case of the covenant provided in subdivision (b) of Section 4 of this Resolution), against the City, its successors and assigns, and every successor in interest to the Property or any part thereof or any interest therein, and any party in possession or occupancy of the Property or any part thereof. It is further intended and resolved that the conditions and covenants provided (a) in subdivision (a) of Section 4 of this Resolution shall remain in effect until December 31, 2003 (at which time such condition and covenant shall terminate), and (b) in subdivision (b) of such Section 4 shall remain in effect without limitation as to time.

(6) Enforceability by City and United States. In application, and not in restriction, of the provisions of Section 5 of this Resolution, it is intended and resolved that the City shall be deemed a beneficiary of the conditions and covenants provided in Section 4 herein, and the United States shall be deemed a beneficiary of the covenant provided in subdivision (b) of Section 4, both for and in their or its own right and also for the purposes of protecting the interest of the community and the other parties, public or private, in whose favor or for whose benefit such conditions and covenants have been provided. Such conditions and covenants shall run in favor of the City and the United States for the entire period during which such conditions and

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covenants shall be in force, without regard to whether the City or the United States is or has been an owner of any land or interest therein to, or in favor of, which such conditions and covenants relate. The City shall have the right, in the event of any breach of any such conditions or covenants, and the United States shall have the right, in the event of any breach of the covenant provided in said subdivision (b) of Section 4, to exercise all the rights and remedies, and to maintain any actions or suits at law or in equity or other proper proceedings to enforce the curing of such breach of condition or covenant, to which it or any other beneficiaries of such condition or covenant may be entitled.

(7) Representation as to Redevelopment. The City represents and agrees that its retention of the Property shall be for the purpose of redevelopment of the Property in accordance with the Redevelopment Plan and the Resolution.

(8) Conflict of Interest. No member, official, or employee of the City shall have any personal interest, direct or indirect, in the Resolution, nor shall any such member, official, or employee participate in any decision relating to the Resolution which affects his personal interests or the interests of any corporation, partnership, or association in which he is, directly or indirectly, interested. No member, official, or employee of the City shall be personally liable in the event of any default or breach by the City on any obligations under the terms of the Resolution.

(9) Prohibition Against Transfer of Property and Assignment. The City will not, prior to the proper completion of the Improvements, make or create, or suffer to be made or created, (a) any total or partial sale, conveyance, or lease of the Property, or any part thereof or interest therein, or (b) any assignment of the Resolution, or any part thereof, or (c) any agreement to do any of the foregoing; however, the City may convey the Property, or any part thereof, to the North Carolina Board of Transportation for development of an Expressway Right of Way.

(10) Equal Employment Opportunity. The City, for itself, and its successors and assigns, agrees that it will include the following provisions of this Section 10 in every contract or purchase order which may hereafter be entered into between the City and any party (hereinafter in this Section called "Contractor") for or in connection with the construction of the Improvements, or any part thereof, provided for in this Resolution unless such contract or purchase order is exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967:

Equal Employment Opportunity. During the performance of this contract, the Contractor agrees with the City as follows:

- (a) The Contractor will not discriminate against any employee or applicant for employment because of race, religion, sex, color, or national origin. The Contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment

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- or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by the City setting forth the provisions of this nondiscrimination clause.
- (b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
- (c) The Contractor will send to each labor union or representative of workers with which the Contractor has a collective bargaining agreement or other contract or understanding, a notice, to be provided, advising the labor union or worker's representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (d) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- (e) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and by the rules, regulations, and orders of the Secretary of Labor or the Secretary of Housing and Urban Development pursuant thereto, and will permit access to the Contractor's books, records, and accounts by the City, the Secretary of Housing and Urban Development, and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (f) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in Executive Order

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11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

- (g) The Contractor will include the provisions of Paragraphs (a) through (g) of this Section in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any construction contract, subcontract, or purchase order as the City or the Department of Housing and Urban Development may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the City or the Department of Housing and Urban Development, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

(11) The proper officers of the City are hereby authorized, empowered and directed to cause a properly certified copy of this Resolution to be recorded among the land records in the office of the Register of Deeds of Mecklenburg County, and to furnish the Department of Housing and Urban Development with appropriate notification of the adoption of this Resolution and the recording information.

(12) Delays Beyond Control of Parties. For the purposes of the Resolution, neither the City nor any successor shall be considered in breach of or in default under its obligations with respect to the preparation of the Property for redevelopment, or the beginning and completion of construction of the Improvements, or progress in respect thereto, in the event of enforced delay in the performance of such obligations due to unforeseeable causes beyond its control and without its fault or negligence, including, but not restricted to, acts of God, acts of the public enemy, acts of the Government, acts of the other party, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, or delays of subcontractors due to such causes; it being the purpose and intent of this provision that, in the event of the occurrence of any such enforced delay, the time or times for performance of the obligations of the City with respect to construction of the Improvements, as the case may be, shall be extended for the period of the enforced delay.

This Resolution is hereby passed and made retroactive in its effect to the 19th day of September, 1973.

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of May, 1975, the reference having been made in Minute Book 61, and recorded in full in Resolutions Book 10, beginning on Page 452.

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Ruth Armstrong, City Clerk

RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF CHARLOTTE, NORTH CAROLINA,  
RELATING TO RETENTION OF LAND IN THE  
DOWNTOWN URBAN RENEWAL PROJECT NO. N. C. A-3

WHEREAS, the City of Charlotte, Charlotte, North Carolina, (hereinafter called "City") in furtherance of the objectives of the North Carolina Urban Redevelopment Law, N. C. G. S. 160A-500 et. seq., has undertaken a program for the clearance and reconstruction or rehabilitation of slum and blighted areas and in this connection is engaged in carrying out an Urban Renewal Project known as the Downtown Urban Redevelopment Area, Project No. N. C. A-3, (hereinafter called "Project") in an area (hereinafter called "Project Area") located in the City of Charlotte, Charlotte, North Carolina; and

WHEREAS, as of the date of the adoption of this Resolution, there has been prepared and approved by the City, a Redevelopment Plan (which also comprises the Urban Renewal Plan for the Project) approved by the City on August 4, 1969, and as subsequently amended and approved by the City (which Plan, as so amended, and as it may hereafter be further amended from time to time pursuant to law, and as so constituted from time to time, is, unless otherwise indicated by the context, hereinafter called "Redevelopment Plan"); and a copy of the Redevelopment Plan, as constituted on the date of this Resolution in the form of Land Controls and Restrictions, has been recorded among the land records for the place in which the Project Area is situated, namely, in the office of the Register of Deeds for the County of Mecklenburg and State of North Carolina in Book 3446 at Page 337, Mecklenburg County Records; and

WHEREAS, in order to enable the City to achieve the objectives of the Redevelopment Plan and particularly to make land in the Project Area available for its use as a predominantly non-residential use and in accordance with the uses specified in the Redevelopment Plan, both the Federal Government and the City have undertaken to provide, and have provided substantial aid and assistance to the City through a Neighborhood Development Program Master Agreement dated May 22, 1970, and Neighborhood Development Program Funding Agreement No. 1 dated May 22, 1970, Amended June 4, 1971, Neighborhood Development Program Funding Agreement No. 2 dated September 22, 1971, Amended April 4, 1972, Neighborhood Development Program Funding Agreement No. 3 dated October 13, 1972, Amended December 26, 1972, and Neighborhood Development Program Funding Agreement No. 4 dated September 13, 1973, Amended March 27, 1975.

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NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte, as follows:

(1) Subject to all the terms, covenants, and conditions of this Resolution and the said Neighborhood Development Program Master Agreement and the Funding Agreements, the City will retain the following described Property in the Project Area:

Right-of-Way Parcel No. 1: A parcel of land in Charlotte Township, Mecklenburg County, State of North Carolina, located in Neighborhood Development Program N. C. A-3, shown as Parcel No. 1 on a plat prepared by Giddings and Associates, Engineering and Surveying, P.A., entitled "Right-of-Way Parcels 1 and 2, Trade Street and 4th Street Near College Street", dated April 14, 1975, and being more particularly described as follows:

Beginning at the point of intersection of the new southwesterly right-of-way boundary of East Trade Street and the new northwesterly right-of-way boundary of South College Street and running thence N 42°-57'-50" W 397.82 feet along said new southwesterly right-of-way of East Trade Street to a point in the existing southeasterly right-of-way of South Tryon Street; thence N 51°-13'-20" E 12.92 feet to a point; thence five courses along the old southwesterly right-of-way boundary of East Trade Street as follows: S 42°-59'-20" E 197.67 feet to a point; thence S 43°-32'-00" E 10.95 feet to a point; thence S 42°-53'-51" E 95.25 feet to a point; thence S 43°-19'-13" E 45.18 feet to a point; thence S 43°-22'-14" E 48.75 feet to a point; thence S 50°-54'-31" W 13.63 feet to the point of beginning and containing 5,186 square feet according to a plat by Giddings and Associates, Engineering and Surveying, P.A., dated 4-14-75.

Right-of-Way Parcel No. 2: A parcel of land in Charlotte Township, Mecklenburg County, State of North Carolina, located in Neighborhood Development Program N. C. A-3, shown as Parcel No. 2 on a plat prepared by Giddings and Associates, Engineering and

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Surveying, P.A., entitled "Right-of-Way Parcels 1 and 2, Trade Street and 4th Street Near College Street", dated April 14, 1975, and being more particularly described as follows:

Beginning at the point of intersection of the new northeasterly right-of-way boundary of East Fourth Street and the new northwesterly right-of-way boundary of South College Street and running thence N 43°-01'-11" W 199.30 feet along said new northwesterly right-of-way boundary of East Fourth Street to a point; thence S 50°-32'-40" W 3.48 feet to a point in the existing right-of-way boundary of East Fourth Street; thence four courses as follows: S 42°-22'-43" E 5.11 feet to a point; thence S 43°-05'-00" E 195.00 feet to a point; thence N 51°-07'-00" E 127.1 feet to a point; thence N 50°-43'-38" E 107.88 feet to a point in the new northwesterly right-of-way boundary of South College Street; thence S 51°-08'-30" W 231.74 feet to the point of beginning and containing 826 square feet according to a plat by Giddings and Associates, Engineering and Surveying, P.A., dated 4-14-75.

Right-of-Way Parcel No. 3: A parcel of land in Charlotte Township, Mecklenburg County, State of North Carolina, located in Neighborhood Development Program N. C. A-3, shown as Parcel No. 3 on a plat prepared by Giddings and Associates, Engineering and Surveying, P.A., entitled "Right-of-Way Parcels 3 and 4, Trade Street and 4th Street Near Brevard Street", dated April 14, 1975, and being more particularly described as follows:

Beginning at the point of intersection of the new southwesterly right-of-way boundary of East Trade Street and the existing northwesterly right-of-way boundary of South Brevard Street and running thence N 42°-57'-50" W 189.01 feet along said new right-of-way boundary of East Trade Street to a point; thence N 51°-31'-24" E 12.57 feet to a point; thence S 42°-52'-36" E 189.10 feet to a point; thence S 52°-02'-00" W 12.29 feet to the point of beginning and containing 2,342 square feet according to a plat by Giddings and Associates, Engineering and Surveying, P.A., dated 4-14-75.

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Right-of-Way Parcel No. 4: A parcel of land in Charlotte Township, Mecklenburg County, State of North Carolina, located in Neighborhood Development Program N. C. A-3, shown as Parcel No. 4 on a plat prepared by Giddings and Associates, Engineering and Surveying, P.A., entitled "Right-of-Way Parcels 3 and 4, Trade Street and 4th Street Near Brevard Street", dated April 14, 1975, and being more particularly described as follows:

Beginning at the point of intersection of the new northeasterly right-of-way boundary of East Fourth Street and the existing northwesterly right-of-way boundary of South Brevard Street and running thence N 41°-18'-17" W 185.57 feet along said new northeasterly right-of-way boundary of East Fourth Street to a point; thence S 51°-31'-24" W 11.95 feet to a point; thence S 40°-41'-36" E 90.22 feet to a point; thence S 40°-43'-30" E 95.15 feet to a point; thence N 51°-59'-29" E 13.89 feet to the point of beginning and containing 2,396 square feet according to a plat by Giddings and Associates, Engineering and Surveying, P.A., dated 4-14-75.

which it will develop for use as public street rights-of-way in accordance with the Redevelopment Plan.

(2) Construction Required. The City will redevelop the Property by the construction of public street rights-of-way (hereinafter called the "Improvements") and all plans and specifications and all work by the City with respect to such redevelopment of the Property and the construction and making of other improvements thereon, if any, shall be in conformity with the Redevelopment Plan, and all applicable State and Local Laws.

(3) Time for Construction. The City agrees for itself, its successors, and assigns, and every successor in interest to the Property, or any part thereof, that the City shall begin the redevelopment of the Property through the construction of the Improvements thereon, within three months from the date this Resolution is adopted and diligently proceed to complete such construction within twelve months from such date.

(4) Restrictions on Land Use. The City agrees for itself, its successors and assigns, and every successor in interest to the Property or any part thereof and the Deed, if any, shall contain covenants on the part of the City for itself, and successors and assigns, that the City, and such successors and assigns, shall:

(a) Devote the Property to and only to and in accordance with the uses specified in the Redevelopment Plan, as amended, and as the same may be hereafter amended, or is amended from time to time;

(b) Comply with the Land Controls and Restrictions affecting the subject property, a copy of which is recorded in Book 3446 at Page 337 of the Mecklenburg County, North Carolina Public Registry;

(c) Not discriminate upon the basis of race, color, creed, or national origin in the sale, lease, or rental or in the use or occupancy of the Property or any improvements erected or to be erected thereon, or any part thereof.

(5) Effect of Covenants, Period of Duration. It is intended and resolved that the conditions and covenants provided in Section 4 thereof shall be covenants running with the land and that they shall, in any event, and without regard to technical classification or designation, legal or otherwise, and except only as otherwise specifically provided in this Resolution, be, to the fullest extent permitted by law and equity, binding for the benefit and in favor of, and enforceable by, the City, its successors and assigns, and the United States (in the case of the covenant provided in subdivision (c) of Section 4 of this Resolution), against the City, its successors and assigns, and every successor in interest to the Property or any part thereof or any interest therein, and any party in possession or occupancy of the Property or any part thereof. It is further intended and resolved that the conditions and covenants provided in subdivision (a) of Section 4 of this Resolution shall remain in effect until December 31, 1989, (at which time such condition and covenant shall terminate), and the conditions and covenants provided in subdivision (c) of Section 4 shall remain in effect without limitation as to time.

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(6) Enforceability by City and United States. In amplification, and not in restriction, of the provisions of Section 5 of this Resolution, it is intended and resolved that the City shall be deemed a beneficiary of the conditions and covenants provided in Section 4 herein, and the United States shall be deemed a beneficiary of the covenant provided in subdivision (c) of Section 4, both for and in their or its own right and also for the purposes of protecting the interest of the community and the other parties, public or private, in whose favor or for whose benefit such conditions and covenants have been provided. Such conditions and covenants shall run in favor of the City and the United States for the entire period during which such conditions and covenants shall be in force, without regard to whether the City or the United States is or has been an owner of any land or interest therein to, or in favor of, which such conditions and covenants relate. The City shall have the right, in the event of any breach of any such conditions or covenants, and the United States shall have the right, in the event of any breach of the covenant provided in said subdivision (c) of Section 4, to exercise all the rights and remedies, and to maintain any actions or suits at law or in equity or other proper proceedings to enforce the curing of such breach of condition or covenant, to which it or any other beneficiaries of such condition or covenant may be entitled.

(7) Representation As To Redevelopment. The City represents and agrees that its retention of the Property shall be for the purpose of redevelopment of the Property in accordance with the Redevelopment Plan and the Resolution.

(8) Prohibition Against Transfer of Property and Assignment. The City has not made or created, and will not, prior to the proper completion of the Improvements, make or create, or suffer to be made or created, (a) any total or partial sale, conveyance, or lease of the Property, or any part thereof or interest therein, or (b) any assignment of the Resolution, or any part thereof, or (c) any agreement to do any of the foregoing.

(9) Conflict of Interest. No member, official, or employee of the City shall have any personal interest, direct or indirect, in the Resolution, nor shall any such member, official, or employee participate in any decision relating to the Resolution which affects his personal interests or the interests of any corporation, partnership, or association in which he is, directly or indirectly, interested. No member, official, or employee of the City shall be personally liable in the event of any default or breach by the City on any obligations under the terms of the Resolution.

(10) Equal Employment Opportunity. The City, for itself, and its successors and assigns, agrees that it will include the following provisions of this Section 10 in every contract or purchase order which may hereafter be entered into between the City and any party (hereinafter in this Section called "Contractor"), for or in connection with the construction of the Improvements, or any part thereof, provided for in this Resolution unless such contract or purchase order is exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967:

Equal Employment Opportunity. During the performance of this contract, the Contractor agrees with the City as follows:

- (a) The Contractor will not discriminate against any employee or applicant for employment because of race, religion, sex, color, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by the City setting forth the provisions of this non-discrimination clause.
- (b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
- (c) The Contractor will send to each labor union or representative of workers with which the Contractor has a collective bargaining agreement or other contract or understanding, a notice, to be provided, advising the labor

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union or worker's representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

- (d) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- (e) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and by the rules, regulations, and orders of the Secretary of Labor or the Secretary of Housing and Urban Development pursuant thereto, and will permit access to the Contractor's books, records, and accounts by the City, the Secretary of Housing and Urban Development, and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (f) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

May 12, 1975

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(g) The Contractor will include the provisions of Paragraphs (a) through (g) of this Section in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any construction contract, subcontract, or purchase order as the City or the Department of Housing and Urban Development may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the City or the Department of Housing and Urban Development, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

(11) The proper officers of the City are hereby authorized, empowered and directed to cause a properly certified copy of this Resolution to be recorded among the land records in the office of the Register of Deeds of Mecklenburg County, and to furnish the Department of Housing and Urban Development with appropriate notification of the adoption of this Resolution and the recording information.

(12) Delays Beyond Control of Parties. For the purposes of the Resolution, neither the City nor any successor shall be considered in breach of or in default under its obligations with respect to the preparation of the Property for redevelopment, or the beginning and completion of construction of the Improvements, or progress in respect thereto, in the event of enforced delay in the performance of such obligations due to unforeseeable causes beyond its control and without its fault or negligence, including, but not restricted to, acts of God, acts of the public enemy, acts of the Government, acts of the other party, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, or delays of subcontractors due to such causes; it being the purpose and intent of this provision that, in the event of the occurrence of any such enforced delay, the time or times for performance of the obligations of the City with respect to construction of the Improvements, as the case may be, shall be extended for the period of the enforced delay.

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of May, 1975, the reference having been made in Minute Book 61, and recorded in full in Resolutions Book 10, beginning on Page 457.

-9-

Ruth Armstrong, City Clerk

May 12, 1975

Resolutions Book 10 - Page 466

A RESOLUTION TO RESCIND AUTHORIZATION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST PROPERTY BELONGING TO CHARLES M. CARROLL AND WIFE, PAULA Y. CARROLL; LLOYD F. BAUCOM, TRUSTEE; FIRST AMERICAN NATIONAL BANK; AND THIRD NATIONAL BANK IN NASHVILLE, FOR THE ANNEXATION AREA I (4) SANITARY SEWER TRUNK AND COLLECTOR MAINS PROJECT.

WHEREAS, on February 3, 1975, the City Council of the City of Charlotte did authorize the institution of condemnation proceedings for the acquisition of property belonging to Charles M. Carroll and wife, Paula Y. Carroll; Lloyd F. Baucom, Trustee; First American National Bank; and Third National Bank of Nashville, for the Annexation Area I (4) Sanitary Sewer Trunk and Collector Mains Project; and

WHEREAS, since this action had been taken, the Utility Department has proposed an alternate routing of this project, and therefore the necessity of traversing this parcel has been deleted from the project, making it no longer necessary to institute condemnation proceedings against these owners.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that authorization previously granted to institute condemnation proceedings against the parties named above, is hereby rescinded.

Approved as to form:

Henry W. Underhill Jr.  
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 12th day of May, 1975, and the reference having been made in Minute Book 61, page \_\_\_\_\_, and recorded in full in Resolutions Book 10, page 466.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of May, 1975.

Ruth Armstrong  
Ruth Armstrong, City Clerk

May 12, 1975  
Resolutions Book 10 - Page 467

A RESOLUTION TO RESCIND AUTHORIZATION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST PROPERTY BELONGING TO ELAM R. WOLFE AND WIFE, MILLICENT L. WOLFE, FOR THE ANNEXATION AREA I (4) SANITARY SEWER ADDITIONS PROJECT.

WHEREAS, on February 10, 1975, the City Council of the City of Charlotte did authorize the institution of condemnation proceedings for the acquisition of property belonging to Elam R. Wolfe and wife, Millicent L. Wolfe, for the Annexation Area I (4) Sanitary Sewer Additions Project; and

WHEREAS, since this action had been taken, the Utility Department has proposed an alternate routing of this project, and therefore the necessity of traversing this parcel has been deleted from the project, making it no longer necessary to institute condemnation proceedings against these owners.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that authorization previously granted to institute condemnation proceedings against the parties named above, is hereby rescinded.

Approved as to form:

Henry W. Underhill Jr.  
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 12th day of May, 1975, and the reference having been made in Minute Book 61, page \_\_\_\_\_, and recorded in full in Resolutions Book 10, page 467.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of May, 1975.

Ruth Armstrong  
Ruth Armstrong, City Clerk

May 12, 1975

Resolutions Book 10 - Page 468

A RESOLUTION TO RESCIND AUTHORIZATION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST PROPERTY BELONGING TO RANDOLPH MEDICAL PARK, A LIMITED PARTNERSHIP; JOHN R. INGLE, TRUSTEE; COZART-COGDELL DEVELOPERS, INC.; N. B. BONEY, JR., TRUSTEE; NEW YORK LIFE INSURANCE COMPANY; ARCHIE T. WALKER, TRUSTEE; AND WACHOVIA REALTY INVESTMENT, FOR A SANITARY SEWER TO SERVE BILLINGSLY ROAD.

WHEREAS, on March 10, 1975, the City Council of the City of Charlotte did authorize the institution of condemnation proceedings for the acquisition of property belonging to Randolph Medical Park, a Limited Partnership; John R. Ingle, Trustee; Cozart-Cogdell Developers, Inc.; N. B. Boney, Jr., Trustee; New York Life Insurance Company; Archie T. Walker, Trustee; and Wachovia Realty Investment, for a sanitary sewer to serve Billingsly Road; and

WHEREAS, since this action had been taken, the Utility Department has proposed an alternate routing of this project, and therefore the necessity of traversing this parcel has been deleted from the project, making it no longer necessary to institute condemnation proceedings against these owners.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that authorization previously granted to institute condemnation proceedings against the parties named above, is hereby rescinded.

Approved as to form:

Henry W. Chubbie, Jr.  
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 12th day of May, 1975, and the reference having been made in Minute Book 61, page \_\_\_\_\_, and recorded in full in Resolutions Book 10, page 468.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of May, 1975.

Ruth Armstrong  
Ruth Armstrong, City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO HARRY E. BUSH, JR., A ONE-HALF UNDIVIDED INTEREST AND FIRST UNION NATIONAL BANK OF NORTH CAROLINA, TRUSTEE FOR ROBERT PERRY BUSH UNDER THE TERMS OF THE LAST WILL AND TESTAMENT OF HARRY E. BUSH, SR., DECEASED, A ONE-HALF UNDIVIDED INTEREST, LOCATED OFF PARK ROAD AT TYVOLA ROAD IN THE CITY OF CHARLOTTE FOR THE TYVOLA ROAD RELOCATION PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Harry E. Bush, Jr., a one-half undivided interest and First Union National Bank of North Carolina, Trustee for Robert Perry Bush under the terms of the Last Will and Testament of Harry E. Bush, Sr., deceased, a one-half undivided interest, located off Park Road at Tyvola Road in the City of Charlotte, for right of way purposes and a temporary construction easement in connection with the Tyvola Road Relocation 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, Chapter 713 of the 1965 Session Laws of North Carolina, being the Charter of the City of Charlotte, as amended, and the authority granted in Chapter 160A-241 of the General Statutes of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of Harry E. Bush, Jr., a one-half undivided interest and First Union National Bank of North Carolina, Trustee for Robert Perry Bush under the terms of the Last Will and Testament of Harry E. Bush, Sr., deceased, a one-half undivided interest, located off Park Road at Tyvola Road in the City of Charlotte, under the procedures set forth in Article 9, Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that \$68,800.00, 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:

W. B. Watts  
Deputy 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 12th day of May, 1975, and the reference having been made in Minute Book 61, page \_\_\_\_\_, and recorded in full in Resolutions Book 10, page 469.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of May, 1975.

Ruth Armstrong  
Ruth Armstrong, City Clerk

May 12, 1975

Resolutions Book 10 - Page 470

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO HARRY E. BUSH, JR., A ONE-HALF UNDIVIDED INTEREST AND FIRST UNION NATIONAL BANK OF NORTH CAROLINA, TRUSTEE FOR ROBERT PERRY BUSH UNDER THE TERMS OF THE LAST WILL AND TESTAMENT OF HARRY E. BUSH, SR., DECEASED, A ONE-HALF UNDIVIDED INTEREST, LOCATED ON PARK ROAD AT TYVOLA ROAD IN THE CITY OF CHARLOTTE FOR THE TYVOLA ROAD RELOCATION PROJECT.

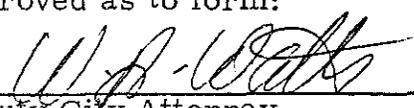
WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Harry E. Bush, Jr., a one-half undivided interest and First Union National Bank of North Carolina, Trustee for Robert Perry Bush under the terms of the Last Will and Testament of Harry E. Bush, Sr., deceased, a one-half undivided interest, located on Park Road at Tyvola Road in the City of Charlotte, for right of way purposes and a temporary construction easement in connection with the Tyvola Road Relocation 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, Chapter 713 of the 1965 Session Laws of North Carolina, being the Charter of the City of Charlotte, as amended, and the authority granted in Chapter 160A-241 of the General Statutes of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of Harry E. Bush, Jr., a one-half undivided interest and First Union National Bank of North Carolina, Trustee for Robert Perry Bush under the terms of the Last Will and Testament of Harry E. Bush, Sr., deceased, a one-half undivided interest, located on Park Road at Tyvola Road in the City of Charlotte, under the procedures set forth in Article 9, Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that \$850.00, 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.

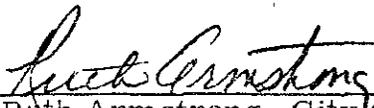
Approved as to form:

  
Deputy 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 12th day of May, 1975, and the reference having been made in Minute Book 61, page \_\_\_\_\_, and recorded in full in Resolutions Book 10, page 470.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of May, 1975.

  
Ruth Armstrong, City Clerk

May 12, 1975

Resolutions Book 10 - Page 471

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO HARRY E. BUSH, JR., A ONE-HALF UNDIVIDED INTEREST AND FIRST UNION NATIONAL BANK OF NORTH CAROLINA, TRUSTEE FOR ROBERT PERRY BUSH UNDER THE TERMS OF THE LAST WILL AND TESTAMENT OF HARRY E. BUSH, SR., DECEASED, A ONE-HALF UNDIVIDED INTEREST, LOCATED ON PARK ROAD AT TYVOLA ROAD IN THE CITY OF CHARLOTTE FOR THE TYVOLA ROAD RELOCATION PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Harry E. Bush, Jr., a one-half undivided interest and First Union National Bank of North Carolina, Trustee for Robert Perry Bush under the terms of the Last Will and Testament of Harry E. Bush, Sr., deceased, a one-half undivided interest, located on Park Road at Tyvola Road in the City of Charlotte, for right of way purposes and a temporary construction easement in connection with the Tyvola Road Relocation 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, Chapter 713 of the 1965 Session Laws of North Carolina, being the Charter of the City of Charlotte, as amended, and the authority granted in Chapter 160A-241 of the General Statutes of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of Harry E. Bush, Jr., a one-half undivided interest and First Union National Bank of North Carolina, Trustee for Robert Perry Bush under the terms of the Last Will and Testament of Harry E. Bush, Sr., deceased, a one-half undivided interest, located on Park Road at Tyvola Road in the City of Charlotte, under the procedures set forth in Article 9, Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that \$755.00, 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.

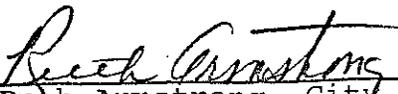
Approved as to form:

  
 Deputy 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 12th day of May, 1975, and the reference having been made in Minute Book 61, page         , and recorded in full in Resolutions Book 10, page 471.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of May, 1975.

  
 Ruth Armstrong, City Clerk

May 12, 1975  
Resolutions Book 10 - Page 472

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO DONALD G. SYMON AND WIFE, IF ANY, LOCATED ON CHOYCE AVENUE (OFF NATIONS FORD ROAD) IN THE CITY OF CHARLOTTE FOR THE ANNEXATION AREA I (11) SANITARY SEWER ADDITIONS PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Donald G. Symon and wife, if any, located on Choyce Avenue (off Nations Ford Road) in the City of Charlotte for a perpetual easement for a sanitary sewer in connection with the Annexation Area I (11) Sanitary Sewer Additions 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 owner for the purchase price.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that pursuant to Section 7.81, Chapter 713 of the 1965 Session Laws of North Carolina, being the Charter of the City of Charlotte, as amended, and the authority granted in Chapter 160A-241 of the General Statutes of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of Donald G. Symon and wife, if any, located on Choyce Avenue (off Nations Ford Road) in the City of Charlotte, under the procedures set forth in Article 9, Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that \$7,750.00, 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 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 12th day of May, 1975, and the reference having been made in Minute Book 61, page \_\_\_\_\_, and recorded in full in Resolutions Book 10, page 472.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of May, 1975.

Ruth Armstrong  
Ruth Armstrong, City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO ROBINSON ELECTRIC COMPANY, INC., LOCATED AT 316 SOUTH POPLAR STREET IN THE CITY OF CHARLOTTE FOR THE POPLAR-MINT CONNECTOR PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Robinson Electric Company, Inc., located at 316 South Poplar Street in the City of Charlotte, Mecklenburg County, for right of way purposes and a temporary construction easement in connection with the Poplar-Mint Connector 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 owner for the purchase price.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that pursuant to Section 7.81, Chapter 713 of the 1965 Session Laws of North Carolina, being the Charter of the City of Charlotte, as amended, and the authority granted by N.C.G.S. 160A-241, condemnation proceedings are hereby authorized to be instituted against the property of Robinson Electric Company, Inc., located at 316 South Poplar Street in the City of Charlotte, Mecklenburg County. It has been determined by the City Council that it is not feasible to cut off a portion of the structure on this property without destroying the whole; therefore, this acquisition shall include all right, title and interest in the entire structure on the property affected together with the right to enter upon the surrounding land for the purpose of removing said structure pursuant to the authority vested in the plaintiff under the provisions of N.C.G.S. 160A-242, and under the procedures set forth in Article 9, Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that \$57,600.00, 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 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 12th day of May, 1975, the reference having been made in Minute Book 61, page \_\_\_\_\_, and recorded in full in Resolutions Book 10, page 473.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of May, 1975.

Ruth Armstrong  
Ruth Armstrong, City Clerk

May 12, 1975  
Resolutions Book 10 - Page 474

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO MARGARET G. PARKER; RAY W. BRADLEY, ET AL., TRUSTEES; HOME FEDERAL SAVINGS & LOAN ASSOCIATION; S. DEAN HAMRICK, TRUSTEE; AND SOUTHERN NATIONAL BANK OF NORTH CAROLINA, LOCATED AT 4100 NORTH SHARON AMITY ROAD IN THE CITY OF CHARLOTTE FOR THE SHARON AMITY ROAD WIDENING PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Margaret C. Parker; Ray W. Bradley, et al., Trustees; Home Federal Savings & Loan Association; S. Dean Hamrick, Trustee; and Southern National Bank of North Carolina, located at 4100 North Sharon Amity Road in the City of Charlotte for right of way purposes and a temporary construction easement in connection with the Sharon Amity Road 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, Chapter 713 of the 1965 Session Laws of North Carolina, being the Charter of the City of Charlotte, as amended, and the authority granted in Chapter 160A-241 of the General Statutes of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of Margaret G. Parker; Ray W. Bradley, et al., Trustees; Home Federal Savings & Loan Association; S. Dean Hamrick, Trustee; and Southern National Bank of North Carolina, located at 4100 North Sharon Amity Road in the City of Charlotte, under the procedures set forth in Article 9, Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that \$370.00, 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 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 12th of May, 1975, and the reference having been made in Minute Book 61, page \_\_\_\_\_, and recorded in full in Resolutions Book 10, page 474.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of May, 1975.

Ruth Armstrong  
Ruth Armstrong, City Clerk

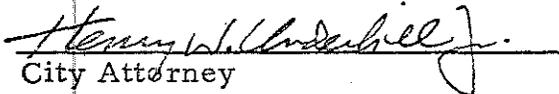
May 12, 1975  
Resolutions Book 10 - Page 475

A RESOLUTION ACCEPTING THE GRANT OF TWO SANITARY SEWER EASEMENTS AND A WATER LINE EASEMENT FROM THE ARROWOOD SOUTHERN COMPANY PER OUR PROJECTS, SANITARY SEWER AND WATER LINE TO SERVE ARROWOOD SOUTHERN EXECUTIVE PARK, INC. SANITARY SEWER 602-551 516-74-209 WATER LINE RIGHT OF WAY 06079 516-74-235

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BE IT RESOLVED by the City Council of the City of Charlotte, that the City Council does hereby accept the grant of the Arrowood Southern Company for two sanitary sewer easements and a water line easement per maps prepared for Charlotte Mecklenburg Utility Department.

Approved as to form:

  
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 12th day of May 1975, and recorded in full in Resolutions Book 10, Page 475.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of May, 1975.

  
City Clerk