

A RESOLUTION PROVIDING FOR PUBLIC  
HEARINGS ON PETITIONS FOR ZONING CHANGES

WHEREAS, the City Council has received petitions for zoning changes, which petitions, numbered 75-13 through 75-18 are on record in the Office of the City Clerk, and

WHEREAS, the City Council deems it in the public interest that hearings be held on said petitions,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that public hearings will be held in the Board Meeting Room on the Fourth Floor of the Education Center at 701 East Second Street beginning at 8:00 P. M. on Monday, the 16th day of June, 1975 on petitions for zoning changes numbered 75-13 through 75-18.

BE IT FURTHER RESOLVED that notice of said hearings be published as required by law.

APPROVED AS TO FORM:

Henry W. Underhill, Jr.  
Henry Underhill, City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of May, 1975, the reference having been made in Minute Book 62, and recorded in full in Resolutions Book 10, at Page 492.

Ruth Armstrong  
City Clerk

May 26, 1975  
Resolutions Book 10 - Page 493

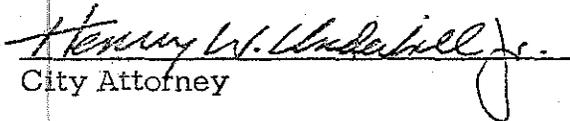
A RESOLUTION AUTHORIZING THE CITY OF CHARLOTTE TO ACCEPT FOR MAINTENANCE THAT PORTION OF BARRINGER DRIVE FROM CLANTON ROAD WESTERLY 0.30 MILES.

WHEREAS, that portion of Barringer Drive shown on the attached map in yellow was constructed by the North Carolina Department of Transportation during the construction of I-77 and is currently being maintained by the State; and

WHEREAS, that portion of Barringer Drive from Clanton Road westerly 0.30 miles (S. R. 1426) does not carry a numbered route, provides local access only, qualifies for maintenance under the City's street maintenance policy, and therefore should be maintained by the City.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlotte, at its regularly scheduled meeting on the \_\_\_\_\_ day of May, 1975, upon the approval of the City's Petition for Abandonment of that portion of Barringer Drive from Clanton Road westerly 0.30 miles, as shown in yellow on the map attached hereto and incorporated herein, the City of Charlotte will assume all future maintenance responsibilities on Barringer Drive.

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 26th day of May, 1975, the reference having been made in Minute Book 62, and recorded in full in Resolutions Book 10, at Page 493.

Ruth Armstrong  
City Clerk

May 26, 1975

Resolutions Book 10 - Page 494

A RESOLUTION AUTHORIZING MR. DAVID A. BURKHALTER, CITY MANAGER, TO FILE APPLICATION REQUESTING STATE GRANT ASSISTANCE FOR WATER WORKS IMPROVEMENTS.

---

WHEREAS, The North Carolina Clean Water Bond Act of 1971 has authorized the making of grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, and

WHEREAS, The City of Charlotte has need for and intends to construct a water supply distribution system project, and

WHEREAS, The City of Charlotte intends to request State grant assistance for the project,

#### Arrowood Road 24" Water Main

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

That the City of Charlotte will arrange financing for all remaining costs of the project, if approved for a State grant award.

That the City of Charlotte will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Mr. David A. Burkhalter is hereby authorized to execute and file an application on behalf of City of Charlotte with the State of North Carolina for a grant to aid in the construction of the project described above.

That Mr. David A. Burkhalter is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application, grant offer, or grant award.

That the City of Charlotte has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto; and hereby authorizes the above designated representative to execute an affidavit so stating.

That the City of Charlotte agrees to adopt and place into effect on or before completion of the project a schedule of fees and charges which will provide adequate funds for proper operation, maintenance, and administration of the project.

- CONTINUED -

May 26, 1975  
Resolutions Book 10 - Page 495

APPROVED AS TO FORM:

Henry W. Clendinning 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 26th day of May, 1975, the reference having been made in Minute Book 62, Page         , and recorded in full in Resolutions Book 10, Page 494.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of May, 1975.

Ruth Armstrong  
Ruth Armstrong  
City Clerk

May 26, 1975  
Resolutions Book 10 - Page 496

RESOLUTION AUTHORIZING REFUND OF AD VALOREM TAXES  
TO THE PROCTER & GAMBLE DISTRIBUTING COMPANY  
FOR THE YEARS 1972 AND 1973;  
AND AUTHORIZING A REBATE OF TAXES FOR 1974

WHEREAS, The Procter & Gamble Distributing Company is a taxpayer in the City of Charlotte and listed certain property for taxes for the years 1971, 1972, 1973 and 1974, and for all of those years contended that certain portions of the inventory were exempt from ad valorem taxation under the provisions of North Carolina General Statutes Chapter 105, Section 381; and the tax assessor for Mecklenburg County assessed the property for taxes as if it were not exempt; and

WHEREAS, the North Carolina Supreme Court has rendered a decision in a related factual case which would exempt the property in question from taxation; and The Procter & Gamble Distributing Company filed suit on October 10, 1974, against the City of Charlotte requesting a refund of the sum of \$13,571.14, plus interest, for the tax years 1971, 1972 and 1973, and has requested a rebate for the tax year 1974; and

WHEREAS, the City Council has been advised by counsel that a compromise of the litigation is advisable on the basis of refunding taxes for 1972 and 1973, and rebating the taxes for 1974.

NOW, THEREFORE, BE IT RESOLVED that the pending litigation is authorized to be compromised by the refund of 1972 taxes in the amount of \$4,272.00, and 1973 taxes in the amount of \$4,866.93, and that the Tax Supervisor is authorized to rebate the 1974 taxes which have not been paid by The Procter & Gamble Distributing Company; and the Treasurer is directed to issue the refund drafts for delivery to The Procter & Gamble Distributing Company upon receipt of a notice of dismissal in the pending litigation.

Motion made by Councilman: Withrow - Seconded by Councilman Short

Ayes: 7

Nays: 0

Passed by the May 26th, 1975, Term of City Council.

*Louise H. Campbell*  
Deputy City Clerk

Approved as to form:

*Henry W. Chubb*  
City Attorney

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO ALVINE E. LEVINE AND WIFE, MAXINE K. LEVINE; ALBERT G. SEGAL AND WIFE, DOROTHY L. SEGAL; NICK J. MILLER, TRUSTEE; AND WYATT P. HARGETT AND WIFE, DONAVE A. HARGETT, LOCATED AT 9045 MONROE ROAD IN THE CITY OF CHARLOTTE FOR FUTURE SATELLITE FACILITY IN CONNECTION WITH MOTOR TRANSPORT.

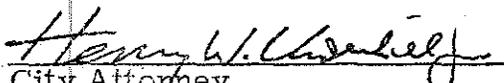
WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Alvine E. Levine and wife, Maxine K. Levine; Albert G. Segal and wife, Dorothy L. Segal; Nick J. Miller, Trustee; and Wyatt P. Hargett and wife, Donave A. Hargett, located at 9045 Monroe Road in the City of Charlotte for future satellite facility in connection with Motor Transport; 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 Alvine E. Levine and wife, Maxine K. Levine; Albert G. Segal and wife, Dorothy L. Segal; Nick J. Miller, Trustee; and Wyatt P. Hargett and wife, Donave A. Hargett, located at 9045 Monroe 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 \$96,700.00, the amount of the appraised value of said property, is hereby authorized to be deposited in the office of the Clerk of Superior Court of Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

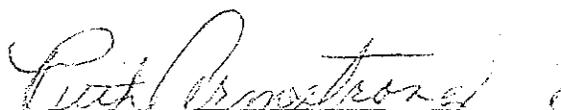
Approved as to form:

  
City Attorney

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 26th day of May, 1975, and the reference having been made in Minute Book 62, page \_\_\_\_\_, and recorded in full in Resolutions Book 10, page 497.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of May, 1975.

  
Ruth Armstrong, City Clerk

May 26, 1975  
Resolutions Book 10 - Page 498

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO CONSTANTINE FRANK NIXON AND WIFE, KATINA C. NIXON; H. C. DOCKERY, ET AL., TRUSTEES; AND HOME FEDERAL SAVINGS AND LOAN ASSOCIATION, LOCATED AT 3949 RANDOLPH ROAD IN THE CITY OF CHARLOTTE FOR THE RANDOLPH ROAD WIDENING PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Constantine Frank Nixon and wife, Katina C. Nixon; H. C. Dockery, et al., Trustees; and Home Federal Savings and Loan Association, located at 3949 Randolph Road in the City of Charlotte, for right of way purposes and a temporary construction easement in connection with the Randolph 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 Constantine Frank Nixon and wife, Katina C. Nixon; H. C. Dockery, et al., Trustees; and Home Federal Savings and Loan Association, located at 3949 Randolph 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:

*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 26th day of May, 1975, and the reference having been made in Minute Book 62, page \_\_\_\_\_, and recorded in full in Resolutions Book 10, page 498.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of May, 1975.

*Ruth Armstrong*  
Ruth Armstrong, City Clerk

May 26, 1975  
Resolutions Book 10 - Page 499

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO CBS REALTY, INC., A NORTH CAROLINA CORPORATION; LEWIS H. PARHAM, JR., TRUSTEE; AND C. E. HARDING AND WIFE, GEORGIA M. HARDING, LOCATED AT 1419 REMOUNT ROAD IN THE CITY OF CHARLOTTE FOR THE REMOUNT ROAD WIDENING PROJECT.

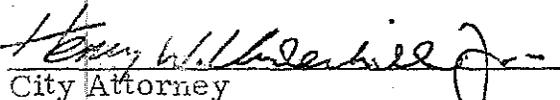
WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to CBS Realty, Inc., a North Carolina Corporation; Lewis H. Parham, Jr., Trustee; and C. E. Harding and wife, Georgia M. Harding; located at 1419 Remount Road in the City of Charlotte, for right of way purposes and a temporary construction easement in connection with the Remount 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 CBS Realty, Inc., a North Carolina Corporation; Lewis H. Parham, Jr., Trustee; and C. E. Harding and wife, Georgia M. Harding, located at 1419 Remount 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 \$1,030.00, the amount of the appraised value of said property, is hereby authorized to be deposited in the office of the Clerk of Superior Court of Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

Approved as to form:

  
City Attorney

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 26th day of May, 1975, and the reference having been made in Minute Book 62, page         , and recorded in Full in Resolutions Book 10, page 499.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of May, 1975.

  
Ruth Armstrong, City Clerk

May 26, 1975  
Resolutions Book 10 - Page 500

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO ROBERT N. SPURRIER AND WIFE, BLANDINE W. SPURRIER, LOCATED AT 4116, 4124 and 4132 RANDOLPH ROAD IN THE CITY OF CHARLOTTE FOR THE RANDOLPH ROAD WIDENING PROJECT.

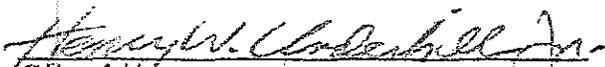
WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Robert N. Spurrier and wife, Blandine W. Spurrier, located at 4116, 4124 and 4132 Randolph Road in the City of Charlotte, for right of way purposes and a temporary construction easement in connection with the Randolph 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 Robert N. Spurrier and wife, Blandine W. Spurrier, located at 4116, 4124 and 4132 Randolph 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 \$1,300.00, the amount of the appraised value of said property, is hereby authorized to be deposited in the office of the Clerk of Superior Court of Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

Approved as to form:

  
City Attorney

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 26th day of May, 1975, and the reference having been made in Minute Book 62, page \_\_\_\_\_, and recorded in full in Resolutions Book 10, page 500.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of May, 1975.

  
Ruth Armstrong, City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO ROBERT K. SMITH AND WIFE, SARA ANN SMITH; ARCHIE C. WALKER, TRUSTEE; AND WACHOVIA MORTGAGE COMPANY, LOCATED AT 100 CANTERBURY ROAD (CORNER OF RANDOLPH ROAD AND N. CANTERBURY ROAD) IN THE CITY OF CHARLOTTE FOR THE RANDOLPH ROAD WIDENING PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Robert K. Smith and wife, Sara Ann Smith; Archie C. Walker, Trustee; and Wachovia Mortgage Company, located at 100 Canterbury Road (corner of Randolph Road and N. Canterbury Road) in the City of Charlotte, for right of way purposes and a temporary construction easement in connection with the Randolph 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 Robert K. Smith and wife, Sara Ann Smith; Archie C. Walker, Trustee; and Wachovia Mortgage Company, located at 100 Canterbury Road (corner of Randolph Road and N. Canterbury 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 \$1,600.00, 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 26th day of May, 1975, and the reference having been made in Minute Book 62, page \_\_\_\_\_, and recorded in full in Resolutions Book 11, page 1.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of May, 1975.

*Ruth Armstrong*  
Ruth Armstrong, City Clerk

May 26, 1975  
Resolutions Book 11 - Page 2

"RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF CHARLOTTE FOR CONDEMNATION ACTION IN THE  
FIRST WARD URBAN RENEWAL PROJECT NO. N. C. R-79"

WHEREAS the City of Charlotte has undertaken the execution of Project No. N. C. R-79, the same being an Urban Redevelopment Project, to be executed in accordance with the provisions of Article 37 of Chapter 160 of the General Statutes of North Carolina; and

WHEREAS the Urban Renewal Law as set out in said Article and Chapter provides for the acquisition, preparation, sale, sound replanning, and redevelopment of property within a redevelopment area, as defined by said law; and

WHEREAS such area has been established in accordance with the requirements of such law and the said Project No. N. C. R-79 approved by the Governing Body of the City of Charlotte; and

WHEREAS such law specifically provides for the exercise of power of Eminent Domain in order that the purposes of the law as set out in said Article 37 of Chapter 160 to be achieved and accomplished, such purposes being in the public interest and designed to promote the health, safety and welfare of the inhabitants of this community and locality; and

WHEREAS the City of Charlotte has, under the applicable laws and regulations relating to such procedure, endeavored to establish a fair market value on properties within the area, and has in good faith through its proper agents endeavored to negotiate for the acquisition of properties within the fair market value thereof, the City of Charlotte recognizing in such negotiations that it needed to acquire said property in accordance with the said redevelopment plan previously approved; and

WHEREAS the City of Charlotte, after such fair negotiations, has of this date been unable to acquire such properties as hereinafter set out and this acquisition of such properties being essential to the achievement of the plans and accomplishment of the purpose of the redevelopment law as the same relates thereto; and

WHEREAS it therefore appears that it will be necessary for the City of Charlotte to institute condemnation proceedings under the provisions of the North Carolina Law of Eminent Domain and the exercise of powers thereunder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that the Council approves and hereby orders the institution of condemnation proceedings in its proper corporate name with respect to the following properties:

<u>Block No.</u>	<u>Parcel No.</u>	<u>Owner</u>	<u>Fair Market Value</u>
17	10	*Odell C. Wallace	\$26,500
17	20	Ethel P. Clarkson	5,500
38	1	Anne L. Lutz, Jessie M. Birtha & Beatrice A. Moore	14,600
38	21	Belle Cathey Heirs	14,500

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of May, 1975, the reference having been made in Minute Book 62, and recorded in full in Resolutions Book 11, at Page 2.

Ruth Armstrong  
City Clerk