

**A RESOLUTION AUTHORIZING THE REFUND OF PROPERTY 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 has collected property taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time limits.
3. The amounts listed on the schedule were collected through either a clerical or assessor error.

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 22nd day of November, 2004 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, page(s) 324-325.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2004.

  
Brenda R. Freeze, CMC, City Clerk

**TAXPAYERS AND REFUNDS REQUESTED  
MORE THAN \$100  
(Clerical Error)**

<u>Name</u>	<u>Refund Amount</u>
KIDDE FIRE FIGHTING	\$ 4,892.16
PHILLIPS ANIS V	181.02
COREY CATHERINE M	42.00
MILANO EDWARD G JR	138.60
MICHELIN AIRCRAFT TIRES CORP	7,011.90
WOOD MARY BETH	177.24
BAYNES JOHN	389.40
	<hr/>
Total	\$ 12,832.32

**A RESOLUTION AUTHORIZING THE REFUND OF  
CERTAIN BUSINESS PRIVILEGE LICENSES**

Reference is made to the schedule of "Business Privilege License 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 has collected certain taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time limits.
3. The amounts listed on the schedule were collected through either a clerical or assessor error.

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 22nd day of November, 2004 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 326-327.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2004.



Brenda R. Freeze, CMC, City Clerk

**BUSINESS PRIVILEGE LICENSE  
REFUNDS REQUESTED**

<u>Name</u>	<u>Refund Amount</u>
Belk Inc	\$ 817.51
Bonterra Dining	902.71
Bright Horizons	95.04
Charlotte Machine Company	44.89
Continental Courier System Inc	57.73
Intown Suites	1,611.84
Jersey Mikes Subs #3073	643.83
Lebos Inc.	34.13
Paradigm Communications Group	132.20
ProStaff	530.19
Robinson Executive Travel	253.06
Sonoma Bistro	516.52
Total	<u>\$ 5,639.65</u>

Extract of Minutes of a regular meeting of the City Council of the City of Charlotte, North Carolina held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on November 22, 2004.

\* \* \*

A regular meeting of the City Council of the City of Charlotte, North Carolina (the "City Council") was held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on November 22, 2004 (the "Meeting"), after proper notice, and was called to order by the Mayor, and upon the roll being called, the following members of the City Council answered present: Mayor McCrory, Councilmembers Burgess, Cannon, Carter, Kinsey, Lassiter, Mitchell, Mumford, Tabor and Turner.

The following members of the City Council were absent: Councilmembers Graham and Lochman

Also present: City Manager Syfert, City Attorney McCarley and City Clerk Freeze

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, MAKING CERTAIN FINDINGS AND REQUESTING THE LOCAL GOVERNMENT COMMISSION SELL GENERAL OBLIGATION COMMERCIAL PAPER BOND ANTICIPATION NOTES, SERIES 2004 OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AT PRIVATE SALE.**

*WHEREAS*, the City Council (the "City Council") of the City of Charlotte, North Carolina (the "City") has previously adopted (1) a Bond Order authorizing the City to issue general obligation bonds to finance certain street improvement and a Bond Order authorizing the City to issue general obligation bonds to finance certain neighborhood improvements, each adopted on August 28, 2000 and approved by a majority of voters at a referendum held on November 7, 2000 (the "2000 Bond Orders"), (2) a Bond Order authorizing the City to issue general obligation bonds to finance certain public improvements and a Bond Order authorizing the City to issue general obligation bonds to finance certain housing projects, each adopted on September 9, 2002 and approved by a majority of voters at a referendum held on November 5, 2002 (the "2002 Bond Orders") and (3) a Bond Order adopted on August 23, 2004 authorizing the City to issue general obligation bonds to finance certain neighborhood improvements (the "2004 Bond Order" and collectively with the 2000 Bond Orders and the 2002 Bond Orders, the "Bond Orders"), which was approved by a majority of voters at referendum held on November 2, 2004;

*WHEREAS*, the City Council hereby determines that it is necessary to proceed with financing the projects authorized under the Bond Orders (the "Project") at an estimated cost not to exceed \$150,000,000;

*WHEREAS*, the City Council is considering the issuance of not to exceed \$150,000,000 aggregate principal amount of General Obligation Commercial Paper Bond Anticipation Notes, Series 2004 (the "Notes") to finance the Project;

*WHEREAS*, the City Council wants to (A) retain Parker Poe Adams & Bernstein L.L.P. of Charlotte, North Carolina, as bond counsel; (B) retain Banc of America Securities LLC of Charlotte, North Carolina, to serve as the dealer for the Notes (the "Dealer"); (C) approve the selection by the Dealer of Helms Mulliss & Wicker, PLLC of Charlotte, North Carolina, as Dealer's counsel; (D) retain Sterne, Agee & Leach, Inc. of Charlotte, North Carolina, as financial advisors; (E) retain Wachovia Bank, National Association of Charlotte, North Carolina, as issuing and paying agent for the Notes; and (F) retain SunTrust Bank, N.A. of Atlanta, Georgia, North Carolina, as the initial liquidity provider for the Notes;

*WHEREAS*, the City Council has considered and recognizes that variable interest rate debt instruments may subject the City to the risk of higher interest rates in the future and that in addition to the variable interest cost, the City must pay the fees of the provider of a liquidity facility and the Dealer for the Notes, which fees will increase the variable interest cost to the City;

*WHEREAS*, the City Council believes that a commercial paper financing in anticipation of a future permanent financing for the Projects is superior to a fixed rate financing at this time because it will lower the City's overall cost of capital;

*WHEREAS*, a copy of the form of the Offering Memorandum to be dated on or about December 8, 2004 (the "Offering Memorandum") with respect to the Notes has been filed with the City and has been made available to the City Council;

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

*Section 1.* That the Director of Finance of the City with advice from the City Manager and bond counsel, is hereby authorized, directed and designated to file an application with the North Carolina Local Government Commission (the "LGC") for its approval of the issuance of the Notes.

*Section 2.* That the LGC is hereby requested to sell the Notes through a negotiated sale to the Dealer pursuant to the terms of the Commercial Paper Dealer Agreement dated as of December 1, 2004 among the City, the LGC and the Dealer.

*Section 3.* That (1) Parker Poe Adams & Bernstein L.L.P. shall hereby be retained to serve as bond counsel, (2) Banc of America Securities LLC, shall hereby be retained to serve as Dealer, (3) the Dealer's use of Helms Mulliss & Wicker, PLLC as Dealer's counsel shall hereby be approved, (4) Wachovia Bank, National Association shall hereby be approved as issuing and paying agent for the Notes, (5) Sterne, Agee & Leach, Inc. shall hereby be retained as financial advisor in connection with the issuance by the City of the Notes and (6) SunTrust Bank, N.A. shall hereby be retained to serve as the initial liquidity provider for the Notes.

*Section 4.* That the City Council has made the following factual findings in regard to the Notes:

- (a) The proposed Notes are necessary and expedient to pay the costs of the Projects;
- (b) The sums estimated for these Notes are adequate and not excessive for the proposed purposes. Estimates for the proposed construction and improvements have been carefully analyzed and determined by persons knowledgeable about the construction and improvements;
- (c) The City's debt management procedures and policies are excellent and have been carried out in compliance with law. The City employs a Director of Finance to oversee compliance with

applicable laws relating to debt management. The City Council requires annual audits of City finances. In connection with these audits, compliance with laws is reviewed. The City is not in default in any of its debt service obligations. The City Attorney reviews all debt-related documents for compliance with laws;

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

(e) The increase in taxes, if any, necessary to service the proposed debt will not be excessive.

*Section 5.* That the form, terms and content of the Offering Memorandum be and the same hereby are in all respects authorized, approved and confirmed, and the use of the Offering Memorandum in connection with the sale of the Notes is hereby in all respects authorized, approved, and confirmed. The Mayor, the City Manager and the Director of Finance of the City be and hereby is authorized, empowered and directed to execute and deliver the Offering Memorandum for and on behalf of the City in substantially the form and content of the Offering Memorandum presented to the City, but with such changes, modifications, additions or deletions therein as shall to him seem necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of the City's approval of any and all such changes, modifications, additions or deletions therein, and the use of the Offering Memorandum by the Dealer in connection with the sale of the Notes to investors is hereby authorized, approved and confirmed.

*Section 6.* That the Mayor, the City Manager and the Director of Finance are hereby authorized to do any and all other things necessary to complete the steps necessary for the issuance of the Notes.

*Section 7.* That this Resolution is effective on the date of its adoption.

Upon motion of Councilmember Carter, seconded by Councilmember Cannon, the foregoing order entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, MAKING CERTAIN FINDINGS AND REQUESTING THE LOCAL GOVERNMENT COMMISSION SELL GENERAL OBLIGATION COMMERCIAL PAPER BOND ANTICIPATION NOTES, SERIES 2004 OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AT PRIVATE SALE" was adopted by the following vote: Unanimous.

*PASSED, ADOPTED AND APPROVED* this 22nd day of November, 2004.

\* \* \* \*

I, *Brenda R. Freeze*, City Clerk of the City of Charlotte, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a Resolution entitled “**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, MAKING CERTAIN FINDINGS AND REQUESTING THE LOCAL GOVERNMENT COMMISSION SELL GENERAL OBLIGATION COMMERCIAL PAPER BOND ANTICIPATION NOTES, SERIES 2004 OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AT PRIVATE SALE**” adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 328-331.

***WITNESS*** my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23<sup>rd</sup> day of November, 2004.

  
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Brenda R. Freeze, CMC, City Clerk

**RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON November 22, 2004**

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

WHEREAS, the Municipality will receive funding for the Snow and Ice maintenance on select NCDOT streets and bridges inside Charlotte city limits; and,

WHEREAS, the Municipality proposes to enter into an Agreement with the North Carolina Department of Transportation for said brining, salting and plowing of NCDOT streets and bridges as described in said Agreement; and,

WHEREAS, under the proposed Agreement and subject to the Agreement provisions, the Department shall reimburse the Municipality for actual construction costs up to \$125,000; and,

NOW, THEREFORE, BE IT RESOLVED that the Municipal Agreement between the North Carolina Department of Transportation and the City of Charlotte Department of Transportation, is hereby formally approved by the City Council of the City of Charlotte and the Director of Transportation and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 332.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2004.

  
Brenda R. Freeze, CMC, City Clerk

**RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON NOVEMBER 22, 2004**

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

WHEREAS, the Municipality will receive funding for the construction of certain improvements at the intersection of Steele Creek Road and Westinghouse Boulevard, Mecklenburg County, North Carolina, to include two left turn lanes; and,

WHEREAS, the Municipality will receive funding for the construction of certain improvements along Sugar Creek Road from Merlane Drive to I-85 Service Road, Mecklenburg County, North Carolina, to include construction of a concrete median; and,

WHEREAS, the Municipality will receive funding for the construction of certain improvements at the intersection of Freedom Drive and Thrift Road, Mecklenburg County, North Carolina, to include realignment of Thrift Road with Freedom Drive; and,

WHEREAS, the Department of Transportation has programmed funding for said intersection improvements under Project WBS 37857, Project WBS 37601, and Project WBS 37611; and,

WHEREAS, the Municipality proposes to enter into an Agreement with the North Carolina Department of Transportation for said intersection improvements as described in said Agreement; and,

WHEREAS, under the proposed Agreement and subject to the Agreement provisions, the Department shall reimburse the Municipality for actual construction costs totaling up to \$1,610,000; and,

NOW, THEREFORE, BE IT RESOLVED that the Municipal Agreement between the North Carolina Department of Transportation and the City of Charlotte Department of Transportation, is hereby formally approved by the City Council of the City of Charlotte and the Director of Transportation and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 333.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2004.



Brenda R. Freeze, CMC, City Clerk

**RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON November 22, 2004**

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

WHEREAS, the City of Charlotte proposes to make certain street and highway improvements along the Light Rail Line under said project which runs parallel to South Boulevard from 7<sup>th</sup> Street to I-485; said improvements will be for the purpose of the Charlotte Area Transit System's "South Corridor Light Rail Project"; and,

WHEREAS, the North Carolina Department of Transportation is allowing work to be performed inside State right of way for the purpose of constructing this project; and,

WHEREAS, the City of Charlotte will be funding these constructions improvements within state-owned Right of Way for the purpose of the South Corridor Light Rail project; and,

WHEREAS, this agreement simplifies the construction permitting process, allowing the City (CATS) to proceed with construction as each phase of the project progresses.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Agreement between the North Carolina Department of Transportation and the City of Charlotte Department of Transportation, is hereby formally approved by the City Council of the City of Charlotte and the Director of Transportation and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 334.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2004.



Brenda R. Freeze, CMC, City Clerk

**RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON NOVEMBER 22, 2004**

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

WHEREAS, The City of Charlotte plans to design and install two fully actuated traffic signals on  
steel strain poles at I-77 Northbound Ramp and Harris Boulevard and I-77 Southbound Ramp and  
Harris Boulevard/Reames Road; and,

WHEREAS, The North Carolina Department of Transportation (NCDOT) will be reimbursing the City  
fifty percent of actual costs, up to \$450,000; and,

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

NOW, THEREFORE, BE IT RESOLVED that the Municipal Agreement between the North Carolina  
Department of Transportation and the City of Charlotte Department of Transportation, is hereby  
formally approved by the City Council of the City of Charlotte and the Director of Transportation and  
Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the  
Department of Transportation.

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that  
the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of  
Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the  
reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 335.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of  
November, 2004.



Brenda R. Freeze, CMC, City Clerk

RESOLUTION CLOSING A RESIDUAL PORTION OF BARCLAY DOWNS DRIVE IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

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WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close a residual portion of Barclay Downs Drive which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close a residual portion of Barclay Downs Drive to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

WHEREAS, the petitioner will provide an access easement to City of Charlotte, Charlotte-Mecklenburg Utilities, BellSouth Telecommunications, Inc., Duke Power Company, and all other owners of existing underground utilities and telecommunications to maintain their facilities as shown on the attached map marked Exhibit A.

WHEREAS, the public hearing was held on the 22<sup>nd</sup> day of November, 2004 and City Council determined that the closing of a residual portion of Barclay Downs Drive is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of November 22, 2004, that the Council hereby orders the closing of a residual portion of Barclay Downs Drive in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A", and is more particularly described by metes and bounds in document marked "Exhibit B", both of which are attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 336-338.

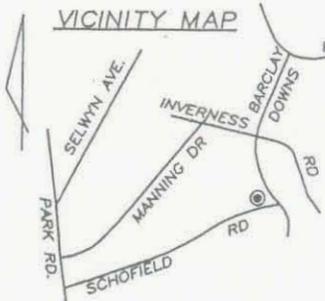
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2004.

  
Brenda R. Freeze, CMC, City Clerk

THIS IS TO CERTIFY THAT ON THE 18TH DAY OF JANUARY, 2002, I, SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE PROPERTY LINES, AND THE IMPROVEMENTS IF ANY ARE AS SHOWN HEREON.

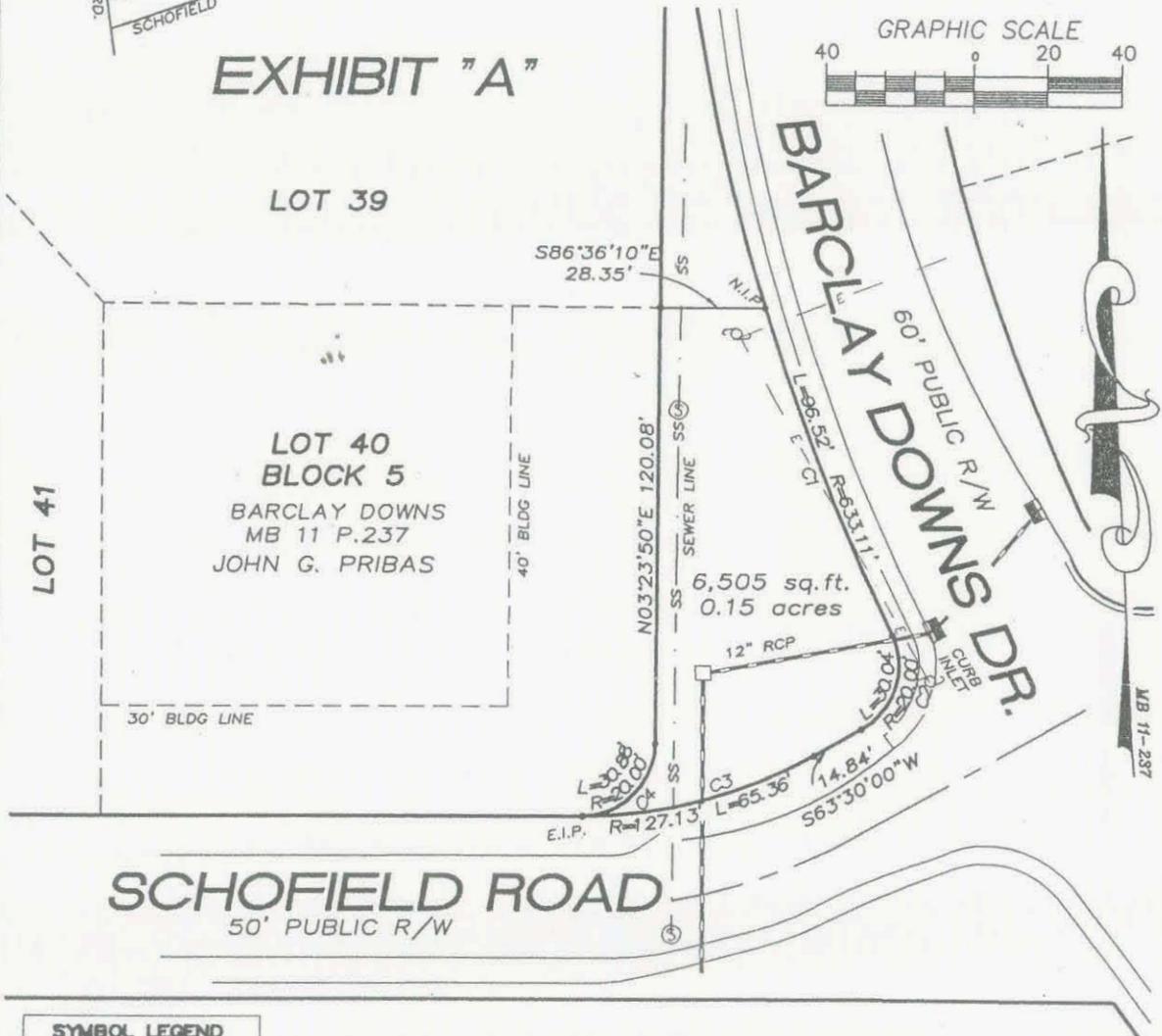
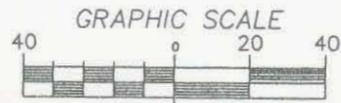


SIGNED: *Jack R. Christian*  
 REGISTERED SURVEYOR  
 JACK R. CHRISTIAN & ASSOCIATES  
 7811 OLD CONCORD RD, CHARLOTTE, N.C. 28213  
 PHONE: (704)596-2214  
 SCHOFIELD40



LINE TABLE				
CURVE	RADIUS	LENGTH	CHDBRG	CHORD
C1	633.11	96.52	S181°52'E	96.43
C2	20.00	30.04	N20°28'32"E	27.29
C3	127.13	65.36	N781°3'45"E	64.65
C4	20.00	30.88	N47°37'36"E	27.90

**EXHIBIT "A"**



SYMBOL LEGEND	
	POWER POLE (P.P.)
	SEWER MAN HOLE
	DRAINAGE MAN HOLE
	ELECTRIC LINE
	LIGHT POLE (L.P.)
	REINFORCED CONC. PIPE
	UNDERGROUND PIPE
	NEW IRON PIN
	EXISTING IRON PIN

"EASEMENT IN FAVOR OF ENGINEERING AND PROPERTY MANAGEMENT DEPARTMENT, CHARLOTTE-MECKLENBURG UTILITIES, BELL SOUTH TELECOMMUNICATIONS, INC., DUKE POWER COMPANY, AND ALL OTHER OWNERS OF EXISTING UNDERGROUND TELECOMMUNICATION FACILITIES, UPON, UNDER, AND ACROSS THE ENTIRE PROPERTY DESCRIBED ABOVE FOR ACCESS TO AND FOR INSTALLATION, MAINTENANCE, REPLACEMENT, AND REPAIR OF CONDUIT, CABLE, WIRES, WATER LINES, SEWER LINES, STORM DRAINAGE AND RELATED EQUIPMENT."

NOTE:  
 OTHER R/W'S OR EASEMENTS  
 MAY EXIST WHICH MAY NOT  
 BE SHOWN.

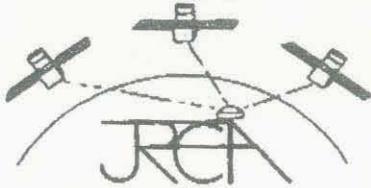
**R/W ABANDONMENT SURVEY**

**PORTION OF BARCLAY DOWNS DRIVE**

SCALE 1"=40'

CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

THE PROPERTY OF: JOHN G. PRIBAS  
 MAP RECORDED IN BOOK 11 AT PAGE 237 DEED RECORDED IN BOOK PAGE



# JACK R. CHRISTIAN + ASSOCIATES -SURVEYING-

PHONE (704) 596-2214 FAX (704) 596-2338  
7811 OLD CONCORD ROAD, CHARLOTTE, N.C. 28213  
P.O. BOX 185 NEWELL, N.C. 28126

OCTOBER 6, 2004

## EXHIBIT "B"

BEGINNING AT THE SOUTHEASTERN CORNER OF LOT 39 BLOCK 5 OF BARCLAY DOWNS AS RECORDED IN MAPBOOK 11 PAGE 237 OF THE MECKLENBURG COUNTY PUBLIC REGISTRY AND CONTINUING WITH THE EXTENSION OF THE DIVIDING LINE BETWEEN LOT 39 AND LOT 40 OF SAID BARCLAY DOWNS S86°36'10"E 28.35 FEET TO A NEW IRON PIN IN THE WESTERN RIGHT OF WAY LINE OF BARCLAY DOWNS DRIVE; THENCE WITH THE WESTERN RIGHT OF WAY LINE OF BARCLAY DOWNS DRIVE WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 633.11 FEET AN ARC DISTANCE OF 96.52 FEET (SUBTENDED BY A CHORD BEARING S18°10'52"E 96.43 FEET) TO A POINT; THENCE CONTINUING WITH THE RIGHT OF WAY OF BARCLAY DOWNS DRIVE WITH THE ARC OF A CIRCULAR CURVE TO THE RIGHT LEADING INTO SCHOFIELD ROAD HAVING A RADIUS OF 20 FEET AN ARC DISTANCE OF 30.04 FEET TO A POINT (SUBTENDED BY A CHORD BEARING S20°28'32"W 27.29 FEET TO A POINT IN SCHOFIELD ROAD NORTHERN RIGHT OF WAY; CONTINUING WITH SAID RIGHT OF WAY TWO CALLS: (1) S63°30'00"W 14.84 FEET; (2) WITH THE ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 127.13 FEET AN ARC DISTANCE OF 65.36 FEET (SUBTENDED BY A CHORD BEARING S78°13'45"W 64.65 FEET) TO AN EXISTING IRON PIN A CORNER OF LOT 40 BLOCK 5 OF BARCLAY DOWNS MAPBOOK 11 PAGE 237 A POINT IN THE OLD RIGHT OF WAY OF BARCLAY DOWNS DRIVE; THENCE WITH SAID OLD RIGHT OF WAY TWO CALLS; (1) WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 20 FEET AN ARC DISTANCE OF 30.88 FEET (SUBTENDED BY A CHORD BEARING S47°37'36"W 27.90 FEET) TO A POINT; (2) N03°23'50"E 120.08 FEET TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 6,505 SQUARE FEET OR 0.15 ACRES ALL AS SHOWN ON A SURVEY BY JACK R. CHRISTIAN AND ASSOCIATES DATED 18TH JANUARY 2002.



RESOLUTION CLOSING A PORTION OF CRESCENT EXECUTIVE DRIVE IN THE CITY OF CHARLOTTE,  
MECKLENBURG COUNTY, NORTH CAROLINA

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WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close a portion of Crescent Executive Drive which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close a portion of Crescent Executive Drive to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

WHEREAS, there is an existing storm drainage easement that will remain in place as shown on the attached map marked Exhibit A.

WHEREAS, the public hearing was held on the 22<sup>nd</sup> day of November, 2004 and City Council determined that the closing of a portion of Crescent Executive Drive is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of November 22, 2004, that the Council hereby orders the closing of a portion of Crescent Executive Drive in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A", and is more particularly described by metes and bounds in document marked "Exhibit B", both of which are attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

**CERTIFICATION**

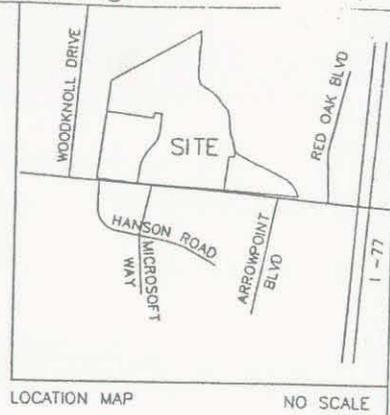
I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22<sup>nd</sup> day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 339-341.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23<sup>rd</sup> day of November, 2004.

  
Brenda R. Freeze, CMC, City Clerk

# EXHIBIT "A"

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	25.50'	19.20'	18.75'	N 11°41'27" E	43°09'02"
C2 (TOTAL)	54.00'	250.98'	78.79'	N 56°44'02" W	266°18'04"
C3	25.50'	19.20'	18.75'	S 54°50'29" W	43°09'01"
C4 (TOTAL)	72.95'	67.41'	65.04'	N 58°42'51" W	52°56'46"
C5	54.00'	114.53'	94.24'	S 50°52'32" W	121°31'13"
C6	54.00'	25.30'	25.07'	N 54°56'28" W	26°50'46"
C7	54.00'	111.15'	92.54'	N 17°26'57" E	117°56'05"
C8	72.95'	5.75'	5.74'	N 34°29'50" W	4°30'45"
C9	72.95'	26.29'	26.15'	N 47°04'39" W	20°38'52"
C10	72.95'	35.38'	35.03'	N 71°17'40" W	27°47'08"

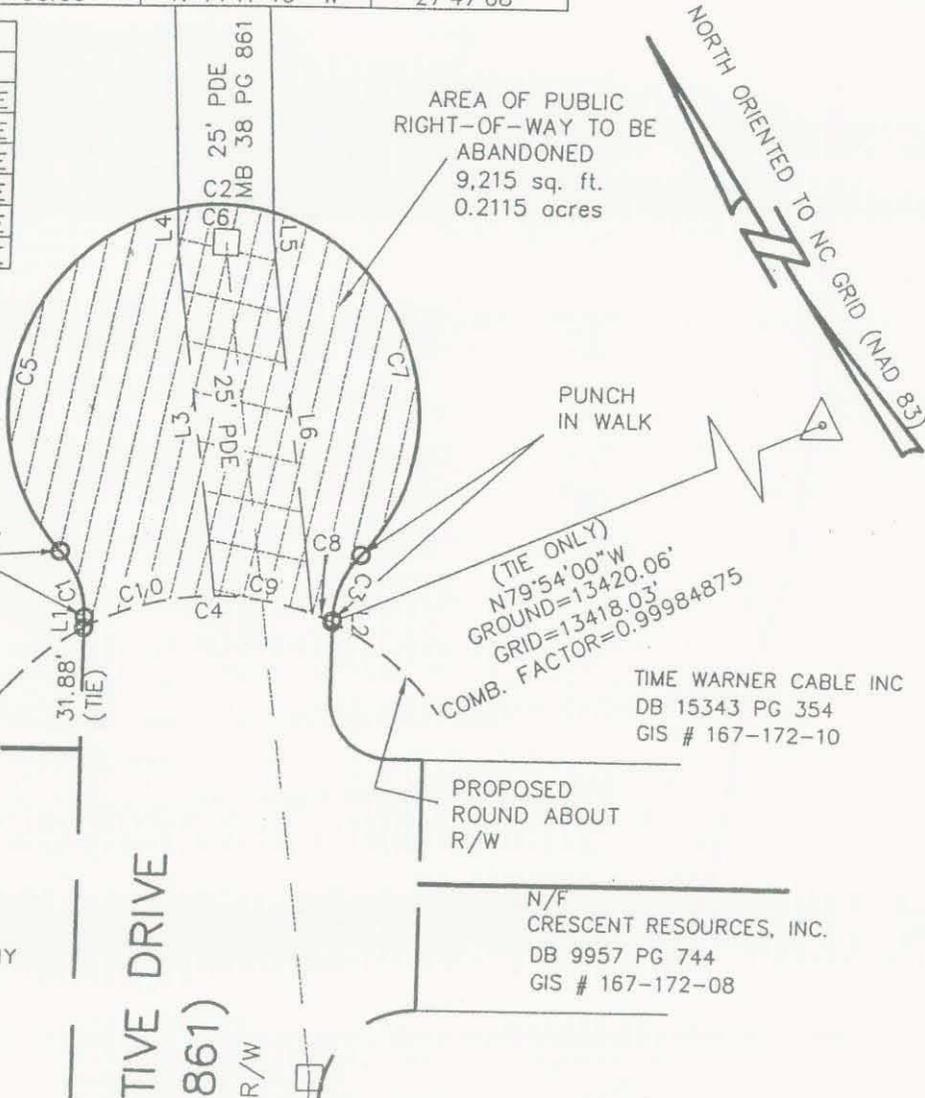


LOCATION MAP NO SCALE

LINE TABLE		
LINE	LENGTH	BEARING
L1	2.81	N33°15'58"E
L2	0.56	N33°15'58"E
L3	92.42	N25°53'14"E
L4	9.62	N30°44'43"E
L5	6.68	N30°44'43"E
L6	99.02	N25°53'14"E

**LEGEND**  
 PDE = PERMANENT DRAINAGE EASEMENT  
 R/W = RIGHT-OF-WAY  
 □ = CATCH BASIN

**NOTES**  
 THIS PLOT PLAN NOT PREPARED IN ACCORDANCE WITH GS 47-30 AND IS NOT INTENDED FOR RECORDATION.  
 THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAY  
 THE PURPOSE OF THE STORM DRAINAGE EASEMENT IS TO PROVIDE STORM WATER CONVEYANCE AND ANY STRUCTURES AND/OR OBSTRUCTION TO STORM WATER FLOW IS PROHIBITED.



TIME WARNER CABLE INC  
 DB 15343 PG 354  
 GIS # 167-172-10

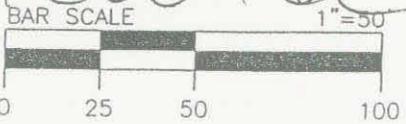
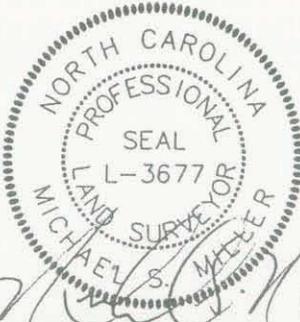
PROPOSED ROUND ABOUT R/W  
 N/F  
 THE ST JOE COMPANY  
 RIDGE ONE LLC  
 MB 37 PG 477  
 GIS # 167-172-07

(TIE ONLY)  
 N79°54'00"W  
 GROUND=13420.06'  
 GRID=13418.03'  
 COMB. FACTOR=0.99984875

PROPOSED ROUND ABOUT R/W

N/F  
 CRESCENT RESOURCES, INC.  
 DB 9957 PG 744  
 GIS # 167-172-08

CRESCENT EXECUTIVE DRIVE  
 (MB 38 PG 861)  
 VARIABLE PUBLIC R/W



**ESP ASSOCIATES, P.A.**  
 engineering · surveying · planning  
 10915 Southern Loop Boulevard  
 Pineville, NC 28134 (704) 583-4949

RIGHT-OF-WAY ABANDONMENT AND EASEMENT PLAT A PORTION OF CRESCENT EXECUTIVE DRIVE				Scale: 1"=50'
CITY OF CHARLOTTE MECKLENBURG CO., NORTH CAROLINA				Date: 12-30-03
Project No. NF38				Drawing No. NF38.400
Designed By BS				Job No. NF38.400
Drawn By MSM				Sheet 1 of 1
Project-Mngr.				Checked By

No.	Date	By	Revision

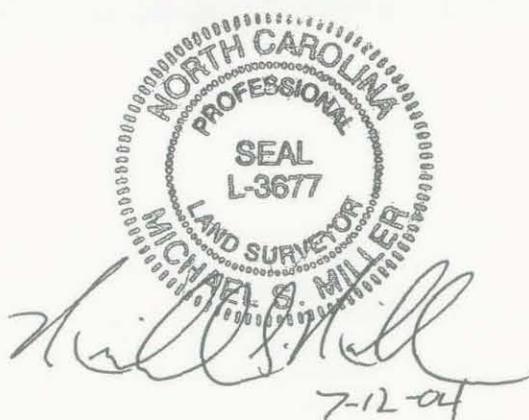
EXHIBIT "B"

CRESCENT EXECUTIVE DRIVE  
MB 38 PAGE 861

Right-of-way Abandonment

Being a portion of the parcel of land in the City of Charlotte, County of Mecklenburg and State of North Carolina, as described in Map Book 38 at page 861, recorded in the Mecklenburg County Public Registry and being more particularly described as follows:

Beginning at the on the eastern right-of-way of Crescent Executive Drive, and being a common point with lands of Time Warner Cable, Inc. recorded in Deed Book 15343 Page 354 of the Mecklenburg County Public Registry; said point being N 79-54-00 W 13420.06' from NCGS Monument "MO82", thence with the proposed roundabout right of way with the arc of a circular curve to the left having a radius of 72.95 feet an arc length of 67.41 feet and a chord bearing and distance of N 58-42-51 W 65.04 feet to a point, thence N 33-15-58 E 2.81 feet to a point, thence with the arc of a circular curve to the left having a radius of 25.50 feet an arc length of 19.20 feet and a chord bearing and distance of N 11-41-27 E 18.75 feet to a point, thence with the arc of a circular curve to the right having a radius of 54.00 feet, an arc length of 250.98 feet and a chord bearing and distance of S 56-44-02 E 78.79 feet to a point, thence with the arc of a circular curve to the left having a radius of 25.50 feet an arc length of 19.20 feet and a chord bearing and distance of S 54-50-29 W 18.75 feet to a point, thence S 33-15-58 W 0.56 feet to the Point and Place of Beginning containing 9215 sq ft. (0.2115 acres).



MICHAEL S. MILLER  
7-12-04

RESOLUTION CLOSING PINESTREAM DRIVE IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

---

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close Pinestream Drive which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close Pinestream Drive to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

WHEREAS, the petitioner will provide an access easement to BellSouth Telecommunications, Inc., Duke Power Company, and all other owners of existing underground utilities and telecommunications to maintain their facilities as shown on the attached map marked Exhibit A.

WHEREAS, the public hearing was held on the 22<sup>nd</sup> day of November, 2004 and City Council determined that the closing of Pinestream Drive is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of November 22, 2004, that the Council hereby orders the closing of Pinestream Drive in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A", and is more particularly described by metes and bounds in document marked "Exhibit B", both of which are attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22<sup>nd</sup> day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 342-344.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23<sup>rd</sup> day of November, 2004.



Brenda R. Freeze, CMC, City Clerk

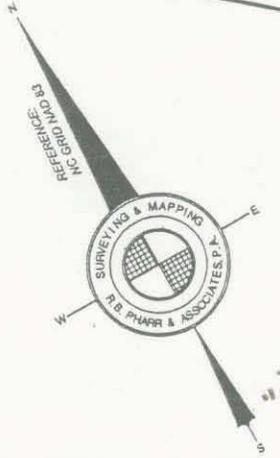
THIS IS TO CERTIFY THAT ON THE 21ST DAY OF JANUARY 2004 AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE .1600 (21 NCAC 56) AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

EXHIBIT A

SIGNED Douglas E. Morrison  
 R. B. PHARR & ASSOCIATES, PROFESSIONAL SURVEYORS  
 420 HAWTHORNE LANE  
 CHARLOTTE, N.C. 28204  
 TEL: (704) 375-2188

CREW:	DRAWN:	REVISED:
TN	PH	DM

**IDLEWILD ROAD**  
 60' PUBLIC RW



R=966.45  
 L=56.22  
 CH = S41°40'15"E  
 56.21'  
 S40°00'15"E  
 5.01'

AREA:  
 13,763 SQ.FT. OR  
 0.3159 ACRES  
 TO BE RECOMBINED  
 WITH TRACT B

294.47'  
 PORTION OF PINESTREAM DRIVE  
 (60' PUBLIC RIGHT-OF-WAY)  
 TO BE REMOVED FROM PUBLIC DEDICATION



VICINITY MAP (NOT DRAWN TO SCALE)

**NOTES:**

1. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. R.B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
2. THE COMBINED GRID FACTOR FOR THE SITE IS 0.99984384
3. THE PORTION OF PINESTREAM DRIVE SHOWN HEREON WAS NOT REMOVED FROM DEDICATION BY DB 3539-315 (PER MB 40-621)

TRACT B  
 BOUNDARY SURVEY OF:  
 AIM OF CHARLOTTE, LLC PROPERTY  
 MB 40-621  
 TAX PARCEL: 193-043-28  
 MINTWORTH COMMONS, LLC  
 DB 16654-82

TRACT A  
 BOUNDARY SURVEY OF:  
 AIM OF CHARLOTTE, LLC PROPERTY  
 MB 40-621  
 TAX PARCEL: 193-043-35  
 MINTWORTH COMMONS, LLC  
 DB 16654-88

REVISIONS:  
 3/29/04 - TO MOVE "EXHIBIT A" TO TOP OF PAGE.  
 3/30/04 - TO ADD OWNER NAMES & DEED BOOK REFERENCES IN ADDITION TO RECORD MAP INFORMATION.

**LEGEND:**

- DB - DEED BOOK
- EIP - EXISTING IRON PIPE
- MB - MAP BOOK
- NCGS - NORTH CAROLINA GEODETIC SURVEY
- NIR - NEW IRON ROD
- RW - RIGHT OF WAY
- SQ.FT. - SQUARE FEET

TOTAL AREA:  
 19,926 SQ.FT. OR  
 0.4574 ACRES

NCGS MONUMENT  
 "MO 67"  
 N:532,830.86  
 E:1,479,804.47



CURVE TABLE				
CURVE	RADIUS	ARC	BEARING	CHORD
C1	544.84	24.87	N64°15'42"E	24.87
C2	1311.70	111.79	N62°48'58"E	111.75

SURVEY OF:  
 PINESTREAM DRIVE TO BE REMOVED FROM PUBLIC DEDICATION

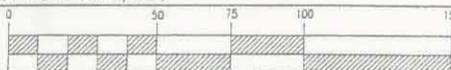
CHARLOTTE N.C.  
 VINEYARD CAPITAL, LLC

PREPARED FOR \_\_\_\_\_

SCALE 1" = 50'

MAP BOOK 9 PAGE 431

DEED BOOK \_\_\_\_\_ PAGE \_\_\_\_\_



1" = 50'  
 SCALE IN FEET

LEGAL DESCRIPTION  
EXHIBIT B  
PORTION OF PINESTREAM DRIVE TO BE REMOVED FROM PUBLIC DEDICATION  
0.4574 ACRES  
IDLEWILD, CHARLOTTE, N.C.

That certain 60 foot public right-of-way to be removed from public dedication, situated, lying and being in the City of Charlotte, North Carolina, and being more particularly described as follows:

To arrive at the true point of **BEGINNING** commence at N.C.G.S. Monument MO67 (Northing = 532,830.86, Easting = 1,479,804.47); thence run South 42-56-07 East 13,887.32 feet (ground distance) to a point at the terminus of Pinestream Drive (60 foot public right-of-way; and running thence from said **POINT OF BEGINNING** with the westerly margin of said Pinestream Drive North 37-01-36 East 350.00 feet to a point in the southerly margin of Idlewild Road (60 foot public right-of-way; thence with the southerly margin of Idlewild Road the following two (2) courses and distances: 1) with the arc of a circular curve to the right, having a radius of 966.45 feet, an arc length of 56.22 feet (chord: South 41-40-15 East 56.21 feet) to a point; 2) South 40-00-15 East 5.01 feet to a point in the easterly margin of said Pinestream Drive; thence with the easterly margin of said Pinestream Drive South 37-01-36 West 313.56 feet to a point at the terminus of said Pinestream Drive; thence with the terminus of Pinestream Drive North 75-01-14 West 64.73 feet to the point or place of **BEGINNING**; containing 19,926 square feet or 0.4574 acres of land as shown on a survey prepared by R.B. Pharr & Associates, P.A., dated January 21, 2004, (Job No. 61304).



Extract of Minutes of a regular meeting of the City Council of the City of Charlotte, North Carolina held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on November 22, 2004.

\* \* \*

A regular meeting of the City Council of the City of Charlotte, North Carolina (the "*City Council*") was held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on November 22, 2004 (the "*Meeting*"), after proper notice, and was called to order by the Mayor and on the roll being called, the following members of the City Council answered present: Mayor McCrory, Councilmembers

Burgess, Cannon, Carter, Kinsey, Lassiter, Mitchell, Mumford, Tabor and Turner.

The following members of the City Council were absent: Councilmembers Graham and Lochman.

Also present: City Manager Syfert, City Attorney McCarley and City Clerk Freeze

The City Clerk reported to the City Council that the bond order titled, "**BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$48,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF CHARLOTTE, NORTH CAROLINA**" was introduced at the regular meeting of the City Council on November 8, 2004, and was published on November 11, 2004, with notice that the City Council would hold a public hearing thereon on November 22, 2004 at 7:00 p.m..

At ~~7:00~~ p.m., the Mayor announced that the City Council would hear anyone who wished to be heard on the questions of validity of the bond order and the advisability of issuing the General Obligation Refunding Bonds. At the direction of the Mayor, the City Clerk distributed the bond order and the published notice of hearing to all requesting them.

After the City Council had heard all persons who requested to be heard in connection with the foregoing questions, Councilmember Cannon moved that the public hearing be closed. The motion was seconded by Councilmember Mitchell and was unanimously adopted.

Councilmember Cannon moved that the City Council adopt without change or amendment, and direct the City Clerk to publish a notice of adoption as prescribed by The Local Government Bond Act, the bond order titled, "**BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$48,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF CHARLOTTE, NORTH CAROLINA**", which was introduced at the meeting of the City Council held on November 8, 2004.

The motion was seconded by Councilmember Mitchell and was unanimously adopted.

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 345-346.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2004.



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

Extract of Minutes of a regular meeting of the City Council of the City of Charlotte, North Carolina held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on November 22, 2004.

\* \* \*

A regular meeting of the City Council of the City of Charlotte, North Carolina (the "*City Council*") was held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on November 22, 2004 (the "*Meeting*"), after proper notice, and was called to order by the Mayor, and upon the roll being called, the following members of the City Council answered present: Mayor McCrory, Councilmembers Burgess, Cannon, Carter, Kinsey, Lassiter, Mitchell, Mumford, Tabor and Turner.

The following members of the City Council were absent: Councilmembers Graham and Lochman

Also present: City Manager Syfert, City Attorney McCarley and City Clerk Freeze

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$48,000,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2005.**

*WHEREAS*, the Bond Order hereinafter-described has been adopted, and it is desirable to make provision for the issuance of the Bonds authorized by said Bond Order;

*NOW, THEREFORE, BE IT RESOLVED* by the City Council of the City of Charlotte, North Carolina (the "*City*"), as follows:

1. For purposes of this Resolution, the following words will have the meanings ascribed to them below:

"*Bond Order*" means the Bond Order authorizing the Bonds adopted by the City Council on November 22, 2004 and effective on its adoption.

"*Bond Purchase Agreement*" means the Forward Delivery Purchase Agreement to be dated on or about December 15, 2004 among the City, the Underwriters and the Local Government Commission.

"*Bonds*" means the City's General Obligation Refunding Bonds, Series 2005 authorized under the Bond Order.

"*City*" means the City of Charlotte, North Carolina, and its successors or assigns.

"*City Council*" means the City Council of the City.

*"Escrow Agent"* means Wachovia Bank, National Association, its successors and assigns.

*"Escrow Agreement"* means the Escrow Agreement dated as of March 1, 2005 between the City and the Escrow Agent.

*"Federal Securities"* means (a) direct obligations of the United States of America for the timely payment of which the full faith and credit of the United States of America is pledged; (b) obligations issued by any agency controlled or supervised by and acting as an instrumentality of the United States of America, the timely payment of the principal of and interest on which is fully guaranteed as full faith and credit obligations of the United States of America (including any securities described in (a) or (b) issued or held in the name of the Trustee in book-entry form on the books of the Department of Treasury of the United States of America), which obligations, in either case, are held in the name of a trustee and are not subject to redemption or purchase prior to maturity at the option of anyone other than the holder; (c) any bonds or other obligations of the State of North Carolina or of any agency, instrumentality or local governmental unit of the State of North Carolina which are (i) not callable prior to maturity or (ii) as to which irrevocable instructions have been given to the trustee or escrow agent with respect to such bonds or other obligations by the obligor to give due notice of redemption and to call such bonds for redemption on the date or dates specified, and which are rated by Moody's, if the Bonds are rated by Moody's, and S&P, if the Bonds are rated by S&P, within the highest rating category and which are secured as to principal, redemption premium, if any, and interest by a fund consisting only of cash or bonds or other obligations of the character described in clause (a) or (b) hereof which fund may be applied only to the payment of such principal of and interest and redemption premium, if any, on such bonds or other obligations on the maturity date or dates thereof or the specified redemption date or dates pursuant to such irrevocable instructions, as appropriate; or (d) direct evidences of ownership of proportionate interests in future interest and principal payments on specified obligations described in (a) held by a bank or trust company as custodian, under which the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor on the underlying obligations described in (a), and which underlying obligations are not available to satisfy any claim of the custodian or any person claiming through the custodian or to whom the custodian may be obligated.

*"Fitch Ratings"* means Fitch, Inc., a corporation organized and existing under the laws of the State of New York, its successors and their assigns and, if such corporation for any reason no longer performs the functions of a securities rating agency, *"Fitch Ratings"* will be deemed to refer to any other nationally recognized rating agency other than Moody's or S&P designed by the City.

*"Local Government Commission"* means the Local Government Commission of the State of North Carolina.

*"Moody's"* means Moody's Investors Service, a corporation organized and existing under the laws of the State of Delaware, its successors and their assigns and, if such corporation for any reason no longer performs the functions of a securities rating agency, *"Moody's"* will be deemed to refer to any other nationally recognized rating agency other than Fitch Ratings or S&P designed by the City.

*"Refunded Bonds"* means the City's General Obligation Refunding Bonds, Series 1995 maturing on and after June 1, 2006.

*"S&P"* means Standard & Poor's Ratings Services, a Division of The McGraw-Hill Companies, Inc., its successors and their assigns and, if such corporation for any reason no longer performs the functions of a securities rating agency, *"S&P"* will be deemed to refer to any other nationally recognized rating agency other than Fitch Ratings or Moody's designed by the City.

“Underwriters” means Wachovia Bank, National Association and Banc of America Securities LLC.

2. The City shall issue not to exceed \$48,000,000 in total aggregate principal amount of its Bonds.

3. The Bonds shall be dated as of the date of issuance and pay interest semiannually on June 1 and December 1, beginning June 1, 2005. The Bonds are being issued to provide funds to refund in advance of their maturities the Refunded Bonds pursuant to and in accordance with the Bond Order.

4. The City Council has ascertained and hereby determines that the average period of usefulness of the capital projects being financed by the proceeds of the Refunded Bonds was not less than 25 years computed from the date of the Refunded Bonds, and the average weighted maturity of the Bonds does not exceed the average weighted maturity of the Refunded Bonds.

5. The Bonds are payable in annual installments on June 1 in each year, as follows:

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
2006	\$3,500,000	2012	\$4,375,000
2007	3,570,000	2013	3,395,000
2008	3,710,000	2014	3,575,000
2009	3,900,000	2015	3,755,000
2010	4,030,000	2016	3,725,000
2011	4,155,000	2017	3,675,000

The Director of Finance of the City may increase or decrease the aggregate principal amount and the principal of each maturity of the Bonds so long as net present value savings are at least 3% of the par amount of the Refunded Bonds.

6. The Bonds shall be numbered from “R-1” consecutively and upward. All Bonds shall bear interest from their date at a rate or rates which shall be hereafter determined on the sale thereof computed on the basis of a 360-day year of twelve 30-day months.

7. The Bonds shall be registered as to principal and interest, and the Director of Finance of the City is directed to maintain the registration records with respect thereto. The Bonds shall bear the original or facsimile signatures of the Mayor or City Manager of the City and the City Clerk of the City. An original or facsimile of the seal of the City shall be imprinted on each of the Bonds.

8. The Bonds will initially be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity of each series will be issued to The Depository Trust Company, New York, New York (“DTC”), and immobilized in its custody. A book-entry system will be employed, evidencing ownership of the Bonds in principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the Bonds will be payable to DTC or its nominee as registered owner of the Bonds in immediately available funds. The principal of and interest on the Bonds will be payable to owners of Bonds shown on the records of DTC at the close of business on the 15th day of the month preceding an interest payment date or a bond payment date. The City will not be responsible or liable for maintaining, supervising or

reviewing the records maintained by DTC, its participants or persons acting through such participants.

If (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the Director of Finance for the City determines to discontinue the book-entry system in accordance with DTC's rules and the City fails to identify another qualified securities depository to replace DTC, the City will authenticate and deliver replacement bonds in the form of fully registered certificates.

9. The Bonds will not be subject to redemption prior to maturity, unless the Local Government Commission otherwise determines that it will be advantageous to the City to have the Bonds be subject to optional redemption. If such redemption provisions are determined to be advantageous, the Director of Finance may by written certificate determine the redemption provisions on or before the date the Bonds are issued.

10. The Bonds and the provisions for the registration of the Bonds and for the approval of the Bonds by the Clerk of the Local Government Commission shall be in substantially the form set forth in Exhibit A hereto.

11. The City covenants to take such action as may be required in the opinion of nationally recognized bond counsel to cause the Bonds and all actions of the City with respect to the proceeds thereof to comply with Internal Revenue Code of 1986, as amended (the "Code"). In particular, the City covenants as follows:

(a) At least one of the following two conditions will be satisfied for the Bonds: (1) less than 10% of the proceeds of the Bonds, reduced by costs of issuance, will be used directly or indirectly in the business of a person other than a state or local governmental unit or (2) less than 10% of the principal or interest on the Bonds will be (under the terms of such issue or any underlying arrangement) directly or indirectly (A) secured by an interest in property used or to be used in a private business or any interest in payments made with respect to such property or (B) to be derived from payments made with respect to property, or borrowed money, used or to be used in a private business;

(b) Less than 5% of the proceeds of the Bonds, reduced by costs of issuance, will be used by nongovernmental persons for a use unrelated to the purposes for which the Bonds are being issued;

(c) It will not loan directly or indirectly more than 5% of the proceeds of the Bonds to nongovernmental persons;

(d) It will not enter into any management contract with respect to the facilities refinanced with the proceeds of the Bonds unless it obtains an opinion of nationally recognized bond counsel that such management contract will not impair the exclusion from a recipient's gross income for federal income tax purposes of the interest on the Bonds;

(e) The City acknowledges that the continued exclusion of interest on the Bonds from a recipient's gross income for federal income tax purposes depends, in part, on compliance with the arbitrage limitations imposed by Section 148 of the Code. The City covenants to comply with all the requirements of Section 148 of the Code, including the rebate requirements, and it shall not permit at any time any of the proceeds of the

Bonds or other funds of the City to be used, directly or indirectly, to acquire any asset or obligation, the acquisition of which would cause the Bonds to be "*arbitrage bonds*" for purposes of Section 148 of the Code;

(f) The Bonds shall not be "*federally guaranteed*" as defined in Section 149(b) of the Code;

(g) The City covenants to file or cause to be filed Form 8038G in accordance with Section 149(e) of the Code.

12. The proceeds from the sale of the 2005 Bonds, less the costs of issuance of the 2005 Bonds to be paid from the proceeds of the 2005 Bonds, shall be deposited with the Escrow Agent, in an Escrow Fund created pursuant to the Escrow Agreement. The City Manager and the Director of Finance of the City are hereby authorized and directed to enter into the Escrow Agreement, a form of which has been made available to the City Council, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the City Council's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Escrow Agreement presented to the City Council, and that from and after the execution and delivery of the Escrow Agreement, the City Manager and the Director of Finance are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Escrow Agreement as executed. Proceeds of the 2005 Bonds to be used to pay the costs of issuance of the 2005 Bonds shall be deposited in a separate segregated account held by the City and invested and reinvested by the Director of Finance as permitted by the laws of the State of North Carolina. The Director of Finance shall keep and maintain adequate records pertaining to such account and all disbursements therefrom so as to satisfy the requirements of the laws of the State of North Carolina and to assure that the City maintains its covenants with respect to the exclusion of the interest on the 2005 Bonds from gross income for purposes of federal income taxation. To the extent any funds remain in such account on June 1, 2005, the Director of Finance shall apply them to pay interest on the 2005 Bonds on that date.

13. Actions taken by officials of the City to select paying and transfer agents, and a bond registrar, or alternate or successor agents and registrars pursuant to Section 159E-8 of the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, are hereby authorized and approved.

14. The City hereby requests the Local Government Commission to sell the Bonds at private sale and without advertisement in accordance with the provisions of Section 159-123 of the General Statutes of North Carolina to the Underwriters in accordance with the terms of the Bond Purchase Agreement.

15. The Mayor, the City Manager, the Director of Finance and the City Clerk of the City are hereby authorized and directed to cause the Bonds to be prepared and, when they shall have been duly sold by the Local Government Commission, to execute the Bonds and to turn the Bonds over to the registrar and transfer agent of the City for delivery through the facilities of DTC to the purchaser.

16. The form and content of the Bond Purchase Agreement to be dated on or about December 15, 2004 is in all respects authorized, approved and confirmed, and the Mayor, the City Manager, the Director of Finance and the City Clerk of the City are authorized, empowered and directed to execute and deliver the Bond Purchase Agreement in substantially the form and content presented to the City Council,

but with such changes, modifications, additions or deletions therein as shall to the Mayor, City Manager or the Director of Finance of the City seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the approval of the City Council of any and all changes, modifications, additions or deletions therein from the form and content of the Bond Purchase Agreement presented to the City Council.

17. The form and content of the Preliminary Official Statement to be dated on or about December 8, 2004 (the "*Preliminary Official Statement*") together with the final Official Statement to be dated on or about December 15, 2004 (the "*Official Statement*") are in all respects authorized, approved and confirmed, and the Mayor, the City Manager, the Director of Finance and the City Clerk of the City are authorized, empowered and directed to execute and deliver the Official Statement in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as shall to the Mayor, City Manager or the Director of Finance of the City seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the approval of the City Council of any and all changes, modifications, additions or deletions therein from the form and content of the Official Statement presented to the City Council.

If the Mayor, the City Manager or the Director of Finance determine that the inclusion of additional updated information is necessary for use in the public offering and settlement of the 2005 Bonds, the Mayor, the City Manager or the Director of Finance are in all respects authorized, empowered and directed to update the Official Statement (the "*Updated Official Statement*") and to execute and deliver the Updated Official Statement, but with such changes, modifications, additions or deletions to the Official Statement as they determine necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of the City's approval of any and all such changes, modifications, additions or deletions therein.

The use of the Preliminary Official Statement, Official Statement and Updated Official Statement by the Underwriters for customary purposes in connection with the public offering and settlement of the 2005 Bonds is hereby authorized, approved and confirmed.

18. The Mayor, the City Manager, the Director of Finance and the City Clerk of the City are authorized and directed to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the documents contemplated hereinabove or as may be deemed necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution.

19. The City agrees, in accordance with Rule 15c2-12 (the "*Rule*") promulgated by the Securities and Exchange Commission (the "*SEC*") and for the benefit of the Registered Owners and beneficial owners of the Bonds, as follows:

(1) by not later than seven months after the end of each Fiscal Year, beginning with the Fiscal Year ending June 30, 2005, to provide to each nationally recognized municipal securities information repository ("*NRMSIR*") and to the state information depository ("*SID*"), if any, for the State, in each case as designated by the SEC, the audited financial statements of the City for such Fiscal Year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or if such audited financial statements are not then available, unaudited financial statements of the City for such Fiscal Year to be replaced subsequently by audited financial statements of the City

to be delivered within 15 days after such audited financial statements become available for distribution;

(2) by not later than seven months after the end of each Fiscal Year, beginning with the Fiscal Year ending June 30, 2005, to provide to each NRMSIR and to the SID, if any, in each case as designated by the SEC, (a) the financial and statistical data as of a date not earlier than the end of the preceding Fiscal Year for the type of information included under the captions "**THE CITY--DEBT INFORMATION**" and "**-- TAX INFORMATION**" (excluding information on overlapping units) in the Official Statement referred to in Section 16 and (b) the combined budget of the City for the current Fiscal Year to the extent such items are not included in the financial statements referred to in clause (1) above;

(3) to provide in a timely manner to each NRMSIR or to the Municipal Securities Rulemaking Board (the "*MSRB*"), and to the SID, if any, notice of any of the following events with respect to the Bonds, if material:

- (a) principal and interest payment delinquencies;
- (b) non-payment related defaults;
- (c) unscheduled draws on the debt service reserves reflecting financial difficulties;
- (d) unscheduled draws on any credit enhancements reflecting financial difficulties;
- (e) substitution of any credit or liquidity providers, or their failure to perform;
- (f) adverse tax opinions or events affecting the tax-exempt status of the Bonds;
- (g) modification to the rights of the beneficial owners of the Bonds;
- (h) call of any of the Bonds for redemption;
- (i) defeasance of any of the Bonds;
- (j) release, substitution or sale of any property securing repayment of the Bonds;
- (k) rating changes; and

(4) to provide in a timely manner to each NRMSIR or to the MSRB, and to the SID, if any, notice of a failure of the City to provide required annual financial information described in (1) or (2) above on or before the date specified.

To the extent permitted by the SEC, the City may discharge its notice obligations as required herein by transmitting them electronically to [www.DisclosureUSA.org](http://www.DisclosureUSA.org).

The City agrees that its undertaking under this Paragraph is intended to be for the benefit of the registered owners and the beneficial owners of the Bonds and is enforceable by any of the registered owners and the beneficial owners of the Bonds, including an action for specific performance of the City's obligations under this Paragraph, but a failure to comply will not be an event of default and will not result in acceleration of the payment of the Bonds. An action must be instituted, had and maintained in the manner provided in this Paragraph for the benefit of all of the registered owners and beneficial owners of the Bonds.

The City may modify from time to time, consistent with the Rule, the information provided or the format of the presentation of such information, to the extent necessary or appropriate in the judgment of the City, but:

- (1) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law or change in the identity, nature or status of the City;
- (2) the information to be provided, as modified, would have complied with the requirements of the Rule as of the date of the Official Statement, after taking into account any amendments or interpretations of the Rule as well as any changes in circumstances;
- (3) any such modification does not materially impair the interest of the registered owners or the beneficial owners, as determined by nationally recognized bond counsel or by the approving vote of the registered owners of a majority in principal amount of the Bonds.

Any annual financial information containing modified operating data or financial information will explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Paragraph terminate on payment, or provision having been made for payment in a manner consistent with the Rule, in full of the principal of and interest on the Bonds.

20. Those portions of this Resolution other than Paragraph 19 may be amended or supplemented, from time to time, without the consent of the owners of the Bonds if in the opinion of nationally recognized bond counsel, such amendment or supplement would not adversely affect the interests of the owners of the Bonds and would not cause the interest on the Bonds to be included in the gross income of a recipient thereof for federal income tax purposes. This Resolution may be amended or supplemented with the consent of the owners of a majority in aggregate principal amount of the outstanding Bonds, exclusive of Bonds, if any, owned by the City, but a modification or amendment (1) may not, without the express consent of any owner of Bonds, reduce the principal amount of any Bond, reduce the interest rate payable on it, extend its maturity or the times for paying interest, change the monetary medium in which principal and interest is payable, or reduce the percentage of consent required for amendment or modification and (2) as to an amendment to Paragraph 19, must be limited as described therein.

Any act done pursuant to a modification or amendment consented to by the owners of the Bonds is binding on all owners of the Bonds and will not be deemed an infringement of any of the provisions of this Resolution, whatever the character of the act may be, and may be done and performed as fully and

freely as if expressly permitted by the terms of this Resolution, and after consent has been given, no owner of a Bond has any right or interest to object to the action, to question its propriety or to enjoin or restrain the City from taking any action pursuant to a modification or amendment.

If the City proposes an amendment or supplemental resolution to this Resolution requiring the consent of the owners of the Bonds, the Registrar shall, on being satisfactorily indemnified with respect to expenses, cause notice of the proposed amendment to be sent to each owner of the Bonds then outstanding by first-class mail, postage prepaid, to the address of such owner as it appears on the registration books; but the failure to receive such notice by mailing by any owner, or any defect in the mailing thereof, will not affect the validity of any proceedings pursuant hereto. Such notice shall briefly set forth the nature of the proposed amendment and shall state that copies thereof are on file at the principal office of the Registrar for inspection by all owners of the Bonds. If, within 60 days or such longer period as shall be prescribed by the City following the giving of such notice, the owners of a majority in aggregate principal amount of Bonds then outstanding have consented to the proposed amendment, the amendment will be effective as of the date stated in the notice.

21. Nothing in this Resolution shall preclude (a) the payment of the Bonds from the proceeds of refunding bonds or (b) the payment of the Bonds from any legally available funds.

If the City causes to be paid, or has made provisions to pay, on maturity or on redemption before maturity, to the owners of the Bonds the principal of the Bonds (including interest to become due thereon), through setting aside trust funds or setting apart in a reserve fund or special trust account created pursuant to this Resolution or otherwise, or through the irrevocable segregation for that purpose in some sinking fund or other fund or trust account with an escrow agent or otherwise, moneys sufficient therefor, including, but not limited to, interest earned or to be earned on Federal Securities, the City shall so notify Moody's, S&P and Fitch Ratings, and then the such Bonds shall be considered to have been discharged and satisfied, and the principal of the Bonds (including and interest thereon) shall no longer be deemed to be outstanding and unpaid; provided, however, that nothing in this Resolution requires the deposit of more than such Federal Securities as may be sufficient, taking into account both the principal amount of such Federal Securities and the interest to become due thereon, to implement any such defeasance.

If such a defeasance occurs and after the City receives an opinion of a nationally recognized accounting firm that the segregated moneys or Federal Securities together with interest earnings thereon are sufficient to effect a defeasance, the City shall execute and deliver all such instruments as may be necessary to effect such a defeasance and desirable to evidence such release, discharge and satisfaction. Provisions shall be made by the City, for the mailing of a notice to the owners of the Bonds that such moneys are so available for such payment.

Upon motion of Councilmember Cannon, seconded by Councilmember Mitchell, the foregoing order entitled: **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$48,000,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2005"** was adopted by the following vote: unanimous

*PASSED, ADOPTED AND APPROVED* this 22nd day of November, 2004.

\* \* \* \*

November 22, 2004  
Resolution Book 39, Page 356

I, *Brenda R. Freeze*, City Clerk of the City of Charlotte, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a Resolution entitled “**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$48,000,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2005**” adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 347-359.

***WITNESS*** my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23<sup>rd</sup> day of November, 2004.

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

**EXHIBIT A**

(Form of Bond)

No. R-

\$

**UNITED STATES OF AMERICA  
STATE OF NORTH CAROLINA  
CITY OF CHARLOTTE**

<b>INTEREST RATE</b>	<b>MATURITY DATE JUNE 1, 2017</b>	<b>DATED DATE [DATE OF ISSUANCE]</b>	<b>CUSIP</b>
--------------------------	---------------------------------------	--	--------------

**REGISTERED OWNER: CEDE & CO.**

**PRINCIPAL SUM: DOLLARS**

**GENERAL OBLIGATION REFUNDING BOND, SERIES 2005**

*THE CITY OF CHARLOTTE, NORTH CAROLINA* (the "City") acknowledges itself indebted and for value received hereby promises to pay to the Registered Owner named above, on the Maturity Date specified above, upon surrender hereof, the Principal Sum shown above and to pay to the Registered Owner hereof interest thereon from the date of this Bond until it shall mature at the Interest Rate per annum specified above, payable on June 1, 2005 and semiannually thereafter on December 1 and June 1 of each year. Principal of and interest on this Bond are payable in immediately available funds to The Depository Trust Company ("DTC") or its nominee as registered owner of the Bonds and is payable to the owner of the Bonds shown on the records of DTC at the close of business on the 15<sup>th</sup> day of the month preceding an interest payment date or a bond payment date. The City is not responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

This Bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, and pursuant to The Local Government Finance Act and a bond order adopted by the City Council of the City on November 22, 2004 and effective on its adoption. The Bonds are being issued to provide funds to refund in advance of their maturities the City's General Obligation Refunding Bonds, Series 1995 maturing on and after June 1, 2006.

This Bond will not be subject to redemption prior to maturity.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this Bond, exist, have been performed and have happened, and that the amount of this Bond, together with all other indebtedness of the City, is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on this Bond in accordance with its terms.

This Bond shall not be valid or become obligatory for any purpose until the certification hereon shall have been signed by an authorized representative of the Local Government Commission.

*IN WITNESS WHEREOF*, the City has caused this Bond to bear the original or facsimile of the signatures of the Mayor of the City and the City Clerk of the City and an original or facsimile of the seal of the City to be imprinted hereon and this Bond to be dated as of [the date of issuance].

(SEAL)

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

\_\_\_\_\_  
Mayor

Date of Execution: \_\_\_\_\_, 2004

The issue hereof has been approved under the provisions of The Local Government Bond Act.

\_\_\_\_\_  
JANICE T. BURKE  
Secretary of the Local Government Commission

FORM OF ASSIGNMENT

ASSIGNMENT

*FOR VALUE RECEIVED* the undersigned hereby sells, assigns and transfers unto

---

(Please print or typewrite Name and Address,  
including Zip Code, and Federal Taxpayer Identification or  
Social Security Number of Assignee)

---

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

---

Attorney to register the transfer of the within Bond on the books kept for registration thereof,  
with full power of substitution in the premises.

Dated: \_\_\_\_\_  
Signature guaranteed by: \_\_\_\_\_

---

NOTICE: Signature must be guaranteed by  
a Participant in the Securities Transfer  
Agent Medallion Program ("Stamp") or  
similar program.

---

NOTICE: The signature to this assignment must  
correspond with the name as it appears on the  
face of the within Bond in every particular,  
without alteration, enlargement or any change  
whatever.

**TRANSFER FEE MAY BE REQUIRED**

A RESOLUTION AMENDING REPORT OF PLANS FOR  
SERVICES FOR CALDWELL AREA

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

Section 1. That the following page are deleted from the report of plans for services for the Caldwell Area, as originally approved by the City Council on July 26, 2004: 5, 6, 9, 12, 21, 22, 35, 36, 37, 38, 39, and 40.

Section 2. That the pages attached hereto and incorporated herein are substituted in lieu of the pages deleted from said report in Section 1 above.

Adopted this the 22nd day of November, 2004.

Approved as to form:

  
Senior Deputy City Attorney

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 360-372.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2004.

  
Brenda R. Freeze, CMC, City Clerk

## PART I: THE PROPOSED AREA

### General Description of the Area

The Caldwell area is located northeast of the existing City limits east of Back Creek Church Road along Caldwell Road north of Rocky River Road. The area is predominantly residential in nature, with the Old Stone Crossing subdivision falling within its limits. The area contains 1,306.9 acres and has an estimated population of 2,589.

### Standards and Criteria

STATEMENT SHOWING THAT THE AREA PROPOSED TO BE ANNEXED MEETS THE LEGISLATIVE STANDARDS PRESCRIBED BY G.S. 160A-48.

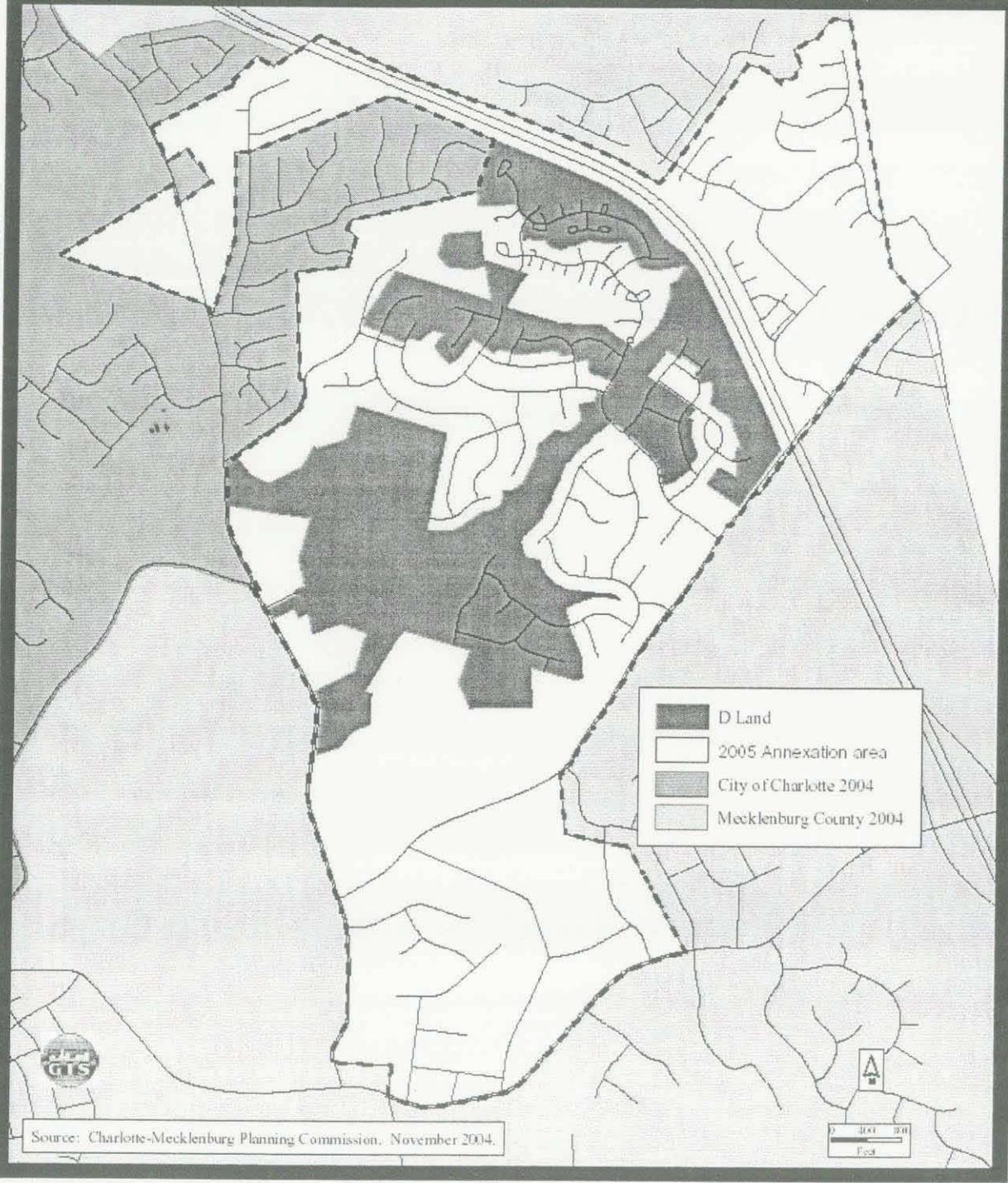
- A. The area proposed to be annexed meets the general standards of G.S. 160A-48(b) as follows:
1. The area is contiguous, as defined in G.S. 160A-53, to the City's boundary as of the time of the beginning of this annexation proceeding.
  2. The aggregate boundary of the area is 53,005.8 feet, of which 20,324.0 feet or thirty eight percent (38 percent) coincides with the present City boundary.
  3. No part of the area is included within the boundary of another incorporated municipality.
- B. Except for the portion of the area described in Section E below as "subsection (d) land", the area proposed to be annexed meets the requirements of G.S. 160A-48(c)(1). The part of the area remaining after removing the subsection (d) land qualifies for annexation under the standards of two and three-tenths persons per acre of land. The developed part of the area has an estimated total population of 2.63 persons per acre. This estimate is made in accordance with G.S. 160A-54(1). There are 1,025 dwelling units in the area (854 single family units and 171 multi-family units), which when multiplied by the average household size of 2.83 for single-family units and 1.89 for multi-family units and taking into account occupancy rates of 95.6% for single family units and 85.0% for multi-family units (all according to the latest federal decennial census) results in an estimated total resident population of 2,589. This population, when divided by the total number of acres (983.5) in the developed portion of the area, results in a population density of 2.63 persons per acre.
- C. The area proposed to be annexed does not meet the requirements of G.S. 160A-48(c)(2).

- D. Except for the portion of the area described in Section E below (subsection (d) land), the area proposed to be annexed also meets the requirements of G.S. 160A-48(c)(3). There are a total number of 1565 lots and tracts within the developed part of the area and of that number 1028 or 65.7% of the total number of lots and tracts in the developed part of the area are used for residential, commercial, industrial, institutional, or governmental purposes. Further, after excluding the acreage used for commercial, industrial, governmental, or institutional purposes, 731.7 acres remain in the developed part of the area. Of that acreage, 465.1 acres, or 63.6% are in lots and tracts three acres or less in size in the developed part of the area.
- E. A portion of the proposed annexation area does not meet the requirements of G.S. 160A-48(c), as described in B, C, and D above, but does meet the requirements of G.S. 160A-48(d)(2). This area – known as “subsection (d) land” - does not exceed twenty-five percent (25%) of the total area to be annexed. The total number of acres in the area to be annexed is 1,306.9. Of that acreage, 323.4 acres, or 24.7% is contained in the area not yet developed for urban purposes. The area is adjacent and at least sixty percent (60%) of its external boundary coincides with any combination of the present City boundary and the areas developed for urban purposes as defined in subsection (c). The aggregate boundary of the undeveloped area is 51,332.1 feet of which 50,511.2 feet or ninety eight percent (98%) coincides with the present City boundary and the developed area (see the D-Land Connection Map).

### **Maps of the Area**

The following four pages contain maps of (a) the location of the area in relation to Charlotte, (b) the boundaries of the proposed annexation area, (c) the D-Land Connection, and (d) the generalized land use pattern for the area.

### Caldwell Annexation Qualifying Area, 2005 D Land Area



Source: Charlotte-Mecklenburg Planning Commission, November 2004.

financial condition and needs.

The meetings of the City Council are open to the public, and consideration is given to citizens who present problems and recommendations.

**POLICE PROTECTION.** On October 1, 1993, police services were consolidated from the Mecklenburg County Police and City of Charlotte Police into the Charlotte-Mecklenburg Police Department (a department of the City). The Charlotte-Mecklenburg Police Department (CMPD) is a highly-trained and efficient police department whose function is the protection of life and property. Police services are provided on a continuous twenty-four hour basis and the department is prepared for emergency response to calls for service. The CMPD performs a variety of functions, ranging from traffic control to crime prevention, and uses the most modern police equipment available. The CMPD provides these services within the City of Charlotte and its extraterritorial jurisdiction (ETJ) – including the Caldwell area, in addition to within the ETJ's of Mint Hill, Pineville, Huntersville, and Cornelius. CMPD also provides records management, communication services, and non-emergency calls for service within Davidson's ETJ.

Police services -- such as 911 emergency service, a computerized information system, community policing, criminal investigations, and animal control-- are already being executed in the annexation area by the City-County consolidation of services program. Police services are administered uniformly throughout its jurisdiction. Therefore, police service delivery in the proposed annexation area would remain unchanged. No additional personnel or equipment will be required of the CMPD.

The City's Police Services agreement with Mecklenburg County provides funding from the unincorporated areas in proportion to population. Funding of police services would shift from the collection of Mecklenburg County's Police Service District tax to the City of Charlotte's property tax effective June 30, 2005. However, the current Police Services Agreement, amended effective July 1, 2004, continues the existing level of funding from Mecklenburg County to the City

potable water, and returns treated wastewater back to streams and rivers. The department operates on revenue generated by the sale of water and sewer service to its customers.

In order to comply with the annexation law, the City of Charlotte -- as recommended by the Charlotte-Mecklenburg Utility Department -- will provide this area with the basic sewer trunk system (except as expressly noted below) and the basic water system required for fire protection.

While the property at the end of Woodwind Street, as noted on the Water/Sewer Map (Appendix D of the Official report for this area), is eligible for the extension of a City sewer line in the same manner as other property served by CMUD, the treatment of the wastewater from such an extension will be provided to the City by Heater Utilities under a contract with the City that has not been finalized as of the amendment of the Official report for this area. Such an extension will be connected to the sewer collection system owned and maintained by Heater Utilities. The City will own such an extension and will also be responsible for its operation, maintenance, and repair and for securing treatment services of wastewater from such an extension. If property owners or residents within this portion of the qualifying area request sewer service from CMUD, they will be subject only to those terms and conditions for sewer service, including applicable rates, fees, and other charges that apply to other CMUD sewer customers.

If the contract with Heater Utilities is not finalized in time to entitle the City to discharge wastewater into the Heater system by June 30, 2007, CMUD will install a pump station and associated force main to serve the property at the end of Woodwind Street, as such property is identified on the Water/Sewer Map (Appendix D of the Official Report for this area). CMUD will also extend its sewer collection system to the edge of such property so that such system can receive wastewater from such pump station and force main. Such pump station and associated force main and extension of the sewer collection system, if needed, will be designed and constructed as part of the basic sewer trunk system referenced below at an estimated cost of \$300,000. Such cost is included in the cost of the proposed

sewer trunk system set forth below but will not be incurred if sewer treatment service is provided through a contract with Heater Utilities as described above.

The basic sewer trunk system and the basic fire protection system for the area will be under contract and construction as set forth in the proposed construction timetable. In any event, the construction will be completed within two years of the effective date of annexation.

The water and sewer systems to be provided in the annexed area will meet the requirements of the annexation law and will be consistent with the Water/Sewer Extension Policy adopted by the Charlotte City Council. Extension of sewer street mains and water mains in publicly-maintained streets will be constructed in accordance with the Water/Sewer Extension Policy.

The proposed basic sewer trunk system is estimated to cost \$3,158,506 and the proposed basic fire protection system (water) is estimated at \$279,293. In order to provide funds to finance the extensions to the basic systems that are called for in this plan, the City will issue bonds pursuant to Sub Chapter IV, Chapter 159 of the General Statutes. Expenses for operating the systems will be derived from revenues obtained through the sale of water and sewer services.

APPENDIX A

STATISTICAL SUMMARY PER ANNEXATION STATUTORY REQUIREMENTS

CALDWELL AREA  
 IN TERMS OF STATUTORY REQUIREMENTS  
 (STATISTICS COMPILED APRIL, 2004)

STATUTORY PREREQUISITE

At least one-eighth (1/8) of the total boundary (or 12.5%) of the area must coincide with the present municipal boundary.

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Total boundary	53,005.8 ft.	
2. Boundary contiguous with municipal boundary	20,324.0 ft.	
3. Proportion of total boundary contiguous with the municipal boundary	38.3%	>= 12.5%

*(area meets this statutory prerequisite)*

QUALIFYING CRITERIA subsection C-1

Has a resident population equal to at least 2.3 persons for each acre of land within the developed part of the area.

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Total number of dwellings in developed part of area	1,025	
2. Average number of persons per household (2000 Census)	2.83 (single) 1.89 (multi)	
3. Estimated population of developed part of the area	2,589	
4. Acreage of developed part of the area	983.5	
5. Population per acre in developed part of area	2.63	>= 2.3

*(area qualifies under subsection C-1)*

STATISTICAL SUMMARY (Continued)

QUALIFYING CRITERIA subsection C-2

Has a resident population equal to at least one person per acre in the developed part of the area, and at least 60% of the acreage of all the lots in the developed part of the area must be in lots 3 acres or less and at least 65% of the number of lots in the developed part of the area must be one acre or less.

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Population per acre (calculated above)	2.63	$\geq 1.0$
2. Total acreage of all lots in developed part of the area	816.1	
3. Total acreage of lots 3 acres or less in developed part of area	474.6	
4. Acreage of 3 above as proportion of 2 above	58.2%	$\geq 60\%$
5. Total number of lots in developed part of the area	1565	
6. Number of lots in developed portion of area 1 acre or less	1439	
7. Number of lots in 6 above as proportion of 5 above	91.9%	$\geq 65\%$

*(area doesn't qualify under subsection C-2)*

STATISTICAL SUMMARY (Continued)

QUALIFYING CRITERIA subsection C-3

At least 60% of the total number of lots and tracts in the developed part of the area at the time of annexation are used for urban purposes, and is subdivided into lots and tracts such that at least 60% of the total acreage in the developed part of the area (not counting acreage used for commercial, industrial, governmental, or institutional purposes) consist of lots and tracts three acres or less in size.

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Total number of lots and tracts in developed part of area	1565	
2. Total number of lots and tracts used for urban purposes in developed part of area	1028	
3. Total lots and tracts used for urban purposes in developed part of area, as a proportion of total lots and tracts	65.7%	$\geq 60\%$
4. Total acreage of developed part of area, excluding acreage used for commercial, industrial, governmental, or institutional purposes	731.7	
5. Total acreage of developed part of area in lots and tracts 3 acres or less, not counting acreage used for commercial, industrial, governmental, or institutional purposes	465.1	
6. Acreage in 5 above as proportion of acreage in 4 above	63.6%	$\geq 60\%$

*(area qualifies under subsection C-3)*

STATISTICAL SUMMARY (Continued)

QUALIFYING CRITERIA subsection D

At least sixty percent of the external boundary of the area not meeting the requirements of subsection C (above) must coincide with any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection C. However, these areas not yet developed for urban purposes may not exceed twenty-five percent of the total area to be annexed.

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Total acreage of annexation area (combined subsection C & D)	1306.9	
2. Total Subsection D acreage of the area	323.4	
3. Percent of area which is Subsection D acreage	24.7%	<=25%
4. Total boundary of Subsection D portion of area	51,332.1 feet	
5. Boundary of Subsection D portion of area contiguous with municipal boundary and boundary of developed part of area	50,511.2 feet	
6. Boundary in 4 above as proportion of 5 above	98.4%	>=60%

*(area qualifies under subsection D)*

**Appendix B: 2005 Annexation Area Economic Analysis: Caldwell**

EXPENDITURES	FY05	FY06			FY07
	<u>Start-Up</u>	<u>One-Time</u>	<u>Recurring</u>	<u>Total</u>	<u>Total</u>
TRANSPORTATION					
Street Lighting	0	0	36,752	36,752	36,752
Operations	0	61,882	0	61,882	30,000
Street Maintenance	0	0	99,948	99,948	99,948
Electronic Systems	0	173,700	0	173,700	301,000
FIRE					
Operations	34,677	5,751	86,419	92,170	85,757
SOLID WASTE					
Sanitation	255,557	9,624	176,690	186,314	181,060
ENGINEERING					
Operations	0	0	993	993	993
CITY MANAGER'S OFFICE					
Corporate Communications	20,766	0	0	0	0
NEIGHBORHOOD DEVELOPMENT					
Operations	9,741	250	32,368	32,618	33,228
BUSINESS SUPPORT SERVICES					
Operations	7,358	0	3,251	3,251	3,330
ECONOMIC LOSS					
Volunteer Fire Departments	71,777	0	0	0	0
Private Solid Waste Collection Firms	174,114	0	0	0	0
<b>TOTAL GENERAL FUND</b>	<b>573,990</b>	<b>251,207</b>	<b>436,421</b>	<b>687,628</b>	<b>772,068</b>
POWELL BILL FUND					
Street Maintenance	20,576	306,714	207,601	514,315	725,559
STORM WATER FUND	0	0	0	0	0
<b>TOTAL OPERATING EXPENDITURES</b>	<b>594,566</b>	<b>557,921</b>	<b>644,022</b>	<b>1,201,943</b>	<b>1,497,627</b>
GENERAL CAPITAL					
Fire Station	0	0	0	0	0
UTILITIES (Capital Expend)					
Water	279,293	0	0	0	0
Sewer	3,158,506(1)	0	0	0	0
<b>TOTAL EXPENDITURES</b>	<b>4,032,365</b>	<b>557,921</b>	<b>644,022</b>	<b>1,201,943</b>	<b>1,497,627</b>

(1) Includes \$300,000 for facilities needed if Heater Contract not finalized

2005 Annexation Area Economic Analysis: Caldwell

	FY05	FY06			FY07
	<u>Start-Up</u>	<u>One-Time</u>	<u>Recurring</u>	<u>Total</u>	<u>Total</u>
<b>REVENUES</b>					
TAXES AND FEES					
Property Taxes <sup>(1)</sup>	0	0	494,380	494,380	509,211
Business Privilege	0	0	4,140	4,140	4,264
Cable TV Franchise	0	0	20,313	20,313	20,923
Animal Control	0	0	1,315	1,315	1,361
Utility Franchise	0	0	68,827	68,827	70,891
Sales Tax <sup>(1)</sup>	0	0	13,641	13,641	58,383
Beer and Wine Tax	0	0	3,895	3,895	4,012
Motor Vehicle License	0	0	15,714	15,714	16,186
Solid Waste Disposal	0	0	35,916	35,916	36,993
<b>TOTAL GENERAL FUND</b>	<b>0</b>	<b>0</b>	<b>658,141</b>	<b>658,141</b>	<b>722,225</b>
POWELL BILL FUND	0	0	89,892	89,892	92,588
MUNICIPAL DEBT SERVICE FUND <sup>(1)</sup>	0	0	69,276	69,276	83,779
PAY-AS-YOU-GO FUND <sup>(1)</sup>	0	0	107,514	107,514	123,330
STORM WATER FUND	0	0	57,449	57,449	61,183
<b>TOTAL OPERATING REVENUES</b>	<b>0</b>	<b>0</b>	<b>982,272</b>	<b>982,272</b>	<b>1,083,105</b>
FY2005-FY2009 CIP	0	0	0	0	0
WATER AND SEWER REVENUE BONDS	3,437,799(2)	0	0	0	0
<b>TOTAL ALL REVENUES</b>	<b>3,437,799</b>	<b>0</b>	<b>982,272</b>	<b>982,272</b>	<b>1,083,105</b>
<b>REVENUES OVER EXPENDITURES</b>	<b>(594,566)</b>	<b>(557,921)</b>	<b>338,249</b>	<b>(219,672)</b>	<b>(414,523)</b>
Net Impact to General Fund	(573,990)	(251,207)	221,720	(29,487)	(49,843)

<sup>(1)</sup> portions of the property tax and sales tax are allocated to the Pay-As-You-Go and Municipal Debt Service Funds based on the property tax distribution.

(2) Includes \$300,000 for facilities needed if Heater Contract not finalized

A RESOLUTION AMENDING REPORT OF PLANS FOR  
SERVICES FOR WITHROW DOWNS AREA

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

Section 1. That the following pages are deleted from the report of plans for services for the Withrow Downs Area, as originally approved by the City Council on July 26, 2004: 5, 6, 13, 35, 36, 37 and 38.

Section 2. That the pages attached hereto and incorporated herein are substituted in lieu of the pages deleted from said report in Section 1 above.

Adopted this the 22nd day of November, 2004.

Approved as to form:

  
\_\_\_\_\_  
Senior Deputy City Attorney

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 373-380.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2004.

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

## PART I: THE PROPOSED AREA

### General Description of the Area

The Withrow Downs area is located northeast of the current City limits, lying north of NC29 (North Tryon Street). The area is predominantly developed residentially, as a portion of the Withrow Downs subdivision. The area contains 151.8 acres and has an estimated population of 382.

### Standards and Criteria

STATEMENT SHOWING THAT THE AREA PROPOSED TO BE ANNEXED MEETS THE LEGISLATIVE STANDARDS PRESCRIBED BY G.S. 160A-48.

- A. The area proposed to be annexed meets the general standards of G.S. 160A-48(b) as follows:
1. The area is contiguous, as defined in G.S. 160A-53, to the City's boundary as of the time of the beginning of this annexation proceeding.
  2. The aggregate boundary of the area is 20,222.4 feet, of which 11,352.0 feet or fifty six percent (56 percent) coincides with the present City boundary.
  3. No part of the area is included within the boundary of another incorporated municipality.
- B. Except for the portion of the area described in Section E below as "subsection (d) land", the area proposed to be annexed meets the requirements of G.S. 160A-48(c)(1). The part of the area remaining after removing the subsection (d) land qualifies for annexation under the standards of two and three-tenths persons per acre of land. The developed part of the area has an estimated total population of 3.34 persons per acre. This estimate is made in accordance with G.S. 160A-54(1). There are 138 dwelling units in the area (all single family units), which when multiplied by the average household size of 2.89 for single-family units and taking into account occupancy rates of 95.9% for single family units (all according to the latest federal decennial census) results in an estimated total resident population of 382. This population, when divided by the total number of acres (114.3) in the developed portion of the area, results in a population density of 3.34 persons per acre.

- C. The area proposed to be annexed does not meet the requirements of G.S. 160A-48(c)(2).
- D. The area proposed to be annexed does not meet the requirements of G.S. 160A-48(c)(3).
- E. A portion of the proposed annexation area does not meet the requirements of G.S. 160A-48(c), as described in B, C, and D above, but does meet the requirements of G.S. 160A-48(d)(2). This area – known as “subsection (d) land” - does not exceed twenty-five percent (25%) of the total area to be annexed. The total number of acres in the area to be annexed is 151.8. Of that acreage, 37.5 acres, or 24.7% is contained in the area not yet developed for urban purposes. The area is adjacent and at least sixty percent (60%) of its external boundary coincides with any combination of the present City boundary and the areas developed for urban purposes as defined in subsection (c). The aggregate boundary of the undeveloped area is 8,705.1 feet of which 6,217.2 feet or seventy-one percent (71%) coincides with the present City boundary and the developed area (see the D-Land Connection Map).

### **Maps of the Area**

The following four pages contain maps of (a) the location of the area in relation to Charlotte, (b) the boundaries of the proposed annexation area, (c) the D-Land Connection, and (d) the generalized land use pattern for the area.

the collection of Mecklenburg County's Police Service District tax to the City of Charlotte's property tax effective June 30, 2005. However, the current Police Services Agreement, amended effective July 1, 2004, continues the existing level of funding from Mecklenburg County to the City of Charlotte per the formula in effect for a period of four years. Therefore, there is no impact on the amount paid by Mecklenburg County for police services.

**FIRE PROTECTION.** The Fire Department provides the residents of Charlotte with a high level of fire protection and suppression services, and maintains standards consistent with the requirements of the Insurance Services Office. The City enjoys a favorable insurance rating of "three." Protection is afforded by 1,015 full-time employees operating 37 engine companies, 13 ladder companies, 4 water tankers, 2 air crash/fire/rescue companies, 5 brush trucks, 2 heavy rescue squads, and 3 hazardous materials trucks. The Department's equipment is housed in 36 strategically located fire stations.

A commensurate level of fire protection to the Withrow Downs area will be provided by existing facilities located at Station 35 at 1120 Pavilion Boulevard and Station 36 at 2325 W. Mallard Creek Church Road. To operate during the first year, the Fire Department will incur additional expenditures of \$28,387, which will be appropriated from the FY2006 General Fund. Additionally, start-up costs of \$19,695 will be incurred from the General Fund in FY2005. Service will commence on the effective date of annexation.

A contract with a rural fire department to provide fire protection is also an acceptable method of providing fire protection. If a volunteer fire department serving the annexation area makes a written request for a good faith offer, the City is required to make a good faith effort to negotiate a five-year contract with the volunteer fire department to provide fire protection in the area to be annexed. The written request must be delivered to the City Clerk no later than 15 days before the annexation public hearing.

APPENDIX A

STATISTICAL SUMMARY PER ANNEXATION STATUTORY REQUIREMENTS

WITHROW DOWNS AREA  
 IN TERMS OF STATUTORY REQUIREMENTS  
 (STATISTICS COMPILED APRIL, 2004)

STATUTORY PREREQUISITE

At least one-eighth (1/8) of the total boundary (or 12.5%) of the area must coincide with the present municipal boundary.

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Total boundary	20,222.4 ft.	
2. Boundary contiguous with municipal boundary	11,352.0 ft.	
3. Proportion of total boundary contiguous with the municipal boundary	56.1%	$\geq$ 12.5%

*(area meets this statutory prerequisite)*

QUALIFYING CRITERIA subsection C-1

Has a resident population equal to at least 2.3 persons for each acre of land within the developed part of the area.

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Total number of dwellings in developed part of area	138	
2. Average number of persons per household (2000 Census)	2.89	
3. Estimated population of developed part of the area	382	
4. Acreage of developed part of the area	114.3	
5. Population per acre in developed part of area	3.34	$\geq$ 2.3

*(area qualifies under subsection C-1)*

STATISTICAL SUMMARY (Continued)

QUALIFYING CRITERIA subsection C-2

Has a resident population equal to at least one person per acre in the developed part of the area, and at least 60% of the acreage of all the lots in the developed part of the area must be in lots 3 acres or less and at least 65% of the number of lots in the developed part of the area must be one acre or less.

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Population per acre (calculated above)	3.34	$\geq 1.0$
2. Total acreage of all lots in developed part of the area	102.5	
3. Total acreage of lots 3 acres or less in developed part of area	55.3	
4. Acreage of 3 above as proportion of 2 above	53.9%	$\geq 60\%$
5. Total number of lots in developed part of the area	210	
6. Number of lots in developed portion of area 1 acre or less	205	
7. Number of lots in 6 above as proportion of 5 above	97.6%	$\geq 65\%$

*(area doesn't qualify under subsection C-2)*

STATISTICAL SUMMARY (Continued)

QUALIFYING CRITERIA subsection C-3

At least 60% of the total number of lots and tracts in the developed part of the area at the time of annexation are used for urban purposes, and is subdivided into lots and tracts such that at least 60% of the total acreage in the developed part of the area (not counting acreage used for commercial, industrial, governmental, or institutional purposes) consist of lots and tracts three acres or less in size.

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Total number of lots and tracts in developed part of area	210	
2. Total number of lots and tracts used for urban purposes in developed part of area	137	
3. Total lots and tracts used for urban purposes in developed part of area, as a proportion of total lots and tracts	65.2%	>=60%
4. Total acreage of developed part of area, excluding acreage used for commercial, industrial, governmental, or institutional purposes	102.5	
5. Total acreage of developed part of area in lots and tracts 3 acres or less, not counting acreage used for commercial, industrial, governmental, or institutional purposes	55.3	
6. Acreage in 5 above as proportion of acreage in 4 above	53.9%	>=60%

*(area doesn't qualify under subsection C-3)*

STATISTICAL SUMMARY (Continued)

QUALIFYING CRITERIA subsection D

At least sixty percent of the external boundary of the area not meeting the requirements of subsection C (above) must coincide with any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection C. However, these areas not yet developed for urban purposes may not exceed twenty-five percent of the total area to be annexed.

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Total acreage of annexation area (combined subsection C & D)	151.8	
2. Total Subsection D acreage of the area	37.5	
3. Percent of area which is Subsection D acreage	24.7%	$\leq 25\%$
4. Total boundary of Subsection D portion of area	8,705.1 feet	
5. Boundary of Subsection D portion of area contiguous with municipal boundary and boundary of developed part of area	6,217.2 feet	
6. Boundary in 4 above as proportion of 5 above	71.4%	$\geq 60\%$

*(area qualifies under subsection D)*



A RESOLUTION AMENDING REPORT OF PLANS FOR  
SERVICES FOR BROOKSHIRE WEST AREA

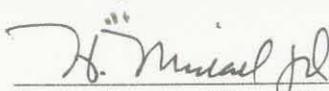
BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina:

Section 1. That the following pages are deleted from the report of plans for services for the Brookshire West Area, as originally approved by the City Council on July 26, 2004 and amended on August 23, 2004: 6 and 13.

Section 2. That the pages attached hereto and incorporated herein are substituted in lieu of the pages deleted from said report in Section 1 above.

Adopted this the 22nd day of November, 2004.

Approved as to form:

  
\_\_\_\_\_  
Senior Deputy City Attorney

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 382-384.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2004.

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

- C. Except for the portion of the area described in Section E below (subsection (d) land), the area proposed to be annexed also meets the requirements of G.S. 160A-48(c)(2). The part of the area remaining after removing the subsection (d) land (developed part of the area) qualifies for annexation under the standards of at least one person for each acre of land and is subdivided in a manner that conforms with requirements of G.S. 160A-48(c)(2). There are a total number of 1,206 lots and tracts within the developed part of the area, and of that number there are 1,085 lots and tracts of one acre or less in size, which equals 90.0% of the total. Furthermore, there are a total of 725.7 acres (excluding streets) in the developed part of the area, and of that number 492.2 acres consist of lots and tracts of three acres or less in size, which represents 67.8% of the total acreage. Finally, in accordance with the provisions of G.S. 160A-54(1), the developed part of the area has an estimated total population of 2.30 persons per acre.
- D. Except for the portion of the area described in Section E below (subsection (d) land), the area proposed to be annexed also meets the requirements of G.S. 160A-48(c)(3). There are a total number of 1,206 lots and tracts within the developed part of the area and of that number 863 or 71.6% of the total number of lots and tracts in the developed part of the area are used for residential, commercial, industrial, institutional, or governmental purposes. Further, after excluding the acreage used for commercial, industrial, governmental, or institutional purposes, 650.4 acres remain in the developed part of the area. Of that acreage, 477.5 acres, or 73.4% are in lots and tracts three acres or less in size in the developed part of the area.
- E. A portion of the proposed annexation area does not meet the requirements of G.S. 160A-48(c), as described in B, C, and D above, but does meet the requirements of G.S. 160A-48(d)(2). This area – known as “subsection (d) land” - does not exceed twenty-five percent (25%) of the total area to be annexed. The total number of acres in the area to be annexed is 1,125.5. Of that acreage, 274.1 acres, or 24.4% is contained in the area not yet developed for urban purposes. The area is adjacent and at least sixty percent (60%) of its external boundary coincides with any combination of the present City boundary and the areas developed for urban purposes as defined in subsection (c). The aggregate boundary of the undeveloped area is 51,458.9 feet of which 49,020.6 feet or ninety five percent (95%) coincides with the present City boundary and the developed area (see the D-Land Connection Map).

### Maps of the Area

The following four pages contain maps of (a) the location of the area in relation to Charlotte, (b) the boundaries of the proposed annexation area, (c) the D-Land Connection, and (d) the generalized land use pattern for the area.

The City's Police Services agreement with Mecklenburg County provides funding from the unincorporated areas in proportion to population. Funding of police services would shift from the collection of Mecklenburg County's Police Service District tax to the City of Charlotte's property tax effective June 30, 2005. However, the current Police Services Agreement, amended effective July 1, 2004, continues the existing level of funding from Mecklenburg County to the City of Charlotte per the formula in effect for a period of four years. Therefore, there is no impact on the amount paid by Mecklenburg County for police services.

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A commensurate level of fire protection to the Brookshire West area will be provided by existing facilities located at Station 33 at 2001 Mt. Holly-Huntersville Road. To operate during the first year, the Fire Department will incur additional expenditures of \$761,241, which will be appropriated from the FY2006 General Fund. Additionally, start-up costs of \$779,623 will be incurred from the General Fund in FY2005. Service will commence on the effective date of annexation.

A contract with a rural fire department to provide fire protection is also an acceptable method of providing fire protection. If a volunteer fire department serving the annexation area makes a written request for a good faith offer, the City is required to make a good faith effort to negotiate a five-year contract with the volunteer fire department to provide fire protection in the area to be annexed. The written request must be delivered to the City Clerk no later than 15 days before the annexation public hearing.



- C. Except for the portion of the area described in Section E below (subsection (d) land), the area proposed to be annexed also meets the requirements of G.S. 160A-48(c)(2). The part of the area remaining after removing the subsection (d) land (developed part of the area) qualifies for annexation under the standards of at least one person for each acre of land and is subdivided in a manner that conforms with requirements of G.S. 160A-48(c)(2). There are a total number of 1,206 lots and tracts within the developed part of the area, and of that number there are 1,085 lots and tracts of one acre or less in size, which equals 90.0% of the total. Furthermore, there are a total of 725.7 acres (excluding streets) in the developed part of the area, and of that number 492.2 acres consist of lots and tracts of three acres or less in size, which represents 67.8% of the total acreage. Finally, in accordance with the provisions of G.S. 160A-54(1), the developed part of the area has an estimated total population of 2.30 persons per acre.
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### **Maps of the Area**

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**FIRE PROTECTION.** The Fire Department provides the residents of Charlotte with a high level of fire protection and suppression services, and maintains standards consistent with the requirements of the Insurance Services Office. The City enjoys a favorable insurance rating of "three." Protection is afforded by 1,015 full-time employees operating 37 engine companies, 13 ladder companies, 4 water tankers, 2 air crash/fire/rescue companies, 5 brush trucks, 2 heavy rescue squads, and 3 hazardous materials trucks. The Department's equipment is housed in 36 strategically located fire stations.

A commensurate level of fire protection to the Brookshire West area will be provided by existing facilities located at Station 33 at 2001 Mt. Holly-Huntersville Road. To operate during the first year, the Fire Department will incur additional expenditures of \$761,241, which will be appropriated from the FY2006 General Fund. Additionally, start-up costs of \$779,623 will be incurred from the General Fund in FY2005. Service will commence on the effective date of annexation.

A contract with a rural fire department to provide fire protection is also an acceptable method of providing fire protection. If a volunteer fire department serving the annexation area makes a written request for a good faith offer, the City is required to make a good faith effort to negotiate a five-year contract with the volunteer fire department to provide fire protection in the area to be annexed. The written request must be delivered to the City Clerk no later than 15 days before the annexation public hearing.

A RESOLUTION AMENDING REPORT OF PLANS FOR  
SERVICES FOR STEELE CREEK SOUTH AREA

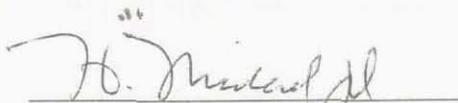
BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina:

Section 1. That the following pages are deleted from the report of plans for services for the Steele Creek South Area, as originally approved by the City Council on July 26, 2004 and amended on August 23, 2004: 6, 13, 15, 16, 19, 21 and 39.

Section 2. That the pages attached hereto and incorporated herein are substituted in lieu of the pages deleted from said report in Section 1 above.

Adopted this the 22nd day of November, 2004.

Approved as to form:

  
\_\_\_\_\_  
Senior Deputy City Attorney

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 385-392.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2004.

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

made in accordance with G.S. 160A-54(1). There are 3,169 dwelling units in the area (2,793 single family units and 376 multi-family units), which when multiplied by the average household size of 2.70 for single-family units and 1.75 for multi-family units and taking into account occupancy rates of 94.3% for single family units and 92.0% for multi-family units (all according to the latest federal decennial census) results in an estimated total resident population of 7,728. This population, when divided by the total number of acres (2,970.6) in the developed portion of the area, results in a population density of 2.60 persons per acre.

- C. The area proposed to be annexed does not meet the requirements of G.S. 160A-48(c)(2).
- D. The area proposed to be annexed does not meet the requirements of G.S. 160A-48(c)(3).
- E. A portion of the proposed annexation area does not meet the requirements of G.S. 160A-48(c), as described in B, C, and D above, but does meet the requirements of G.S. 160A-48(d)(2). This area – known as “subsection (d) land” - does not exceed twenty-five percent (25%) of the total area to be annexed. The total number of acres in the area to be annexed is 3,910.5. Of that acreage, 939.9 acres, or 24.0% is contained in the area not yet developed for urban purposes. The area is adjacent and at least sixty percent (60%) of its external boundary coincides with any combination of the present City boundary and the areas developed for urban purposes as defined in subsection (c). The aggregate boundary of the undeveloped area is 78,791.6 feet of which 74,290.3 feet or ninety four percent (94%) coincides with the present City boundary and the developed area (see the D-Land Connection Map).

### **Maps of the Area**

The following four pages contain maps of (a) the location of the area in relation to Charlotte, (b) the boundaries of the proposed annexation area, (c) the D-Land Connection, and (d) the generalized land use pattern for the area.

collection of Mecklenburg County's Police Service District tax to the City of Charlotte's property tax effective June 30, 2005. However, the current Police Services Agreement, amended effective July 1, 2004, continues the existing level of funding from Mecklenburg County to the City of Charlotte per the formula in effect for a period of four years. Therefore, there is no impact on the amount paid by Mecklenburg County for police services.

**FIRE PROTECTION.** The Fire Department provides the residents of Charlotte with a high level of fire protection and suppression services, and maintains standards consistent with the requirements of the Insurance Services Office. The City enjoys a favorable insurance rating of "three." Protection is afforded by 1,015 full-time employees operating 37 engine companies, 13 ladder companies, 4 water tankers, 2 air crash/fire/rescue companies, 5 brush trucks, 2 heavy rescue squads, and 3 hazardous materials trucks. The Department's equipment is housed in 36 strategically located fire stations.

In order to provide a commensurate level of fire protection to the Steele Creek South area, the Charlotte Fire Department will build a new station in the vicinity of York Road (NC49) and Steele Creek Road (NC160). The cost to acquire the site, design and construct the new three-bay fire station is estimated at \$4.0 million. The cost of the station will be appropriated from the Pay-As-You-Go fund, a capital account that is funded from property taxes. Additional start-up costs of \$1,164,746 will be incurred from the General Fund in FY2005 to cover the cost of equipment and personnel assigned to the new station. To operate during the first year, the Fire Department will incur additional expenditures of \$1,484,744 which will be appropriated from the FY2006 General Fund.

Until the new station is completed, a reasonable level of fire protection for the Steele Creek South area will be provided from a temporary facility proposed to be located in the vicinity of Sledge Road and Steele Creek Road. Service will commence on the effective date of annexation.

improvements. The department also conducts the City's Sidewalk Program, authorizes street light installations by Duke Energy, and approves take over billing for existing streetlights on public streets.

**Operations/Street Maintenance Services.** CDOT maintains, repairs and constructs all facilities located within the City street right of way. The current street maintenance policy states that the City of Charlotte is responsible for the general maintenance of all streets provided they are constructed in accordance with established City standards. In addition, the City will accept for maintenance those streets, which at the time of annexation are being maintained by the NC Department of Transportation (except those streets which form a part of the permanent State highway system, including all thoroughfares). Maintenance services include patching holes in the pavement, repairing roadway shoulders, cleaning and repairing storm water inlets and drains within the right of way and other related services. CDOT also evaluates, paves, and accepts for maintenance private streets qualifying for the Non-System Residential Street Program. This program predominately serves newly annexed areas.

The individual property owner is responsible for (1) maintenance of any property between the property line and the curb and edge of the paved street; (2) the provision of adequate drainage facilities so that his property will be free of standing water and will permit the natural flow of the water and, in the case of failure, the property owner shall bear the cost of facilities to alleviate this situation; and (3) the adequate maintenance and repair of adjoining sidewalk. At the request of the property owner, the City will repair or replace sidewalk with the cost of all materials necessary for the work to be borne by the property owner.

In order to provide operations/street maintenance services on substantially the same basis and in the same manner as provided in the City, approximately \$843,820 from the General Fund in FY2006 will be appropriated in the annual budget to reflect the additional cost of services to this area. Additional personnel and equipment required to provide this service to the area will be secured. Additionally, \$97,500 from the FY2005 (current year) general fund – which has been designated in the FY2005 budget for

annexation start-up costs – will be applied to start-up costs associated with operations/ street maintenance services. Finally, capital costs of \$2,547,122 from the FY2005, FY2006, and FY2007 budgets will also be required in order to improve area streets to City maintenance standards. Service will commence on the effective date.

Information on financing operations/street maintenance services is also set forth in Appendix B.

**ENGINEERING AND PROPERTY MANAGEMENT DEPARTMENT.** This department is responsible for providing a variety of services to other departments, which include engineering services, real estate acquisition, asset management, building maintenance, and landscape management. In addition, the department is responsible for the administration of City regulations relative to land development and management of the City's storm water capital systems improvement and maintenance. The general objectives of the department are to plan, design, and control construction of new capital improvements to meet community needs; develop programs for maintaining existing public facilities and ensure that private development adheres to certain City regulations. In order to provide engineering and property management services on substantially the same basis and in the same manner as provided in the City, approximately \$36,621 from the general fund will be appropriated in the annual budget to reflect the additional cost of services to this area. Additional personnel and equipment required to provide this service to the area will be secured.

**Survey/Mapping Division.** The Survey Section is responsible for all the surveying needs of Engineering and every other department except Charlotte-Mecklenburg Utilities Department (CMU) and Aviation. Surveying services, using either City forces or outside resources, are provided for all CIP Projects, acquisition and disposal of all City property, providing control data for the topo mapping services, location and stake-out services for the building permit process, surveying for all storm drainage repair projects, staking rights-of-way throughout the City and maintenance of the survey control system throughout the City and surrounding areas. The

\$579,976 from the general fund will be appropriated in the annual budget to reflect the costs associated with services to this area. The additional personnel and equipment required to provide this service will be secured. Service will commence on the effective date.

**Collections Division.** Provides weekly residential collection of garbage, recyclables, yard waste, bulky items, white goods and tires, although portions of the City may be served through a contract with a private solid waste collection firm under managed competition guidelines. Residents are provided with one 96-gallon rollout cart and one 14/18-gallon recycling bin free of charge. Garbage, recyclables and yard waste are collected from the curb on the same day of the week; bulk items, white goods and tires are collected within 7 days of call-in. Disabled residents may request backyard garbage collection with the recommendation of a certified physician and receive the service upon verification of the need by City staff.

**Administration: Contract Collection Services.** The City has authorized a contract with Inland Services, Inc. to provide refuse, recyclables, yard waste, bulky item, and white goods collection services in the West Zone of the City, to which the annexation area is adjacent. Since the proposed annexation area is within a portion of the City served by Inland Services, Inc., the City will provide the service to residential units in the proposed annexation area by contracting with Inland Services, Inc. Other portions of the City may be served through a contract with a private solid waste collection firm.

A contract with a private solid waste collection firm to provide collection services is an acceptable method of providing such services in the proposed annexation area. If a private solid waste collection firm of sufficient size providing collection services in the proposed annexation area requests a contract, the City is required to either contract with such firms for a period of two years after the effective date of annexation or pay to such firms in lieu of a contract a sum equal to a determined economic loss. The written request for a contract must be delivered to the City Clerk at least ten days before the annexation public hearing.

oversees a number of housing and community development programs and activities including the affordable housing program, the HOME grant, and innovative housing initiatives.

**Neighborhood Services** Provides neighborhood capacity building through complex problem solving, community leadership and organizational development, neighborhood matching grants and workforce development administration.

**OTHER CITY DEPARTMENTS.** Several other departments of City government are not involved in direct services to residents of the City or to its geographic areas. However, these departments are essential to the general operation of municipal business and will service the annexation areas in the same manner that they service the existing City. Such departments include Finance, Planning, Budget and Evaluation, Business Support Services, and Aviation.

In order to provide these other City services on substantially the same basis and in the same manner as provided in the City, approximately \$12,969 from the General Fund in FY2006 will be appropriated in the annual budget to reflect the additional cost of these services to this area. Additional personnel and equipment required to provide this service to the area will be secured. Additionally, \$28,855 from the FY2005 (current year) General Fund – which has been designated in the FY2005 budget for annexation start-up costs – will be applied to start-up costs associated with these services.

**WATER AND SEWER SERVICE.** The Charlotte-Mecklenburg Utility Department (CMUD) is responsible for the operation, maintenance, and extension of the water and sewer facilities that serve Charlotte and Mecklenburg County, including the towns within Mecklenburg County. The department's treatment system provides the Charlotte-Mecklenburg area with adequate quantities of potable water, and returns treated wastewater back to streams and rivers. The department operates on revenue generated by the sale of water and sewer service to its customers.

**Appendix B: 2005 Annexation Area Economic Analysis: Steele Creek South**

<u>EXPENDITURES</u>	<u>FY05</u>	<u>FY06</u>		<u>FY07</u>	
	<u>Start-Up</u>	<u>One-Time</u>	<u>Recurring</u>	<u>Total</u>	<u>Total</u>
<b>TRANSPORTATION</b>					
Street Lighting	0	0	70,620	70,620	70,620
Operations	0	136,517	0	136,517	0
Street Maintenance	0	0	241,683	241,683	241,683
Electronic Systems	97,500	395,000	0	395,000	0
<b>FIRE</b>					
Operations	1,164,746	27,665	1,457,079	1,484,744	1,563,314
<b>SOLID WASTE</b>					
Sanitation	172,156	10,087	569,889	579,976	587,429
<b>ENGINEERING</b>					
Operations	11,432	0	36,621	36,621	35,413
<b>CITY MANAGER'S OFFICE</b>					
Corporate Communications	43,099	0	0	0	0
<b>NEIGHBORHOOD DEVELOPMENT</b>					
Operations	19,482	500	64,736	65,236	66,456
<b>BUSINESS SUPPORT SERVICES</b>					
Operations	28,855	0	12,969	12,969	13,272
<b>ECONOMIC LOSS</b>					
Volunteer Fire Departments	83,752	0	0	0	0
Private Solid Waste Collection Firms	499,375	0	0	0	0
<b>TOTAL GENERAL FUND</b>	<b>2,120,397</b>	<b>569,769</b>	<b>2,453,597</b>	<b>3,023,366</b>	<b>2,578,187</b>
<b>POWELL BILL FUND</b>					
Street Maintenance	50,383	594,456	449,199	1,043,655	1,453,084
<b>STORM WATER FUND</b>					
	0	0	0	0	0
<b>TOTAL OPERATING EXPENDITURES</b>	<b>2,170,780</b>	<b>1,164,225</b>	<b>2,902,796</b>	<b>4,067,021</b>	<b>4,031,271</b>
<b>GENERAL CAPITAL</b>					
Fire Station	4,000,000	0	0	0	0
<b>UTILITIES (Capital Expend)</b>					
Water	2,066,768	0	0	0	0
Sewer	2,030,525	0	0	0	0
				<b>4,067,021</b>	<b>4,031,271</b>
<b>TOTAL EXPENDITURES</b>	<b>10,268,073</b>	<b>1,164,225</b>	<b>2,902,796</b>	<b>1</b>	<b>1</b>

A RESOLUTION AMENDING REPORT OF PLANS FOR  
SERVICES FOR COMMUNITY HOUSE ROAD AREA

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

Section 1. That the following pages are deleted from the report of plans for services for the Community House Road Area, as originally approved by the City Council on July 26, 2004: 5, 6, 13, 35, 36 and 37.

Section 2. That the pages attached hereto and incorporated herein are substituted in lieu of the pages deleted from said report in Section 1 above.

Adopted this the 22nd day of November, 2004.

Approved as to form:

  
Senior Deputy City Attorney

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 393-399.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2004.

  
Brenda R. Freeze, CMC, City Clerk

## **PART I: THE PROPOSED AREA**

### **General Description of the Area**

The Community House Road area is located entirely within the existing City limits south of the existing City boundaries, roughly between Marvin Road to the west and Rea Road extension to the east. The area is being developed residentially, but also contains institutional uses (a new middle school and a future district park). The area contains 257.5 acres and has an estimated population of 528.

### **Standards and Criteria**

STATEMENT SHOWING THAT THE AREA PROPOSED TO BE ANNEXED MEETS THE LEGISLATIVE STANDARDS PRESCRIBED BY G.S. 160A-48.

- A. The area proposed to be annexed meets the general standards of G.S. 160A-48(b) as follows:
1. The area is contiguous, as defined in G.S. 160A-53, to the City's boundary as of the time of the beginning of this annexation proceeding.
  2. The aggregate boundary of the area is 22,812.9 feet, of which 19,786.9 feet or eighty six point seven percent (86.7 percent) coincides with the present City boundary.
  3. No part of the area is included within the boundary of another incorporated municipality.
- B. Except for the portion of the area described in Section E below as "subsection (d) land", the area proposed to be annexed meets the requirements of G.S. 160A-48(c)(1). The part of the area remaining after removing the subsection (d) land qualifies for annexation under the standards of two and three-tenths persons per acre of land. The developed part of the area has an estimated total population of 2.72 persons per acre. This estimate is made in accordance with G.S. 160A-54(1). There are 190 dwelling units in the area (all single family units), which when multiplied by the average household size of 2.92 for single-family units and taking into account occupancy rates of 95.4% for single family units (all according to the latest federal decennial census) results in an estimated total resident population of 528. This population, when divided by the total number of acres

(194.2) in the developed portion of the area, results in a population density of 2.72 persons per acre.

- C. Except for the portion of the area described in Section E below (subsection (d) land), the area proposed to be annexed also meets the requirements of G.S. 160A-48(c)(2). The part of the area remaining after removing the subsection (d) land (developed part of the area) qualifies for annexation under the standards of at least one person for each acre of land and is subdivided in a manner that conforms with requirements of G.S. 160A-48(c)(2). There are a total number of 349 lots and tracts within the developed part of the area, and of that number there are 336 lots and tracts of one acre or less in size, which equals 96.3% of the total. Furthermore, there are a total of 172.3 acres (excluding streets) in the developed part of the area, and of that number 106.9 acres consist of lots and tracts of three acres or less in size, which represents 62.1% of the total acreage. Finally, in accordance with the provisions of G.S. 160A-54(1), the developed part of the area has an estimated total population of 2.72 persons per acre.
- D. The area proposed to be annexed does not meet the requirements of G.S. 160A-48(c)(3).
- E. A portion of the proposed annexation area does not meet the requirements of G.S. 160A-48(c), as described in B, C, and D above, but does meet the requirements of G.S. 160A-48(d)(2). This area – known as “subsection (d) land” - does not exceed twenty-five percent (25%) of the total area to be annexed. The total number of acres in the area to be annexed is 257.5. Of that acreage, 63.3 acres, or 24.6% is contained in the area not yet developed for urban purposes. The area is adjacent and at least sixty percent (60%) of its external boundary coincides with any combination of the present City boundary and the areas developed for urban purposes as defined in subsection (c). The aggregate boundary of the undeveloped area is 11,435.1 feet of which 11,435.1 feet or one hundred percent (100%) coincides with the present City boundary and the developed area (see the D-Land Connection Map).

### **Maps of the Area**

The following four pages contain maps of (a) the location of the area in relation to Charlotte, (b) the boundaries of the proposed annexation area, (c) the D-Land Connection, and (d) the generalized land use pattern for the area.

unincorporated areas in proportion to population. Funding of police services would shift from the collection of Mecklenburg County's Police Service District tax to the City of Charlotte's property tax effective June 30, 2005. However, the current Police Services Agreement, amended effective July 1, 2004, continues the existing level of funding from Mecklenburg County to the City of Charlotte per the formula in effect for a period of four years. Therefore, there is no impact on the amount paid by Mecklenburg County for police services.

**FIRE PROTECTION.** The Fire Department provides the residents of Charlotte with a high level of fire protection and suppression services, and maintains standards consistent with the requirements of the Insurance Services Office. The City enjoys a favorable insurance rating of "three." Protection is afforded by 1,015 full-time employees operating 37 engine companies, 13 ladder companies, 4 water tankers, 2 air crash/fire/rescue companies, 5 brush trucks, 2 heavy rescue squads, and 3 hazardous materials trucks. The Department's equipment is housed in 36 strategically located fire stations.

A commensurate level of fire protection to the Community House Road area will be provided by existing facilities located at Station 32 at 9225 Bryant Farms Road. To operate during the first year, the Fire Department will incur additional expenditures of \$19,695, which will be appropriated from the FY2006 General Fund. Additionally, start-up costs of \$28,387 will be incurred from the General Fund in FY2005. Service will commence on the effective date of annexation.

A contract with a rural fire department to provide fire protection is also an acceptable method of providing fire protection. If a volunteer fire department serving the annexation area makes a written request for a good faith offer, the City is required to make a good faith effort to negotiate a five-year contract with the volunteer fire department to provide fire protection in the area to be annexed. The written request must be delivered to the City Clerk no later than 15 days before the annexation public hearing.

APPENDIX A

STATISTICAL SUMMARY PER ANNEXATION STATUTORY REQUIREMENTS

COMMUNITY HOUSE ROAD AREA  
 IN TERMS OF STATUTORY REQUIREMENTS  
 (STATISTICS COMPILED APRIL, 2004)

STATUTORY PREREQUISITE

At least one-eighth (1/8) of the total boundary (or 12.5%) of the area must coincide with the present municipal boundary.

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Total boundary	22,812.9 ft.	
2. Boundary contiguous with municipal boundary	19,786.9 ft.	
3. Proportion of total boundary contiguous with the municipal boundary	86.7%	$\geq 12.5\%$

*(area meets this statutory prerequisite)*

QUALIFYING CRITERIA subsection C-1

Has a resident population equal to at least 2.3 persons for each acre of land within the developed part of the area.

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Total number of dwellings in developed part of area	190	
2. Average number of persons per household (2000 Census)	2.92	
3. Estimated population of developed part of the area	528	
4. Acreage of developed part of the area	194.2	
5. Population per acre in developed part of area	2.72	$\geq 2.3$

*(area qualifies under subsection C-1)*

STATISTICAL SUMMARY (Continued)

QUALIFYING CRITERIA subsection C-2

Has a resident population equal to at least one person per acre in the developed part of the area, and at least 60% of the acreage of all the lots in the developed part of the area must be in lots 3 acres or less and at least 65% of the number of lots in the developed part of the area must be one acre or less.

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Population per acre (calculated above)	2.72	>= 1.0
2. Total acreage of all lots in developed part of the area	172.3	
3. Total acreage of lots 3 acres or less in developed part of area	106.9	
4. Acreage of 3 above as proportion of 2 above	62.1%	>=60%
5. Total number of lots in developed part of the area	349	
6. Number of lots in developed portion of area 1 acre or less	336	
7. Number of lots in 6 above as proportion of 5 above	96.3%	>=65%

*(area qualifies under subsection C-2)*

STATISTICAL SUMMARY (Continued)

QUALIFYING CRITERIA subsection C-3

At least 60% of the total number of lots and tracts in the developed part of the area at the time of annexation are used for urban purposes, and is subdivided into lots and tracts such that at least 60% of the total acreage in the developed part of the area (not counting acreage used for commercial, industrial, governmental, or institutional purposes) consist of lots and tracts three acres or less in size.

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Total number of lots and tracts in developed part of area	349	
2. Total number of lots and tracts used for urban purposes in developed part of area	195	
3. Total lots and tracts used for urban purposes in developed part of area, as a proportion of total lots and tracts	55.9%	>=60%
4. Total acreage of developed part of area, excluding acreage used for commercial, industrial, governmental, or institutional purposes	122.4	
5. Total acreage of developed part of area in lots and tracts 3 acres or less, not counting acreage used for commercial, industrial, governmental, or institutional purposes	104.6	
6. Acreage in 5 above as proportion of acreage in 4 above	85.5%	>=60%

*(area does not qualify under subsection C-3)*

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE  
AMENDING THE FIVE-YEAR CAPITAL INVESTMENT PLAN FOR FISCAL YEARS  
2005 to 2009.**

---

WHEREAS, the City of Charlotte recognizes the importance of developing long range capital investment planning to maintain the growth and vitality of the community; and

WHEREAS, the City of Charlotte continuously develops and reviews the policy, financial and planning assumptions and impacts of capital investment projects for the City; and

WHEREAS, the City of Charlotte has a five-year Capital Investment Plan based on policy assumptions, so stated in the FY2005-2009 Capital Investment Plan that balance the potential physical development planning with long-range financial capacity; and

WHEREAS, the Capital Investment Plan is amended from time to time to reflect changing circumstances and that the Plan now needs to be amended to

NOW THEREFORE BE RESOLVED, by the City Council of the City of Charlotte, in its regular session duly assembled, that it does hereby amend the Capital Investment Plan for fiscal years 2005 to 2009 through acceleration of appropriations totaling \$4.0 million for the construction of annexation fire stations from FY2006 to FY2005.

This 22nd day of November 2004

  
SRAssst City Attorney

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 400.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2004.

  
Brenda R. Freeze, CMC, City Clerk



**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 401-402

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2004.

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

**Resolution of the Charlotte City Council  
in support of the Centralina Regional Comprehensive Economic Development  
Strategy (“*No Boundaries*”) and the Formation of the Centralina Economic  
Development Commission**

**WHEREAS**, Centralina Council of Governments initiated a new program for regional economic prosperity and has conducted an economic development study, “*No Boundaries*”, which was presented on September 29, 2004;

**WHEREAS**, the City of Charlotte is a member of the Centralina Council of Governments;

**WHEREAS**, the Charlotte City Council recognizes the need to support and promote economic development for its citizens, by local and regional programs;

**WHEREAS**, the Charlotte City Council supports and promotes economic development to maintain and improve the regional infrastructure and strengthen capacities needed to sustain economic growth in a positive and competitive environment; and

**WHEREAS**, the Charlotte City Council recognizes that in order to be eligible for preferential US Economic Development Administration funding and support, an Economic Development District must be created and designated.

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

**SECTION 1.** The Charlotte City Council supports the Regional Comprehensive Economic Development Strategy, “*No Boundaries*”, (September 2004) as a regional plan to be submitted to the US Economic Development Administration.

**SECTION 2.** The Charlotte City Council recommends creation of Centralina Economic Development Commission as a 501(c)(3) organization and will participate in the organization and name an elected official or senior staff member to serve as a representative.

**SECTION 3.** The Charlotte City Council supports the Centralina Council of Governments seeking and accepting EDA district designation for Centralina Economic Development Commission.

**ADOPTED**, with quorum present and voting this 22<sup>nd</sup> day of November, 2004.

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 403-404

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2004.

  
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Brenda R. Freeze, CMC, City Clerk

REVISED RESOLUTION OF THE CHARLOTTE CITY COUNCIL  
REGARDING A "SIXTH AMENDMENT TO PURCHASE AND SALE  
AGREEMENT,  
AND GENERAL DEVELOPMENT AND FUNDING AGREEMENT" AND "FIRST  
AMENDMENT TO PARKING SPACE MANAGEMENT AGREEMENT"

WHEREAS, on April 12, 1999, the Charlotte City Council ("Council") adopted a resolution that:

(a) authorized the City's investment of \$16 Million Dollars in a convention center hotel and parking deck in accordance with the terms and provisions of a Development and Funding Agreement, and thereby acquiring unencumbered title to specified Meeting Facilities and 500 parking spaces as therein provided, such funds to be invested by the City to be allocated from revenues derived from the prepared food tax and the hotel/motel tax levied as authorized by 1989 NC Session Law, sec. 821;

(b) authorized and directed the City Manager to execute on behalf of the City certain specified "Transaction Documents" that established the relationship among the City (and the Auditorium-Coliseum-Convention Center Authority where applicable), Trade Mart Associates, Ltd., Portman Holdings, L.P., and Starport I, LLC (the entity formed by Portman to develop and own the Project);

(c) authorized and directed the City Manager to negotiate and subsequently execute on behalf of the City a Declaration of Condominium and Declaration of Easements, Covenants, Conditions and Restrictions for the Charlotte Convention Center Hotel in such form as shall be approved by the City Attorney in order to further implement the Transaction Documents and all as more fully provided in the Development and Funding Agreement; and

(d) authorized the City Manager to make such minor modifications or revisions to the Transaction Documents as shall be reasonably necessary or desirable in order to address technical concerns or requests that may be raised by the financial institution providing construction and/or permanent financing for the Project or by the City Bond Counsel provided, however, the following changes or modifications to the Transaction Documents must be first approved by Council: (i) increasing the amount of the City's investment; (ii) eliminating the City's right to specific performance of the Transaction Documents; (iii) reducing the number of hotel rooms to less than 700; (iv) diminishing the quality of title to be received by the City in the Meeting Facility and 500 parking spaces; (v) modifying the term of any of the Transaction Documents, (vi) reducing the number of rooms available under the Room Block Agreement; (vii) reducing the number of parking spaces available under the Parking Space Commitment; or (viii) diminishing the protection now afforded the City in the event of a termination of the ground lease to Developer, a foreclosure under any financing secured by Developer,

upon a bankruptcy of Developer or operator or upon a sale of the hotel and parking facility; and

(e) authorized the City Manager to take all such other and further steps and execute such other certificates, documents and agreements necessary or desirable in order to carry out the intent and purposes of the foregoing resolutions; and

WHEREAS, due to changes in the capital markets that made it impossible for the Developer to secure necessary debt and equity funding for the convention center hotel and parking deck project, on November 8, 1999, the Council adopted a resolution that;

(a) authorized a First Amendment to Purchase and Sale Agreement, and General Development and Funding Agreement which incorporates a Parking Space Management Agreement Term Sheet calling for the City to pay up to \$2.5 million annually for management services for its 500 parking spaces, such funds to be paid for solely from revenues derived from the prepared food tax and the hotel/motel tax levied as authorized by 1989 NC Session Law, sec. 821, and subject to specified reimbursement obligations and safeguard measures;

(b) authorized and directed the City Manager to execute on behalf of the City the First Amendment to Purchase and Sale Agreement, and General Development and Funding Agreement;

(c) authorized and directed the City Manager to negotiate and execute on behalf of the City a Parking Space Management Agreement that shall be consistent with the Parking Space Management Agreement Term Sheet subject to such minor deviations as shall be reasonably necessary or desirable in order to address technical concerns or requests that may be raised by the financial institution providing construction and/or permanent financing for the Project or by the City Bond Counsel provided, however, the following deviations must be first approved by Council: (i) increasing the annual parking space management fee to be paid by the City above \$2.5 million; (ii) eliminating or reducing the cash flow guarantee by the parking garage operator; (iii) eliminating or reducing the management fee reimbursement obligation or the priority of such reimbursement obligation; (iv) eliminating the City's rights upon default; (v) eliminating or reducing the protections of the affirmative covenants material to the City, (vi) eliminating or reducing the Developer's letter of credit obligation; (vii) eliminating or reducing the Developer's year 6-10 escrow funding obligation; and

(d) authorized the City Manager to take all such other and further steps and execute such other certificates, documents and agreements necessary or desirable in order to carry out the intent and purposes of the foregoing resolutions; and

WHEREAS, due to favorable performance of the convention center hotel and parking deck and current market conditions, the Developer wishes to refinance and restructure certain loans related to the convention center hotel and parking deck project, which refinancing and restructuring requires the approval of the City; and

WHEREAS, in exchange for the City's approval of the contemplated refinancing and restructuring, the Developer has offered to take certain steps that will enhance the City's position regarding the City's investment in the project; and

WHEREAS, this Council, recognizing the benefit that will accrue to the City through the enhancement of the City's position regarding the City's investment in the project, desires to authorize the City Manager to execute, on behalf of the City, such amendments to the "Purchase and Sale Agreement, General Development and Funding Agreement", "Parking Space Management Agreement", and such other documents or amendments to documents as are necessary to facilitate the refinancing and restructuring of loans related to the Project subject to the terms of this resolution; and

WHEREAS, on August 23, 2004 this Council adopted a "Resolution of the Charlotte City Council Regarding a 'Sixth Amendment to Purchase and Sale Agreement, and General Development and Funding Agreement' and 'First Amendment to Parking Space Management Agreement'"; and

WHEREAS, subsequent to the August 23, 2004 Resolution, it was determined that the Developer's refinancing lender will require ownership of the Hotel to be placed in a newly established bankruptcy-remote "special purpose entity" which will have the effect of "structurally subordinating" the "Participation Payments" to the City and will not agree to a requirement that there be a 2x coverage ratio as a condition on any subsequent refinancing; and

WHEREAS, in consideration of the "structural subordination" and removal of the coverage ratio requirement, the Developer has agreed to improve the collateral that stands behind the "Participation Payments".

NOW, THEREFORE, be it resolved that:

Notwithstanding the limitations set forth in the above-referenced resolutions approved on April 12, 1999 and November 8, 1999, the City Manager is authorized and directed to negotiate and execute on behalf of the City such amendments to the "Purchase and Sale Agreement, General Development and Funding Agreement", "Parking Space Management Agreement", and such other documents or amendments to documents as are necessary to facilitate the Developer's refinancing and restructuring of loans related to the Project subject to the following limitations and requirements:

- (a) the Developer's first mortgage debt on the convention center hotel shall not exceed \$84,000,000;
- (b) the Developer shall use a portion of the refinancing proceeds to purchase a portion of the convention center hotel site that the Developer is currently leasing;

- (c) the Developer shall use a portion of the refinancing proceeds to pay the City the deferred portion of the 2003 Participation Payment under the Parking Space Management Agreement;
- (d) the Developer shall use a portion of the refinancing proceeds to make an advanced payment to the City of a portion of the 2004 Participation Payment under the Parking Space Management Agreement;
- (e) the Developer will provide a guarantee, acceptable to the City, for the remainder of the 2004 Participation Agreement under the Parking Space Management Agreement;
- (f) the City's Deed of Trust on a majority of the parking spaces within the parking deck shall be elevated to a first lien position;
- (g) the City will acknowledge that Starwood Hotels & Resorts Worldwide, Inc., has no further obligations under the Parking Space Management Agreement since the Delayed Opening Reimbursement has been paid to the City;
- (h) the Developer shall pay all of the City's legal fees and other transaction costs resulting from this refinancing;
- (i) the City will agree to release, for no charge other than legal fees and other transaction costs, the air rights above the parking deck at such time as the Developer presents to the City a financed development project that requires the use of those air rights;
- (j) the Developer shall (i) provide a \$1.2 million letter of credit through 2013 which will be continually restored without any aggregate limit as additional collateral security for the making of the Participation Payments; (ii) guaranty that at the end of the tenth year the parking deck escrow will be fully funded at \$6 million, which escrow is an additional collateral security for the making of the Participation Payments; and (iii) be required to continue the \$1.2 million letter of credit as collateral for the Participation Payment for the full term of a future refinancing loan in the event that there is a coverage ration of less than 2x at the time of the refinancing.

Adopted this 22<sup>th</sup> day of November, 2004.

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page(s) 405-409.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2004.

  
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Brenda R. Freeze, CMC, City Clerk

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE AMENDING THE FIVE-YEAR CAPITAL INVESTMENT PLAN FOR FISCAL YEARS 2005 to 2009.**

WHEREAS, the City of Charlotte recognizes the importance of developing long range capital investment planning to maintain the growth and vitality of the community; and

WHEREAS, the City of Charlotte continuously develops and reviews the policy, financial and planning assumptions and impacts of capital investment projects for the City; and

WHEREAS, the City of Charlotte has a five-year Capital Investment Plan based on policy assumptions, so stated in the FY2005-2009 Capital Investment Plan that balance the potential physical development planning with long-range financial capacity; and

WHEREAS, the Capital Investment Plan is amended from time to time to reflect changing circumstances and that the Plan now needs to be amended to

NOW THEREFORE BE RESOLVED, by the City Council of the City of Charlotte, in its regular session duly assembled, that it does hereby amend the Capital Investment Plan for fiscal years 2005 to 2009 by including developer payments in the Capital Investment Plan to participate in the redevelopment of the old Convention Center and that these payments will be \$550,000 annually for 4 years commencing in FY2007. That the sources of funding for the project shall be funding diverted from the following capital projects:

Sidewalk Program	\$1,000,000
Business Corridors Program	\$500,000
Minor Roadway Program	\$700,000
Total	\$2,200,000

Other capital infrastructure improvements shall be implemented by the Charlotte Area Transit System valued at \$1,000,000 in association with the project for connectivity between the project and the rail corridor.

This 22nd day of November 2004

*Robert E. Hay*  
S.A. Hay, City Attorney

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 410.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2004.

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

**STATEMENT OF RESULTS OF SPECIAL BOND REFERENDUM ON THE BOND ORDER AUTHORIZING THE ISSUANCE OF \$101,800,000 GENERAL OBLIGATION PUBLIC IMPROVEMENTS BONDS, HELD FOR THE CITY OF CHARLOTTE, NORTH CAROLINA ON NOVEMBER 2, 2004**

*WHEREAS*, by direction of the City Council (the "City Council") of the City of Charlotte, North Carolina, a special bond referendum was duly called and held for said City on November 2, 2004 for the purpose of submitting to the qualified voters of said City the question hereinafter set forth, and said City Council has received from the Mecklenburg County Board of Elections a certification of the results of said referendum, and has determined the result of said referendum to be as hereinafter stated;

*NOW, THEREFORE*, the City Council hereby makes the following statement of the result of said referendum pursuant to The Local Government Bond Act:

- (1) The number of voters registered and qualified to vote at said referendum was 387,630
- (2) The total number of voters who voted "Yes" in answer to the question,

"*SHALL* the order authorizing \$101,800,000 of bonds secured by the pledge of the full faith and credit of the City of Charlotte, North Carolina to provide funds to pay the capital costs of constructing, reconstructing, enlarging, extending and improving certain streets, including streets and roads constituting a part of the State highway system or otherwise the responsibility of the State and including the cost of related studies, streetscape and pedestrian improvements, relocation of utilities, plans and design; acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading or improving streets, roads, intersections and parking lots; acquiring, constructing, reconstructing or improving sidewalks, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; and the acquisition of land and rights-of-way in land required therefor, and a tax to be levied for the payment thereof be approved?"

was 156,875. The total number of voters who voted "No" in answer to such question was 65,632. The question in the form submitted was APPROVED by the affirmative vote of a majority of those who voted thereon at said referendum.

Any action or proceeding challenging the regularity or validity of this special bond referendum must be begun within 30 days after November 2, 2004.

**CITY OF CHARLOTTE, NORTH CAROLINA**

By /s/ Brenda R. Freeze  
City Clerk

**CERTIFICATION** City of Charlotte, North Carolina

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 411.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2004.

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

**STATEMENT OF RESULTS OF SPECIAL BOND REFERENDUM ON THE BOND ORDER AUTHORIZING THE ISSUANCE OF \$13,800,000 GENERAL OBLIGATION NEIGHBORHOOD IMPROVEMENT BONDS, HELD FOR THE CITY OF CHARLOTTE, NORTH CAROLINA ON NOVEMBER 2, 2004**

*WHEREAS*, by direction of the City Council (the "City Council") of the City of Charlotte, North Carolina, a special bond referendum was duly called and held for said City on November 2, 2004 for the purpose of submitting to the qualified voters of said City the question hereinafter set forth, and said City Council has received from the Mecklenburg County Board of Elections a certification of the results of said referendum, and has determined the result of said referendum to be as hereinafter stated;

*NOW, THEREFORE*, the City Council hereby makes the following statement of the result of said referendum pursuant to The Local Government Bond Act:

- (1) The number of voters registered and qualified to vote at said referendum was 387,630
- (2) The total number of voters who voted "Yes" in answer to the question,

"*SHALL* the order authorizing \$13,800,000 of bonds secured by the pledge of the full faith and credit of the City of Charlotte, North Carolina to provide funds to pay the capital costs of infrastructure improvements in various neighborhoods of the City, including the cost of related studies, plans and design; acquiring, constructing, reconstructing, improving, installing or providing curbs, gutters, storm drainage and sidewalks; paving, resurfacing, grading or improving streets, roads and intersections; and providing related landscaping and lighting and acquiring any necessary equipment, land, interests in land and rights-of-way therefor, and a tax to be levied for the payment thereof be approved?"

was 150,678. The total number of voters who voted "No" in answer to such question was 68,795. The question in the form submitted was APPROVED by the affirmative vote of a majority of those who voted thereon at said referendum.

Any action or proceeding challenging the regularity or validity of this special bond referendum must be begun within 30 days after November 2, 2004.

**CITY OF CHARLOTTE, NORTH CAROLINA**

By /s/ Brenda R. Freeze  
City Clerk  
City of Charlotte, North Carolina

**CERTIFICATION**

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 412.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2004.

  
Brenda R. Freeze, CMC, City Clerk

**STATEMENT OF RESULTS OF SPECIAL BOND REFERENDUM ON THE BOND ORDER AUTHORIZING THE ISSUANCE OF \$15,000,000 GENERAL OBLIGATION HOUSING BONDS, HELD FOR THE CITY OF CHARLOTTE, NORTH CAROLINA ON NOVEMBER 2, 2004**

*WHEREAS*, by direction of the City Council (the "City Council") of the City of Charlotte, North Carolina, a special bond referendum was duly called and held for said City on November 2, 2004 for the purpose of submitting to the qualified voters of said City the question hereinafter set forth, and said City Council has received from the Mecklenburg County Board of Elections a certification of the results of said referendum, and has determined the result of said referendum to be as hereinafter stated;

*NOW, THEREFORE*, the City Council hereby makes the following statement of the result of said referendum pursuant to The Local Government Bond Act:

- (1) The number of voters registered and qualified to vote at said referendum was 387,630.
- (2) The total number of voters who voted "Yes" in answer to the question,

"*SHALL* the order authorizing \$15,000,000 of bonds secured by the pledge of the full faith and credit of the City of Charlotte, North Carolina to provide funds to pay the capital costs of acquiring, constructing, developing, equipping and furnishing housing projects for the benefit of persons of low income, or moderate income, or low and moderate income, including without limitation loans, grants, interest supplements and other programs of financial assistance to persons of low income, or moderate income, or low and moderate income, and developers of housing for persons of low income, or moderate income, or low and moderate income, and construction of infrastructure improvements related thereto and the acquisition of land and rights-of-way required therefor, and a tax to be levied for the payment thereof be approved?"

was 137,042. The total number of voters who voted "No" in answer to such question was 83,380. The question in the form submitted was APPROVED by the affirmative vote of a majority of those who voted thereon at said referendum.

Any action or proceeding challenging the regularity or validity of this special bond referendum must be begun within 30 days after November 2, 2004.

CITY OF CHARLOTTE, NORTH CAROLINA

By /s/ Brenda R. Freeze  
City Clerk

**CERTIFICATION** City of Charlotte, North Carolina

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 2004, the reference having been made in Minute Book 121, and recorded in full in Resolution Book 39, Page 413.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2004.

  
Brenda R. Freeze, CMC, City Clerk