

**RESOLUTION CLOSING A RESIDUAL PORTION OF MATHESON AVENUE AND A 10-FOOT ALLEYWAY BETWEEN WESLEY AVENUE AND MATHESON AVENUE IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA**

---

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close a residual portion of Matheson Avenue and a 10-foot alleyway between Wesley Avenue and Matheson Avenue which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close a residual portion of Matheson Avenue and a 10-foot alleyway between Wesley Avenue and Matheson Avenue to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

WHEREAS, the petitioner will provide an access easement to Duke Energy, Time Warner Cable, AT&T, and all other owners of existing underground utilities and telecommunications to maintain their facilities as shown on the attached maps marked Exhibit A-1 and A-2; and

WHEREAS, the public hearing was held on the 23<sup>rd</sup> day of November, 2009, and City Council determined that the closing of a residual portion of Matheson Avenue and a 10-foot alleyway between Wesley Avenue and Matheson Avenue is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of November 23, 2009, that the Council hereby orders the closing of a residual portion of Matheson Avenue and a 10-foot alleyway between Wesley Avenue and Matheson Avenue in the City of Charlotte, Mecklenburg County North Carolina as shown in the maps marked "Exhibit A-1 and A-2", and is more particularly described by metes and bounds in documents marked "Exhibit B-1 and B-2", all of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina.

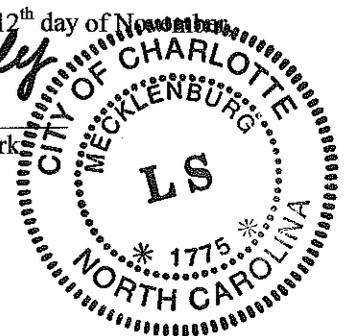
BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

**CERTIFICATION**

I, Stephanie C. Kelly, 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 11<sup>th</sup> day November, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Pages (266-270).

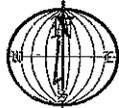
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12<sup>th</sup> day of November, 2009.

  
Stephanie C. Kelly, CMC, City Clerk

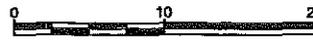


**Gary R. Volmer, PLS**

Professional Land Surveyor, L-3985  
Licensed in North Carolina  
117 Rankin Street  
Belmont, NC 28012-2831  
Phone: 704.825.4732 Fax: 888.825.4730  
Nextel: 704.239.4668 ID: 150\*24\*28089



NORTH REFERENCE  
MB 40 PG 839



SCALE: 1" = 10'

FIELD BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

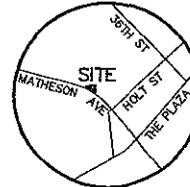
REVISED: 1, GRV, 8/28/2009 - REVISED PER CDDT COMMENTS

DRAWN BY: GRV DATE: 6/23/09 JOB # 09008

**LEGEND**

- R/W RIGHT-OF-WAY
- MB/PG MAP BOOK/PAGE
- DB/PG DEED BOOK/PAGE
- x — FENCE LINE
- TELEPHONE PEDESTAL
- UTILITY POLE/METER
- OH/U — OVERHEAD UTILITY LINES
- CABLE TV PEDESTAL
- GAS METER
- AC AIR CONDITIONER/HEAT PUMP

**EXHIBIT A-1**



VICINITY MAP  
NOT TO SCALE

**WESLEY AVENUE**  
50' PUBLIC R/W  
(PER MB 967 PG 495)

**NOTES:**

AREA DETERMINED BY COORDINATE GEOMETRY.

ALL DISTANCES SHOWN ON THIS MAP ARE HORIZONTAL GROUND UNLESS OTHERWISE NOTED.

THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE REPORT.

UTILITY LINES SHOWN HEREON FOR THE PURPOSE OF DECLARATION OF RETENTION OF UTILITY EASEMENTS. GENERAL BLANKET EASEMENT FOR UTILITY LINES RECORDED IN DEED BOOK 938 PAGE 612.

THE PURPOSE OF THIS SURVEY IS FOR ABANDONMENT OF THE PUBLIC RIGHT OF WAY SHOWN HEREON, FOR THE PURPOSE OF RECOMBINING WITH THE ADJACENT PROPERTIES.

EASEMENT IN FAVOR OF DUKE ENERGY, TIME WARNER CABLE AND AT&T AND ALL OTHER OWNERS OF EXISTING UNDERGROUND UTILITIES AND TELECOMMUNICATION FACILITIES UPON, UNDER AND ACROSS THE ENTIRE PROPERTY FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT AND REPAIR OF CONDUIT, CABLE, WIRES AND RELATED EQUIPMENT.

083-155-01  
LOT 6  
MB 967 PG 495  
CITY OF CHARLOTTE  
DB 2961 PG 507

-VACANT-

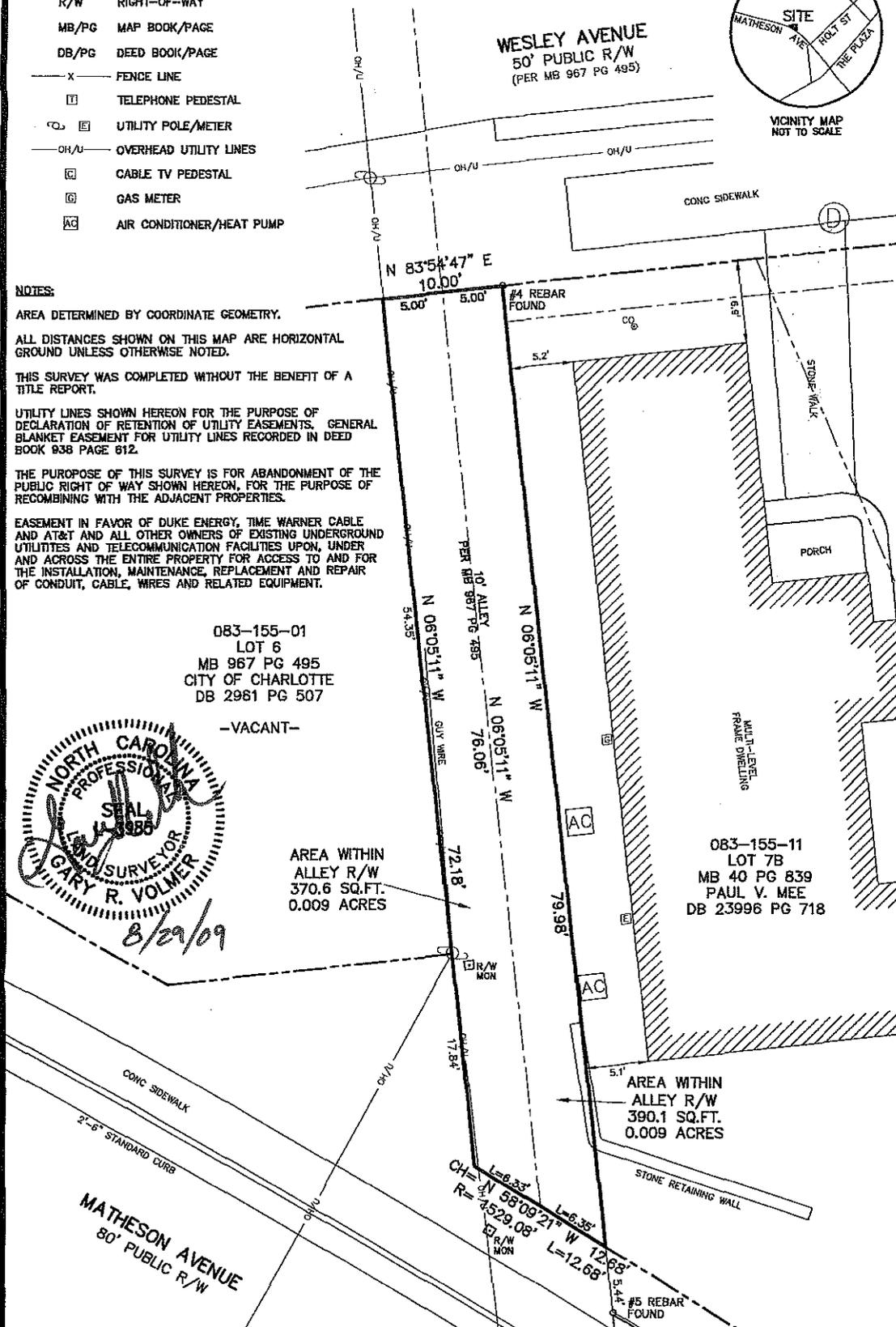
AREA WITHIN  
ALLEY R/W  
370.6 SQ.FT.  
0.009 ACRES

083-155-11  
LOT 7B  
MB 40 PG 839  
PAUL V. MEE  
DB 23996 PG 718

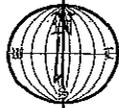
AREA WITHIN  
ALLEY R/W  
390.1 SQ.FT.  
0.009 ACRES



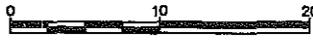
**MATHESON AVENUE**  
80' PUBLIC R/W



**Gary R. Volmer, PLS**  
 Professional Land Surveyor, L-3985  
 Licensed in North Carolina  
 117 Rankin Street  
 Belmont, NC 28012-2831  
 Phone: 704.825.4732 Fax: 888.825.4730  
 Nextel: 704.239.4668 ID: 150\*24\*28089



NORTH REFERENCE  
 MB 40 PG 839



SCALE: 1" = 10'

FIELD BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

REVISED: 1, GRV, 8/28/2009 - REVISED PER CDOT COMMENTS

DRAWN BY: GRV DATE: 6/23/09 JOB # 09008

# EXHIBIT A-2

## LEGEND

- R/W RIGHT-OF-WAY
- MB/PG MAP BOOK/PAGE
- DB/PG DEED BOOK/PAGE
- X FENCE LINE
- ☐ TELEPHONE PEDESTAL
- ☐ UTILITY POLE/METER
- OH/U OVERHEAD UTILITY LINES
- ☐ CABLE TV PEDESTAL
- ☐ GAS METER
- ☐ AIR CONDITIONER/HEAT PUMP

### NOTES:

AREA DETERMINED BY COORDINATE GEOMETRY.

ALL DISTANCES SHOWN ON THIS MAP ARE HORIZONTAL GROUND UNLESS OTHERWISE NOTED.

THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE REPORT.

UTILITY LINES SHOWN HEREON FOR THE PURPOSE OF DECLARATION OF RETENTION OF UTILITY EASEMENTS. GENERAL BLANKET EASEMENT FOR UTILITY LINES RECORDED IN DEED BOOK 938 PAGE 612.

THE PURPOSE OF THIS SURVEY IS FOR ABANDONMENT OF THE PUBLIC RIGHT OF WAY SHOWN HEREON, FOR THE PURPOSE OF RECOMBINING WITH THE ADJACENT PROPERTIES.

EASEMENT IN FAVOR OF DUKE ENERGY, TIME WARNER CABLE AND AT&T AND ALL OTHER OWNERS OF EXISTING UNDERGROUND UTILITIES AND TELECOMMUNICATION FACILITIES UPON, UNDER AND ACROSS THE ENTIRE PROPERTY FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT AND REPAIR OF CONDUIT, CABLE, WIRES AND RELATED EQUIPMENT.

083-155-01  
 LOT 6  
 MB 967 PG 495  
 CITY OF CHARLOTTE  
 DB 2961 PG 507

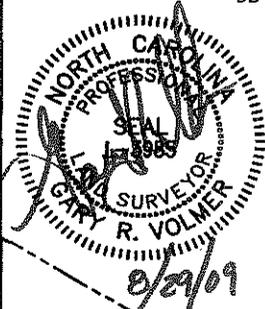
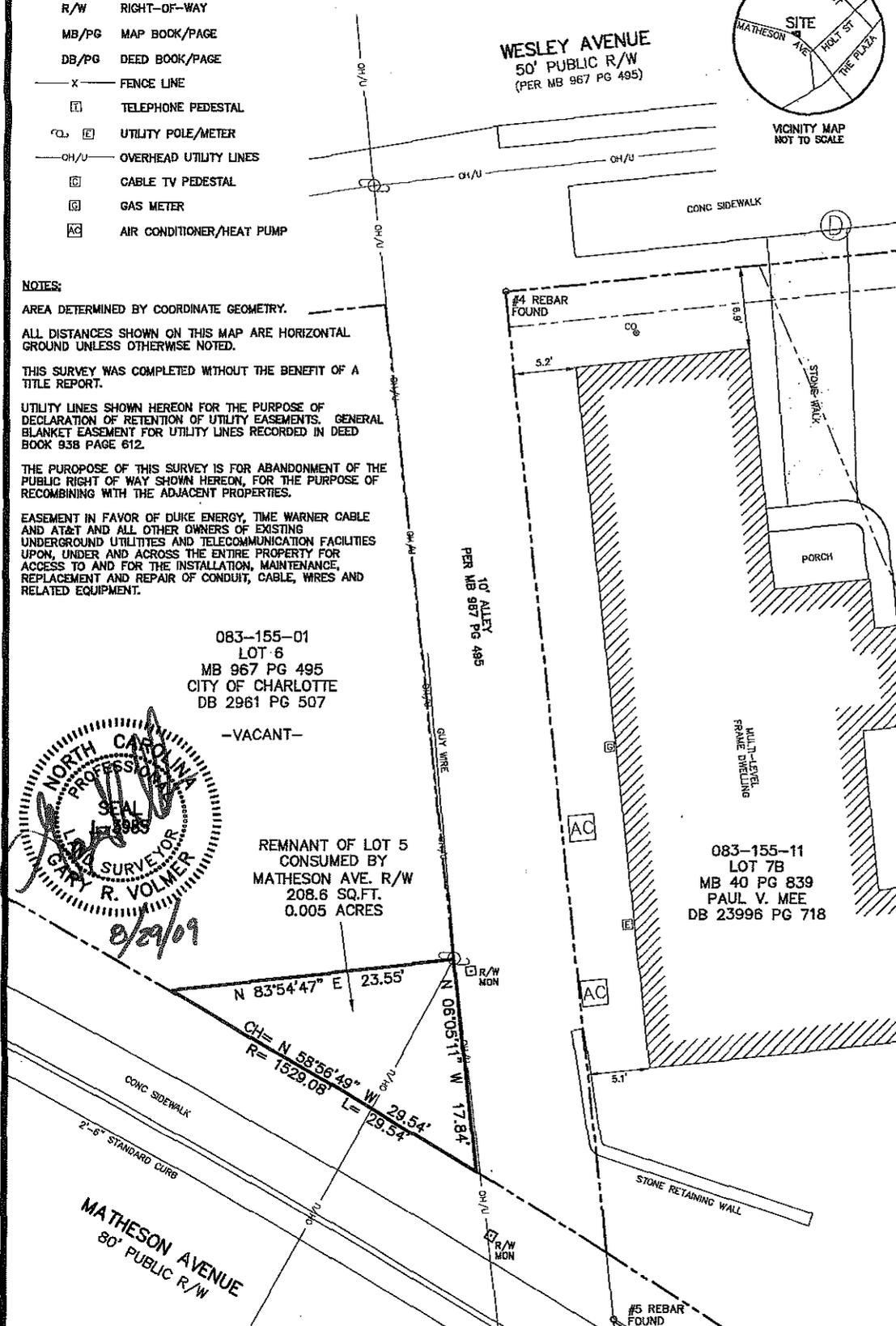
-VACANT-

REMNANT OF LOT 5  
 CONSUMED BY  
 MATHESON AVE. R/W  
 208.6 SQ.FT.  
 0.005 ACRES

083-155-11  
 LOT 7B  
 MB 40 PG 839  
 PAUL V. MEE  
 DB 23996 PG 718



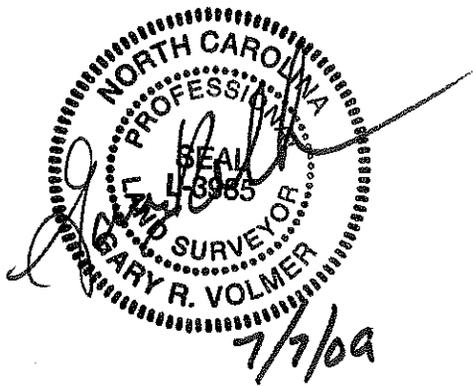
VICINITY MAP  
 NOT TO SCALE



## Exhibit B-1

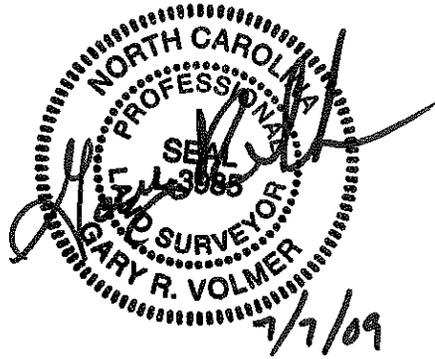
### 10 Alley R/W Abandonment

**Beginning** at a #4 rebar found, marking the northwesterly corner of Lot 7B as recorded in Map Book 40 Page 839 in the Mecklenburg County Public Registry, said rebar lying on the southerly margin of Wesley Avenue, a fifty foot public right of way as recorded in Map Book 967 Page 495 in the Mecklenburg County Public Registry, thence in a southerly direction along the western line of Lot 7B, South 06 degrees 5 minutes 13 seconds East a distance of 79.98 feet to a point, said point lying of the northerly margin of Matheson Ave., thence with the northerly margin of Matheson Ave. along a circular curve to the left a distance of 12.68 feet (having a radius of 1529.08 feet and a chord bearing North 58 degrees 09 minutes 21 seconds West a distance of 12.68 feet) to a point, thence North 06 degrees 05 minutes 11 seconds West a distance of 72.18 feet to a point, said point lying on the southerly margin of Wesley Ave., thence with the margin of Wesley Ave. North 83 degrees 54 minutes 47 seconds East a distance of 10.00 feet to the **Point of Beginning**, containing 760.7 Square Feet (0.018 Acres), as shown on Exhibit A-1, prepared by Gary R. Volmer, Professional Land Surveyor, dated June 23, 2009.



## Exhibit B-2

**Beginning** at a point on the northerly margin of Matheson Ave. at the intersection with the southerly line of Lot 6 as recorded in Map Book 967 Page 495 in the Mecklenburg County Public Registry, thence along the southerly line of Lot 6, North 83 degrees 54 minutes 47 seconds East a distance of 23.55 feet to a point, said point being the southeastern corner of Lot 6, thence South 06 degrees 05 minutes 11 seconds West a distance of 17.84 feet to a point on the northerly margin of Matheson Ave., thence with the margin of Matheson Ave. along a circular curve to the left a distance of 29.54 feet (having a radius of 1529.08 feet and a chord bearing North 58 degrees 56 minutes 49 seconds West a distance of 29.54 feet) to the **Point of Beginning**, containing 208.6 Square Feet (0.005 Acres), as shown on Exhibit A-2, prepared by Gary R. Volmer, Professional Land Surveyor, dated June 23, 2009.



**RESOLUTION OF THE CHARLOTTE CITY COUNCIL ESTABLISHING ITS POLICIES AND PROCEDURE FOR PUBLIC NOTIFICATION, NOMINATION, AND APPOINTMENT OF PERSONS TO BOARDS, COMMITTEES, AND COMMISSIONS, AND STATING CITY POLICIES FOR CONSECUTIVE TERMS, OATHS OF OFFICE, RESIDENCY, AND ATTENDANCE, AND FOR THE SUBMITTAL OF REVIEW REPORTS OF BOARDS AND COMMISSIONS.**

WHEREAS, the City Council of the City of Charlotte, NC, has reviewed its policies and process for public notification of vacancies, nominating, and appointing volunteer citizens to boards, committees, and commissions, and

WHEREAS, the City Council has reviewed City policies regarding, consecutive terms, residency, attendance, and review reports of boards, committees, and commissions;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that it hereby establishes the following policies and procedures for public notification, nomination, and appointment of persons to boards, committees and commissions, and states the City's policies regarding consecutive terms, residency, attendance, and submittal of reports by boards, committees, and commissions as follows:

Section 1. **PROCESS FOR PUBLIC NOTIFICATION, NOMINATIONS AND APPOINTMENTS**

Appointments to boards, committees, and commissions shall be made quarterly. At the first regular meeting of the first month of each calendar quarter (January, April, July and October), provided that meeting falls during the first fifteen days of the month, each member of the City Council may nominate one person for appointment to each of the positions to be filled by Council. Should the first regular meeting not fall during the first fifteen days of the first month of a calendar quarter, nominations shall be made at the last regular meeting of the preceding quarter. After nominations are closed, no further nominations may be made. If there is only one nominee for a position, the appointment may be made by voice vote at the same meeting at which the nomination is made.

At least four weeks prior to the quarterly date for nominations, the City shall publicize vacancies to be filled by appointment of the Council as follows: (i) at the Council Meeting four weeks prior to nominations, the City Clerk will provide the Council with a list of upcoming vacancies; and (ii) the City Clerk shall provide such information to local print, radio and television media, and through the City's website.

Any vacancies created by resignation or automatic removal shall be included with the next group of quarterly nominations. Terms expiring during any quarter shall remain filled by the person then holding the position until a successor is appointed and qualified.

By nominating a person who has not submitted an application for the subject board, committee, or commission, the nominating Council Member certifies that the person has indicated an interest in serving and that the nominee will file an application with the City Clerk's Office by noon the day before the appropriate Council agenda for appointment is delivered to Council. If such application is not made, the nomination will be deemed to have been withdrawn. The City Clerk's Office will notify the nominee of the actual deadline for filing the application the day following the nomination.

At the next business meeting after the close of nominations, the Council shall vote on the nominees for the positions to be filled. The appointments shall be determined by written ballot. A ballot containing the names of nominees, as well as a space for "None of the Above", shall be distributed to each Council Member. Each Council Member shall vote for a nominee or for "None of the Above", sign the ballot and return it to the City Clerk who shall tally and announce the votes and the results.

In accordance with the City Charter, no nominee shall be deemed appointed unless he or she receives at least six votes. If no nominee receives at least six votes on the first ballot, a second ballot (or vote) shall be cast. Only the top two vote getters shall be candidates on the second ballot. If as a result of the first ballot a tie vote situation produced more than two top vote getters, (i.e., 3-3-3-2; 5-3-3; 4-2-2-2-1), the Council shall cast ballots (or vote) on the top candidates to narrow the field of candidates to two. Then a third ballot (or vote) shall be cast on the top two vote getters. If no nominee receives at least six votes after the third ballot, all nominations shall lay on the table until the next regular meeting, at which time balloting shall be done in accordance with this paragraph.

Criminal background checks are required for nominees of the following boards:

Charlotte Regional Visitors Authority	Domestic Violence Advisory Board
Civil Service Board	Housing Authority
Housing Appeals Board	Citizens Review Board
Parole Accountability Committee	Zoning Board of Adjustment
Passenger Vehicle for Hire Board	

A nominee to the Citizens Review Board who has a felony or Class A1 misdemeanor conviction, or a Class 1 or Class 2 misdemeanor conviction within three years of the date of nomination shall not be eligible to serve. Appointments to the other listed boards may be denied for those persons convicted of crimes against a person, or crimes against property where intent is an element, or any offense involving drugs, alcohol, or gambling. Other crimes may also be considered by the Council in making appointments.

Any departure or deviation from the above process shall not affect the validity of an otherwise valid Council appointment.

Section 2. **CONSECUTIVE TERMS/MULTIPLE BOARDS**

No member of any board, committee, or commission may serve more than two full consecutive terms. After serving two full consecutive terms, a person must be off that board, committee, or commission for one full term before being eligible for appointment to the same body. An exception to this rule may be made on a case by case basis (i.e., a need for continuity or experience).

An individual may not serve on more than two boards, committees, or commissions at one time.

Section 3. **OATHS OF OFFICE/ORIENTATION**

For a board, committee, or commission requiring an oath of office, a new member may not vote on any matter until the oath of office has been administered. Reappointed members shall also be administered the oath of office.

Staff advisors shall conduct an orientation session for new members with the chair in attendance prior to or at the first regular meeting after appointment. Expectations shall be given concerning attendance, conflicts of interest, information on City Government, etc.

Section 4. **RESIDENCY REQUIREMENTS**

A member of any board, committee or commission must at all times be registered to vote in Mecklenburg County.

Exceptions to the above statement may exist for some boards for purposes of regional membership (i.e., the Airport Advisory Committee). These exceptions will be handled on a case by case basis.

Section 5. **ATTENDANCE POLICY**

In order for a board, committee, or commission to be effective and efficient, and to accomplish its purpose, its membership must be actively involved and attendant to the business of the body. Therefore, all members are required to attend at least 65% of the regular and special meetings of the body and assigned committees and subcommittees held in any one calendar year with **NO EXCUSED ABSENCES**. On January 1 of each year, a member of any board, commission, or committee appointed by the Mayor, Council or City Manager shall be automatically removed from said body for failure to attend at least 65% of all regular and special meetings of the body and assigned committees and subcommittees held during the immediately preceding calendar year. For persons not serving for an entire calendar year, the 65% attendance requirement shall apply to meetings held during the portion of the year during which the person served. In order to be eligible for reappointment to a board, committee, or commission, a member must have attended at least 75% of the regular and special meetings of the body and assigned committees and subcommittees during the concluding term, or portion of the term during which the member

served. In addition, any member of a board, commission or committee shall be automatically removed from said body for failure to attend any THREE CONSECUTIVE REGULAR MEETINGS of the body. A member must attend fifty percent (50%) of a meeting in order to be considered in attendance for the purposes of this policy. Members appointed in the fourth quarter of the year shall be exempt from the 65% attendance rule for that calendar year only, but are still subject to the three consecutive meeting policy.

The City Clerk shall send a letter to anyone who is removed from a board, committee, or commission for failure to meet the attendance policy. Vacancies resulting from the removal of a member shall be filled by the same method as provided for initial appointments.

The City Clerk shall send a letter to any member who is in danger of violation of the attendance requirement, asking them to be mindful of said requirement.

Staff advisors shall file attendance reports with the City Clerk by the end of the first month following the close of a calendar quarter.

This attendance policy shall apply to every member of a board, committee, or commission that is part of the City of Charlotte regardless of who appoints the member. In addition, this attendance policy shall apply to all appointees by the City Council to a board, committee, or commission that is not part of the City of Charlotte.

#### Section 6. **REPORTS OF BOARDS, COMMITTEES, AND COMMISSIONS**

The City Council finds it appropriate to periodically review each standing board, committee, and commission to which they make appointments for the purpose of assessing whether said board, committee, or commission should be renewed, dismantled, expanded or its charge redefined. To this end, each board, committee, and commission that is part of the City, or that was established by the City Council, whether acting alone or in conjunction with one or more other local governments, is required to submit annual written reports that must contain in depth reviews of the body's activities, including goals, objectives, successes, problems, and/or the need for City Council assistance. These reports shall be submitted to the City Clerk and will be staggered through the year according to a schedule established by the City Clerk. The City Clerk shall then provide the Mayor and City Council with copies of the reports and refer the reports to the appropriate Council Committee for the Committee's information.

Boards, committees, and commissions that are not part of the City shall submit reports in accordance with the reporting requirements set forth in their contract, if any, with the City.

In addition to required written reports, the City Council may request on a case-by-case basis that an oral report be made to the Council.

#### Section 7. **CONFLICT OF INTEREST**

Council's January 24, 1983 Conflict of Interest Resolution established for boards, commissions, and committees shall continue as it is in its entirety.

Section 8. **REPEALER**

All prior resolutions of the City Council establishing procedures for the public notification, nomination, and appointment of persons to boards, committees, and commissions, and setting forth the City's policies for consecutive terms, oaths of office, residency, attendance, and review reports are, except to the extent that they are supplementary to and consistent herewith, repealed. This repeal includes, but is not limited to, resolutions recorded at Resolution Book 34, Pages 578-582, Resolution Book 36, Page 148, and Resolution Book 38, Page 277.

**CERTIFICATION**

I, Stephanie C. Kelly, 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 11<sup>th</sup> day November, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Pages (271-276).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12<sup>th</sup> day of November, 2009.

  
\_\_\_\_\_  
Stephanie C. Kelly, CMC, City Clerk



Council Committee	Community Safety	Transportation	Economic Development	Housing & Neighborhood Dev.	Environment	Restructuring Government
<b>Public–City/County</b>	Citizens' Review Board  Civil Service Board <u>Domestic Violence</u> Parole Accountability Passenger Vehicle for Hire	Airport Advisory  <u>Bicycle Advisory</u> <u>Citizens' Transit Advisory Group</u> <u>Transit Svcs Advisory</u>	Business Advisory  <u>Char-Meck Utilities</u> <u>Planning Commission</u> <i>Privatization/ Competition Adv. Bd.</i> <u>Zoning Board of Adjustment</u>	<u>Community Relations</u>  Historic District <u>Historic Landmarks</u> Housing Appeals Housing Trust Fund Neighborhood Matching Grants	<u>Char-Meck Utilities</u>  Keep Charlotte Beautiful <u>Storm Water Svcs</u> Tree Advisory <u>Waste Management Advisory</u>	<i>Privatization/ Competition Adv. Bd.</i>  <u>Public Art Commission</u>
<b>Public–Autonomous</b>			Charlotte Regional Visitors Authority NASCAR HOF Advisory Board	Charlotte Housing Authority		Fireman's Relief BOD
<b>Private–Financial Partners</b>			<u>Charlotte Regional Partnership</u> Charlotte International Cabinet			<u>Arts &amp; Science Council</u>
<b>Private–Muni Svc Districts</b>			<u>Charlotte Center City Partners</u>  <u>University City Partners</u>			
<b>Private–Miscellaneous</b>			<u>Business Expansion Funding Corp.</u> <u>Char-Meck Development Corp.</u> SBE Loan Fund Operating Committee			<u>Area Fund BOD</u>  Bechtler Arts Fnd CharMeck Public Access  Mint Museum BOD

Notes:

Underlined boards & commissions include City & County appointees  
 City appointments to shaded boards are processed by the City Clerk KBU  
 Boards & commissions in bold italics may align with more than one committee  
 Crossed-through boards & commissions have no citizen appointees from Council

**RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF  
CHARLOTTE, NORTH CAROLINA ON NOVEMBER 23, 2009**

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

WHEREAS, The North Carolina Department of Transportation (NCDOT) intends to construct project R-2248E of the Transportation Improvement Program, a portion of Interstate 485 (I-485) located in the City of Charlotte's sphere of influence; and

WHEREAS, A Municipal Agreement between the City and the NCDOT will allow the City to reimburse NCDOT for work associated with the I-485/Prosperity Church Road Interchange area and also two mainline bridges near station -L- 431+40; and

WHEREAS, The Municipal Agreement provides for reimbursement up to \$7,100,000; and

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

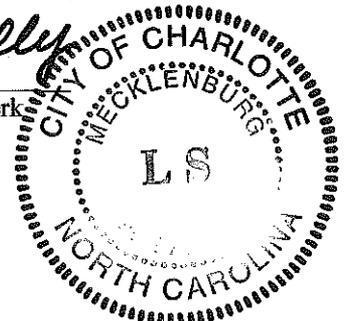
NOW, THEREFORE, BE IT RESOLVED that this resolution authorizing the Key Business Executive of the Charlotte Department of Transportation to execute a municipal agreement with the NCDOT for the City to reimburse the NCDOT up to \$7,100,000 for roadway improvements in the I-485/Prosperity Church Road Interchange Area 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 aforementioned groups.

**CERTIFICATION**

I, Stephanie C. Kelly, 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 11<sup>th</sup> day November, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Page 277.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12<sup>th</sup> day of November, 2009.

  
Stephanie C. Kelly, CMC, City Clerk



**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION  
OF ANNEXATION PURSUANT TO G.S. 160A-31  
REEDY CREEK ELEMENTARY SCHOOL**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, N.C. at 7:00 p.m. on December 14, 2009.

Section 2. The area proposed for annexation is described as follows:

**LEGAL DESCRIPTION**

Beginning at an existing iron pin in the southerly margin of the right-of-way of Faires Road, said pin marking a common corner between the property of the Grantor herein and the property of Donald J. Keen; (now or formerly; see Deed recorded in the Mecklenburg Public Registry in Book 3531, at page 301; said Keen property also being shown as "Lot18H" on the old tax maps of Mecklenburg County, North Carolina); and running thence with the rear property lines of Donald J. Keen (now or formerly; see Deed recorded in the Mecklenburg Public Registry in Book 3531, at Page 301), Sonya S. Davis (now or formerly; see Deed recorded in the Mecklenburg Public Registry in Book 4134, at Page 991), Margaret J. Shumate (now or formerly; see Deed recorded in the Mecklenburg Public Registry in Book 4028, at Page 778), William H. Faires, Sr.(now or formerly; see Deed recorded in the Mecklenburg Public Registry in Book 2374, at Page 518), and Ralph L. Faires (now or formerly; see Deed recorded in the Mecklenburg Public Registry in Book 2374, at Page 519) S. 44-08-23 E. 1306.32' to an existing iron pin; thence, with the rear property lines of Mrs. Margaret H. Solomon (now or formerly; see Deed recorded in the Mecklenburg Public Registry in Book 2116, at Page 397) and Clarence Smith (now or formerly) in two courses as follows; (1) S. 43-30-46 E. 667.66' to an existing iron pin; and (2) S. 64-43-10 E. 239.61' to a new iron pin in the northerly margin of the 60-foot right-of way of Plaza Road Extension also being located on the Existing Charlotte City limits Line; thence in a Westerly direction following along and with the Existing Charlotte City Limits Line also being the northerly margin of the 60-foot right-of-way of Plaza Road Extension in three courses, as follows: (1) in a westerly direction and with the arc of a circular curve to the right, having a radius of 1497.89', an arc distance of 537.41' to a new iron pin; (2) N. 73-48-30 W. 931.13'to a new iron pin; and (3) continuing in a westerly direction and with the arc of a circular curve to the left, having a radius of 1175.44', an arc distance of 423.15' to a point being located on the Existing Charlotte City Limits Line: thence, in a Northerly direction leaving the Existing Charlotte City Limits Line N. 01-17-15 W. 353.52' to a new iron pin; thence, in a northerly direction and with the arc of a circular curve to the right, having a radius of 655.37', an arc distance of 206.71' to a new iron pin; thence, N. 16-47-00 E., passing a new iron pin after

397.43', a total distance of 457.43' to a new iron pin; thence, S. 73-13-00 E. 34-01' to a point; thence, N. 16-47-00 E. 145.24' to a point; thence, in a northeasterly direction and with the arc of a circular curve to the right, having a radius of 73.75', an arc distance of 52.17' to a point; thence, N. 57-19 E. 1.52' to a point; thence, S.44-08-23 E. 10.67' to the point or place of BEGINNING, containing 26.00 acres, all as shown on blueprint of survey, dated May 20, 1980 (revised July 21, 1980) by R.B. Pharr & Associates, reference to which is hereby made.

BEING a portion of the property conveyed to Thomas L. Dulin by deed dated March 20, 1972, from Lois A. Dulin (widow) and recorded in the Mecklenburg Public Registry in Book 3466, at Page 550.

TOGETHER WITH a right-of-way over the following described parcel or tract of land, (being 60 feet in width) for the purpose of providing ingress and egress (particularly for school bus traffic) to and from the above described tract containing 26 acres and Plaza Road Extension. The said 60 foot right-of-way is more particularly described as follows:

BEGINNING at a new iron pin in the northerly margin of the 60 foot right-of-way of Plaza Road Extension, said pin being located in two courses as measured along the said northerly margin of the 60 foot right-of-way of Plaza Road Extension from the southeasterly corner of the said tract containing 26 acres hereinabove described and conveyed, as follows: (1) in a westerly direction and with the arc of a circular curve to the left, having a radius of 1175.44' an arc distance of 13.31' to a new iron pin; and (2) S. 84-55 W. 137.01' to a new iron pin; and running thence from said BEGINNING point N. 01-17-15 W. 363.39' to a new iron pin; thence, in a northerly direction and with the arc of a circular curve to the right, having a radius of 805.37', an arc distance of 254.01' to a new iron pin; thence, N. 16-47-00 E. 377.43' to a new iron pin; thence, in a northeasterly direction and with the arc of a circular curve to the right, having a radius of 20.0' , an arc distance of 31.42' to a new iron pin; thence, S. 73-13-00 E. 130.0' to a new iron pin; thence, N. 16-47-00 E. 60.0' to a new iron pin; thence, N. 73-13-00 W. 210.0' to a new iron pin; thence, S.16-47-00 W. 457.43' to a new iron pin; thence, in a southerly direction and with the arc of a circular curve to the left, having a radius of 865.37', an arc distance of 272.93' to a new iron pin; thence, S. 01-17-15 E. 367.38' to a new iron pin in the northerly margin of the 60 foot right-of-way of Plaza Road Extension; thence, with the northerly margin of the 60 foot right-of-way of Plaza Road Extension, N. 84-55 E. 60.13' to the point or place of BEGINNING, containing, 1.70 acres, all as shown on blueprint of survey, dated May 20, 1980 (revised July 21, 1980) by R.B. Pharr & Associates to which reference is hereby made.

The grant of the said 60 foot right-of-way is conditioned upon the construction of a road within the said right-of-way within a reasonable period of time by the Department of Transportation of the State of North Carolina for the primary purpose of providing school bus traffic with access to and from the said tract containing 26.00 acres and Plaza Road Extension it being further understood that full use of the subject road shall be available to the Grantor herein in connection with use and development of adjacent property owned by the said Grantor.

Further, the said right-of-way shall be available for use by the Defendants (and their heirs and assigns) in that certain lawsuit entitled "Lois A. Dulin v. Bynum W. Faires, et. al", being S.D. No. 52-349 in the Superior Court of Mecklenburg County North Carolina, reference being particularly made to the Judgment in the said lawsuit which is also recorded in the Mecklenburg Public Registry in Book 2855, at Page 341.

As permitted by the terms of the Judgment, Thomas L. Dulin and wife, Jo Claire C. Dulin, do hereby close that portion of the old roadway referred to in the said lawsuit which crosses the said tract containing 26.00 acres hereinabove described and conveyed and do further terminate the right of use over the same formerly enjoyed by the Defendants (and their heirs and assigns) in the said lawsuit, it being understood that the old roadway shall continue as it continued prior to this partial termination from the westerly terminus of Faires Road to the point where the said old road intersects the said tract containing 26.00 acres hereinabove described and conveyed.

From such point of intersection, it is understood that the said Defendants (and their heirs and assigns) may utilize the said 60 foot right-of-way hereinabove described for access to Plaza Road Extension. If necessary to be in strict compliance with the terms of the Judgment, Thomas L. Dulin and wife, Jo Claire C. Dulin, also reserve from the said tract containing 26.00 acres hereinabove described and conveyed a small strip of land contiguous to the line of the said tract containing 26.00 acres where the old existing roadway now terminates for the purpose of providing a continuous line of access for the Defendants (and their heirs and assigns) from the westerly terminus of Faires Road to Plaza Road Extension.

Section 3. Notice of the public hearing shall be published in the *Mecklenburg Times*, a newspaper having general circulation in the City of Charlotte, at least ten (10) days prior to the date of the public hearing.

#### CERTIFICATION

I, Stephanie C. Kelly, 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 11<sup>th</sup> day November, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Pages (278-281).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12<sup>th</sup> day of November, 2009.



Stephanie C. Kelly, CMC, City Clerk



# Reedy Creek Elementary School Voluntary Annexation City of Charlotte



**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION  
OF ANNEXATION PURSUANT TO G.S. 160A-31  
HAMILTON-STEELE CREEK**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, N.C. at 7:00 p.m. on December 14, 2009.

Section 2. The area proposed for annexation is described as follows:

**LEGAL DESCRIPTION**

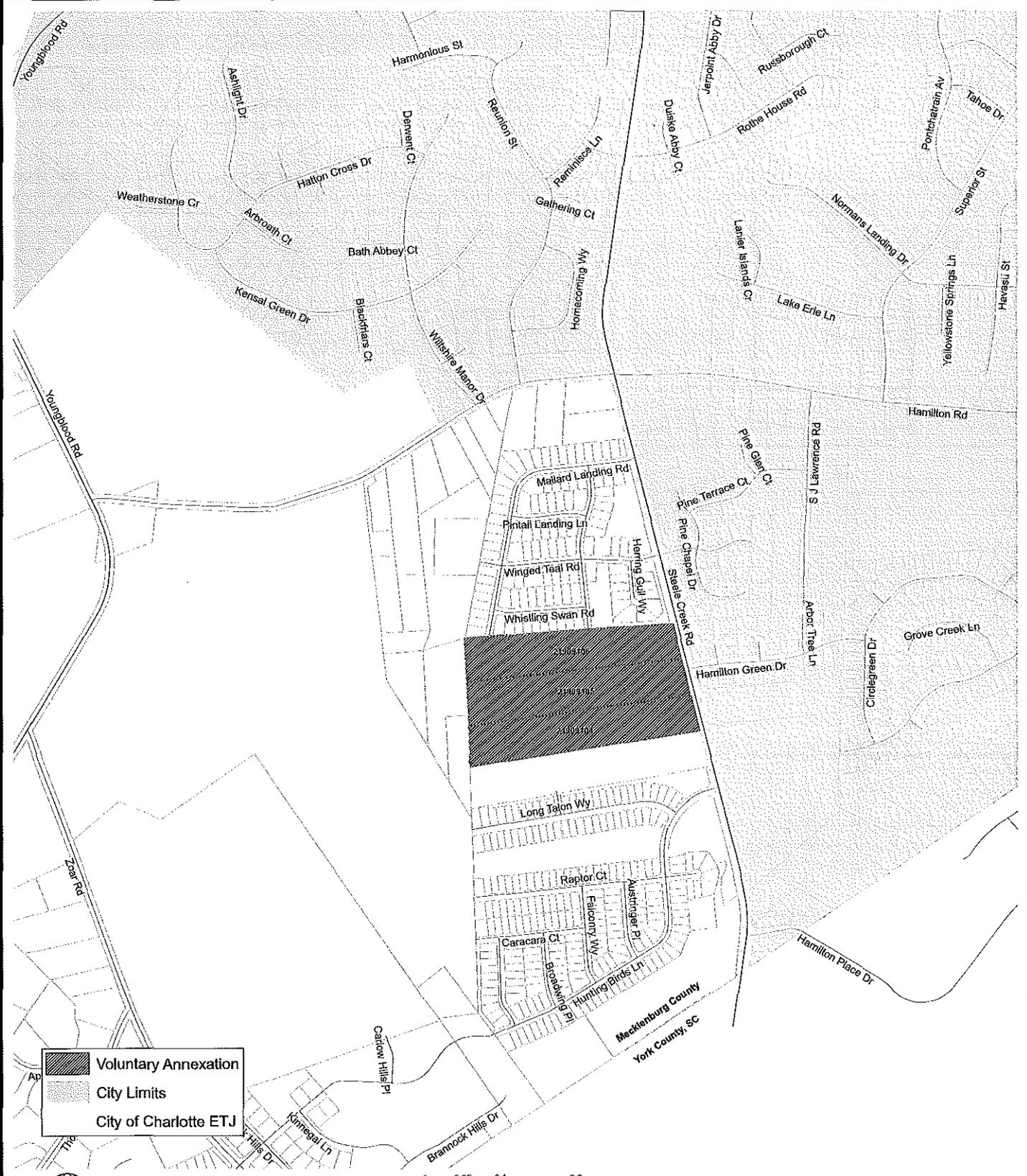
All that certain parcel of land situated in the City of Charlotte, County of Mecklenburg, State of North Carolina, and more particularly described as follows:

BEGINNING at the point on the Existing Charlotte City Limits Line said point being 30 feet West of and perpendicular to the center line of North Carolina Highway 160 (Steele Creek Road) also being a common corner of the D. R. Horton Inc. Property (now or formerly) recorded in Book 17330, Page 544 of the office of the Register of Deeds for Mecklenburg County, North Carolina; thence in a Westerly direction leaving the Existing Charlotte City Limits Line and running with the line of the D. R. Horton Inc. Property South 86 degrees and 35 minutes West approximately 1,453 feet to an old stone; thence with the line of the Carroll Scott Creighton and Virginia Creighton Property South 1 degree 27 minutes and 50 seconds East 636.74 feet to a point; thence with the Eastern line of the Larry Jenkins Property (now or formerly) South 4 degrees 41 minutes 02 seconds East 288.78 feet to an existing ½" pipe, said ½" pipe being the northwest corner of that certain property owned by Jessie Mae Brown, Jr. and John Wilson Brown, Jr. (now or formerly), said pipe also being the southwest corner of the property herein described; thence leaving the Jenkins Property and with the northern line of the Brown Property North 77 degrees 59 minutes 21 seconds East approximately 1,628 feet to a point said point being located on the Existing Charlotte City Limits Line said point also being 30 feet West of and perpendicular to the center of Steele Creek Road (North Carolina Highway 160); thence in a Northerly direction following along and with the Existing Charlotte City Limits Line said line being 30 feet West of and parallel to the center of Steele Creek Road ( North Carolina Highway 160) approximately 780 feet to the point and place of Beginning.

Section 3. Notice of the public hearing shall be published in the *Mecklenburg Times*, a newspaper having general circulation in the City of Charlotte, at least ten (10) days prior to the date of the public hearing.

# Hamilton-Steele Creek Voluntary Annexation

## City of Charlotte



 Voluntary Annexation  
 City Limits  
 City of Charlotte ETJ



Produced by the Charlotte-Mecklenburg Planning Department  
 Data Source: City of Charlotte, Mecklenburg County



Data current as of June 30, 2009

~~284~~

284

**RESOLUTION AUTHORIZING DONATION OF PERSONAL PROPERTY TO A NON-PROFIT ORGANIZATION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON NOVEMBER 23, 2009**

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

Whereas, North Carolina General Statute §160A- 279 authorizes the City to donate personal property belonging to the City of Charlotte to a non-profit organization to carry out a public purpose upon adoption of a resolution by the Charlotte City Council; and

Whereas, the City's Charlotte Douglas International Airport ("Airport") safeguards personal items lost, mislaid, or abandoned by passengers; and

Whereas, the Airport informs the public of how to recover such personal property and of what happens to unclaimed property after 90 days; and

Whereas, the Airport has a Lost & Found facility and procedures where lost property is stored and information recorded while staff makes efforts, if possible, to identify the rightful owner; and

Whereas, the Airport seeks to reinvest certain unclaimed property for the betterment of the Charlotte community by donating unclaimed property to non-profit organizations who carry out a public purpose; and

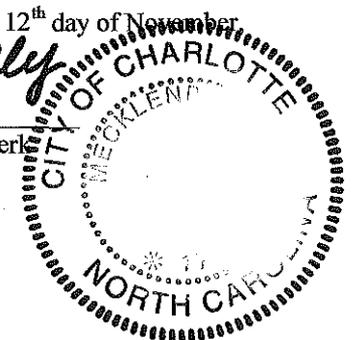
NOW, THEREFORE, be it resolved by the Charlotte City Council that the Key Business Executive of the Aviation Department or designee is authorized to periodically determine what property may be donated, determine which non-profit entity that carries out a public purpose shall receive the donations, and to execute all documents necessary to bring about the periodic donations.

**CERTIFICATION**

I, Stephanie C. Kelly, 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 11<sup>th</sup> day November, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Page 285.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12<sup>th</sup> day of November, 2009.

  
Stephanie C. Kelly, CMC, City Clerk



A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS  
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **STATESVILLE ROAD WIDENING (I-85 to SUNSET ROAD) PROJECT**; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

PROPERTY DESCRIPTION:

Amount necessary for the **STATESVILLE ROAD WIDENING (I-85 to SUNSET ROAD) PROJECT** and estimated to be approximately **9,133 square feet (.210 acre) of fee-simple area and temporary construction easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 045-021-04, said property currently owned by **D. RICHARD INGRAM (a/k/a "Donald R. Ingram") and wife, CAROL P. INGRAM; BEN S. THOMAS, Trustee; WAYNE EUGENE ROGERS, Beneficiary; THE MELETIS FAMILY LIMITED PARTNERSHIP, Beneficiary; SOUTHLAND ASSOCIATES, INC., Trustee; CENTRAL CAROLINA BANK AND TRUST COMPANY, Beneficiary, Any Other Parties in Interest, or the owners' successor-in-interest.**

ESTIMATED JUST COMPENSATION:

Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

CERTIFICATION

I, Stephanie C. Kelly, 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 11<sup>th</sup> day November, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Page 286.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12<sup>th</sup> day of November, 2009.

  
Stephanie C. Kelly, CMC, City Clerk

