

A RESOLUTION AUTHORIZING THE
REFUND OF CERTAIN TAXES

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

1. The City-County Tax Collector collected taxes from the taxpayers set out on the list attached to the Docket.

2. The City-County Tax Collector has certified that those taxpayers made demand in writing for refund of the amounts set out on the schedule within eight years from the date the amounts were due to be paid.

3. The amounts listed on the schedule were collected through clerical error or by a tax illegally levied and assessed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 3rd day of November, 19 80, that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded the amounts therein set out and that the schedule and this resolution be spread upon the minutes of this meeting.

Approved as to form:

Henry W. Thacker Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 3rd day of November, 1980, the reference having been made in Minute Book 74 and is recorded in full in Resolution Book 16 at Page 320.

Ruth Armstrong
City Clerk

TAXPAYER AND REFUND REQUESTED

<u>NAME</u>	<u>AMOUNT OF REFUND REQUESTED</u>	<u>REASON</u>
David F. McCallum	\$50.00	Illegal Levy

Total - \$50.00

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City Attorney

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Ruth Armstrong
City Clerk

TAXPAYERS AND REFUNDS REQUESTED

<u>NAME</u>	<u>AMOUNT OF REFUND REQUESTED</u>	<u>REASON</u>
Abba Metal Products, Inc.	\$ 215.00	Illegal Levy
Herbert Cratus Tuttle, Jr. & wife, Carlotta N.	150.23	Clerical Error
Eugene Lee White	8.55	Clerical Error
Carole Williams Payne	44.44	Illegal Levy
Electronics Transport, Inc.	299.93	Illegal Levy
Data Forms of Charlotte, Inc.	555.61	Clerical Error
Electronics Transport, Inc.	459.32	Illegal Levy
Total -	<u>\$1,733.08</u>	

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
APPROVING EXCHANGE OF PROPERTY BETWEEN THE CITY OF CHARLOTTE
AND D. L. PHILLIPS INVESTMENT BUILDERS, INC.

WHEREAS, the Charlotte-Mecklenburg Planning Commission, on February 6, 1980, approved Mandatory Referral Report No. 80-13 which is a proposal by the City of Charlotte providing for the purchase of six acres of a 37-acre parcel of land owned by D. L. Phillips Investment Builders, Inc. in the western section of the City of Charlotte for development of a neighborhood park utilizing funds allocated for that purpose by the Parks Bond Referendum passed in November, 1978; and

WHEREAS, the City of Charlotte owns 3.111 acres of land in that vicinity, which land is the residue of a parcel acquired by the City and sold to the North Carolina Department of Transportation for the construction of Interstate 77; and

WHEREAS, this land-locked residue parcel, with no access, except over land belonging to adjoining property owners has been declared surplus to the needs of the City of Charlotte by the City Council at its July 14, 1980, meeting; and

WHEREAS, D. L. Phillips Investment Builders, Inc. owns land adjoining the City-owned parcel; and

WHEREAS, negotiations with D. L. Phillips Investment Builders, Inc. have disclosed that it is willing and has agreed to convey to the City of Charlotte that portion of their property described in Exhibit "A" hereto and shown on plat entitled "Property of D. L. Phillips Investment Builders, Inc.", prepared by W. E. Cox, P. E., Inc., Consulting Engineers, dated May 15, 1980, which is attached as Exhibit "B", consisting of six acres, and in exchange the City of Charlotte will convey to D. L. Phillips Investment Builders, Inc. property consisting of 3.111 acres of land as described in Exhibit "C", attached hereto and as depicted on the plat entitled "Map of Topographical and Boundary Survey of Property to be acquired by D. L. Phillips Investment Builders, Inc. from City of Charlotte, N. C.", prepared by W. E. Cox, P. E., Inc., Consulting Engineers, dated May, 1980, which is attached as Exhibit "D", and the City will pay D. L. Phillips Investment Builders, Inc. the sum of \$28,600.00, which is the difference of the value of the property owned by D. L. Phillips Investment Builders, Inc. and the City-owned land.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte hereby:

1. Finds that the City of Charlotte will receive a full and fair consideration in exchanging property described in Exhibit "A" hereto consisting of six acres of land owned by D. L. Phillips Investment Builders, Inc. for the City-owned property described in Exhibit "C", consisting of 3.111 acres of land and paying to D. L. Phillips Investment Builders, Inc. the sum of \$28,600.00; and

2. Approves the exchange of property owned by D. L. Phillips Investment Builders, Inc., consisting of six acres of land as described in Exhibit "A" hereto for property owned by the City of Charlotte, consisting of 3.111 acres of land as described in Exhibit "C" hereto and the payment by the City to D. L. Phillips Investment Builders, Inc. the sum of \$28,600.00, which is the difference between the value of the D. L. Phillips Investment Builders, Inc. land and the City-owned land.

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 3rd day of November, 1980, the reference having been made in Minute Book 74 and is recorded in full in Resolution Book 16 at Pages 323-328.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 4th day of November, 1980.

Ruth Armstrong, City Clerk

BEGINNING at a point in the northwesterly right-of-way margin of Manchester Drive, said point being the southwesterly corner of Lot 1 in Block 4 of the Rollingwood Subdivision as shown on recorded Map Book 8, Page 385, and running thence in a southeasterly direction, crossing Manchester Drive and following along the rear lot lines of Lots 5, 4, 3, 2, and 1 in Block 2, as shown on said recorded Map Book 8, Page 385 in two (2) courses as follows: (1) S. 32-44-29 E., 234.60 feet to a point. (2) S. 64-06-44 E., 350.43 feet to an iron pin in the southeasterly right-of-way margin of Blandwood Drive; thence with a new line S. 44-06-26 W., 528.47 feet to an iron pin in the northerly boundary line of Roseland Apartments, Inc. Property; thence with the northerly boundary line of Roseland Apartments, Inc. Property, N. 40-03-54 W., 651.29 feet to a point; thence with a new line, N. 56-08-47 E., 415.28 feet to the point or place of Beginning, and containing 6.00 acres.

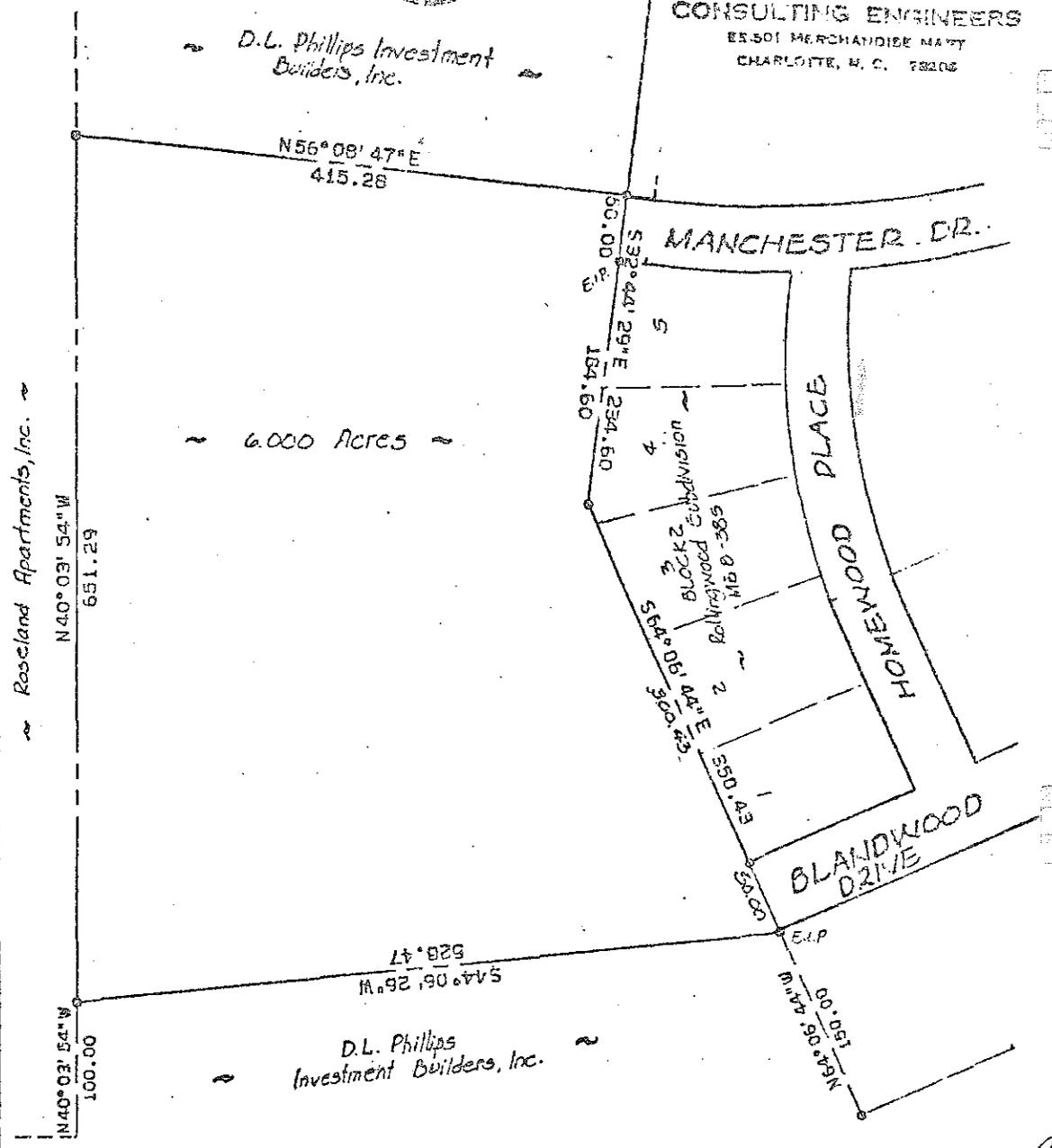
THIS IS TO CERTIFY THAT ON THE 22nd DAY OF September 1980 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS IF ANY, ARE AS SHOWN HEREON.



SIGNED _____

W. TOM COX, P. E., INC.
 CONSULTING ENGINEERS
 83-501 MERCHANDISE MART
 CHARLOTTE, N. C. 28202

D.L. Phillips Investment Builders, Inc.



OWNED BY D.L. PHILLIPS INVESTMENT CO.

BOUNDARY SURVEY OF

PROPERTY TO BE ACQUIRED BY CITY OF CHARLOTTE
 SCALE 1"=100' CHARLOTTE, N. C.

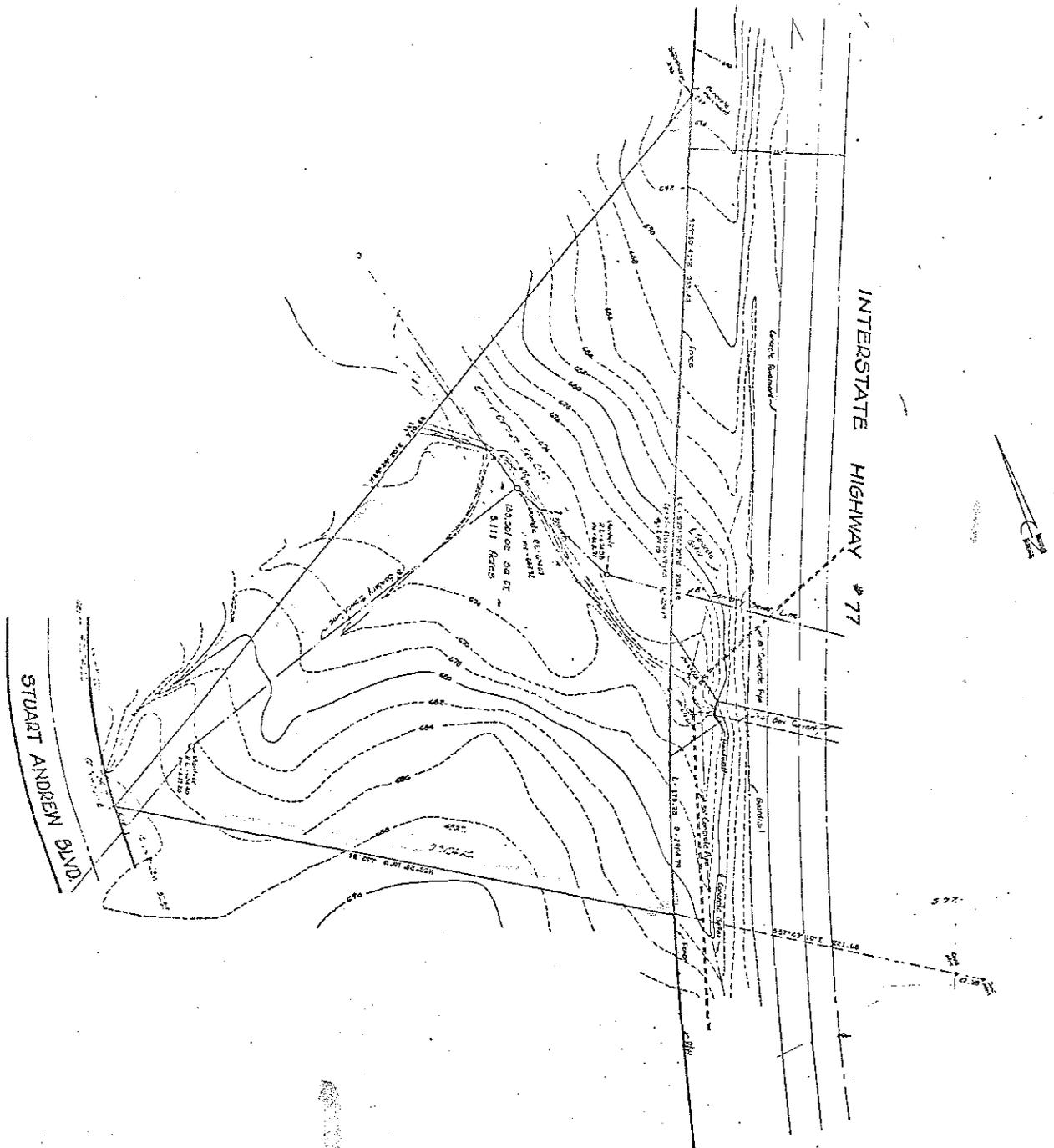
THE PROPERTY OF D.L. PHILLIPS INVESTMENT BUILDERS, INC.

MAP RECORDED IN BOOK _____ AT PAGE _____ DEED RECORDED IN BOOK _____ PAGE _____

Field Data: Civil Surveyors, Inc.

BEGINNING at an iron pin in the proposed easterly right-of-way margin of Stuart Andrew Boulevard, said iron pin being the northwesterly corner of the property conveyed to John D. Little, Sr. by deed of Ruth S. Little, dated October 25, 1978, and recorded in Deed Book 4118, Page 650, said iron pin being also located N. 59-49-28 E., approximately 731 feet from the center line of Pressley Road, and running thence N. 59-49-28 E., 710.66 feet to a point in the westerly right-of-way margin of Interstate Highway 77; thence with the westerly right-of-way margin of Interstate Highway 77 in three (3) courses as follows: (1) S. 23-10-45 W., 255.42 feet to a point (2) S. 22-30-20 W., 214.18 feet to a point (3) with an arc of a circular curve to the left, having a radius of 2,984.79 feet, an arc distance of 175.25 feet to a point, the north-easterly corner of the John D. Little, Sr. Property; thence with the John D. Little, Sr. Property, N. 58-28-16 W., 442.51 feet to the point or place of Beginning, and containing 3.111 acres, all as shown on a boundary survey map prepared by W. Tom Cox, P. E., dated May, 1980, to which reference is hereby made.

The above-described property being a portion of the property conveyed to the City of Charlotte by Deed of John Crossland Company, dated May 31, 1962, and recorded in Deed Book 2340, Page 126, of the Mecklenburg County, North Carolina, Public Registry.



CITY OWNED

NOTE: THIS MAP IS A REPRODUCTION OF A SURVEY
 MADE BY THE CITY OF CHARLOTTE, N.C.
 PROPERTY TO BE ACQUIRED BY
 THE CITY OF CHARLOTTE, N.C.
 MAY 1980

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