

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE a portion of Alexa Road in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **Providence Presbyterian Church** has filed a petition to close a portion of Alexa Road in the city of Charlotte; and

Whereas, the portion of Alexa Road to be closed lies from Providence Church Lane (formerly Providence Road) westwardly approximately 480 feet to its terminus at Providence Road West as shown in the map marked "Exhibit A" and is more particularly described by metes and bounds in a document marked "Exhibit B" both of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina.

Whereas, the procedure for closing streets and alleys as outlined in North Carolina General Statutes, Section 160A-299, requires that City Council first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said statute further requires that the resolution shall be published once a week for two successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley and

Now, therefore, be it resolved, by the City Council of the City of Charlotte, at its regularly scheduled session of October 22, 2001, that it intends to close a portion of Alexa Road and that the said street (or portion thereof) being more particularly described on a map and by a metes and bounds description available for inspection in the City Clerk's office, and hereby calls a public hearing on the question to be held at 7:00pm on Monday, the 26th day of November, 2001 in CMGC meeting chamber, 600 East 4th Street Charlotte North Carolina.

The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing as required by N.C.G.S. 160A-299.

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 October, 2001, the reference having been made in Minute Book 117 and recorded in full in Resolution Book 37, Page 406.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of October, 2001.


Nancy S. Gilbert, CMC, Deputy City Clerk

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE a portion of
Norwich Place in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, City of Charlotte has filed a petition to close a portion of Norwich Place in the city of Charlotte; and

Whereas, the portion of Norwich Place to be closed lies beginning approximately 500 feet south of the intersection of West Boulevard/Clanton Road, eastwardly for a distance of approximately 20 feet as shown in the map marked "Exhibit A" and is more particularly described by metes and bounds in a document marked "Exhibit B" both of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina.

Whereas, the procedure for closing streets and alleys as outlined in North Carolina General Statutes, Section 160A-299, requires that City Council first adopt a resolution declaring it's intent to close the street and calling a public hearing on the question; said statute further requires that the resolution shall be published once a week for two successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley and

Now, therefore, be it resolved, by the City Council of the City of Charlotte, at it's regularly scheduled session of October 22, 2001, that it intends to close a portion of Norwich Place and that the said street (or portion thereof) being more particularly described on a map and by a metes and bounds description available for inspection in the City Clerk's office, and hereby calls a public hearing on the question to be held at 7:00pm on Monday, the 26th day of November, 2001 in CMGC meeting chamber, 600 East 4th Street Charlotte North Carolina.

The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing as required by N.C.G.S. 160A-299.

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 October, 2001, the reference having been made in Minute Book 117 and recorded in full in Resolution Book 37, Page 407.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of October, 2001.


Nancy S. Gilbert, CMC, Deputy City Clerk

RESOLUTION

RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE U.S. DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR TRANSIT ASSISTANCE GRANTS UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED.

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

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation projects;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs;

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provision of Title VI of Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Applicant that minority business enterprise be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies equipment contracts, or consultant and other services.

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

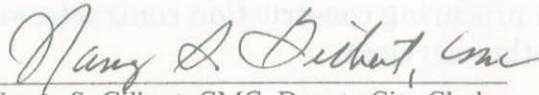
1. That the City Manager is authorized to execute and file applications on behalf of the City of Charlotte with the U.S. Department of Transportation to aid in the financing of transit assistance; and that the Chief Executive Officer of the Charlotte Area Transit System is authorized to execute and file applications with the North Carolina Department of Transportation, to aid in the financing of transit assistance.
2. That the City Manager is authorized to execute and file with such applications an assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964; and that the Chief Executive Officer of the Charlotte Area Transit System is authorized to execute and file with such applications an assurance or any other document required by the North Carolina Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.

3. That the Chief Executive Officer of the Charlotte Area Transit System is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application for the project
4. That the City Manager or his designee is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.
5. That the City Manager is authorized to execute grant agreements and any amendments thereto on behalf of the City of Charlotte with the U.S. Department of Transportation for aid in the financing of the transit assistance projects; and that the Chief Executive Officer is authorized to execute grant agreements and any amendments thereto on behalf of the Charlotte Area Transit System with the North Carolina Department of Transportation for aid in the financing of the transit assistance projects.

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 October, 2001, the reference having been made in Minute Book 117 and recorded in full in Resolution Book 37, Page (s) 408-409.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of October, 2001.



Nancy S. Gilbert, CMC, Deputy City Clerk

A RESOLUTION OF THE CHARLOTTE CITY COUNCIL AUTHORIZING THE USE OF THE COMPETITIVE PROPOSAL METHOD FOR THE PROCUREMENT OF BUSES, LIGHT RAIL VEHICLES, AND AUTOMATED VEHICLE LOCATOR/ AUTOMATED PASSENGER COUNTER SYSTEM.

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

WHEREAS, the General Assembly of North Carolina during the 2000 Session amended the Charter of the City of Charlotte by adding a new section to Subchapter E of Chapter IX; and

WHEREAS, Section 8.87 Transit Procurements, provides that in addition to other methods of procurement, the City of Charlotte may contract for the purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment for public transit purposes using the competitive proposal method provided under N.C.G.S. 143-129(h); and

WHEREAS, competitive proposals provides an alternative procurement option that allows flexibility to award contracts for the specified transit procurements to achieve the "best value" (most advantageous proposal with price and other factors considered such as product design, delivery schedules, warranties and maintenance); and

WHEREAS, the Charlotte Area Transit System intends to initiate procurements for buses, light rail vehicles, an Automated Vehicle Locator System, and an Automated Passenger Counter System within the next several months; and

WHEREAS, the Charlotte Area Transit System recommends using the competitive proposal method for said procurements for the reasons stated below.

NOW, THEREFORE, it is hereby resolved that the Charlotte City Council finds the competitive proposal method is the most appropriate procurement method and authorizes its use for the procurement of:

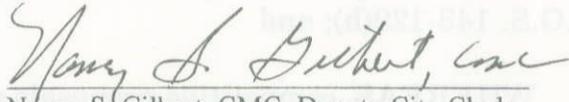
1. Transit Buses because "best value" is achieved when there is flexibility to discuss terms and conditions and award contracts to the most responsible firm taking price and other factors into consideration.
2. Light rail vehicles because there is no industry manufacturing standard for such equipment due to system configurations and needs, and "best value" is achieved when there is flexibility to discuss terms and conditions and award contracts to the most responsible firm taking price and other factors into consideration.
3. Automated Vehicle Locator/Automated Passenger Counter System because there is no industry manufacturing standard for such equipment due to system configurations and needs, and "best value" is achieved when there is flexibility to discuss terms and conditions and

award contracts to the most responsible firm taking price and other factors into consideration.

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 October, 2001, the reference having been made in Minute Book 117 and recorded in full in Resolution Book 37, Page (2) 410-411.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of October, 2001.


Nancy S. Gilbert, CMC, Deputy City Clerk

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF CHARLOTTE, NORTH CAROLINA

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

WHEREAS, the North Carolina Department of Transportation and the City of Charlotte, on the 7th day of July, 1989, entered into a certain Municipal Agreement to make certain street and highway improvements under Project U-209, Mecklenburg County, said project to consist of the improvement of US 74 (Independence Boulevard) from I-277 (Brookshire Freeway) to Briar Creek; and,

WHEREAS, the Municipal Agreement was supplemented on the 12th day of March, 1990 to delete reimbursement by the Municipality for right of way being acquired between Pecan Avenue and Morningside Drive; and,

WHEREAS, the Municipal Agreement was supplemented on the 9th day of January, 1995 to install landscape plantings at various locations along US 74; and,

WHEREAS, the Municipal Agreement was supplemented on the 4th day of January, 1997 to include the construction of brick noise walls in lieu of pile and panel walls where the project borders the Chantilly and Commonwealth neighborhoods; and,

WHEREAS, the Municipal Agreement was supplemented on the 21st day of March, 1998 to include the construction of an earth berm and landscaping of the Clement Avenue cul-de-sac in the vicinity of the Elizabeth Community under Project U-209; and,

WHEREAS, the Municipal Agreement was supplemented on the 26th Day of September, 2001, to allow the Department of Transportation and the City of Charlotte to enter into a supplemental agreement for: (1) Construction of sidewalks along the ramps at the Independence Boulevard and Eastway Drive Interchange whereby the City of Charlotte agrees to reimburse the Department one hundred percent (100%) of the actual cost, and (2) Construction of a six foot (6') brick wall in lieu of a chain link fence in the vicinity of the Pierson Drive interchange whereby the City of Charlotte agrees to reimburse the Department the actual betterment costs; and,

WHEREAS, the Department of Transportation has agreed to fund the Monroe Road and Central Avenue video camera installation as a congestion mitigation project during the Independence Boulevard widening project for up to \$1,215,000; and,

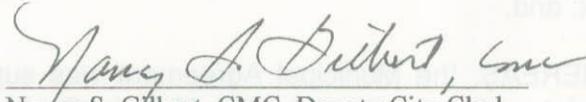
NOW, THEREFORE, BE IT RESOLVED that the Supplemental Agreement to Project U-209, Mecklenburg County, is hereby formally approved by the City Council of the City of Charlotte and that the Director of Transportation and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF CHARLOTTE, NORTH CAROLINA

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 October, 2001, the reference having been made in Minute Book 117 and recorded in full in Resolution Book 37, Page (s) 412-413.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of October, 2001.


Nancy S. Gilbert, CMC, Deputy 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 **OLD STATESVILLE ROAD WIDENING 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 **OLD STATESVILLE ROAD WIDENING PROJECT** and estimated to be approximately **5,686 square feet (0.131 acre) for fee-simple acquisition 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. 037-253-16, said property currently owned by **RAY THOMAS PETROLEUM COMPANY, INC.; KENNETH M. GREENE, Trustee; HELLER FINANCIAL LEASING, INC., Beneficiary; FIRST STATE SERVICE CORPORATION, Trustee; SOUTHTRUST BANK, N. A., Beneficiary; Any Other Parties in Interest**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

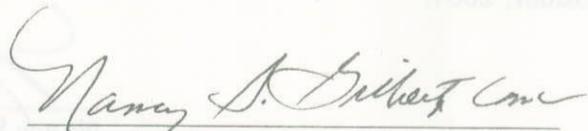
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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, Nancy S. Gilbert, Deputy 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 October, 2001, the reference having been made in Minute Book 117 and recorded in full in Resolution Book 37, Page 414.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of October, 2001.



Nancy S. Gilbert, CMC, Deputy 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 **DAVIDSON-MATHESON CONNECTOR**; 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 **DAVIDSON-MATHESON CONNECTOR** and estimated to be approximately **10,348 square feet (0.24 acre) for fee-simple, permanent utility, 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. 083-066-06, said property currently owned by **WILLIAM DOUGLAS AUSTIN, JR. and wife, INGA-LISA T. AUSTIN; Any Other Parties in Interest**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

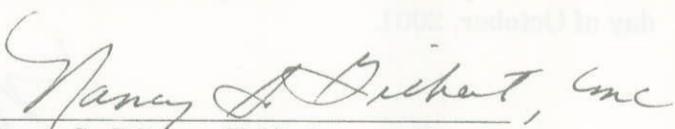
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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, Nancy S. Gilbert, Deputy 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 October, 2001, the reference having been made in Minute Book 117 and recorded in full in Resolution Book 37, Page 415.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of October, 2001.


Nancy S. Gilbert, CMC, Deputy 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 AVENUE WIDENING 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 AVENUE WIDENING PROJECT** and estimated to be approximately **2,208 square feet (0.0507 acre) for fee-simple 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. 077-072-08, said property currently owned by **LAWRENCE MCCALL and wife, ESSIE MCCALL; Any Other Parties in Interest**, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

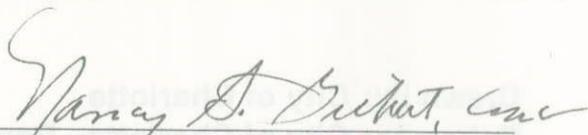
Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

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, Nancy S. Gilbert, Deputy 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 October, 2001, the reference having been made in Minute Book 117 and recorded in full in Resolution Book 37, Page 416.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of October, 2001.


Nancy S. Gilbert, CMC, Deputy City Clerk

RESOLUTION CLOSING BILLINGSLEY ROAD located east of Marvin Road AND on the Petitioner's northern boundary 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 portion of Billingsley Road 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 Billingsley Road to be sent by registered or certified mail to all owners of property adjoining the said street (or portion thereof), and prominently posted a notice of the closing and public hearing in at least two places along Billingsley Road, all as required by N.C.G.S. 160A-299; and

WHEREAS, the public hearing was held on the 22nd day of October, 2001, and the City Council determined that the closing of a portion of Billingsley Road 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 October 22, 2001, that the Council hereby orders the Closing of a portion of Billingsley Road in the City of Charlotte, Mecklenburg County, North Carolina as shown in a map marked "Exhibit A" and is more particularly described by metes and bounds in a document marked "Exhibit B", both of which are attached hereto and made a part thereof.

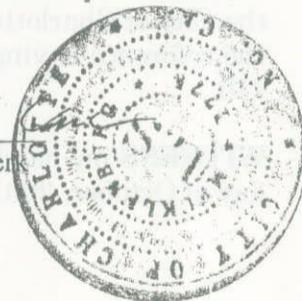
BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 October, 2001, the reference having been made in Minute Book 117 and recorded in full in Resolution Book 37, Page(s) 417-419.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of October, 2001.


Nancy S. Gilbert, CMC, Deputy City Clerk



Drawn by: City of Charlotte
Return to: City of Charlotte - Box

mt

EXHIBIT A

THIS IS TO CERTIFY THAT ON THE 6th DAY OF FEBRUARY 20 01 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 ERROR OF CLOSURE FOR THIS PARCEL DOES NOT EXCEED ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

SIGNED

C. Clark Neilson

R. B. PHARR & ASSOCIATES, REGISTERED SURVEYORS
420 HARTWORTH LANE
CHARLOTTE, N.C. 28204
TEL. (704) 376-2186

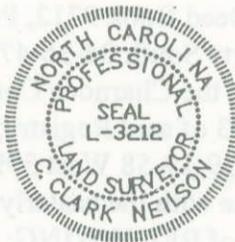
CREW	DRAWN	REVISED
	AB	

SCALE 1" = 50'

MAP BOOK 332 PAGE 124

G. G. BURLOS &
P. G. BURLOS
D.B. 8566-797

WENDOVER PLAZA, LLC
D.B. 9250-664



CHARNOCA CORPORATION
(NOW OR FORMERLY)
D.B. 8076-893
M.B. 332, PG. 124

R. L. PIERCE &
WIFE, E. S. PIERCE
D.B. 9712-374
LOT 8, "J.C. STANCILL PROPERTY"
M.B. 332, PG. 157

LEGEND:
P.O.B. - POINT OF BEGINNING
N.I.R. - NEW IRON ROD
E.I.R. - EXISTING IRON ROD
RR SPIKE - RAILROAD SPIKE
R/W - RIGHT OF WAY

NOTE:
AREA A AND B TO REMAIN AS AN EASEMENT IN FAVOR OF DUKE POWER COMPANY, TIME WARNER CABLE AND ALL OTHER OWNERS OF EXISTING UNDERGROUND UTILITIES AND TELE-COMMUNICATION FACILITIES, UPON, UNDER, AND ACROSS THE ENTIRE PROPERTY DESCRIBED ABOVE FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT, AND REPAIR OF CONDUIT, CABLE, WIRES, AND RELATED EQUIPMENT.

ABANDONED AREA:
AREA A = 3,917 sq.ft.
0.0899 acres
AREA B = 3,877 sq.ft.
0.0890 acres

TOTAL AREA =
7,794 sq.ft.
0.1789 acres

SURVEY OF:
ROAD ABANDONMENT

CHARLOTTE N.C.
PREPARED FOR LEGACY HOUSING, LLC.

I, LINDA B. POISSANT, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
Linda B. Poissant
Review Officer

Drawn by: City of Charlotte
Return to: City of Charlotte - Box

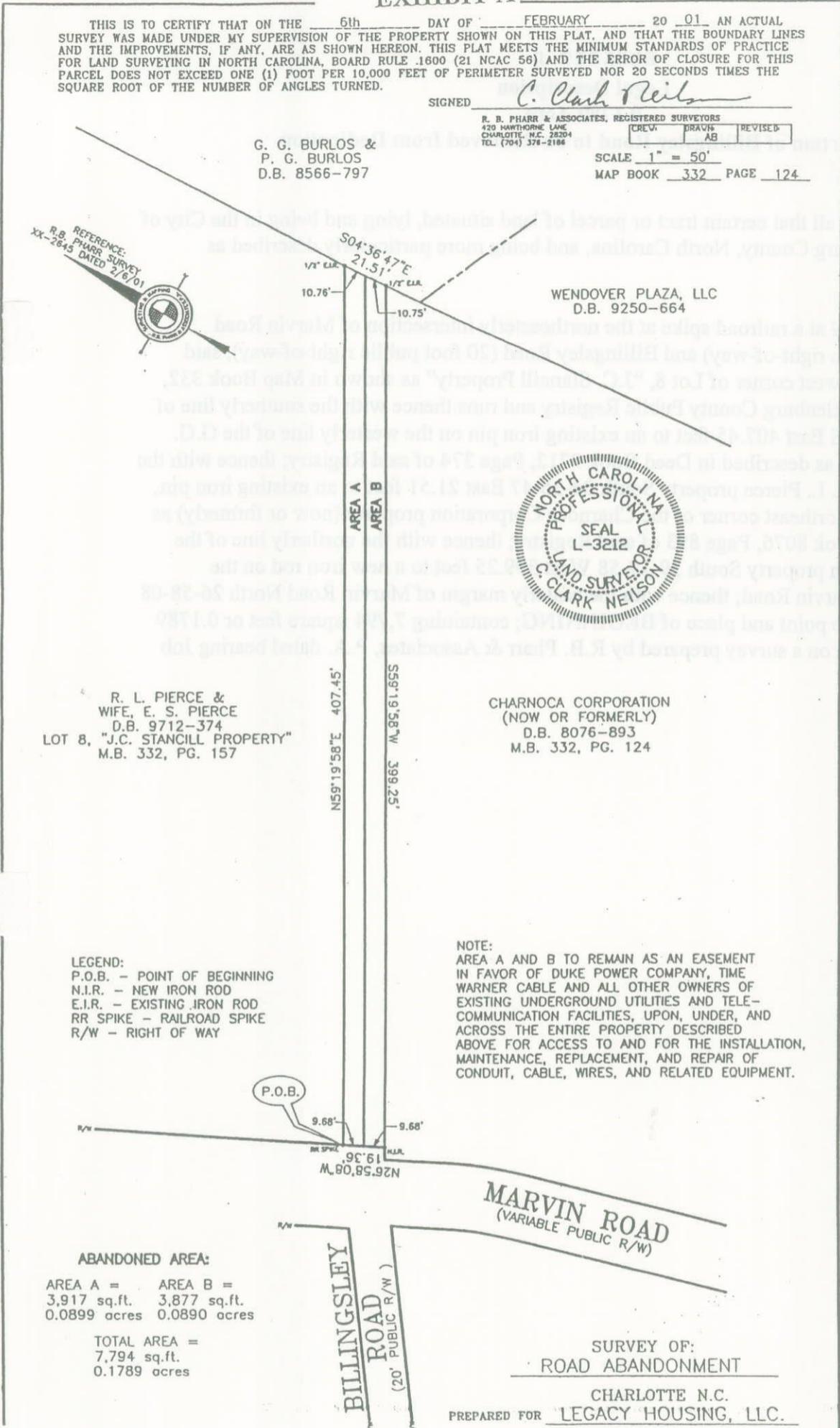
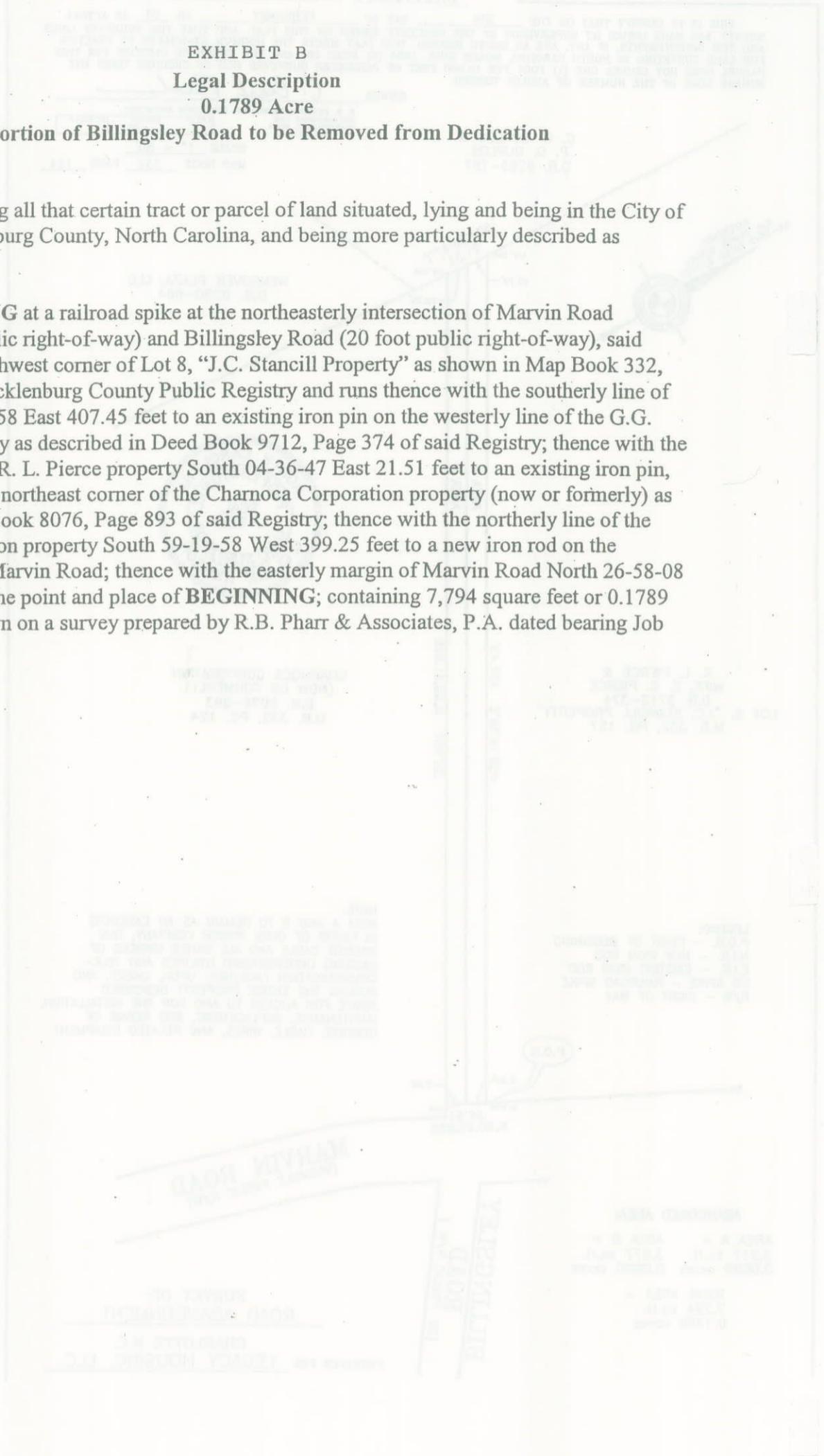


EXHIBIT B
Legal Description
0.1789 Acre
A Portion of Billingsley Road to be Removed from Dedication

Being all that certain tract or parcel of land situated, lying and being in the City of Charlotte, Mecklenburg County, North Carolina, and being more particularly described as follows:

BEGINNING at a railroad spike at the northeasterly intersection of Marvin Road (variable width public right-of-way) and Billingsley Road (20 foot public right-of-way), said point being the southwest corner of Lot 8, "J.C. Stancill Property" as shown in Map Book 332, Page 157 of the Mecklenburg County Public Registry and runs thence with the southerly line of Lot 8, North 59-19-58 East 407.45 feet to an existing iron pin on the westerly line of the G.G. Burlos, et al property as described in Deed Book 9712, Page 374 of said Registry; thence with the westerly line of the R. L. Pierce property South 04-36-47 East 21.51 feet to an existing iron pin, said point being the northeast corner of the Charnoca Corporation property (now or formerly) as described in Deed Book 8076, Page 893 of said Registry; thence with the northerly line of the Charnoca Corporation property South 59-19-58 West 399.25 feet to a new iron rod on the easterly margin of Marvin Road; thence with the easterly margin of Marvin Road North 26-58-08 West 19.36 feet to the point and place of **BEGINNING**; containing 7,794 square feet or 0.1789 acre of land as shown on a survey prepared by R.B. Pharr & Associates, P.A. dated bearing Job no. 53403.



RESOLUTION CLOSING A PORTION OF WALLACE 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 portion of Wallace 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 portion of Wallace 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 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 22nd day of October, 2001, and City Council determined that the closing of a portion of Wallace 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 October 22, 2001, that the Council hereby orders the closing of a portion of Wallace Avenue 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.

FOR REGISTRATION JUDITH A. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2001 NOV 26 11:44 AM
BOOK: 12926 PAGE 238-244 FEE: \$16.00
INSTRUMENT # 2001206660

CERTIFICATION

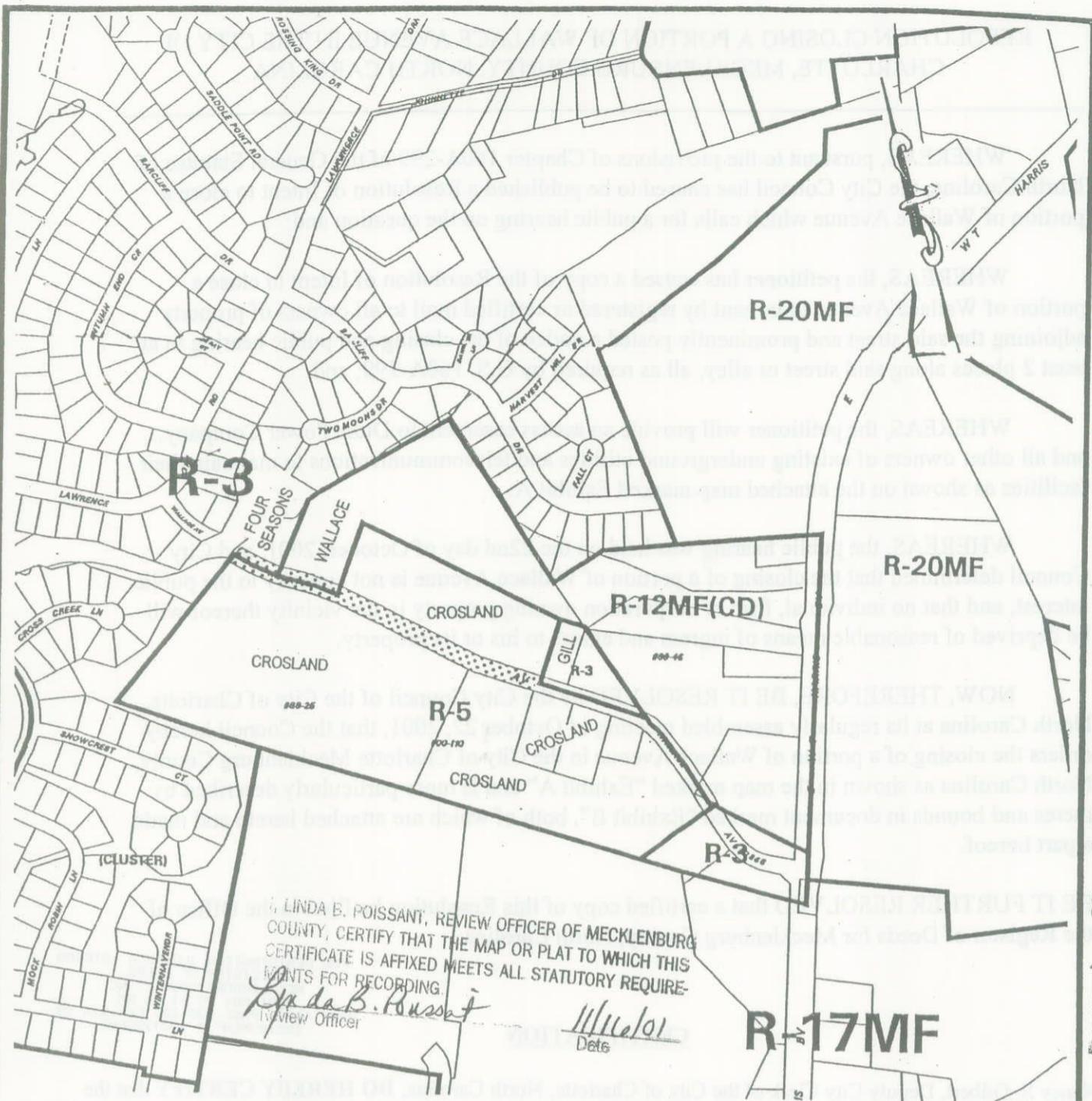
I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day October, 2001, the reference having been made in Minute Book 117 and recorded in full in Resolution Book 37, Page(s) 420-425.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of October, 2001.

Drawn by: City of Charlotte
Return to: City of Charlotte - Box

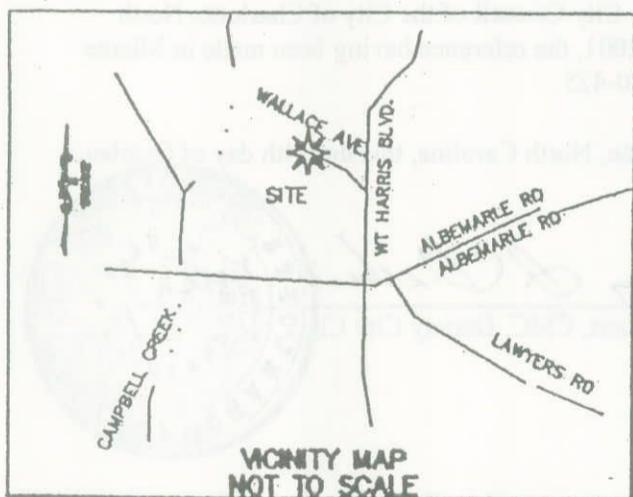
Nancy S. Gilbert
Nancy S. Gilbert, CMC, Deputy City Clerk





LINDA B. POISSANT, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
Linda B. Poissant
 Review Officer
 11/16/01
 Date

Drawn by: City of Charlotte
 Return to: City of Charlotte - Box



Right-of-Way to be Abandoned

CITY OF CHARLOTTE DEPARTMENT OF TRANSPORTATION TRANSPORTATION ENGINEERING DIVISION	
Right-of-Way Abandonment Petition: 01-12	
A PORTION OF WALLACE AVENUE	
RQS / PROJECT NO.	FILE NO.

STATE OF NORTH CAROLINA

PETITION

COUNTY OF MECKLENBURG

TO THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
MECKLENBURG COUNTY, NORTH CAROLINA

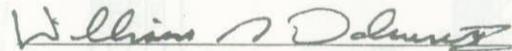
Crosland Land Company respectfully files this Petition and requests that a portion of Wallace Avenue lying west of East W. T. Harris Boulevard and east of a tributary as shown on the map attached hereto and made a part hereof marked "Exhibit A", be closed and abandoned in accordance with the provisions of Chapter 160A, Section 299, subsection (a) of the General Statutes of North Carolina.

In support of this Petition, your petitioner respectfully alleges that:

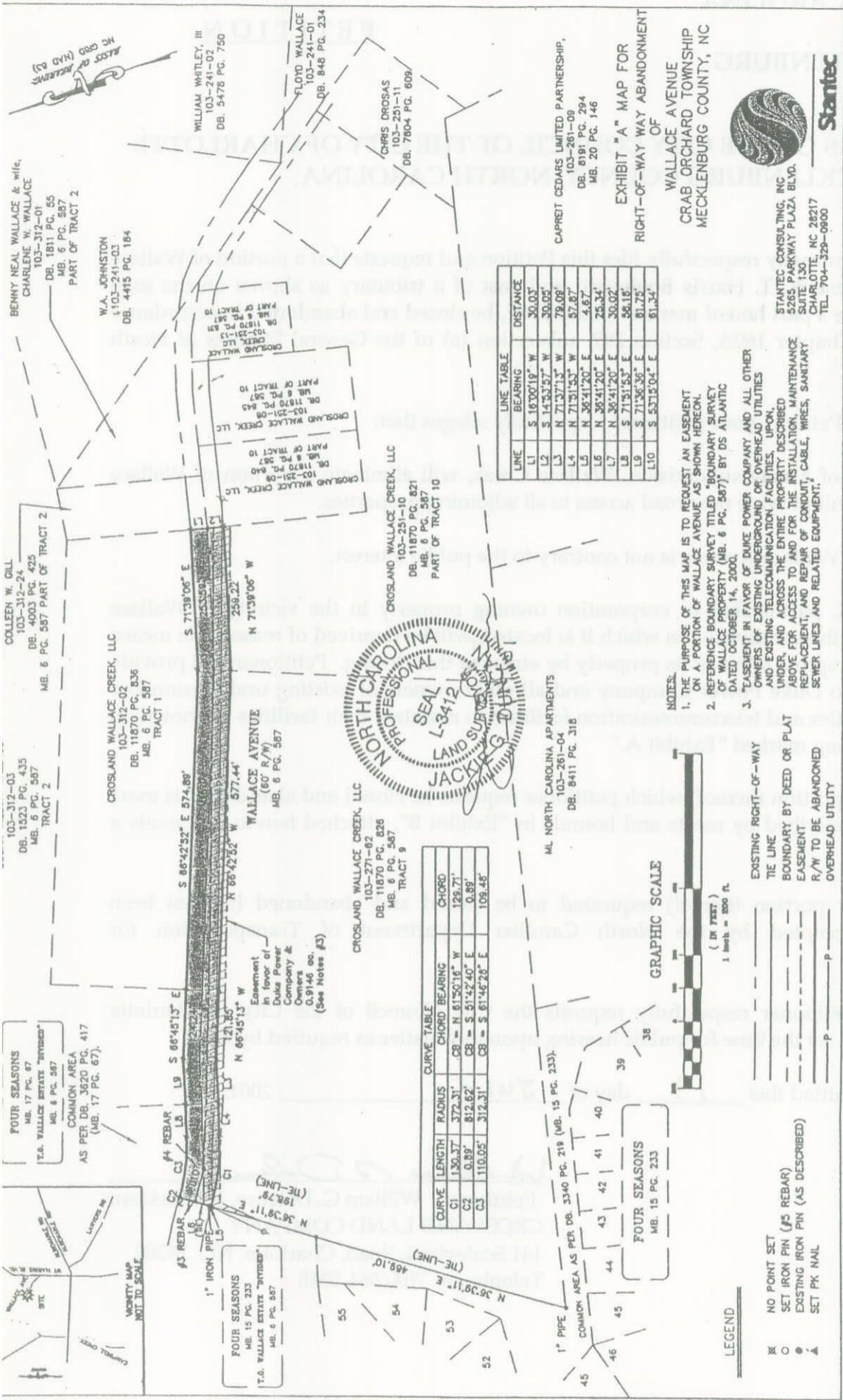
1. Development of a new subdivision, Wallace Creek, will eliminate a portion of Wallace Avenue and will provide new road access to all adjoining properties.
2. The closing of Wallace Avenue is not contrary to the public interest.
3. No individual, partnership or corporation owning property in the vicinity of Wallace Avenue, or in the subdivision in which it is located, will be deprived of reasonable means of ingress and egress to his or its property by virtue of this closing. Petitioner will provide an easement to Duke Power Company and all other owners of existing underground or overhead utilities and telecommunication facilities to maintain their facilities as shown on the attached map marked "Exhibit A."
4. The street (or portion thereof) which petitioner requests be closed and abandoned is more particularly described by meets and bounds in "Exhibit B", attached hereto and made a part hereof.
5. The street (or portion thereof) requested to be closed and abandoned has not been previously accepted by the North Carolina Department of Transportation for maintenance.

WHEREFORE, Petitioner respectfully requests the City Council of the City of Charlotte consider this Petition and set the time for public hearing upon this matter as required by law.

Respectfully submitted this 19 day of JULY, 2001.



Petitioner: William G. Daleure, II, President
CROSLAND LAND COMPANY
141 Scaleybark Road, Charlotte, NC 28209
Telephone: 704/561-5318



exhibitArev.dwa 7-19-01 3:16:19 pm EST

Drawn by: City of Charlotte
 Return to: City of Charlotte - Box

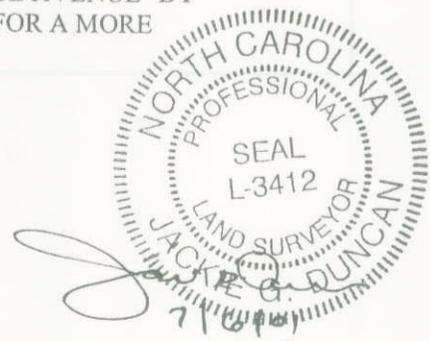
I, LINDA B. POISSANT, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Linda B. Poissant
 Review Officer
 Date: *11/16/01*

EXHIBIT "B"

**LEGAL DESCRIPTION FOR ABANDONMENT OF A PORTION OF WALLACE AVENUE,
BEING LOCATED IN CRAB ORCHARD TOWNSHIP, MECKLENBURG COUNTY, NORTH
CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

TO FIND THE POINT OF BEGINNING, COMMENCE FROM A 1" IRON PIPE ON THE SOUTHWEST CORNER OF A PARCEL OWNED BY CROSLAND WALLACE CREEK, LLC RECORDED IN DEED BOOK 11870, PAGE 826 OF THE MECKLENBURG COUNTY REGISTER OF DEEDS; THENCE FROM SAID IRON PIPE ALONG THE COMMON LINE OF CROSLAND WALLACE CREEK, LLC AND THE FOUR SEASONS SUBDIVISION RECORDED IN MAP BOOK 15, PAGE 233 OF SAID REGISTRY N36°39'11"E A DISTANCE OF 469.10' TO A SET #4 REBAR; THENCE ALONG THE SAME LINE N36°39'11"E A DISTANCE OF 198.79' TO THE POINT OF BEGINNING; THENCE N36°41'20"E A DISTANCE OF 4.67' TO A 1" IRON PIPE; THENCE N36°41'20"E A DISTANCE OF 25.34' TO A #3 REBAR ON THE CENTERLINE OF WALLACE AVENUE. THENCE N36°41'20"E 30.02' TO A POINT ON THE NORTHERN RIGHT OF WAY FOR WALLACE AVENUE. THENCE CONTINUING WITH THE NORTHERN RIGHT OF WAY FOR WALLACE AVENUE THE FOLLOWING FIVE (5) CALLS; (1) THENCE WITH A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 0.89', A RADIUS OF 812.62', AND A CHORD OF S 51°42'40"E 0.89'; (2) THENCE WITH A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 110.05', A RADIUS OF 312.31', AND A CHORD OF S61°46'28"E 109.48'; (3) S71°51'53"E 58.18'; (4) S71°36'36"E 81.75'; (5) S 66°45'13"E 124.24' TO A #4 REBAR. SAID #4 REBAR ALSO BEING THE COMMON CORNER OF A PARCEL OWNED BY CROSLAND WALLACE CREEK, LLC RECORDED IN DEED BOOK 11870, PAGE 836 OF SAID REGISTRY AND A PARCEL OWNED BY OSCAR WILSON WALLACE RECORDED IN DEED BOOK 1523, PAGE 435 OF SAID REGISTRY; THENCE FROM SAID #4 REBAR ALONG THE RIGHT-OF-WAY OF WALLACE AVENUE S66°42'52"E A DISTANCE OF 574.89' TO A SET #4 REBAR; THENCE CONTINUING ON THE NORTHERN RIGHT-OF-WAY OF WALLACE AVENUE S71°39'06"E A DISTANCE OF 253.59' TO A SET #4 REBAR, SAID REBAR ALSO BEING THE COMMON CORNER OF CROSLAND WALLACE CREEK, LLC AND A PARCEL OWNED BY CROSLAND WALLACE CREEK, LLC RECORDED IN DEED BOOK 11870, PAGE 836 OF SAID REGISTRY; THENCE LEAVING SAID RIGHT-OF-WAY S16°00'19"W A DISTANCE OF 30.03' TO A SET #4 REBAR ON THE CENTERLINE OF WALLACE AVENUE; THENCE S14°53'57"W A DISTANCE OF 30.05' TO THE SOUTHERN RIGHT-OF-WAY OF WALLACE AVENUE, SAID REBAR ALSO BEING THE COMMON CORNER OF A PARCEL OWNED BY CROSLAND WALLACE CREEK, LLC RECORDED IN DEED BOOK 11870, PAGE 821 OF SAID REGISTRY AND A PARCEL OWNED BY CROSLAND WALLACE CREEK, LLC RECORDED IN DEED BOOK 11870, PAGE 840 OF SAID REGISTRY; THENCE FROM SAID REBAR AND ALONG THE SOUTHERN RIGHT-OF-WAY OF WALLACE AVENUE N71°39'06"W A DISTANCE OF 259.22' TO A SET #4 REBAR, SAID REBAR ALSO BEING THE COMMON CORNER OF CROSLAND WALLACE CREEK, LLC (DB. 11870 PG. 821) AND CROSLAND WALLACE CREEK, LLC (DB. 11870 PG. 826); THENCE CONTINUING ALONG THE SOUTHERN RIGHT-OF-WAY OF WALLACE AVENUE N66°42'52"W A DISTANCE OF 577.44' TO A SET #4 REBAR; THENCE N66°45'13"W A DISTANCE OF 121.85' TO A SET #4 REBAR; THENCE N71°37'13"W A DISTANCE OF 79.09' TO A SET #4 REBAR; THENCE N71°51'53"W A DISTANCE OF 57.87' TO A SET #4 REBAR; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 372.31' AND AN ARC DISTANCE OF 130.37' (CHORD BEARING N61°50'16"W A DISTANCE OF 129.71') TO THE POINT AND PLACE OF BEGINNING; CONTAINING A TOTAL OF 1.673 ACRES AS SHOWN ON THE EXHIBIT MAP TITLED "EXHIBIT MAP FOR RIGHT-OF-WAY ABANDONMENT OF WALLACE AVENUE" BY STANTEC CONSULTING, INC. TO WHICH REFERENCE IS HEREBY MADE FOR A MORE COMPLETE DESCRIPTION.

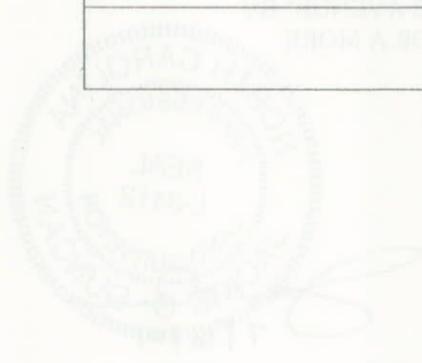


RIGHT-OF-WAY ABANDONMENT AGREEMENT OF UNDERSTANDING

The following property owners have parcels that adjoin the public right-of-way of Wallace Avenue. They hereby indicate, by signature, that they agree with the proposal to abandon that right-of-way. They further understand that once abandoned, a portion of that right-of-way becomes their property. The owners will then be responsible for maintenance and any additional property taxes that may result from the increase in the size of their original parcel.

I understand the statement above and agree with the proposed abandonment.

Name/Address of Property Owner	Signature	Tax Code Number
Benny Wallace 5811 Wallace Avenue	<i>Benny Wallace</i> <i>Colleen W. Hill</i> <i>Benny Wallace</i>	3-28-01 103-312-03
Crosland Wallace Creek, LLC William G. Daleure, II, Vice Pres.	<i>William S Daleure II</i>	103-312-02
Crosland Wallace Creek, LLC William G. Daleure, II, Vice Pres.	<i>William S Daleure II</i>	103-271-62
Four Seasons Homeowners Assn. 5050 Farm Pond Lane Charlotte, NC 28212		103-297-01



RESOLUTION CLOSING PURNELL COURT 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 Purnell Court which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close Purnell Court 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 public hearing was held on the 22nd day of October, 2001, and City Council determined that the closing of Purnell Court 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 October 22, 2001, that the Council hereby orders the closing of Purnell Court 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.

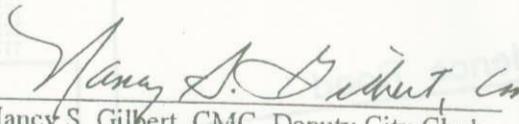
BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

FOR REGISTRATION JUDITH A. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2001 NOV 26 11:44 AM
BOOK 12926 PAGE 231-237 FEE: \$16.00
INSTRUMENT # 2001206659

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 October, 2001, the reference having been made in Minute Book 117 and recorded in full in Resolution Book 37, Page(s) 426-431.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of October 2001.

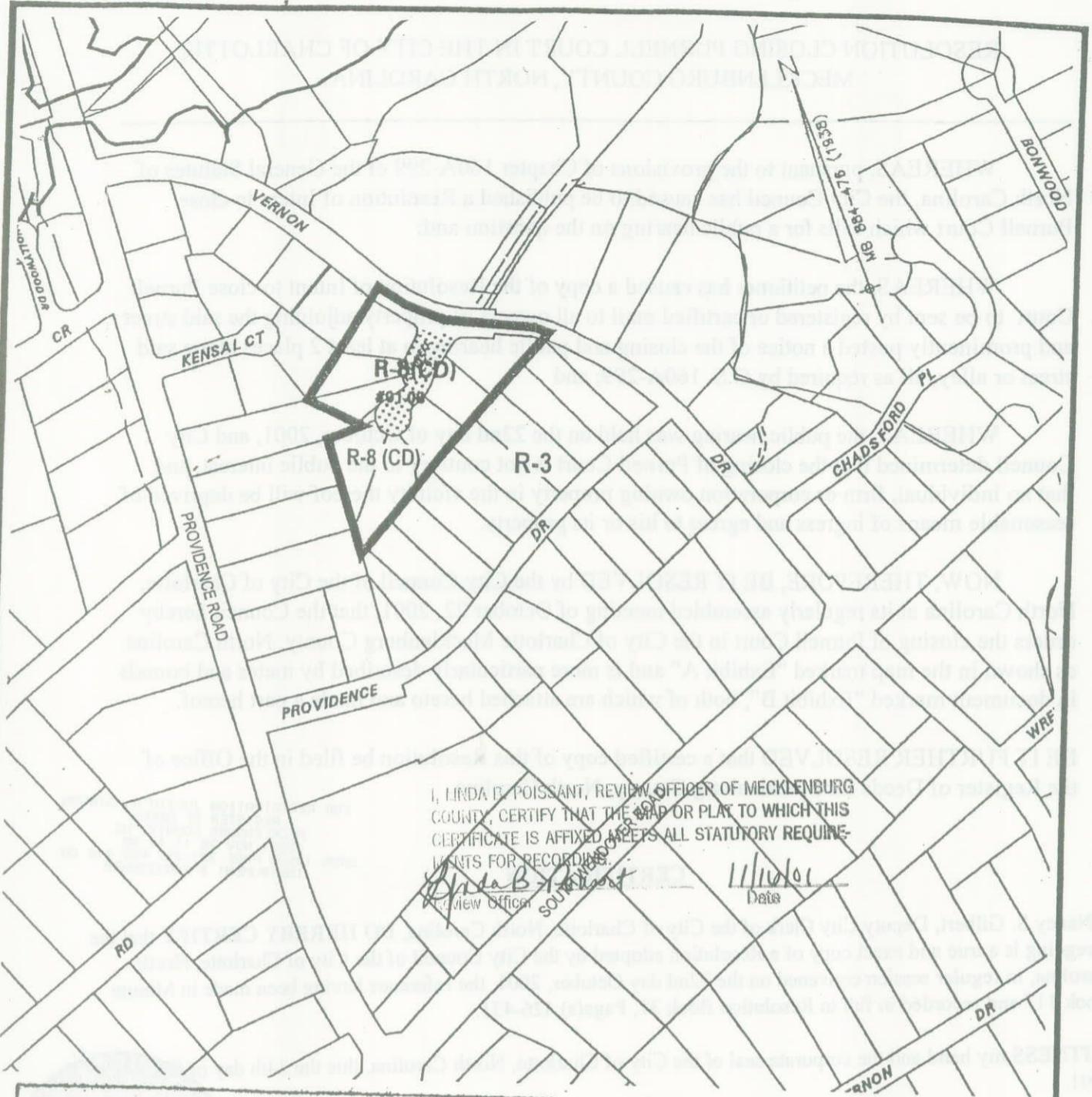

Nancy S. Gilbert, CMC, Deputy City Clerk



Drawn by: City of Charlotte
Return to: City of Charlotte - Box

PURNELL COURT

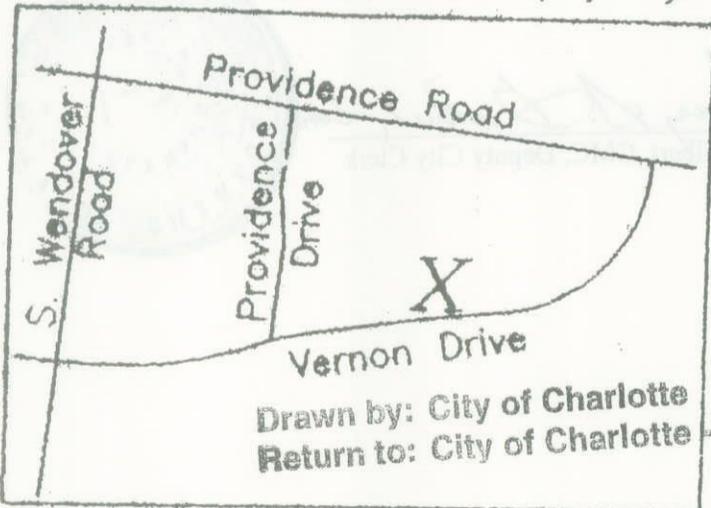
m



I, LINDA B. POISSANT, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAN TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Linda B. Poissant
 Review Officer

11/10/01
 Date



 Right-of-Way to be Abandoned

CITY OF CHARLOTTE DEPARTMENT OF TRANSPORTATION TRANSPORTATION ENGINEERING DIVISION	
Right-of-Way Abandonment Petition: 01-13	
PURNELL COURT	
RQS / PROJECT NO.	FILE NO.

STATE OF NORTH CAROLINA

PETITION

COUNTY OF MECKLENBURG

TO THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE,
MECKLENBURG COUNTY, NORTH CAROLINA

English Garden Homes Joint Venture respectfully files this Petition and requests that all of
Pernell Court

adjoining the boundaries of certain properties of English Garden Joint Venture and intersecting
Vernon Drive between South Wendover Road and Providence Road in Charlotte, North Carolina, as
shown on the map attached hereto and made a part hereof marked "Exhibit A", be closed and
abandoned in accordance with the provisions of Chapter 160A, Section 299, subsection (a) of the
General Statutes of North Carolina.

In support of this Petition, your petitioner respectfully alleges that:

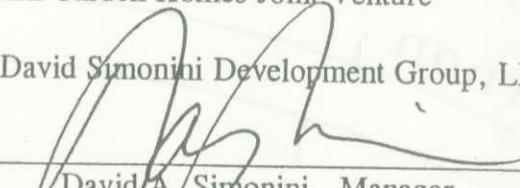
1. Said Pernell Court is not in current use and has not been in use since its creation. Closure will facilitate the anticipated development of adjacent and surrounding properties.
2. The closing of said Pernell Court is not contrary to the public interest.
3. No individual, partnership or corporation owning property in the vicinity of Pernell Court, or in the subdivision in which it is located will be deprived of reasonable means of ingress and egress to his or its property by virtue of the closing.
4. The street which requested to be closed and abandoned is more particularly described by metes and bounds in "Exhibit B", attached hereto and made a part hereof.
5. The street requested to be closed and abandoned have not been previously accepted by the North Carolina Department of Transportation for maintenance.

WHEREFORE, petitioner respectfully requests the City Council of the City of Charlotte consider this Petition and set the time for public hearing upon this matter as required by law.

Respectfully submitted the 9 day of MAY, 2001.

English Garden Homes Joint Venture

By: David Simonini Development Group, LLC, member

By: 

David A. Simonini., Manager

Address: 501 East Morehead Suite 4
Charlotte, NC 28235

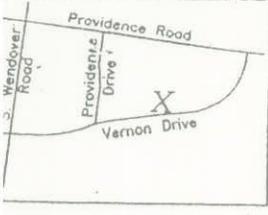
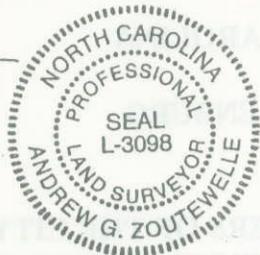
Telephone Number: (704) 334-6455

Drawn by: City of Charlotte
Return to: City of Charlotte - Box

THIS SURVEY IS CERTIFIED TO ONLY THE PERSONS OR ENTITIES SHOWN IN THE TITLE BLOCK BELOW. THIS IS TO CERTIFY THAT THIS SURVEY IS BASED UPON MY BEST KNOWLEDGE, INFORMATION AND BELIEF. THIS SURVEY DOES NOT REFLECT A COMPLETE TITLE EXAMINATION OR UTILITIES. PRECISION IS GREATER THAN 1:10,000.

LEGEND
 ch. chord
 L,R curve length & radius
 s.f. square feet (by coordinates)
 I.PIN iron survey stake
 conc. concrete
 a/c air conditioner
 MB, DB record map and deed references

Aug 7

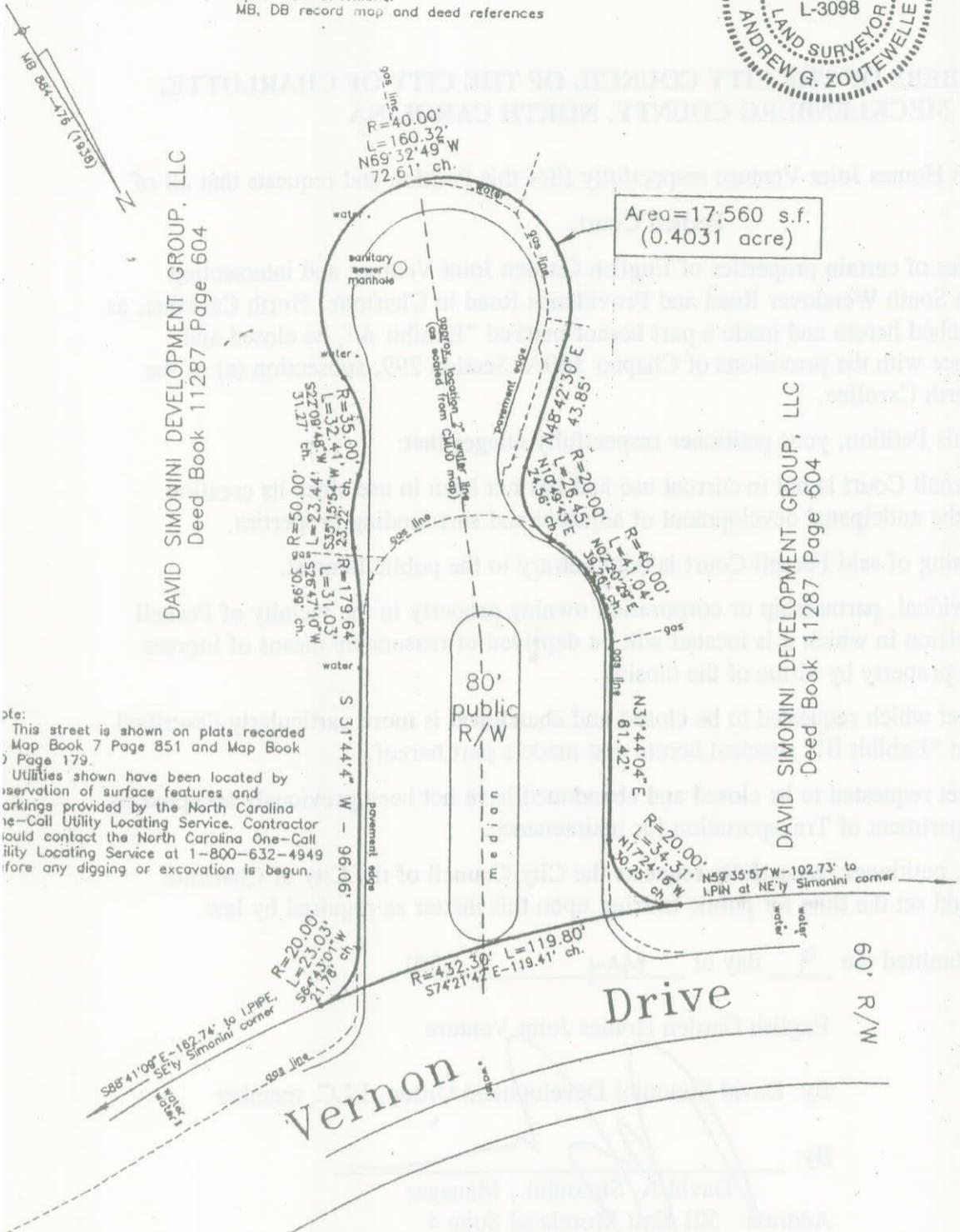


DAVID SIMONINI DEVELOPMENT GROUP, LLC
 Deed Book 11287 Page 604

DAVID SIMONINI DEVELOPMENT GROUP, LLC
 Deed Book 11287 Page 604

Area = 17,560 s.f.
 (0.4031 acre)

Note:
 This street is shown on plats recorded Map Book 7 Page 851 and Map Book Page 179.
 Utilities shown have been located by observation of surface features and markings provided by the North Carolina One-Call Utility Locating Service. Contractor should contact the North Carolina One-Call Utility Locating Service at 1-800-632-4949 before any digging or excavation is begun.



I, LINDA B. POISSANT, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Linda B. Poissant
 Review Officer
 Date: *11/6/01*

Drawn by: City of Charlotte
 Return to: City of Charlotte - Box

Copyright 2001
RIGHT OF WAY ABANDONMENT OF PURNELL COURT
 CHARLOTTE, MECKLENBURG COUNTY, N.C.
 for DAVID SIMONINI DEVELOPMENT GROUP, LLC
 Scale 1" = 40' March 21, 2001
 ANDREW G. ZOUTEWELLE N.C. PLS L-3098
 1914 Brunswick Avenue Charlotte, NC 28207

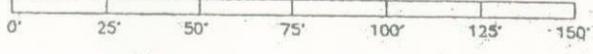


EXHIBIT B

BEGINNING at a point in the southern margin of the sixty foot right of way of Vernon Drive (said point being located N 88-41-09 W 162.74 feet from an iron pipe located in the southeasterly corner of property conveyed to David Simonini Development Group, LLC by Deed recorded in Book 11287, Page 604 of the Mecklenburg County Public Registry); thence, from said point and place of BEGINNING, with the arc of a circular curve to the left having a chord bearing of S 64-43-01 W, a chord length of 21.78 feet, and a radius of 20.00 feet, an arc length of 23.03 feet to a point; thence S 31-44-4 W 96.06 feet to a point; thence with the arc of a curve to the left having a chord bearing of S 26-47-10 W, a chord length of 30.99 feet, and a radius of 179.64 feet, an arc length of 31.03 feet to a point; thence, with the arc of a circular curve to the right having a chord bearing of S 35-15-54 W, a chord length of 23.22 feet, and a radius of 50.00 feet, an arc distance of 23.44 feet to a point; thence, with the arc of a circular curve to the left having a chord bearing of S 22-09-48 W, a chord length of 31.27 feet, and a radius of 35.00 feet, an arc distance of 32.41 feet to a point; thence with the arc of a circular curve to the right, having an chord bearing of N 69-32-49 W, a chord length of 72.61 feet, and a radius of 40.00 feet, an arc length of 160.32 feet to a point; thence N 48-42-30 E 43.85 to a point; thence, with the arc of a circular curve to the left, having a chord bearing of N 10-49-43 E, a chord length of 24.56 feet, and a radius of 20.00 feet, an arc length of 26.45 feet to a point; thence, with the arc of a circular curve to the right, having a chord bearing of N 02-20-29 E, a chord length of 39.26 feet, and a radius of 40.00 feet, an arc length of 41.04 feet to a point; thence N 31-44-04 E 61.42 feet to a point; thence with the arc of a circular curve to the left, having a chord bearing of N 17-24-16 W, a chord length of 30.25 feet, and a radius of 20.00 feet, an arc length of 34.31 feet to a point in the southern margin of the sixty foot right of way of Vernon Drive (said point lying S 59-35-57 E 102.73 feet from an iron pin located in the northeasterly corner of property conveyed to David Simonini Development Group, LLC by Deed recorded in Book 11287, Page 604 of the Mecklenburg County Public Registry); thence, with the arc of a curve to the left having a chord bearing of S 74-21-42 E, a chord length of 119.41 feet, and a radius of 432.30 feet, an arc length of 119.80 feet to the point and place of BEGINNING.

Containing 0.4031 acres, more or less, and all as shown on a survey entitled Right of Way Abandonment of Purnell Court, Charlotte, Mecklenburg County, N.C. for David Simonini Development Group, LLC, dated March 21, 2001, prepared by Andrew G. Zoutewelle, NCPLS.

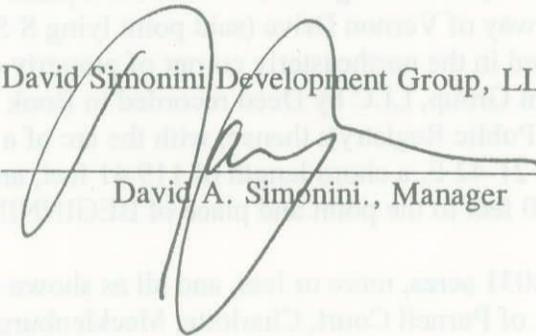
**RIGHT-OF-WAY ABANDONMENT
AGREEMENT OF UNDERSTANDING**

The following property owner has parcels that adjoin the public right-of-way of Pernell Court. It hereby indicates, by signature, that it agrees with the proposal to abandon those rights-of-way. It further understands that once abandoned, a portion of those rights of-way becomes its property. The owner will then be responsible for maintenance and any additional property taxes that may result from the increase in the size of its original parcel.

The property owner understands the statement above and agrees with the proposed abandonment.

<u>Name/Address of Property Owner</u>	<u>Signature</u>	<u>Tax Code Number</u>
English Garden Homes Joint Venture		182-062-20
501 East Morehead Suite 4		182-062-21
Charlotte, NC 28235		182-062-22
		182-062-23
		182-062-24
		182-062-25
		182-062-26
		182-062-27
		182-062-28

By: David Simonini Development Group, LLC, member

By: 
David A. Simonini., Manager

RESOLUTION CLOSING SUNNYSIDE DRIVE, PRESSER STREET, INSURANCE LANE,
A 10-FOOT ALLEYWAY, AND PEASE LANE 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 Sunnyside Drive, Presser Street, Insurance Lane, a 10-foot alleyway, and Pease Lane which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close Sunnyside Drive, Presser Street, Insurance Lane, a 10-foot alleyway, and Pease Lane 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 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 maps marked Exhibit A-1 through A-5.

WHEREAS, the public hearing was held on the 22nd day of October, 2001, and City Council determined that the closing of Sunnyside Drive, Presser Street, Insurance Lane, a 10-foot alleyway, and Pease Lane 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 October 22, 2001, that the Council hereby orders the closing of Sunnyside Drive, Presser Street, Insurance Lane, a 10-foot alleyway, and Pease Lane in the City of Charlotte Mecklenburg County, North Carolina as shown in the maps marked "Exhibit A-1 through A-5" and is more particularly described by metes and bounds in documents marked "Exhibit B-1 through B-5", 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.

FOR REGISTRATION JUDITH A GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2001 NOV 26 11:44 AM
BOOK: 12926 PAGE: 245-259 FEE: \$32.00
INSTRUMENT # 2001206661

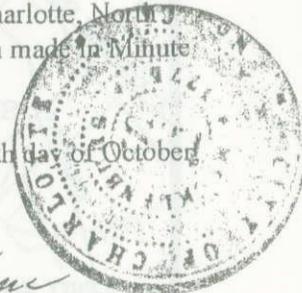
CERTIFICATION

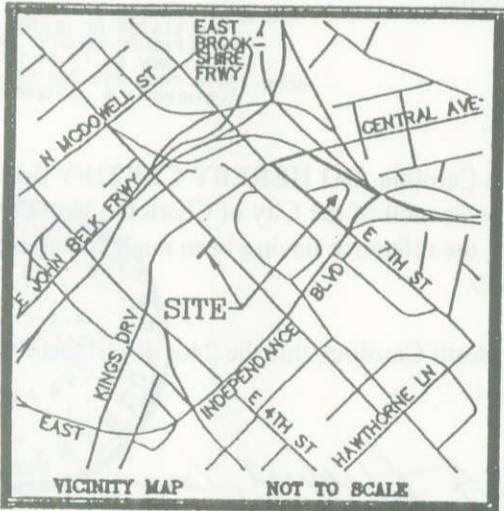
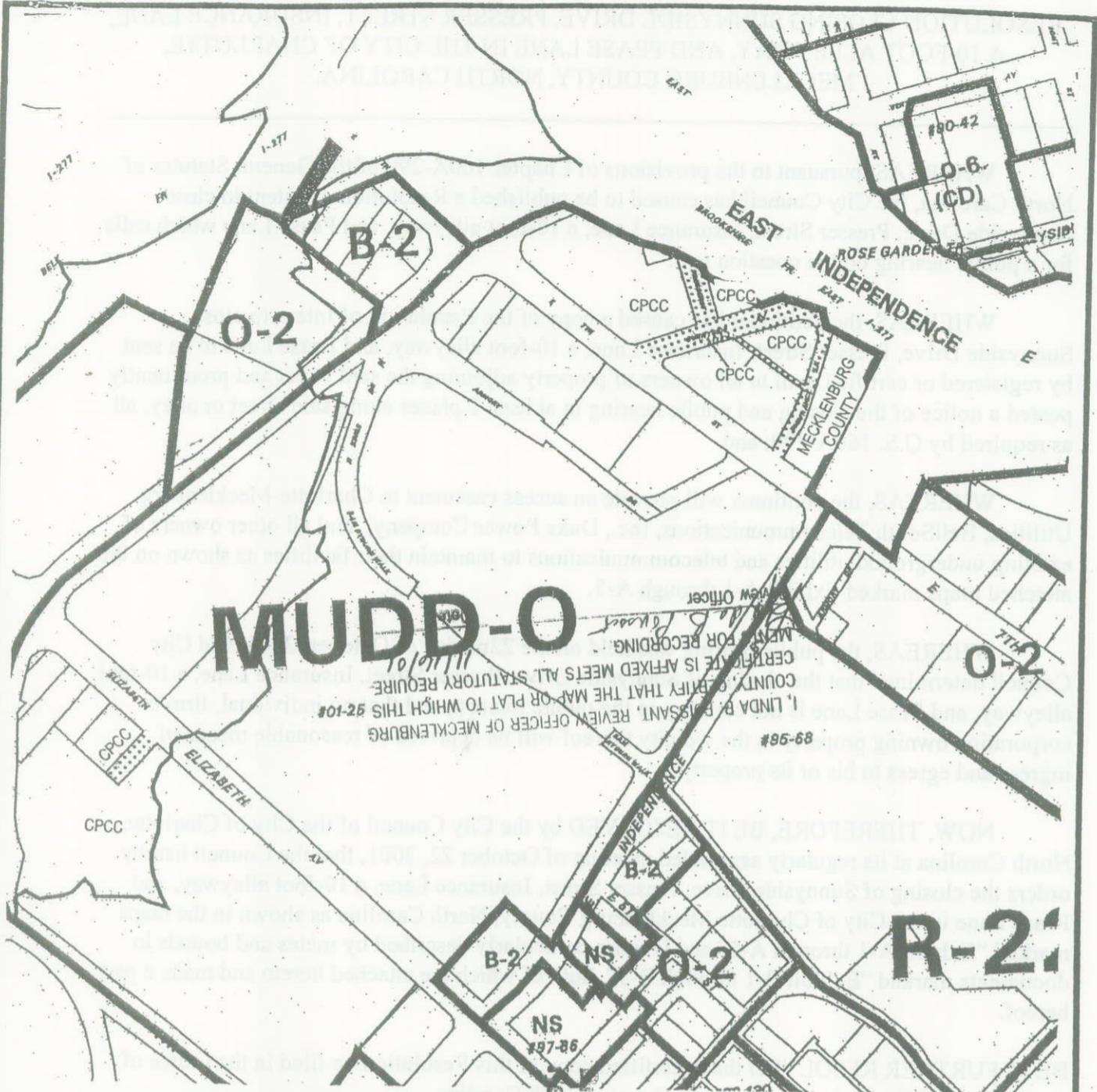
I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day October, 2001, the reference having been made in Minute Book 117 and recorded in full in Resolution Book 37, Page(s) 432-445.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of October, 2001.

Drawn by: City of Charlotte
Return to: City of Charlotte - Box

Nancy S. Gilbert, CMC
Nancy S. Gilbert, CMC, Deputy City Clerk





Drawn By: City of Charlotte
 Return to: City of Charlotte - Box

 Right-of-Way to be Abandoned	
CITY OF CHARLOTTE DEPARTMENT OF TRANSPORTATION TRANSPORTATION ENGINEERING DIVISION	
Right-of-Way Abandonment Petition: 01-14	
SUNNYSIDE DRIVE, INSURANCE LANE PRESSER STREET, PEASE LANE AND AN UNNAMED ALLEY	
RQS / PROJECT NO.	FILE NO.

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

PETITION

TO THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE,
MECKLENBURG COUNTY, NORTH CAROLINA

Central Piedmont Community College respectfully files this Petition and requests that a 10 foot public alley (in its entirety), Sunnyside Drive, a 50' ROW (in its entirety), Insurance Lane, a 30' ROW (in its entirety), unimproved Presser Street, a 50' ROW (in its entirety), and unimproved Pease Lane 40' ROW (in its entirety) as shown on the map attached hereto and made a part hereof marked "Exhibits A1, A2, A3, A4, and A5", be closed and abandoned in accordance with the provisions of Chapter 160A, Section 299, subsection (a) of the General Statutes of North Carolina.

In support of this Petition, your petitioner respectfully alleges that::

1. Abandonment of a 10' foot public alley (in its entirety), Sunnyside Drive a 50' ROW (in its entirety), Insurance Lane a 30' ROW (In its entirety), unimproved Presser Street a 50' ROW (in its entirety), and unimproved Pease Lane a 40' ROW (in its entirety) is required for the construction of a 30,000 SF Facilities Operation Center and to serve CPCC's Central Campus.

2. The closing of the 10 foot public alley, Sunnyside Drive, Insurance Lane, Presser Street, and Pease Lane on CPCC's Central campus is not contrary to the public interest.

3. No individual, partnership or corporation owning property in the vicinity of the 10 foot public alley, Sunnyside Drive, Insurance Lane, unimproved Presser Street, and unimproved Pease Lane will be deprived of reasonable means of ingress and egress to his or its property by virtue of the closing. Petitioner will provide an easement to relocate and provide an easement to Charlotte-Mecklenburg Utilities and Engineering Property Management Dept. to maintain their facilities a shown on the attached map marked "Exhibits A1, A2, A3, A4, and A5."

Petitioner will provide an easement to Charlotte-Mecklenburg Utilities, BellSouth Telecommunications, Inc., Duke Power Company and all other owners of existing underground utilities and telecommunications facilities to maintain their facilities as shown on the appropriate attached map(s) marked Exhibit A1 through A5.

4. The street (or portion thereof) which petitioner requests be closed and abandoned is more particularly described by metes and bounds in "Exhibits B 1, B2, B3, B4, and B5", attached hereto and made a part hereof.

5. The alley and the streets (or portion thereof) requested to be closed and abandoned has not been previously accepted by the North Carolina Department of Transportation for maintenance.

WHEREFORE, petitioner respectfully requests the City Council of the City of Charlotte consider this Petition and set the time for public hearing upon this matter as required by law.

Respectfully submitted the 29 day of May, 19 2001

Kathy H. Drumm Exec VP
(Signature of Petitioner)

Central Piedmont Community College

Address P.O. Box 35009

Charlotte, NC 28235-5009

Telephone Number 704/330-6524

EXHIBIT B-1

Being that certain portion of Sunnyside Avenue in the City of Charlotte, Mecklenburg County, North Carolina, being more particularly described as follows:

BEGINNING at a found concrete right-of-way monument in the westerly right-of-way of Interstate 277 (John Belk Freeway variable width public right-of-way), said monument being the intersection of the westerly right-of-way of Interstate 277 and the northerly right-of-way of Sunnyside Avenue (50' public right-of-way), and running thence with the said westerly right-of-way of Interstate 277 in an easterly direction the following two (2) courses:

1. N 76°41'10" E, 26.82 feet to a found concrete right-of-way monument,
2. S 70°03'06" E, 104.37 feet to a found concrete right-of-way monument in the southerly right-of-way of Sunnyside Avenue;

THENCE, departing said westerly right-of-way of Interstate 277, along the southerly right-of-way of Sunnyside Avenue in a westerly direction, the following five (5) courses:

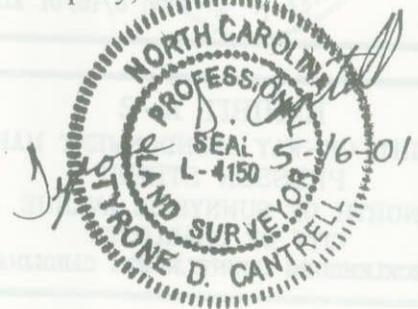
1. S 87°24'07" W, 39.18 feet to a found 5/8" rebar,
2. S 76°49'30" W, 154.04 feet to a found railroad spike,
3. S 76°47'32" W, passing a found 5/8" rebar at 12.51 feet, a total of 62.83 feet to a found 1" pipe,
4. S 76°48'05" W, 106.84 feet to a found 5/8" rebar,
5. With a curve to the left having a radius of 12.00 feet, through a central angle of 98°50'47", for an arc length of 20.70 feet, with a chord of 18.23 feet, bearing S 26°33'14" W, to a found 5/8" rebar in the northerly right-of-way of East Seventh Street (variable width public right-of-way);

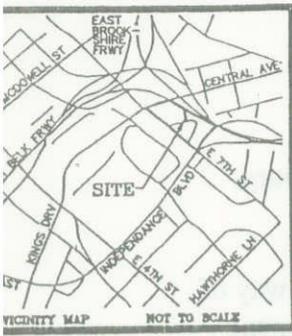
THENCE, departing southerly right-of-way of Sunnyside Avenue, along the easterly right-of-way of East Seventh Street in a northwesterly direction, N 50°48'43" W, 88.38 feet to found 5/8" rebar in the northerly right-of-way of Sunnyside Avenue;

Thence, departing easterly right-of-way of East Seventh Street, along the northerly right-of-way of Sunnyside Avenue in a easterly direction, the following four (4) courses:

1. N 78°02'54" E, 15.19 feet to a found 5/8" rebar,
2. N 76°43'50" E, 144.95 feet to a found pk nail in the westerly right-of-way of Presser Street (50' public right-of-way),
3. N 76°43'50" E, 50.00 feet to a found 1 1/4" pipe in the easterly right-of-way of said Presser Street,
4. N 76°48'21" E, 104.90 feet to THE POINT OF BEGINNING,

Containing within these metes and bounds 17,862 square feet or 0.4100 acres, more or less as shown on that plat entitled "Exhibit A-1 Right-of-way Abandonment Map Sunnyside Avenue North of Seventh Street" prepared by The Survey Company, Inc. dated May 16, 2001, to which reference is hereby made.





NORTH CAROLINA STATE HIGHWAY COMMISSION
 520 PRESSER STREET
 TAX PARCEL #080-173-02
 DEED BOOK 2930 PAGE 75

EASEMENT IN FAVOR OF CHARLOTTE-MECKLENBURG UTILITIES, BELLSOUTH TELECOMMUNICATIONS, INC., DUKE POWER COMPANY, AND ALL OTHER OWNERS OF EXISTING UNDERGROUND UTILITIES AND TELECOMMUNICATION FACILITIES UPON, UNDER, AND ACROSS THE ENTIRE PROPERTY DESCRIBED ABOVE FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT AND REPAIR OF CONDUIT, CABLE, WRES, WATER LINES, SEWER LINES, GAS MAINS AND RELATED EQUIPMENT.

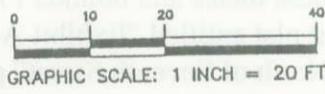
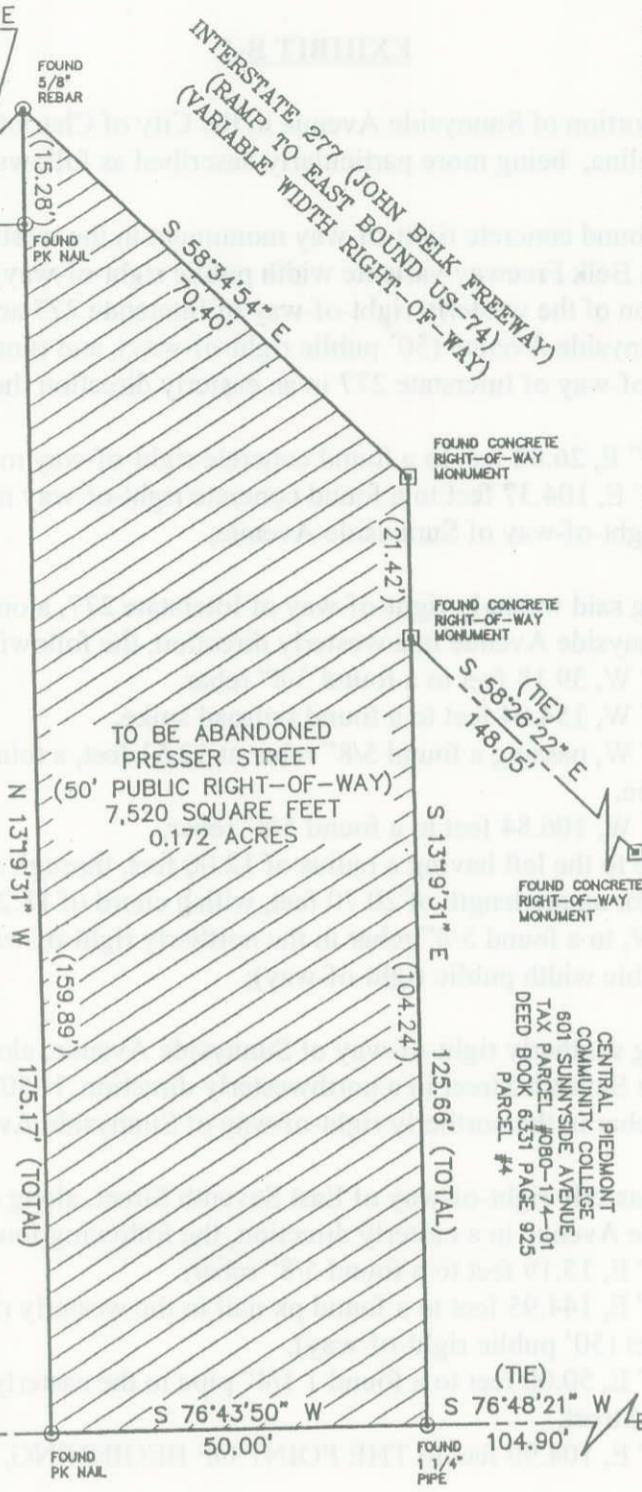
CENTRAL PIEDMONT COMMUNITY COLLEGE
 1225 EAST 7TH STREET
 TAX PARCEL #080-173-01
 DEED BOOK 3279 PAGE 236

LEGEND

- PROPERTY LINE SURVEYED
- - - PROPERTY LINE NOT SURVEYED
- - - RIGHT OF WAY LINE
- ⊙ FOUND PROPERTY CORNER
- R/W - RIGHT-OF-WAY

Michael C. Sawhill
 8-15-01
 (TIE)
 76°43'50" W
 44.95'

REV: 8/15/01 ADDED EASEMENT NOTE.



LINDA B. POISSANT, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
 Linda B. Poissant
 Review Officer
 11/16/01
 Date

Drawn by: City of Charlotte
 Return to: City of Charlotte - P&I

EXHIBIT A-2
 RIGHT-OF-WAY ABANDONMENT MAP
 PRESSER STREET
 NORTH OF SUNNYSIDE AVENUE
 CITY OF CHARLOTTE
 MECKLENBURG COUNTY, NORTH CAROLINA

PROJECT NUMBER:	CPC07
SURVEYED BY:	WRC
DRAWN BY:	TDC
CHECKED BY:	TDC
DRAWING SCALE:	1" = 20'
ISSUE DATE:	06/16/01
CAD FILE:	Presser.dwg (R2000)

THE SURVEY COMPANY, INC.
 4105-B STUART ANDREW BLVD
 CHARLOTTE, NC 28217
 (704)561-9970 (704)561-9972 FAX
 EMAIL: SURVEYCO@VNET.NET

EXHIBIT B-2

Being that certain portion of Presser Street in the City of Charlotte, Mecklenburg County, North Carolina, being more particularly described as follows:

BEGINNING at a found pk nail in the northerly right-of-way of Sunnyside Avenue (50' public right-of-way), said rebar being the intersection of the northerly right-of-way of Sunnyside Avenue and the westerly right-of-way of Presser Street (50' public right-of-way), and running thence with the said westerly right-of-way of Interstate 277 in a northerly direction the following two (2) courses:

1. N 13°19'31" W, 159.89 feet to a found pk nail,
2. N 76°36'06" E, 15.40 feet to a set 5/8" rebar in the westerly right-of-way of Interstate 277 (John Belk Freeway variable width public right-of-way);

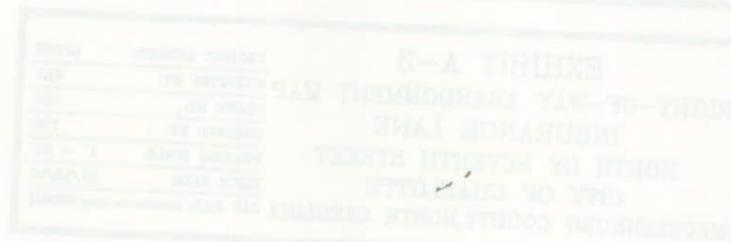
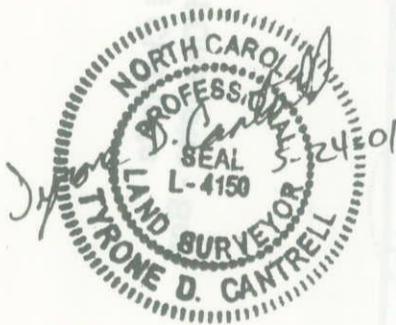
THENCE, departing westerly right-of-way of Sunnyside Avenue, along the said westerly right-of-way of Interstate 277 in a southeasterly direction the following two (2) courses:

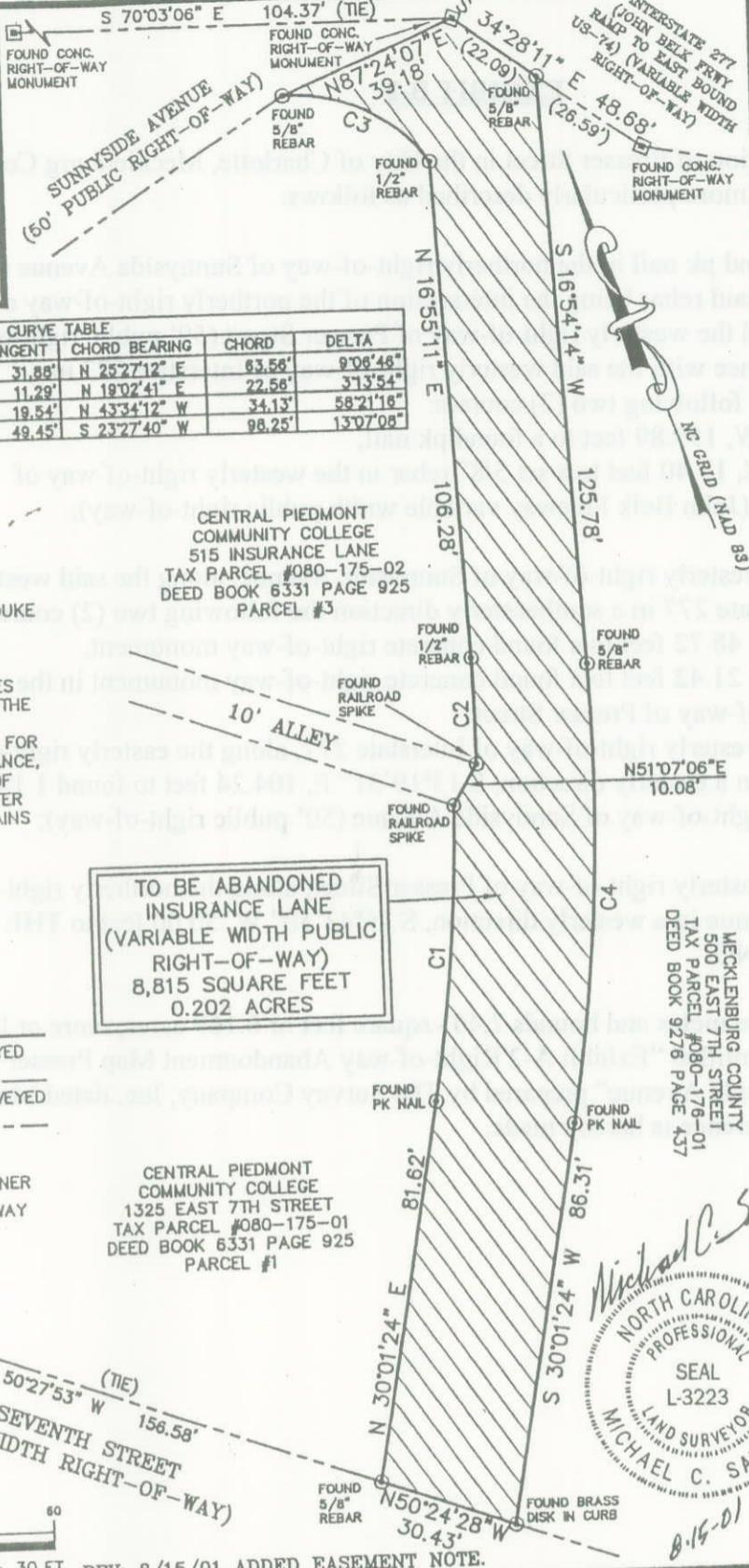
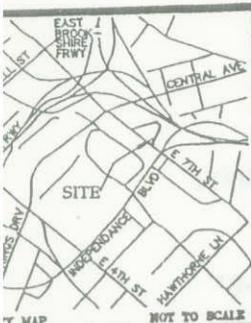
1. S 58°34'54" E, 48.72 feet to a found concrete right-of-way monument,
2. S 13°19'31" E, 21.42 feet to a found concrete right-of-way monument in the easterly right-of-way of Presser Street;

THENCE, departing westerly right-of-way of Interstate 277, along the easterly right-of-way of Presser Street in a easterly direction, S 13°19'31" E, 104.24 feet to found 1 1/4" pipe in the northerly right-of-way of Sunnyside Avenue (50' public right-of-way);

THENCE, departing easterly right-of-way of Presser Street, along the northerly right-of-way of Sunnyside Avenue in a westerly direction, S 76°43'50" W, 50.00 feet to THE POINT OF BEGINNING.

Containing within these metes and bounds 7,403 square feet or 0.169 acres, more or less as shown on that plat entitled "Exhibit A-2 Right-of-way Abandonment Map Presser Street North of Sunnyside Avenue" prepared by The Survey Company, Inc. dated May 24, 2001, to which reference is hereby made.



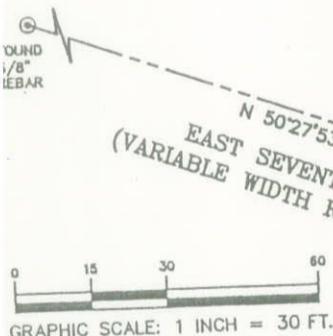


NO	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD	DELTA
1	400.04'	83.63'	31.88'	N 25°27'12" E	83.56'	9°08'48"
2	400.04'	22.56'	11.29'	N 19°02'41" E	22.56'	37°3'54"
3	35.00'	35.65'	19.54'	N 43°34'12" W	34.13'	58°21'18"
4	430.04'	98.48'	49.45'	S 23°27'40" W	98.25'	13°07'08"

SEMENT IN FAVOR OF
ARLOTTE-MECKLENBURG
ILITIES, BELLSOUTH
COMMUNICATIONS, INC., DUKE
WER COMPANY, AND ALL
HER OWNERS OF EXISTING
DERGROUND UTILITIES AND
COMMUNICATION FACILITIES
ON, UNDER, AND ACROSS THE
ITRE PROPERTY DESCRIBED
OVE FOR ACCESS TO AND FOR
IE INSTALLATION, MAINTENANCE,
PLACEMENT AND REPAIR OF
NDUIT, CABLE, WIRES, WATER
NES, SEWER LINES, GAS MAINS
ND RELATED EQUIPMENT.

TO BE ABANDONED
INSURANCE LANE
(VARIABLE WIDTH PUBLIC
RIGHT-OF-WAY)
8,815 SQUARE FEET
0.202 ACRES

LEGEND
 _____ PROPERTY LINE SURVEYED
 _____ PROPERTY LINE NOT SURVEYED
 - - - - - RIGHT OF WAY LINE
 ○ FOUND PROPERTY CORNER
 R/W - RIGHT-OF-WAY



**NORTH CAROLINA
PROFESSIONAL
SEAL
L-3223
LAND SURVEYOR
MICHAEL C. SAWHILL**

I, LINDA B. POISSANT, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
Linda B. Poissant
 Review Officer
 11/16/01
 Date

Drawn by: City of Charlotte
 Return to: City of Charlotte - Box

EXHIBIT A-3
 RIGHT-OF-WAY ABANDONMENT MAP
 INSURANCE LANE
 NORTH OF SEVENTH STREET
 CITY OF CHARLOTTE
 MECKLENBURG COUNTY, NORTH CAROLINA
 CAD FILE: Insurance.dwg (22000)

PROJECT NUMBER: CPC07
 SURVEYED BY: WRC
 DRAWN BY: TDC
 CHECKED BY: TDC
 DRAWING SCALE: 1" = 30'
 ISSUE DATE: 06/16/01

THE SURVEY COMPANY, INC.
 4105-B STUART ANDREW BLVD
 CHARLOTTE, NC 28217
 (704)661-9970 (704)561-9972 FAX
 EMAIL: SURVEYCO@VNET.NET

EXHIBIT B-3

Being that certain portion of Insurance Lane in the City of Charlotte, Mecklenburg County, North Carolina, being more particularly described as follows:

BEGINNING at a found concrete right-of-way monument in the westerly right-of-way of Interstate 277 (John Belk Freeway variable width public right-of-way), said monument being the intersection of the westerly right-of-way of Interstate 277 and the southerly right-of-way of Sunnyside Avenue (50' public right-of-way) and the easterly right-of-way of Insurance Lane (variable width right-of-way), and running thence with the said westerly right-of-way of Interstate 277 in a southeasterly direction, S 34°28'11" E, 22.09 feet to a found 5/8" rebar in the easterly right-of-way of Insurance Lane,

THENCE, departing westerly right-of-way of Interstate 277, along the easterly right-of-way of Insurance Lane in a southerly direction the following three (3) courses:

1. S 16°54'14" W, 125.78 feet to a found 5/8" rebar,
2. With a curve to the right having a radius of 430.04 feet, through a central angle of 13°07'08", for an arc length of 98.46 feet, with a chord of 98.25 feet, bearing S 23°27'40" W, to a found pk nail,
3. S 30°01'24" W, 86.31 feet to a found brass disk in curb in the easterly right-of-way of East Seventh Street (variable width right-of-way),

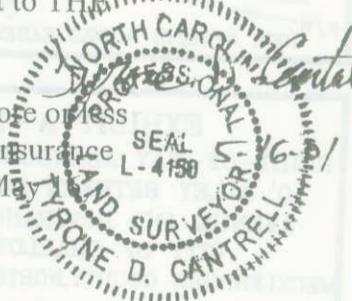
THENCE, departing easterly right-of-way of Insurance Lane, along the easterly right-of-way of East Seventh Street in a northwesterly direction, N 50°24'28" W, 30.43 feet to found 5/8" rebar in the westerly right-of-way of Insurance Lane;

Thence, departing easterly right-of-way of East Seventh Street, along the westerly right-of-way of Insurance Lane in a northerly direction, the following six (6) courses:

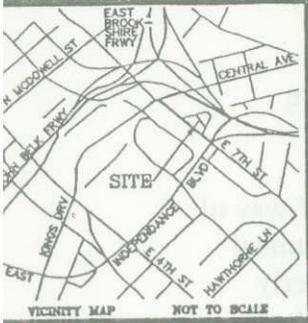
1. N 30°01'24" E, 81.62 feet to a found pk nail,
2. With a curve to the left having a radius of 400.04 feet, through a central angle of 9°06'46", for an arc length of 63.63 feet, with a chord of 63.56', bearing N 25°27'12" E, to a found railroad spike in the southwesterly right-of-way of a 10 foot wide alley,
3. N 51°07'06" E, 10.08 feet to a found railroad spike in the northeasterly right-of-way of a 10 foot wide alley,
4. With a curve to the left having a radius of 400.04 feet, through a central angle of 3°13'54", for an arc length of 22.56 feet, with a chord of 22.56 feet, bearing N 19°02'41" E, to a found 1/2" rebar,
5. N 16°55'11" E, 106.28 feet to a found 1/2" rebar,
6. With a curve to the left having a radius of 35.00 feet, through a central angle of 58°21'16", for an arc length of 35.65 feet, a chord of 34.13', bearing N 43°34'12" W, to a found 5/8" rebar in the southerly right-of-way line of Sunnyside Avenue,

THENCE, departing westerly right-of-way of Insurance Lane, along the southerly right-of-way of Sunnyside Avenue in a easterly direction, N 87°24'07" E, 39.18 feet to THE POINT OF BEGINNING,

Containing within these metes and bounds 8,815 square feet or 0.202 acres, more or less as shown on that plat entitled "Exhibit A-3 Right-of-way Abandonment Map Insurance Lane North of Seventh Street" prepared by The Survey Company, Inc. dated May 2001, to which reference is hereby made.

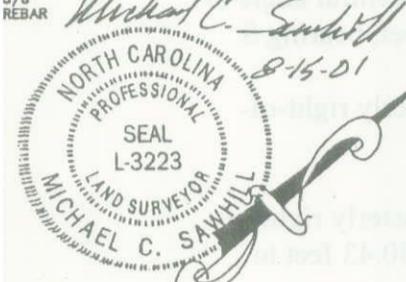


CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD	DELTA
C1	400.04'	63.63'	31.88'	N 25°27'12" E	63.56'	9°08'46"
C2	400.04'	22.56'	11.29'	N 19°02'41" E	22.56'	3°13'54"



CENTRAL PIEDMONT
COMMUNITY COLLEGE
512 SUNNYSIDE AVENUE
TAX PARCEL #080-175-03
DEED BOOK 10720 PAGE 989

(TIE)
S 39°42'41" W
66.03'



CENTRAL PIEDMONT
COMMUNITY COLLEGE
1325 EAST 7TH STREET
TAX PARCEL #080-175-01
DEED BOOK 6331 PAGE 925
PARCEL #1

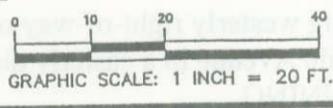
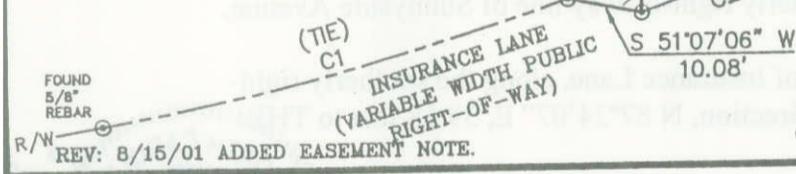
LEGEND

- PROPERTY LINE SURVEYED
- - - PROPERTY LINE NOT SURVEYED
- - - RIGHT OF WAY LINE
- ⊙ FOUND PROPERTY CORNER
- R/W - RIGHT-OF-WAY

EASEMENT IN FAVOR OF
CHARLOTTE-MECKLENBURG
UTILITIES, BELLSOUTH
TELECOMMUNICATIONS, INC., DUKE
POWER COMPANY, AND ALL
OTHER OWNERS OF EXISTING
UNDERGROUND UTILITIES AND
TELECOMMUNICATION FACILITIES
UPON, UNDER, AND ACROSS THE
ENTIRE PROPERTY DESCRIBED
ABOVE FOR ACCESS TO AND FOR
THE INSTALLATION, MAINTENANCE,
REPLACEMENT AND REPAIR OF
CONDUIT, CABLE, WRES, WATER
LINES, SEWER LINES, GAS MAINS
AND RELATED EQUIPMENT.

CENTRAL PIEDMONT
COMMUNITY COLLEGE
515 INSURANCE LANE
TAX PARCEL #080-175-02
DEED BOOK 6331 PAGE 925
PARCEL #3

TO BE ABANDONED
10' WIDE ALLEY
1,785 SQUARE FEET
0.041 ACRES



I, LINDA B. POISSANT, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAN TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
Linda B. Poissant
Review Officer
11/16/01

Drawn by: City of Charlotte
Return to: City of Charlotte - Box

EXHIBIT A-4
RIGHT-OF-WAY ABANDONMENT MAP
10' ALLEY BETWEEN SUNNYSIDE AVENUE AND INSURANCE LANE
CITY OF CHARLOTTE
MECKLENBURG COUNTY, NORTH CAROLINA

PROJECT NUMBER:	CPC07
SURVEYED BY:	WRC
DRAWN BY:	TDC
CHECKED BY:	TDC
DRAWING SCALE:	1" = 20'
ISSUE DATE:	08/16/01
CAD FILE:	10Alley.dwg (R2000)

THE SURVEY COMPANY, INC.
4105-B STUART ANDREW BLVD
CHARLOTTE, NC 28217
(704)561-9970 (704)561-9972 FAX
EMAIL: SURVEYCO@VNET.NET

EXHIBIT B-4

Being that certain portion of a 10 foot wide alley in the City of Charlotte, Mecklenburg County, North Carolina, being more particularly described as follows:

BEGINNING at a found railroad spike in the westerly right-of-way of Insurance Lane (variable width public right-of-way), said railroad spike being the intersection of the westerly right-of-way of said Insurance Lane and the southerly right-of-way of a 10 foot wide alley, and running thence with the southerly right-of-way of the 10 foot wide alley in a northwesterly direction the following two (2) courses;

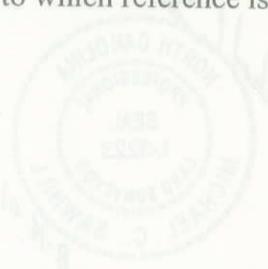
1. N 50°17'34" W, 127.19 feet to a found railroad spike,
2. N 50°08'11" W, 54.33 feet to a found 5/8" rebar in the southerly right-of-way of Sunnyside Avenue (50' public right-of-way),

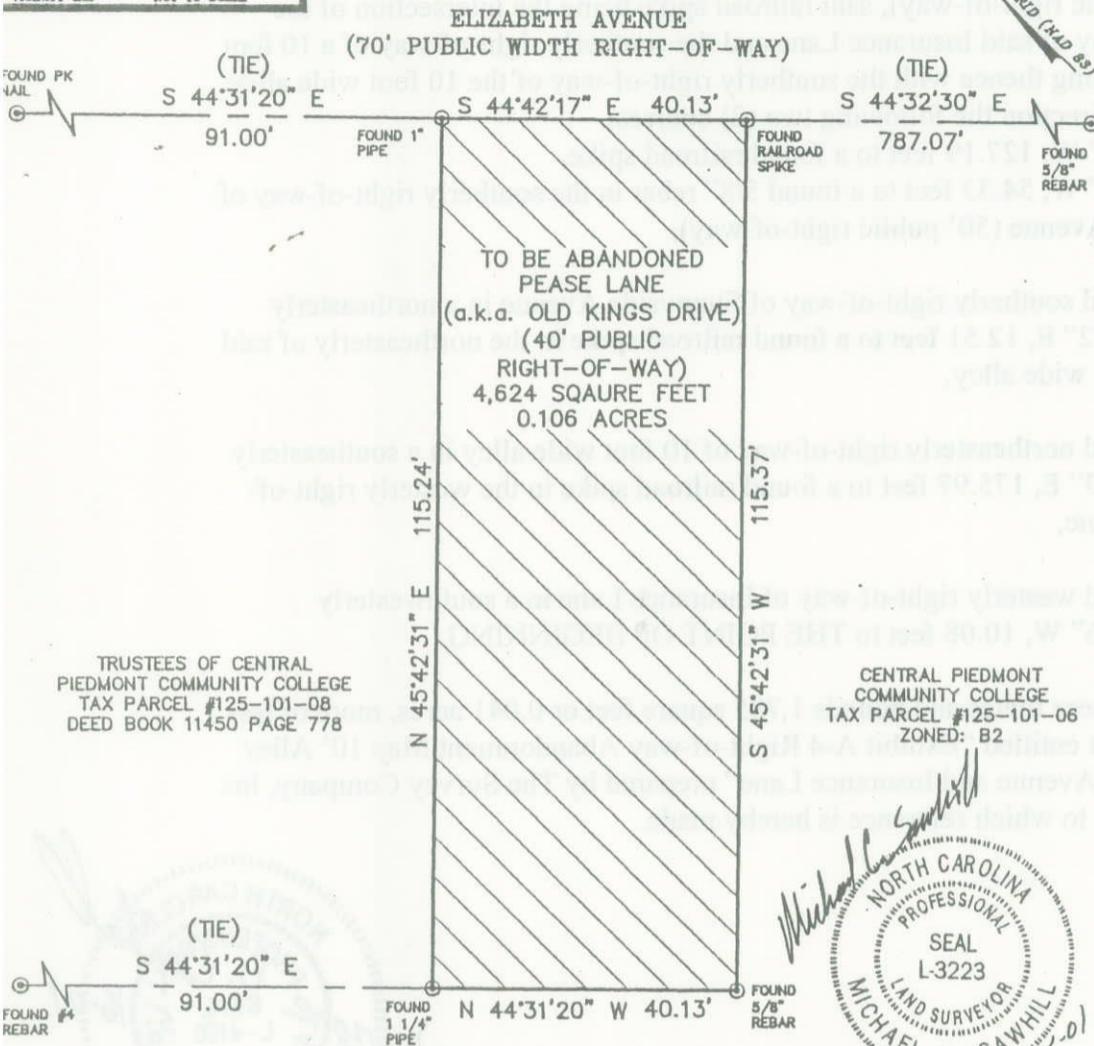
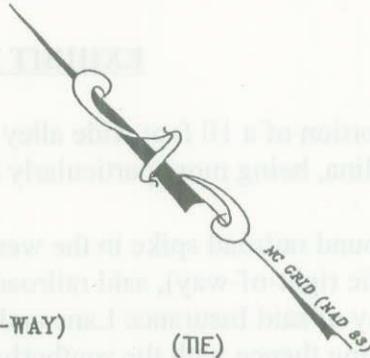
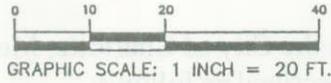
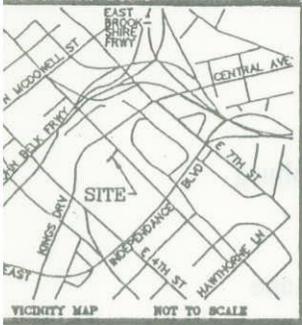
THENCE, along said southerly right-of-way of Sunnyside Avenue in a northeasterly direction, N 76°47'32" E, 12.51 feet to a found railroad spike in the northeasterly of said right-of-way 10 foot wide alley,

THENCE, along said northeasterly right-of-way of 10 foot wide alley in a southeasterly direction, S 50°12'23" E, 175.97 feet to a found railroad spike in the westerly right-of-way of Insurance Lane,

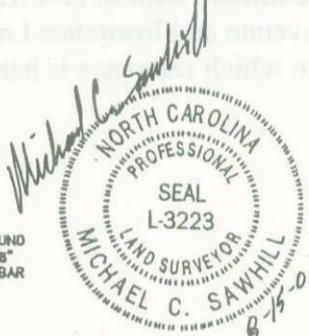
THENCE, along said westerly right-of-way of Insurance Lane in a southwesterly direction, S 51°07'06" W, 10.08 feet to THE POINT OF BEGINNING.

Containing within these metes and bounds 1,785 square feet or 0.041 acres, more or less as shown on that plat entitled "Exhibit A-4 Right-of-way Abandonment Map 10' Alley Between Sunnyside Avenue and Insurance Lane" prepared by The Survey Company, Inc. dated May 16, 2001, to which reference is hereby made.





CENTRAL PIEDMONT
 COMMUNITY COLLEGE
 TAX PARCEL #125-101-06
 ZONED: B2



LEGEND

- PROPERTY LINE SURVEYED
- - - PROPERTY LINE NOT SURVEYED
- RIGHT OF WAY LINE
- ⊙ FOUND PROPERTY CORNER
- R/W - RIGHT-OF-WAY

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

REV: 8/15/01 ADDED EASEMENT NOTE.

I, LINDA B. POISSANT, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Linda B. Poissant
 Review Officer
 Date 11/16/01

Drawn by: City of Charlotte
 Return to: City of Charlotte - Box

EXHIBIT A-5

RIGHT-OF-WAY ABANDONMENT MAP
PEASE LANE
 a.k.a. OLD KINGS DRIVE
 CITY OF CHARLOTTE
 MECKLENBURG COUNTY, NORTH CAROLINA

PROJECT NUMBER:	CPC07
SURVEYED BY:	WRC
DRAWN BY:	TDC
CHECKED BY:	TDC
DRAWING SCALE:	1" = 20'
ISSUE DATE:	06/16/01
CAD FILE:	Pease.dwg (R2000)



THE SURVEY COMPANY, INC.

4105-B STUART ANDREW BLVD
 CHARLOTTE, NC 28217
 (704)561-9970 (704)561-9972 FAX
 EMAIL: SURVEYCO@VNET.NET

EXHIBIT B-5

Being that certain portion of Pease Lane (a.k.a. Old Kings Drive) in the City of Charlotte, Mecklenburg County, North Carolina, being more particularly described as follows:

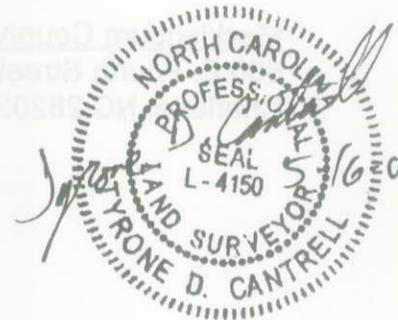
BEGINNING at a found railroad spike in the southeasterly right-of-way of Pease Lane (a.k.a. Old Kings Drive 40' public right-of-way), said railroad spike being the intersection of the southeasterly right-of-way of said Pease Lane and the southwesterly right-of-way of Elizabeth Avenue (70' public right-of-way), and running thence with the southeasterly right-of-way of Pease Lane in a southwesterly direction the following two (2) courses;

1. S 45°42'31" W, 115.37 feet to a found 5/8" rebar,
2. N 44°31'20" W, 40.13 feet to a found 1 1/4" pipe in the northwesterly right-of-way of said Pease Lane,

THENCE, along said northwesterly right-of-way of Pease Lane in a northeasterly direction, N 45°42'31" E, 115.24 feet to a found 1" pipe in the southwesterly right-of-way line Elizabeth Avenue,

THENCE, along said right-of-way of Elizabeth Avenue in a southeasterly direction, S 44°42'17" E, 40.13 feet to THE POINT OF BEGINNING,

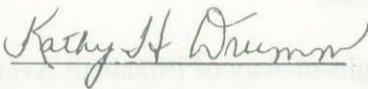
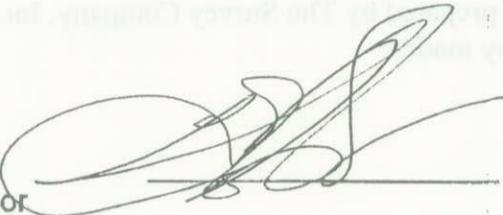
Containing within these metes and bounds 4,624 square feet or 0.106 acres, more or less as shown on that plat entitled "Exhibit A-5 Right-of-way Abandonment Map Pease Lane a.k.a. Old Kings Drive" prepared by The Survey Company, Inc. dated May 16, 2001, to which reference is hereby made.



**RIGHT-OF-WAY ABANDONMENT
AGREEMENT OF UNDERSTANDING**

The following property owners have parcels that adjoin the 10 foot public alley and the right-of-way of Sunnyside Drive, Insurance Lane, Presser Street, and Pease Lane. They hereby indicate, by signature that they agree with the proposal to abandon the right-of-way. They further understand that once abandoned, a portion of that right-of-way becomes their property. The owners will then be responsible for maintenance and any additional property taxes that may result from the increase in the size of their original parcel.

I understand the statement above and agree with the proposed abandonment.

Name/Address Property Owner	Signature	Tax Code Number
<u>Central Piedmont</u> Community College Trustees P. O. Box 35009 Charlotte, NC 28235-5009		#080-173-01 #080-174-01 #080-175-01 #080-175-02 #080-175-03 #125-101-06 #125-101-08
<u>Mecklenburg County</u> 600 E. Fourth Street, 11th Floor Charlotte, NC 28202-2816		#080-176-01

**RESOLUTION AUTHORIZING CITY OF CHARLOTTE ENGINEERING AND
PROPERTY MANAGEMENT DEPARTMENT TO ENTER NEGOTIATIONS TO
PURCHASE RIGHT-OF-WAY AND SLOPE EASEMENTS IN THE
WOODLANDS SUBDIVISION TO PROTECT THE FUTURE ALIGNMENT OF
THE FRED D. ALEXANDER MAJOR THOROUGHFARE**

WHEREAS, Transportation, the Planning Commission, and Engineering have been working closely with the developer of the Woodlands Subdivision located on Sunset Road in our extra territorial jurisdiction (ETJ) to set the alignment of the Fred D. Alexander Boulevard through this subdivision; and,

WHEREAS, due to the extreme topography (hilly terrain) of this area, we have not been able to contain the future width of the Major Thoroughfare in the 100-foot wide corridor that the developer has agreed to reserve; and,

WHEREAS, the developer has refused to reserve any additional right-of-way for the slopes that will certainly encroach upon the yards of the homes he plans to build; and,

WHEREAS, in order to preserve this future right-of-way our legal department has advised that it is in our best interests to purchase the right-of-way; and,

WHEREAS, this purchase will accomplish three goals: preserve the future Fred D. Alexander alignment through the subdivision; ensure that purchasers of these new lots will be aware of the location of the new road and that the future slope lines will be shown on their surveys and deeds; and save the City money by purchasing the right-of-way and permanent easements from one landowner prior to subdivision, instead of multiple landowners at a higher price later; and,

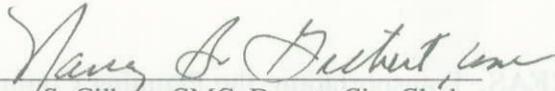
WHEREAS, The appraised value of the right-of-way and permanent slope easements is \$110,000.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte authorize the City of Charlotte Engineering and Property Management Department to enter negotiations to purchase right-of-way and slope easements in the Woodlands Subdivision to protect the future alignment of the Fred D. Alexander Major Thoroughfare.

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 October, 2001, the reference having been made in Minute Book 117 and recorded in full in Resolution Book 37, Page (s) 446-447.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of October, 2001.


Nancy S. Gilbert, CMC, Deputy City Clerk

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
APPROVING THE SALE, THROUGH PRIVATE NEGOTIATION AND SALE,
OF PROPERTY LOCATED BETWEEN WACCAMAW AND TRADE STREETS**

WHEREAS, on January 8, 2001, City Council authorized the City Manager to negotiate with Bank of America Community Development Corporation (BACDC) and the Committee to Preserve and Restore Third Ward (the Committee) for the City's sale to BACDC and the Committee of 2.9 acres of land located between Waccamaw and Trade Streets; and

WHEREAS, the contemplated sale of the subject property would require the purchaser to construct upon the property a mixed-income housing development that would include housing to be maintained affordable for low or moderate income persons; and

WHEREAS, the City Manager and her staff, BACDC, and the Committee have reached a tentative agreement for the City's sale of the property to BACDC and the Committee; and

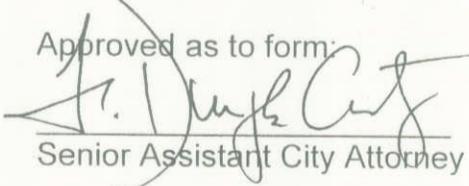
WHEREAS, Council finds that sale of the subject property to BACDC and the Committee pursuant to the terms negotiated by the City Manager and her staff will advance the Council-approved community development policy to assist and encourage the development of housing for low and moderate income persons; and

WHEREAS, public notice of Council's possible approval of the subject sale was advertised in the Charlotte Observer on October 5, 2001.

NOW, THEREFORE, be it resolved by the City Council of the City of Charlotte, in regular session duly assembled, as follows:

City Council hereby approves the conveyance, through private negotiation and sale, to Bank of America Community Development Corporation and the Committee to Preserve and Restore Third Ward of the City-owned 2.9 acres of land located between Waccamaw and Trade Streets in the City of Charlotte. The purchase price shall be \$1,409,419.00; the interest conveyed shall be fee simple; and the deed shall contain covenants and restrictions requiring construction upon the land of low or moderate income housing to reflect the terms negotiated by the City Manager and her staff.

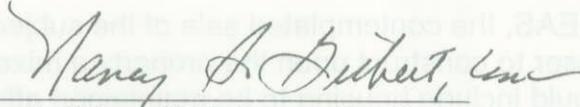
Approved as to form:


Senior Assistant City Attorney

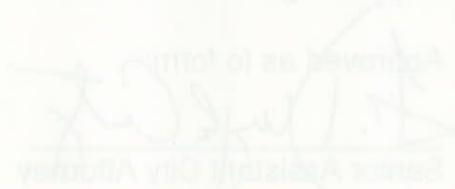
CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 October, 2001, the reference having been made in Minute Book 117 and recorded in full in Resolution Book 37, Page (s) 448-449.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of October, 2001.



Nancy S. Gilbert, CMC, Deputy City Clerk



**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
AMENDING THE FIVE-YEAR CAPITAL INVESTMENT PLAN FOR FISCAL YEARS
2002 to 2006.**

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

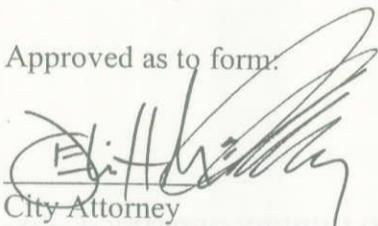
WHEREAS, the City of Charlotte has a five-year Capital Investment Plan based on policy assumptions, so stated in the FY2002-2006 Capital Investment Plan that balance the potential physical development planning with long-range financial capacity; and

WHEREAS, from time to time the Capital Investment Plan must be amended to include changing conditions and new and amended capital projects

NOW, THEREFORE, BE IT 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 2002 to 2006 to revise the source of funding for the Public Safety Digital Radio System Upgrade capital project from a 50/50 participation with Mecklenburg County to 100% financing by the City of Charlotte. The project funding is also hereby revised to accelerate \$3,235,000 in funding from FY2003 to FY2002.

This 22nd day of October 2001

Approved as to form:

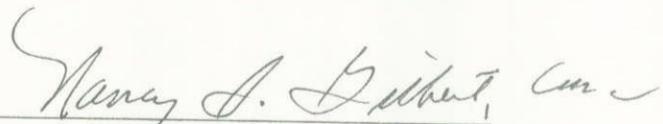


City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy 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 October, 2001, the reference having been made in Minute Book 117 and recorded in full in Resolution Book 37, Page 450.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of October, 2001.



Nancy S. Gilbert, CMC, Deputy City Clerk