

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 Carter and seconded by Councilmember Spencer 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, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of September, 2003 the reference having been made in Minute Book 119, and recorded in full in Resolution Book 38, Page(s) 579-580.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 2003.


Brenda R. Freeze, CMC, City Clerk

RESOLUTION REGARDING PROPOSED DECLARATION OF WITHDRAWAL

WHEREAS, The Charlotte-Mecklenburg Board of Education, Highland Creek Community Association, Inc. and Murrell Rhem Stubbs, Jr. has submitted to the City of Charlotte a proposed Declaration of Withdrawal of Dedication regarding Dogwood Drive between Shelley Avenue and Street Avenue and depicted on a survey attached hereto as Exhibit A; and described in deed book 4913, page 305 and deed book 6421, page 170 recorded in the Mecklenburg County Public Registry.

WHEREAS, pursuant to G.S. 136-95, the Property Owners have requested that the City adopt a resolution indicating that the dedicated described in the proposed declaration of withdrawal is not part of a street plan adopted under G.S. 136-66.2.

NOW THEREFORE BE IT RESOLVED by the Charlotte City Council that the street depicted on Exhibit A-1 attached hereto is not part of a street plan adopted under G.S. 136-66.2.

EXHIBIT A-1

BEING all of Dogwood Drive as shown on plats recorded in Map Book 9, Pages 93 and 95 of the Mecklenburg County Public Registry, said property being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8" existing iron rod marking the point of intersection of the westerly margin of the right-of-way of Street Avenue (60-foot right-of-way) and the northerly boundary of the property owned by K.W. Best (now or formerly) as described in that instrument recorded in Book 6421, Page 170 of the Mecklenburg County Public Registry; thence with the northerly boundary of the aforesaid property owned by K.W. Best North 64-28-05 West 295.31 feet to a 1" pinchtop; thence with the northerly boundary of the property owned by K.W. Best (now or formerly) as described in that instrument recorded in Book 4913, Page 305 of the aforesaid Registry North 64-23-04 West 807.36 feet to a 1 1/2" existing iron pipe; thence with the northerly boundary of the property owned by M.R. Stubbs, Jr. (now or formerly) as described in that instrument recorded in Book 4999, Page 564 of the aforesaid Registry North 64-20-09 West 736.41 feet to a 1" pinchtop located in the easterly margin of the right-of-way of Shelley Avenue (right-of-way as shown on plat recorded in Map Book 9, Page 93 of the aforesaid Registry); thence with the easterly margin of the aforesaid right-of-way of Shelley Avenue North 21-31-13 East 60.16 feet to a 3/8" new iron rod located in the southerly boundary of the property owned by Highland Creek Community Assoc., Inc. (now or formerly) as described in that instrument recorded in Book 7696, Page 802 of the aforesaid Registry; thence the following three (3) courses and distances: (1) South 64-20-09 East 740.73 feet to a 3/8" new iron rod; (2) South 64-23-04 East 807.30 feet to a 3/8" new iron rod; and (3) South 64-28-05 East 300.34 feet to a 3/8" new iron rod in the westerly margin of the aforesaid right-of-way of Street Avenue; thence with the westerly margin of the aforesaid right-of-way of Street Avenue South 30-22-24 West 60.21 feet to a 3/8" existing iron rod, the point or place of BEGINNING, containing 110,624 square feet or 2.5396 acres, more or less, as shown on survey titled "Survey Prepared For: Charlotte-Mecklenburg Schools, Re: Highland Creek" dated October 31, 2002, last revised August 6, 2003, and prepared by C. Clark Neilson of R.B. Pharr & Associates, P.A., N.C.P.L.S. No. L-3212, reference to which survey is hereby made for a more particular description.

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of September, 2003 the reference having been made in Minute Book 119, and recorded in full in Resolution Book 38, Page(s) 581-583.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 2003.



Brenda R. Freeze, CMC, City Clerk

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

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **HICKORY GROVE 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 **HICKORY GROVE ROAD WIDENING PROJECT** and estimated to be approximately **17,179 square feet (0.394 acre) for fee-simple, permanent utility easement, permanent drainage easement, 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. 099-311-16, said property currently owned by **CHARLOTTE REALTY LIMITED PARTNERSHIP; NANCY C. DRUMMOND, Trustee; PROTECTIVE LIFE INSURANCE COMPANY, Beneficiary; STATE STREET BANK AND TRUST COMPANY, Beneficiary; FAMILY DOLLAR STORES OF NORTH CAROLINA, INC., Possible Tenant-in-Possession; and 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, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of September, 2003 the reference having been made in Minute Book 119, and recorded in full in Resolution Book 38, Page(s) 584.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 2003.


Brenda R. Freeze, CMC, City Clerk

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

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **IRWIN CREEK RELIEF SEWER-PHASE II 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 **IRWIN CREEK RELIEF SEWER-PHASE II PROJECT** and estimated to be approximately **27,628 square feet (0.634 acre) for permanent sanitary sewer easement 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 Nos. 078-152-03; 078-152-04; 078-152-05; 078-152-06; 078-152-07 and 078-152-14, said property currently owned by **BANK OF AMERICA, N. A. (f/k/a NationsBank of North Carolina, N. A.); SIERRA TRUCK & TRANSPORT, INC., Possible Judgment Creditor; and 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, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of September, 2003 the reference having been made in Minute Book 119, and recorded in full in Resolution Book 38, Page(s) 585.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 2003.


Brenda R. Freeze, CMC, City Clerk

FOR REGISTRATION JUDITH A. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2003 OCT 10 11:09 AM
BK: 16263 PG: 938-941 FEE: \$18.00

INSTRUMENT # 2003238566



2003238566

RESOLUTION CLOSING A 10-FOOT ALLEYWAY BETWEEN PIERCE STREET AND BUCHANAN STREET 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 10-foot alleyway between Pierce Street and Buchanan Street 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 10-foot alleyway between Pierce Street and Buchanan Street to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

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

WHEREAS, the public hearing was held on the 24th day of September, 2003 and City Council determined that the closing of a 10-foot alleyway between Pierce Street and Buchanan Street 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 September 24, 2003, that the Council hereby orders the closing of a 10-foot alleyway between Pierce Street and Buchanan Street 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.

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

THIS IS TO CERTIFY THAT ON THE 19 DAY OF MARCH 20 03 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 16000 (21 NCAC 56) AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

SIGNED: *Douglas E. Morrison*

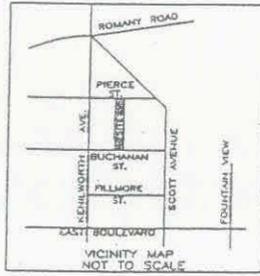
REVISED 04/01/03 - TO SHOW CORRECTED NAMES ON LOTS 7 & 8.

R. B. PHARR & ASSOCIATES, PROFESSIONAL SURVEYORS
 420 HARTWORTH LAKE
 CHARLOTTE, N.C. 28204
 TEL. (704) 376-2196

CREW	DRAWN	REVISED
DB	KB	

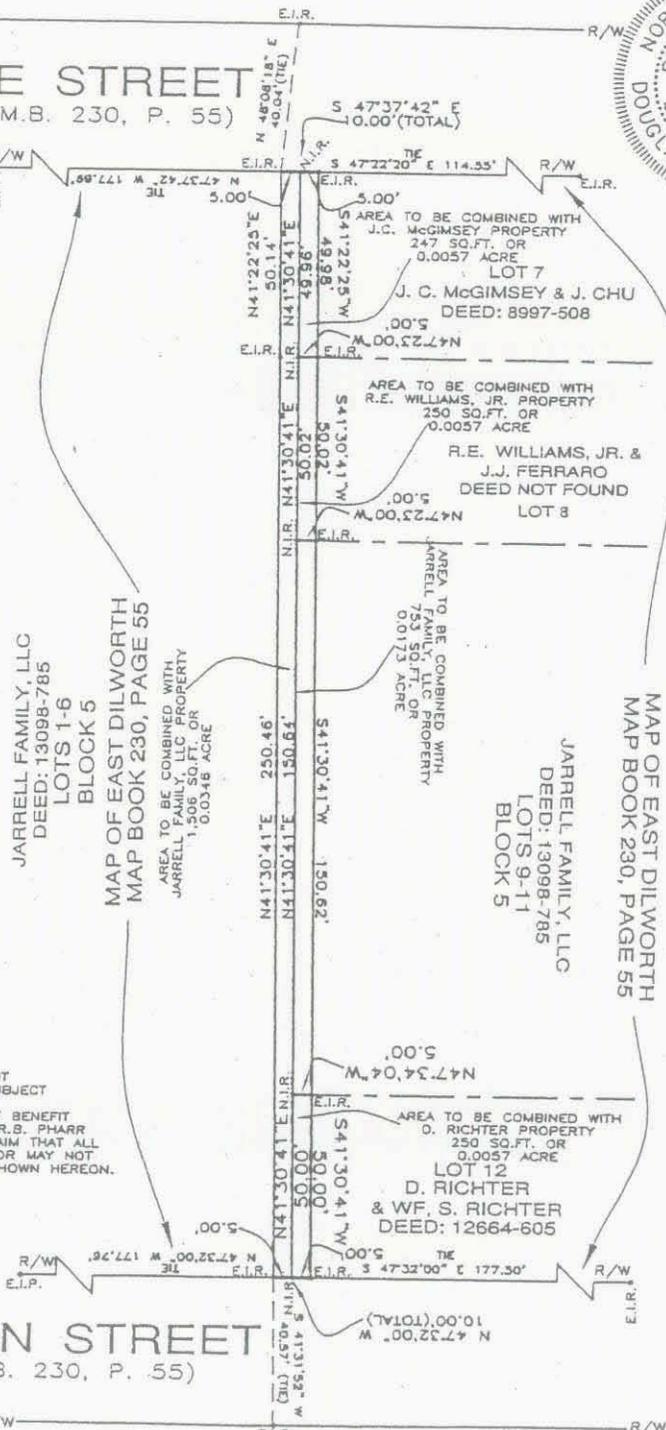


PIERCE STREET
 (40' R/W M.B. 230, P. 55)



LEGEND
 NCGS - NORTH CAROLINA GEODETIC SURVEY
 R/W - RIGHT-OF-WAY
 DIP - EXISTING IRON PIPE
 EIR - EXISTING IRON ROD
 MIR - NEW IRON ROD

TOTAL ALLEY AREA:
 3,006 SQ.FT. OR
 0.0690 ACRE



NOTES

- NO RECOVERABLE NCGS MONUMENT LOCATED WITHIN 2000 FEET OF SUBJECT PROPERTY.
- THIS SURVEY PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. R.B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY SHOWN HEREON.

BUCHANAN STREET
 (40' R/W M.B. 230, P. 55)

SURVEY OF:
 10' ALLEYWAY TO BE REMOVED FROM DEDICATION

CHARLOTTE N.C.

PREPARED FOR RICHTER & ASSOCIATES RE: DILWORTH CROSSING

SCALE 1" = 40'

MAP BOOK 230 PAGE 55

DEED BOOK 13098 785
 12664 605
 8997 508

FLOOD CERTIFICATION

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED FEBRUARY 3, 1993

TAX PARCELS: 123-123-01 THROUGH 12

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 10/6/03

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

EXHIBIT A

EXHIBIT B

**Legal Description
Alley Abandonment
0.0346 Acre**

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:

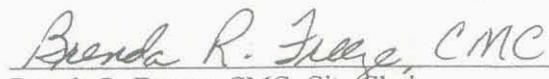
BEGINNING at an existing iron rod on the northeasterly margin of Buchanan Street (40 foot public right-of-way), said point being located along said margin of Buchanan Street from the southeasterly intersection of Kenilworth Avenue and Buchanan Street South 47-32-00 East 177.76 feet to the **BEGINNING**, and run thence with the southeasterly line of the Jarrell Family, LLC property with two (2) courses and distances as follows: 1) North 41-30-41 East 250.46 feet to an existing iron pin; 2) North 41-22-25 East 50.14 feet to an existing iron rod in the southwesterly margin of Pierce Street (40 foot public right-of-way); thence with the southwesterly margin of Pierce Street south 47-37-42 East 10.00 feet to an existing iron rod, said point being the northerly most corner of Lot 7, Block 5, East Dilworth as shown in Map Book 230, Page 55 of the Mecklenburg County Public Registry; thence with the northwesterly line of Lots 7, 8, 9, 10, 11 and 12, Block 5, East Dilworth with four (4) courses and distances as follows: 1) South 41-22-25 West 49.98 feet to an existing iron rod; 2) South 41-30-41 West 50.02 feet to a new iron rod; 3) South 41-30-41 West 150.62 feet to a new iron rod; 4) South 41-30-41 West 50.00 feet to a new iron rod in the northeasterly margin of Buchanan Street; thence with the northeasterly margin of Buchanan Street, North 47-32-00 West 10.00 feet to the point and place of **BEGINNING**; containing 1,506 square feet or 0.0346 acre of land as shown on a survey prepared by R.B. Pharr & Associates, P.A. dated March 3, 2003, last revised April 1, 2003.

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

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of September, 2003 the reference having been made in Minute Book 119, and recorded in full in Resolution Book 38, Page(s) 586-588.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 2003.


Brenda R. Freeze, CMC, City Clerk

INSTRUMENT # 2003234092



RESOLUTION CLOSING A 10-FOOT ALLEYWAY OFF OF WORTHINGTON 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 10-foot alleyway off of Worthington 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 10-foot alleyway off of Worthington 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 BellSouth Telecommunications, Inc., Duke Power Company and all other owners of existing underground utilities and telecommunications to maintain their facilities as shown on the attached map marked Exhibit A.

WHEREAS, the public hearing was held on the 24th day of September, 2003 and City Council determined that the closing of a 10-foot alleyway off of Worthington 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 September 24, 2003, that the Council hereby orders the closing of a 10-foot alleyway off of Worthington 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.

September 24, 2003
Resolution Book 38/589

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



LEGEND
 ch. chord
 L/R curve length & radius
 s.f. square feet (by coordinates)
 I.PIN iron survey stake
 conc. concrete
 smmh sanitary sewer manhole
 pp power pole
 CB catch basin
 a/c air conditioner
 MB, DB record map and deed references

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. PRECISION IS GREATER THAN 1:15,000.

A.G.Z.

NOTES:

1. Parcel Area = 1,210 s.f (0.0278 acres)
2. Alley location is taken from Deed description recorded in Deed Book 11333 Page 235. This alley was created by deed recorded in Deed Book 151 Page 328.
3. This survey does not reflect a complete title examination which may reveal additional easements, restrictions, and other matters of title.
4. This survey does not reflect complete underground utilities locations. Contractors should contact the NC ONECALL Utility Location Service at 1-800-632-4949 BEFORE any digging or excavation is begun.
5. Per F.E.M.A. Flood Insurance Rate Map (FIRM) 370159 0013B dated 2-26-1982 this property does NOT lie within a Special Flood Hazard Area.
6. This survey does not reflect a zoning analysis.

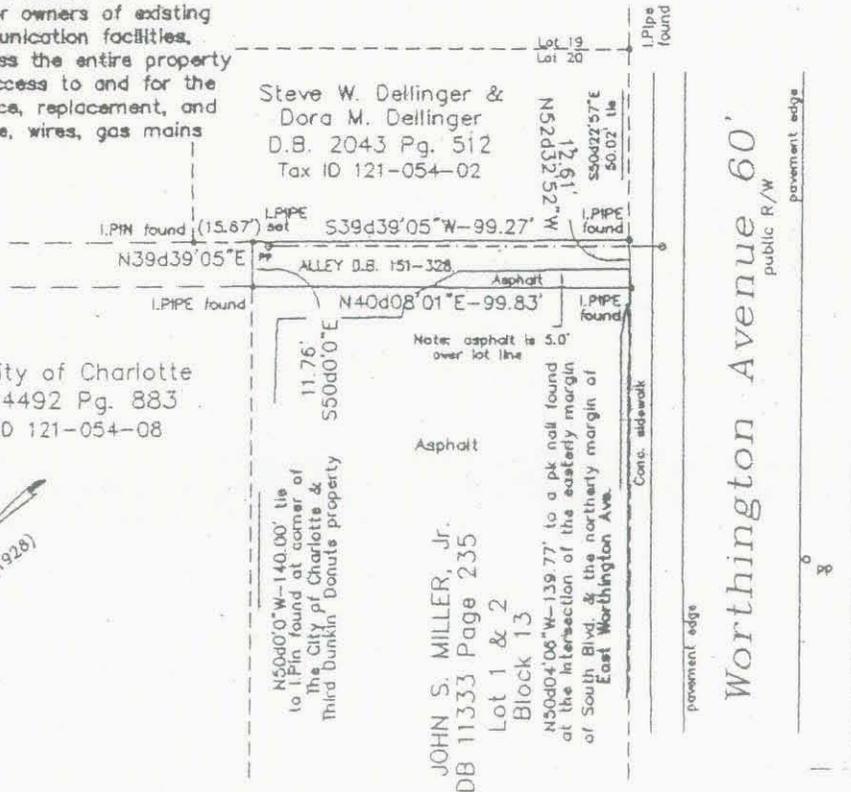
7. Easement in favor of BellSouth Telecommunication, Inc., Duke Power Company, and all other owners of existing underground telecommunication facilities upon, under, and across the entire property described above for access to and for the installation, maintenance, replacement, and repair of conduit, cable, wires, gas mains



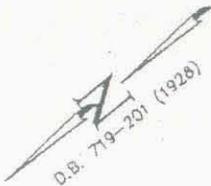
I, LINDA B. POISSANT, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Linda B. Poissant
 Date 10/6/03

Andrew G. Zoutewelle
 Review Officer



The City of Charlotte
 D.B. 4492 Pg. 883
 Tax ID 121-054-08



Steve W. Dellinger &
 Dora M. Dellinger
 D.B. 2043 Pg. 512
 Tax ID 121-054-02

JOHN S. MILLER, Jr.
 DB 11333 Page 235
 Lot 1 & 2
 Block 13
 N50d04'06"W-139.77' to a pk nail found at the intersection of the easterly margin of South Blvd. & the northerly margin of East Worthington Ave.

Worthington Avenue 60'
 public R/W
 pavement edge

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

Copyright 2002
 ABANDONMENT SURVEY OF
 BLOCK 13 DILWORTH ALLEYWAY
 CHARLOTTE, MECKLENBURG COUNTY, N.C.
 for JOHN S. MILLER, Jr.

Exhibit A

Scale 1" = 50'
 February 6, 2002
 A. G. ZOUTEWELLE, L- 3098
 1418 East Fifth Street Charlotte, NC 28204
 Ph: 704-372-9444 FAX: 704-372-9555

REVISED 12-2-2002 to address City of Charlotte comments (easement note).

EXHIBIT B
Written Description

A parcel or tract of land lying in the City of Charlotte, Mecklenburg County, North Carolina, and being more particularly described as follows;

BEGINNING at an iron pipe found on the northern margin of the right of way of Worthington Avenue at the southeastern corner of the John S. Miller, Jr. property as described in Deed Book 11333 Page 235, Mecklenburg County registry, said iron pipe standing South 50 degrees 04 minutes 06 seconds East 139.77 feet from a P.K. Nail found at the intersection of the eastern right of way margin of South Boulevard and the northern right of way margin of Worthington Avenue; thence from said point and place of BEGINNING, leaving Worthington Avenue and with the line of the John S. Miller, Jr. property North 40 degrees 08 minutes 01 seconds East 99.83 feet to an iron pipe found marking the common corner of the John S. Miller Jr. property and property of The City of Charlotte as described in Deed Book 4492 Page 883, Mecklenburg County registry; thence a new line South 50 degrees 00 minutes 00 seconds East 11.76 feet to an iron pipe set in the line of Steve W. Dellinger et ux as described in Deed Book 2043 Page 512, Mecklenburg County registry; thence with the line of Dellinger South 39 degrees 39 minutes 05 seconds West 99.27 feet to an iron pipe found on the said northern margin of Worthington Avenue; thence with the said northern margin of Worthington Avenue North 52 degrees 32 minutes 52 seconds West 12.61 feet to an iron pipe found, the point and place of BEGINNING, containing 1,212 square feet, more or less, all as being shown on an Alleyway Abandonment Survey by A.G. Zoutewelle, P.A., Andrew G. Zoutewelle L-3098, dated February 6, 2002. (and revised 12/2/02)

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

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of September, 2003 the reference having been made in Minute Book 119, and recorded in full in Resolution Book 38, Page(s) 589-591.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 2003.

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



FOR REGISTRATION JUDITH A. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2003 OCT 10 11:09 AM
BK: 16263 PG: 934-937 FEE: \$18.00
INSTRUMENT # 2003238565



RESOLUTION CLOSING A PORTION OF WEST EASTWAY DRIVE IN THE CITY OF CHARLOTTE,
MECKLENBURG COUNTY, NORTH CAROLINA

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

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

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

WHEREAS, the public hearing was held on the 24th day of September, 2003 and City Council determined that the closing of a portion of West Eastway Drive is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of September 24, 2003, that the Council hereby orders the closing of a portion of West Eastway Drive in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A", and is more particularly described by metes and bounds in document marked "Exhibit B", both of which are attached hereto and made a part hereof.

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

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of September, 2003 the reference having been made in Minute Book 119, and recorded in full in Resolution Book 38, Page(s) 592-594.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 2003.

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

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



THIS IS TO CERTIFY THAT ON THE 23RD DAY OF JULY, 2002 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE PROPERTY LINES, AND THE IMPROVEMENTS IF ANY ARE SHOWN HEREON.

REVISED 3-5-03

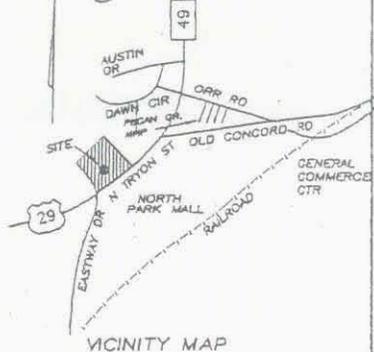
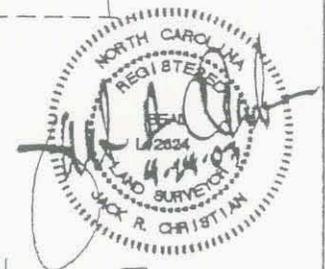
CHARLOTTE-MECKLENBURG
 BOARD OF EDUCATION
 DEED 11302 P.224

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

EXHIBIT "A"

ZONING B-2 CD
 TAX#: 089-111-09
 NANCY A. STARRETTE
 DEED: 2605-481

NOTE:
 EASEMENT IN FAVOR OF BELLSOUTH TELECOMMUNICATIONS, INC. (BST) AND DUKE POWER COMPANY AND ALL OTHER OWNERS OF EXISTING UNDERGROUND TELECOMMUNICATION FACILITIES, UPON, UNDER, AND ACROSS THE ENTIRE THE ENTIRE PROPERTY DESCRIBED ABOVE FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT, AND REPAIR OF CONDUIT, CABLES, WIRES, GAS MAINS AND RELATED EQUIPMENT.



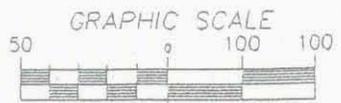
27,919 sq. ft.
 0.64 acres

SYMBOL LEGEND	
	POWER POLE (P.P.)
	WATER VALVE WATER
	SEWER MAN HOLE
	DRAINAGE MAN HOLE
	FIRE HYDRANT
	DROP INLET
	ELECTRIC LINE (OH'D)
	LIGHT POLE (L.P.)
	REINFORCED CONC. PIPE
	WATER METER
	TELEPHONE MAN HOLE
	WATER CONTROLLER CAB.
	U.G. PIPE
	SOIL BORE TEST
	MONITORING WELL
	CURB INLET

LINE-TABLE		
LINE	LENGTH	BEARING
L1	56.97	N53°21'27"E
L2	15.55	S137°5'12"W
L3	48.96	S137°5'12"W
L4	49.04	S137°5'12"W

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHDBRG	CHORD
C1	690.91	78.80	N34°53'23"W	78.76
C2	771.20	140.64	S32°55'58"E	140.45
C3	495.59	150.15	S19°01'43"E	149.58
C4	889.56	203.81	N16°54'46"W	203.37
C5	4137.00	210.43	N20°07'19"W	210.41
C6	1140.42	219.83	S24°11'14"E	219.48
C7	563.00	111.14	S35°21'52"E	110.96
C8	735.07	68.24	N38°21'37"W	68.21

NORTH TRYON STREET - U.S. HWY #29



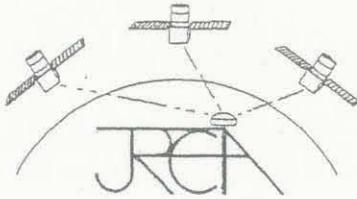
R/W ABANDONMENT SURVEY

PORTION OF WEST EASTWAY DRIVE

CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA
 SCALE 1"=100'
 THE PROPERTY OF: NANCY ABERNATHY STARRETTE
 MAP RECORDED IN BOOK ___ AT PAGE ___ DEED RECORDED IN BOOK ___ PAGE ___

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 10/6/03

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



JACK R. CHRISTIAN + ASSOCIATES -SURVEYING-

PHONE (704) 596-2214 FAX (704) 596-2338
7811 OLD CONCORD ROAD, CHARLOTTE, N.C. 28213
P.O. BOX 185 NEWELL, N.C. 28126
September 11, 2002

LEGAL DESCRIPTION - PORTION OF WEST EASTWAY DRIVE

Beginning at a point where the northern right of way line of North Tryon Street (U.S. Highway #29) intersects the Southwestern right of way line of West Eastway Drive, said point also being the Southeastern corner of property owned by Nancy A. Starette, deed recorded in book 2605 page 481 of the Mecklenburg Public Registry; Thence with the Eastern right of way line of West Eastway Drive N 13°15'12" E, 15.55 feet to the TRUE POINT OF BEGINNING; thence with the Eastern property line of aforementioned Nancy A. Starette property seven (7) calls:

- (1) N 13°15'12" E, 48.96 feet to a point;
- (2) with the arc of a circular curve to the left having a radius of 690.91 feet with an arc length of 78.80 feet to a point, (subtended by a chord bearing N34°53'23"W 78.76 feet);
- (3) N 38°09'26" W, 94.70 feet to a point;
- (4) with the arc of a circular curve to the right having a radius of 771.20 feet with an arc length of 140.64 feet to a point (subtended by a chord bearing N32°55'58"W 140.45 feet);
- (5) with the arc of a circular curve to the right having a radius of 495.59 feet with an arc length of 150.15 feet to a point (subtended by a chord bearing N19°01'43"W 149.58 feet);
- (6) N 10°20'57"W, 147.62 feet to a point;
- (7) with the arc of a circular curve to the right having a radius of 889.56 with an arc length of 203.81 feet to a point (subtended by a chord bearing N16°54'46"W 203.37 feet) the Northeastern corner of property of afore-

mentioned Nancy A. Starette and also being a point in the line of Charlotte-Mecklenburg Board of Education Property as recorded in deed book 11302 page 224 of the Mecklenburg Public Registry; Thence with the Board of Education's Southern property line N 67°01'25" E, 1.39 feet to a point; Thence with a new line the proposed Western right of way line line of West Eastway Drive eight (8) calls:

- (1) with the arc of a circular curve to the right having a radius of 4137.00 feet with an arc length of 210.43 feet to a point (subtended by a chord bearing S20°07'19"E 210.41 feet);
- (2) S 18°39'54" E, 102.61 feet to a point;
- (3) with the arc of a circular curve to the left having a radius of 1140.42 feet with an arc length of 219.83 feet to a point (subtended by a chord bearing S24°11'14"E 219.48 feet);
- (4) with the arc of a circular curve to the left having a radius of 563.00 feet with an arc length of 111.14 feet to a point (subtended by a chord bearing S35°21'52"E 110.96 feet);
- (5) S 41°01'11" E, 87.01 feet to a point;
- (6) with the arc of a circular curve to the right having a radius of 735.07 feet with an arc length of 68.24 feet to a point (subtended by a chord bearing S38°21'37"E 68.21 feet);
- (7) S 13°15'12" W, 49.04 feet to a point;
- (8) S 53°21'27" W, 56.97 feet to a point and place of beginning

and containing 27,919 square feet or 0.64 acres all as shown on a survey by Jack R. Christian And Associates dated 23rd July, 2002

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





JUDITH A. GIBSON
REGISTER OF DEEDS, MECKLENBURG
COUNTY & COURTS OFFICE BUILDING
720 EAST FOURTH STREET
CHARLOTTE, NC 28202

Filed For Registration: 10/10/2003 11:09 AM
Book: RE 16263 Page: 934-937
Document No.: 2003238565
RESOL 4 PGS \$18.00
Recorder: GRACE TUCKER



2003238565