

September 9, 1985  
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The City Council of the City of Charlotte, North Carolina, met in regular session at the Alexander Graham Junior High School in Charlotte, North Carolina, at 7:30 P.M., on September 9, 1985.

Present: Mayor Harvey Gantt, presiding, and Councilmembers Charlie Dannelly, Laura Frech, Ann Hammond, Paul Juneau, Ron Leeper, Sue Myrick, Pamela Patterson, Herbert Spaugh, Jr., Minette Trosch, Richard Vinroot and Velva Woollen.

Absent: None

\* \* \* \* \*

The Mayor announced that this was the date and hour fixed by the City Council for the public hearing upon the order entitled:

"ORDER AUTHORIZING \$18,000,000 WATER BONDS

and that the Council would immediately hear any and all citizens and taxpayers who might desire to be heard on the the questions of the validity of such order or the advisability of issuing said bonds.

No citizen or taxpayer of the City appeared, either in person or by attorney, to be heard on said questions, and the City Clerk announced that no statement in writing signed by any citizen or taxpayer had been presented.

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Thereupon, upon motion of Councilmember Dannelly, seconded by Councilmember Juneau, the order introduced and passed on first reading on August 26, 1985, entitled: "ORDER AUTHORIZING \$18,000,000 WATER BONDS", was read by title and summarized by the City Attorney a second time and placed upon its adoption. The vote upon the adoption of said order was:

Ayes: Councilmembers Dannelly, Frech, Hammond, Juneau, Leeper, Myrick, Patterson, Spaugh, Trosch, Vinroot and Woollen.

Noes: None.

The Mayor then announced that the order entitled: "ORDER AUTHORIZING \$18,000,000 WATER BONDS" had been adopted.

The Clerk was thereupon directed to publish said order in The Charlotte Observer once, and to publish at the foot of said order the appended note as required by The Local Government Bond Act, as amended.

Thereupon Councilmember Dannelly introduced the following resolution which was read by title and summarized by the City Attorney:

RESOLUTION CALLING A SPECIAL  
BOND REFERENDUM

BE IT RESOLVED by the City Council of the City of Charlotte:

Section 1. A special bond referendum is hereby called to be held in the City of Charlotte on Tuesday, November 5, 1985, between 6:30 A.M. and 7:30 P.M., at which there shall be submitted to the qualified voters of the City of Charlotte the question set forth in the Notice of Special Bond Referendum included in Section 3 of this resolution.

Section 2. For said referendum, (i) the regular registration books for elections in Mecklenburg County shall be used, and the registration books, process or records shall be open for

the registration of voters and for public inspection in the manner, under the conditions and at the times and places set forth in the Notice of Special Bond Referendum hereinafter provided for, (ii) the registrars, judges and other officers of elections appointed by the Mecklenburg County Board of Elections shall be the election officers for such referendum, and (iii) the precincts and voting places shall be those fixed by said County Board of Elections as provided in said Notice of Special Bond Referendum, subject to change as provided by law.

Section 3. The Clerk shall cause a notice to be published in The Charlotte Observer once at least fourteen days before October 7, 1985 (being the last day on which persons may register for said referendum except as otherwise provided in said notice set forth in this Section) and once again not less than seven days before such day, such notice to read substantially as follows:

NOTICE OF SPECIAL BOND REFERENDUM  
to be held in the  
CITY OF CHARLOTTE, NORTH CAROLINA  
on November 5, 1985

A special bond referendum will be held on Tuesday, November 5, 1985 between 6:30 A.M. and 7:30 P.M., at which there will be submitted to the qualified voters of the City of Charlotte the following question:

Shall the order adopted on September 9, 1985, authorizing not exceeding \$18,000,000 Water Bonds of the City of Charlotte, North Carolina, for the purpose of providing funds, with any other available funds, for enlarging, extending and improving the water system of said City, within and without the corporate limits of said City, including the construction and installation of a water transmission main and the acquisition of necessary land, rights of way and equipment and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

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The question hereinabove set forth contains a statement of the purpose for which the bonds are authorized by the order referred to in such question.

If said bonds are issued taxes in an amount sufficient to pay the principal and interest thereof will be levied upon all taxable property in the City of Charlotte.

For said referendum the regular registration books for elections in the County of Mecklenburg will be used and the registration books, process or records will be open for the registration of qualified persons and the acceptance of registration applications at (i) the office of the Mecklenburg County Board of Elections, 710 East 4th Street, Charlotte, North Carolina, from Monday to Friday, inclusive, of each week, between the hours of 8 A.M. and 5 P.M., and on Saturday of each week, between the hours of 10 A.M. and 4 P.M., (ii) any public library in Mecklenburg County during normal business hours, (iii) the Town Halls in Cornelius, Matthews, and Pineville, North Carolina, during normal business hours, (iv) any Department of Motor Vehicles Drivers License Examining Station in Mecklenburg County during normal business hours and (v) any branch of the Mechanics & Farmers Bank in Charlotte, North Carolina, during normal business hours. Registration applications will also be accepted by and qualified persons may also register with the registrars and judges of election for the several precincts in the City at their respective residences by appointment. In addition, certain persons in the armed forces and their spouses, certain veterans, certain civilians working with the armed forces and members of the Peace Corps may register by mail at any time prior to said referendum in the manner provided in Article 21 of Chapter 163 of the General Statutes of North Carolina and in person at any time, including the day of said referendum.

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The last day for new registration for those not now registered under Mecklenburg County's permanent registration system is Monday, October 7, 1985.

The last day on which registered voters who have changed residence from one precinct to another may transfer registration is Monday, October 7, 1985.

Any qualified voter of the City who is qualified to vote by absentee ballot in said special bond referendum may apply to the Mecklenburg County Board of Elections for an absentee ballot. Any qualified voter who is qualified to vote by military absentee ballot pursuant to Section 163-245 of the General Statutes of North Carolina may also apply for an absentee ballot as provided by Section 163-247 of the General Statutes of North Carolina.

Persons who are not certain whether they are registered to vote or qualified to vote by absentee ballot should contact the Mecklenburg County Board of Elections at the office of said Board mentioned above.

The registration books will be open to public inspection by any registered voter of the City between 8 A.M. and 5 P.M., from Monday to Friday, inclusive, of each week, prior to the closing of the registration books, at said office of the Mecklenburg County Board of Elections, and such days are challenge days.

The registrars, judges and other officers of elections appointed by the Mecklenburg County Board of Elections will serve as the election officers for said referendum.

The precincts and voting places for said referendum, subject to change as provided by law, are as follows:

PRECINCT

VOTING PLACE

PRECINCTS AND LOCATIONS  
1985  
(Revised - May)

- PRECINCT #1 Westminster Presbyterian Church  
101 Colville Road (Activities Building)
- PRECINCT #2 Hawthorne Lane United Methodist Church  
501 Hawthorne Lane (Gym)
- PRECINCT #3 Cochrane Junior High School  
6200 Starhaven Drive (Classroom #101)
- PRECINCT #4 Hickory Grove Presbyterian Church  
7500 Hickory Grove-Newell Rd. (Sun. Sch. Rm.)
- PRECINCT #5 Third Presbyterian Church  
4019 Central Avenue (Scout Hut)
- PRECINCT #6 Amity Presbyterian Church  
2831 Sharon Amity Road (Fellowship Hall)
- PRECINCT #7 Randolph Junior High School  
3300 Water Oak Road (Multi-purpose Rm.)
- PRECINCT #8 Myers Park Elementary School  
2132 Radcliff Avenue (Auditorium)
- PRECINCT #9 Dilworth School  
405 East Park Avenue (Multi-purpose Rm.)
- PRECINCT #10 St. Andrews Presbyterian Church  
2201 Springdale Avenue (Fellowship Bldg.)
- PRECINCT #11 Mt. Moriah Primitive Baptist Church  
747 West Trade Street (Fellowship Hall)
- PRECINCT #12 Clinton Chapel A.M.E. Zion Church  
1901 Rozzells Ferry Road (1st Rm. on left)
- PRECINCT #13 First Ward School  
401 East Nineth Street (Multi-purpose Rm.)
- PRECINCT #14 Hawthorne Junior High School  
1400 Pegram Street (1st. Rm. on right)
- PRECINCT #15 Kilgo Methodist Church  
2101 Belvedere Avenue (Scout Hut)
- PRECINCT #16 East Stonewall A.M.E. Zion Church  
1729 Griers Grove Road (Fellowship Hall)
- PRECINCT #17 Old Fireman's Hall  
2601 East Seventh Street (Main Bldg.)
- PRECINCT #18 Eastover School  
500 Cherokee Road (Auditorium)

PRECINCT #19	Myers Park High School 2400 Colony Road (Student Lounge)
PRECINCT #20	Avondale Presbyterian Church 2821 Park Road (Fellowship Hall)
PRECINCT #21	Sedgefield Junior High School 2700 Dorchester Place (Multi-purpose Rm.)
PRECINCT #22	Wilmore School 428 West Boulevard (Auditorium)
PRECINCT #23	Ashley Park School 3128 Belfast Drive (Multi-purpose Rm.)
PRECINCT #24	Enderly Park Community Center 1220 Clay Avenue (Club Rm.)
PRECINCT #25	West Charlotte High School 2219 Senior Drive (Auditorium Lobby)
PRECINCT #26	Cole Memorial United Methodist Church 2022 Sugar Creek Road, West (Gym)
PRECINCT #27	Tryon Hills School 2600 Grimes Street (Multi-purpose Rm.)
PRECINCT #28	New Covenant A.R.P. Church 2541 Elkwood Circle (Fellowship Hall)
PRECINCT #29	Merry Oaks Center 3508 Draper Avenue (Library)
PRECINCT #30	Plaza Road School 3501 The Plaza (Multi-purpose Rm.)
PRECINCT #31	Barringer School 2701 Walton Road (Multi-purpose Rm.)
PRECINCT #32	Christ Episcopal Church 1412 Providence Road (Education Bldg.)
PRECINCT #33	Eastway Junior High School 3333 Biscayne Drive (Band Rm.)
PRECINCT #34	Oakhurst School 4511 Monroe Road (Multi-purpose Rm.)
PRECINCT #35	Cotswold School 300 Greenwich Road (Multi-purpose Rm.)
PRECINCT #36	Providence Baptist Church 4921 Randolph Road (Gym/Youth Bldg. - A)
PRECINCT #37	Pinewood School 815 Seneca Place (Cafeteria)
PRECINCT #38	Collinswood School 4000 Applegate Road (Multi-purpose Rm.)

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PRECINCT #39	Metropolitan United Presbyterian Church 2701 West Blvd. (At Old Steele Ck. Rd.)
PRECINCT #40	Thomasboro School 538 Bradford Drive (Gym)
PRECINCT #41	Chadwick Methodist Church 132 S. Cromer Street (Fellowship Hall)
PRECINCT #42	Hidden Valley School 5100 Snow White Lane (Multi-purpose Rm.)
PRECINCT #43	Grace Baptist Church 5232 The Plaza (Fellowship Hall)
PRECINCT #44	Shamrock Garden Elementary School 3301 Country Club Drive (Multi-purpose Rm.)
PRECINCT #45	Windsor Park School 3900 Sudbury Road (Multi-purpose Rm.)
PRECINCT #46	Resurrection Lutheran Church 2825 Shenandoah Avenue (Foyer)
PRECINCT #47	Trinity Presbyterian Church 3115 Providence Road (Scout Hut)
PRECINCT #48	Providence United Methodist Church 2810 Providence Road (Fellowship Hall)
PRECINCT #49	Park Road Elementary School 3701 Haven Drive (Auditorium)
PRECINCT #50	Smith Junior High School 400 Tyvola Road (Multi-purpose Rm.)
PRECINCT #51	Sedgefield Elementary School 700 Marsh Road (Multi-purpose Rm.)
PRECINCT #52	St. Mark United Methodist Church 917 Clanton Road (Old Sanctuary)
PRECINCT #53	Harding High School 2001 Alleghany Street (Auditorium Lobby)
PRECINCT #54	Oaklawn Elementary School 1810 Oaklawn Avenue (Multi-purpose Rm.)
PRECINCT #55	Lincoln Heights School 1900 Newcastle Street (Multi-purpose Rm.)
PRECINCT #56	Druid Hills School 2801 Lucena Street (Multi-purpose Rm.)
PRECINCT #57	Park Road Moravian Church 6301 Park Road (Fellowship Hall)

PRECINCT #58	Starmount School 1600 Brookdale Avenue (Multi-purpose Rm.)
PRECINCT #59	Montclair School 5801 Farmbrook Drive (Cafeteria)
PRECINCT #60	Briarwood School 1001 Wilann Drive (Multi-purpose Rm.)
PRECINCT #61	Shamrock Drive Baptist Church 4301 Shamrock Drive (Fellowship Hall)
PRECINCT #62	Albemarle Road Elementary School 7800 Riding Trail Road (Multi-purpose Rm.)
PRECINCT #63	Idlewild School 7101 Idlewild Road (Multi-purpose Rm.)
PRECINCT #64	East Mecklenburg High School 6800 Monroe Road (Gym Foyer)
PRECINCT #65	Sardis Presbyterian Church 6100 Sardis Road (Ed. Bldg./Rm. #101)
PRECINCT #66	Rama Road School 1035 Rama Road (Multi-purpose Rm. #136)
PRECINCT #67	Lansdowne School 6400 Prett Court (Multi-purpose Rm.)
PRECINCT #68	St. Stephen United Methodist Church 6800 Sardis Road (Youth Rm.)
PRECINCT #69	Olde Providence School 3800 Rea Road (Multi-purpose Rm.)
PRECINCT #70	Carmel Baptist Church 2101 Carmel Road (Red brick house/Sharon View)
PRECINCT #71	Sharon School 4330 Foxcroft Road (Multi-purpose Rm.)
PRECINCT #72	Carmel Presbyterian Church 2048 Carmel Road (Scout Hut)
PRECINCT #73	Beverly Woods School 6001 Quail Hollow Road (Multi-purpose Rm.)
PRECINCT #74	Alexander Graham Junior High School 1800 Runnymede Lane (Multi-purpose Rm.)
PRECINCT #75	Sharon Baptist Church 6411 Sharon Road (Modular Unit)
PRECINCT #76	Huntingtowne Farms Elementary School 2520 Huntingtowne Farms Lane (Multi-purpose Rm.)
PRECINCT #77	Nations Ford School 8300 Nations Ford Road (Gym)

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PRECINCT #78	New Testament Fellowship 7410 Nations Ford Road (Fellowship Hall)
PRECINCT #79	Tuckaseegee Elementary School 2028 Little Rock Road (Multi-purpose Rm.)
PRECINCT #80	Pawtucket School Moore's Chapel Road (Rm. #A-O)
PRECINCT #81	Allenbrook Elementary School 1430 Allenbrook Drive (Multi-purpose Rm.)
PRECINCT #82	Greenville Memorial A.M.E. Zion Church 6116 Monteith Drive (Fellowship Hall)
PRECINCT #83	Albemarle Road Presbyterian Church 6700 Albemarle Road (Gym)
PRECINCT #84	Albemarle Road Junior High School 6900 Democracy Drive (Band Rm.)
PRECINCT #85	Charlotte Christian High School 7301 Sardis Road (Gym)
PRECINCT #86	Carmel Junior High School 5001 Camilla Drive (Library)
PRECINCT #87	CPC Learning Center 10761 Park Road (behind McDonald's)
PRECINCT #88	Living Saviour Lutheran Church 6817 Carmel Road, Ext. (Education Bldg.)
PRECINCT #89	Paw Creek Elementary School 1213 Cathey Road (Auditorium)
PRECINCT #90	Messiah Lutheran Church 8300 Providence Road
PRECINCT #91	McKee Road Baptist Church 4300 McKee Road

By order of the City Council of the City of Charlotte.

Pat Sharkey  
City Clerk

Theodore S. Arrington  
Chairman of Mecklenburg  
County Board of Elections

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Section 4. That the form of the question as the same will appear in the ballot strips for the voting machines to be used at said referendum shall be substantially as follows:

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YES ..... . . . . .....  NO ..... . . . . .....	Shall the order adopted on September 9, 1985, authorizing not exceeding \$18,000,000 Water Bonds of the City of Charlotte, North Carolina, for the purpose of providing funds, with any other available funds, for enlarging, extending and improving the water system of said City, within and without the corporate limits of said City, including the construction and installation of a water transmission main and the acquisition of necessary land, rights of way and equipment and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds be approved?
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Section 5. That the City Clerk is hereby directed to deliver or mail a certified copy of this resolution to said Mecklenburg County Board of Elections within three days after its passage.

Thereupon, upon motion of Councilmember Dannelly, seconded by Councilmember Juneau, the foregoing resolution entitled: "RESOLUTION CALLING A SPECIAL BOND REFERENDUM" was passed by the following vote:

Ayes: Councilmembers Dannelly, Frech, Hammond, Juneau, Leeper Myrick, Patterson, Spaugh, Trosch, Vinroot and Woollen .

Noes: None .

\* \* \* \* \*

I, Pat Sharkey, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the actually recorded minutes of

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the City Council of said City at a regular meeting held September 9, 1985, the record having been made in Minute Book 84, beginning at page \_\_\_\_ and ending at page \_\_\_\_, and is a true copy of so much of said proceedings as relates in any way to the authorization of bonds of said City, and the calling of a special bond referendum thereon.

I DO HEREBY FURTHER CERTIFY that I mailed or delivered a certified copy of the resolution passed by said City Council on September 9, 1985 entitled: "RESOLUTION CALLING A SPECIAL BOND REFERENDUM" to the Mecklenburg County Board of Elections on or before the third day following the passage of said resolution.

\* \* \* \* \*

I DO HEREBY FURTHER CERTIFY that a schedule of regular meetings of said City Council, stating that regular meetings of said City Council are held on the second Monday of each month at 7:30 P.M. at various places in the City designated from time to time by the City Council, on the third Monday of each month at 6:00 P.M. at the Education Center, and on the fourth Monday of each month at 3:00 P.M. at the City Hall, has been on file in my office pursuant to G.S. §143-318.12 as of a date not less than seven days before said meeting.

WITNESS my hand and the corporate seal of said City, this 10th day of September, 1985.

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

(SEAL)

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RESOLUTION CLOSING A PORTION OF BLYTHE BOULEVARD AND  
DEDICATING A NEW PORTION OF BLYTHE BOULEVARD, LOCATED  
BETWEEN SCOTT AVENUE AND BRUNSWICK 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 Blythe Boulevard 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 Blythe Boulevard 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 Blythe Boulevard, all as required by G.S. 160-299; and

WHEREAS, the Petitioner desires to dedicate a new portion of Blythe Boulevard to be accepted by the City of Charlotte to replace the portion of Blythe Boulevard it desires to be closed; and

WHEREAS, the public hearing was held on the 9th day of September, 19 85, and City Council determined that the closing of a portion of Blythe Boulevard 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 9, 19 85, that the Council hereby orders the closing, upon satisfactory completion and acceptance by the City of Charlotte of the realignment of Blythe Boulevard by the petitioner and provided said realignment occurs by the 9th day of September, 1986, of a portion of Blythe Boulevard in the City of Charlotte, Mecklenburg County, North Carolina, as described below:

From the easterly margin of Scott Avenue along the northerly margin of Blythe Boulevard, S. 71-26-50 E. 566.52 feet; thence S. 18-33-10 W., a distance of 55 feet across Blythe Boulevard to a point on the southerly margin of Blythe Boulevard which is the point of beginning. From the point of beginning as follows: (1) S. 71-26-50 E., a distance of 224.34 feet to a point; (2) in a southeasterly direction with the arc of a circular curve to the right having a radius of 324.50 feet, a distance of 254.80 feet to a point; (3) N. 27-21-25 W., a distance of 58.37 feet to a point; (4) in a north-westerly direction with the arc of a circular curve to the left having a radius of 380.45 feet, a distance of 309.08 feet to a point; (5) N. 80-01-32 W., a distance of 121.40 feet to the point and place of beginning. Containing 5,698.60 square feet or 0.131 acre as shown on a map prepared by R. B. Pharr & Associates, dated May 15, 1985.

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BE IT FURTHER RESOLVED that the Council hereby orders the dedication of a portion of Blythe Boulevard in the City of Charlotte, Mecklenburg County, North Carolina, as described below:

Beginning at a point located on the northerly margin of Blythe Boulevard, said point located S. 71-26-50 E. 566.52 feet as measured along the northerly margin of Blythe Boulevard from the easterly margin of Scott Avenue, and runs thence with the proposed northerly margin of Blythe Boulevard as follows: (1) in an easterly direction with the arc of a circular curve to the left having a radius of 367.20 feet, a distance of 59.74 feet to a point; (2) S. 80-46-09 E., 53.0 feet to a point; (3) with the arc of a circular curve to the right having a radius of 431.45 feet, a distance of 44.38 feet to a point; (4) S. 71-23 E. 52.55 feet to a point; (5) with the arc of a circular curve to the right having a radius of 431.45 feet, a distance of 253.55 feet to a point; (6) S. 34-13-16 E. 14.13 feet to a point on the existing northeasterly margin of Blythe Boulevard; thence with the northeasterly margin of Blythe Boulevard as follows: (1) in a northwesterly direction with the arc of a circular curve to the left having a radius of 379.50 feet, a distance of 246.57 feet; (2) N. 71-26-50 W. 224.34 feet to the point and place of beginning. Containing 4,268.98 square feet or 0.098 acre as shown on map prepared by R. B. Pharr & Associates, dated May 22, 1985.

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.

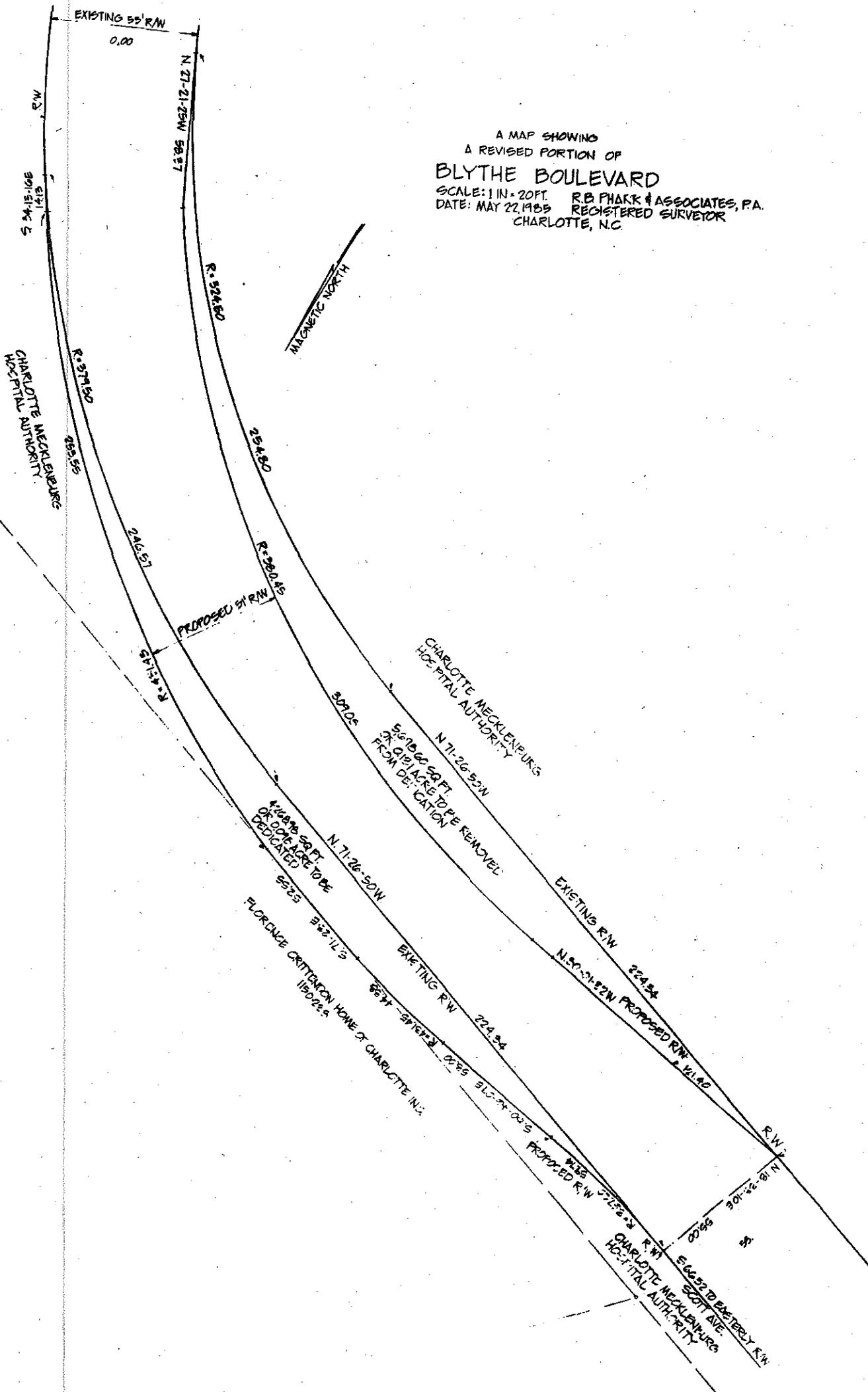
CERTIFICATION

I, Pat Sharkey, 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 9th day of September, 1985, the reference having been made in Minute Book 84, Page       , and recorded in full in Resolution Book 21, Page 253-255

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Pat Sharkey, City Clerk  
City of Charlotte, North Carolina

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A MAP SHOWING  
A REVISED PORTION OF  
**BLYTHE BOULEVARD**  
SCALE: 1 IN. = 20 FT. R.B. PHARR & ASSOCIATES, P.A.  
DATE: MAY 22, 1985 REGISTERED SURVEYOR  
CHARLOTTE, N.C.



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RESOLUTION CLOSING THREE (3) ALLEYS  
LOCATED IN THE BLOCK BOUNDED BY WEST  
NINTH STREET, NORTH SMITH STREET, WEST  
EIGHTH STREET AND NORTH GRAHAM STREET IN  
THE CITY OF CHARLOTTE, MECKLENBURG COUNTY,  
NORTH CAROLINA (the three (3) alleys are  
hereinafter collectively called the  
"alleys")

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 the alleys which calls for a public hearing on the question; and

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

WHEREAS, the public hearing was held on the 9th day of September, 1985, and City Council determined that the closing of the alleys 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 9, 1985, that the Council hereby orders the closing of the alleys in the City of Charlotte, Mecklenburg County, North Carolina, as described in Exhibit A attached hereto and by reference thereto 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, Pat Sharkey, 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 9th day of September, 1985, the reference having been made in Minute Book 84, Page \_\_\_\_\_, and recorded in full in Resolution Book 21, Page 256-261.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of September, 1985.

Pat Sharkey, City Clerk

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EXHIBIT A

PARCEL I:

LYING AND BEING in the City of Charlotte, County of Mecklenburg, State of North Carolina, and being more particularly described as follows:

BEGINNING at a point located in the southwesterly margin of the right-of-way of West Ninth Street, which point is located 180.00 Feet along said right-of-way from the point of intersection of the southwesterly margin of the right-of-way of West Ninth Street and the northwesterly margin of the right-of-way of North Graham Street and running thence from said beginning point with the southeasterly line of a 10-foot alleyway, South 50-16-18 West 127.79 Feet to a point; thence North 42-05-24 West 9.91 Feet to a point in the southeasterly line of Tract One described in deed recorded in Book 5007, Page 399, Mecklenburg County Public Registry; then with the line of said Tract One North 50-24-57 East 127.81 Feet to an existing iron pin located in the southwesterly margin of the right-of-way of West Ninth Street (the Beginning Point in said Tract One); thence with the southwesterly margin of the said right-of-way, South 42-05-24 East 9.59 Feet to the BEGINNING, containing 1,245 square feet or 0.029 acres, according to survey prepared by Jack R. Christian & Associates Surveying dated August 1, 1984 and revised April 2, 1985, to which survey reference is hereby made for a more particular description of said property.

PARCEL II:

LYING AND BEING in the City of Charlotte, County of Mecklenburg, State of North Carolina, and being more particularly described as follows:

BEGINNING at an existing iron pin in the southeasterly margin of the right-of-way of North Smith Street located N. 50-24-55 E. 145.00 feet with the southeasterly margin of the right-of-way of North Smith Street from the intersection of the southeasterly margin of the right-of-way of North Smith Street with the northeasterly margin of the right-of-way of West Eighth Street; and runs thence from the BEGINNING with the boundary of the Victoria Properties, Inc. land four (4) courses and distances as follows: (1) S. 38-55-15 E. 148.49 feet to an existing iron pin; (2) S. 40-49-29 E. 38.06 feet to an existing iron pin; (3) S. 49-55-38 W. 55.25 feet to an existing iron pin; and (4) S. 40-14-49 E. 57.44 feet to an existing iron pin; thence N. 50-05-42 E. 7.70 feet to a point; thence N. 40-31-14 W. 47.78 feet to an existing iron pin; thence N. 50-08-45 E. 45.00 feet to a point in the northwesterly corner of a 9-foot alley; thence with the northwesterly margin of the 9-foot alley N. 50-08-45 E. 9.00 feet to a point in the northeasterly corner of the 9-foot alley; thence N. 50-08-45 E. 1.64 feet to a point; thence N. 39-29-34 W. 136.27 feet to a point; thence N. 37-29-31 W. 60.13 feet to a point in the southeasterly margin of the right-of-way of North Smith Street; thence with the southeasterly margin of the right-of-way of North Smith Street S. 50-24-55 W. 9.5 feet to the BEGINNING, according to survey..

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prepared by Jack R. Christian & Associates Surveying dated August 1, 1984 and revised April 2, 1985 to which survey reference is hereby made for a more particular description of said property.

PARCEL III:

LYING AND BEING in the City of Charlotte, County of Mecklenburg, State of North Carolina, and being more particularly described as follows:

BEGINNING at a point in the northwesterly margin of the right-of-way of North Graham Street located N. 50-16-18 E. 135.50 feet with the northwesterly margin of the right-of-way of North Graham Street from the intersection of the northwesterly margin of the right-of-way of North Graham Street with the northeasterly margin of the right-of-way of West Eighth Street; and runs thence from the BEGINNING with the northwesterly margin of the right-of-way of North Graham Street N. 50-16-18 E. 9.00 feet to a point; thence N. 40-31-12 W. 198.07 feet to a point in an 8-foot alley; thence with the 8-foot alley S. 50-08-45 W. 9.00 feet to a point; thence S. 40-31-12 E. 198.05 feet to the BEGINNING, containing 1,782 square feet or 0.041 acre, according to survey prepared by Jack R. Christian & Associates Surveying, dated August 1, 1984 and revised April 2, 1985, to which survey reference is hereby made for a more particular description of said property.

NCF FINANCIAL CORPORATION

NCF FINANCIAL CORPORATION

VICTORIA PROPERTIES, INC.

2,572 SQ. FT.  
0.059 ACRES

SMITH STREET

EXHIBIT "B"

N 50-24-55  
9.5  
60.13  
S. 37-29-31 E.  
S. 38-55-15 E.  
S. 39-29-34 E.  
110.25  
145.00  
APRIL 2, 1985

15,859

LEAF-TRENT, INC.

BOUNDARY AND TOPOGRAPHIC SURVEY

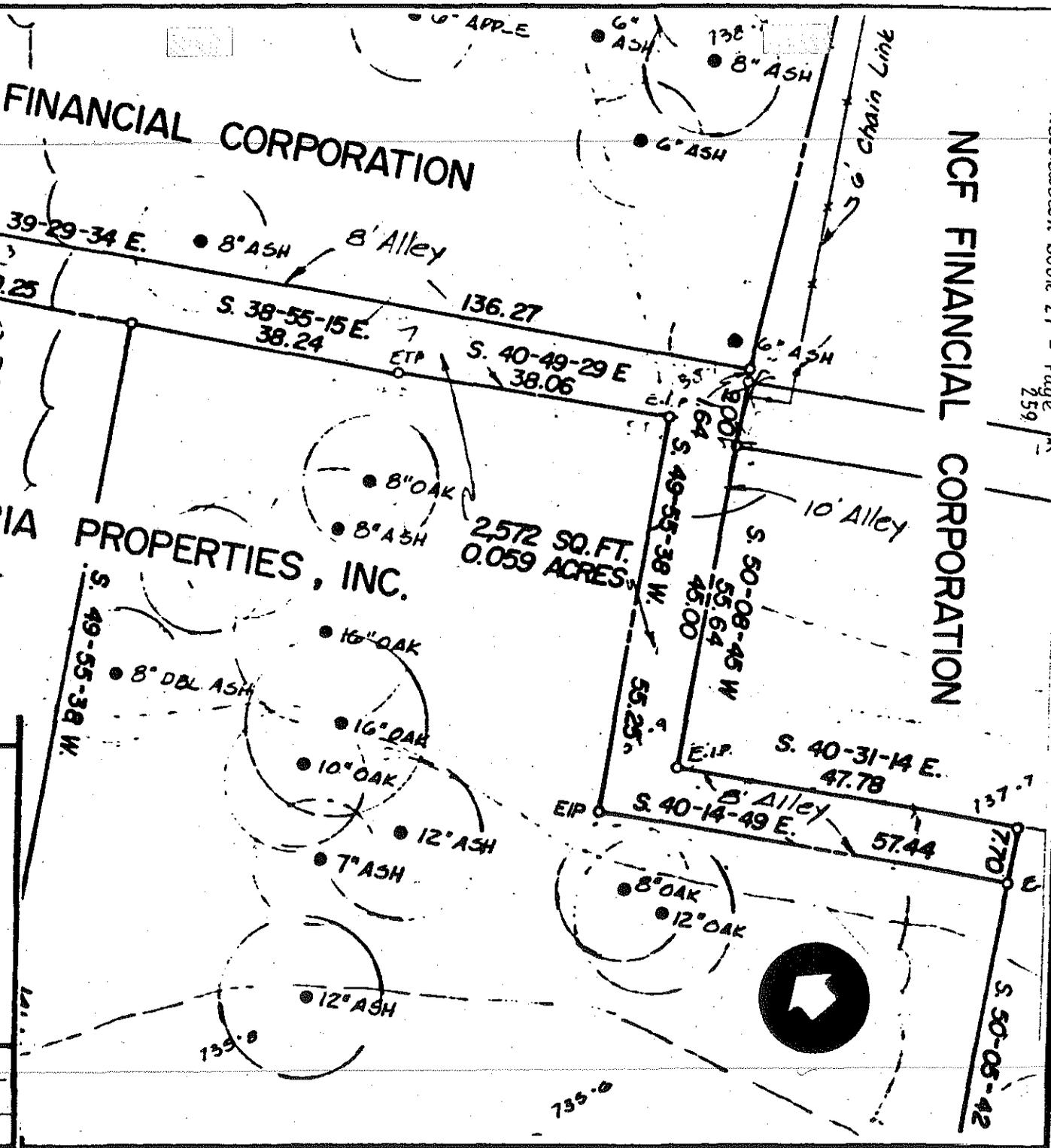
MECKLENBURG COUNTY  
NORTH CAROLINA

JACK R. CHRISTIAN & ASSOCIATES -  
SURVEYING

12 N TRYON ST - CHARLOTTE, N.C.



DATE: AUGUST 1, 1984  
SCALE: 1" = 20'  
FILE # 84-CR-01



September 9, 1985  
Resolution Book 21 - Page 260

NORTH GRAHAM STREET

6" Water Line (Approx Location)

EXHIBIT "B"

NCF FINANCIAL CORPORATION

NCF FINANCIAL CORPORATION

REVISED APRIL 2, 1985

LEAF-TRENT, INC.  
BOUNDARY AND  
TOPOGRAPHIC SURVEY



CITY OF CHARLOTTE  
MECKLENBURG COUNTY  
NORTH CAROLINA

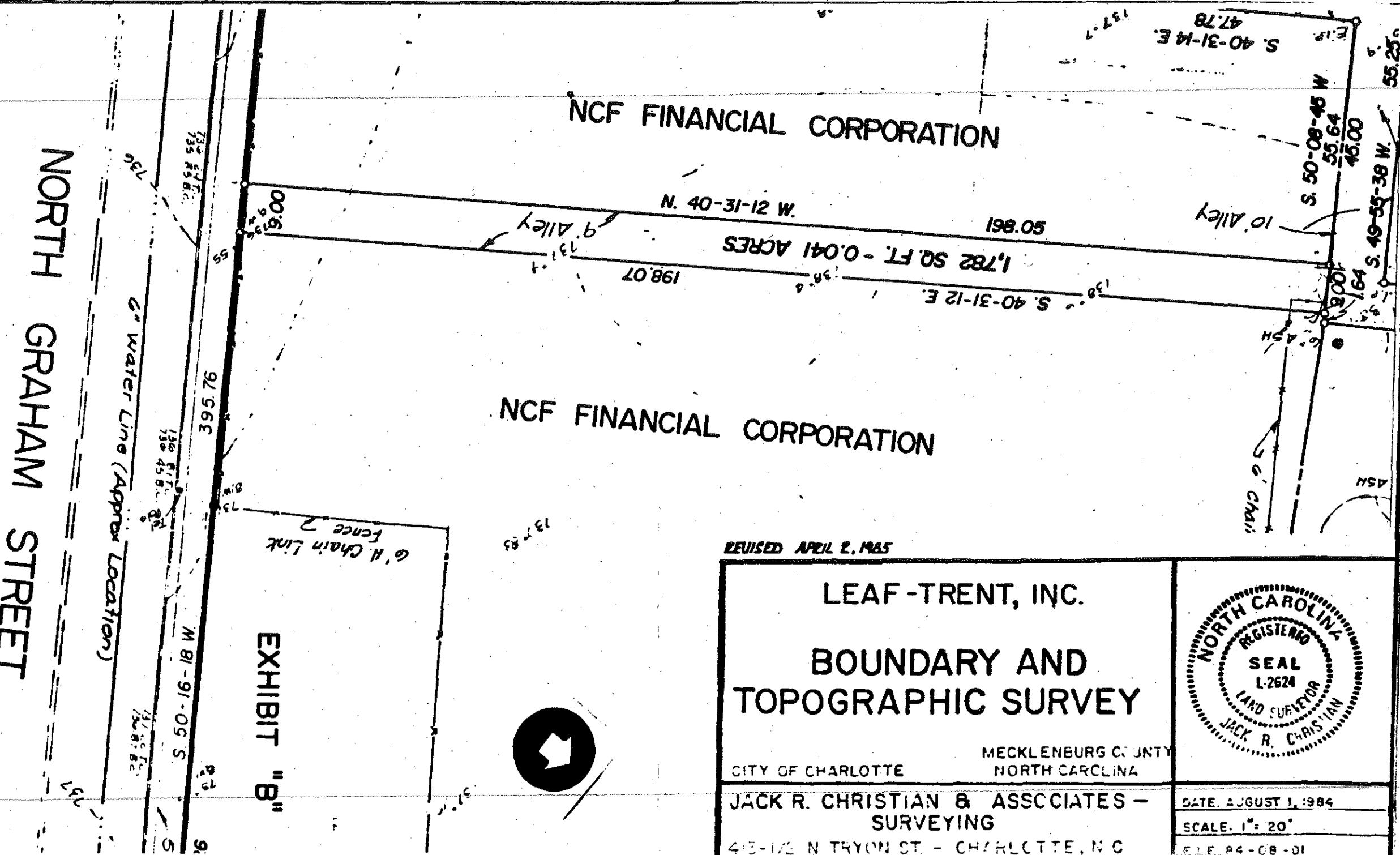
JACK R. CHRISTIAN & ASSOCIATES -  
SURVEYING

413-1/2 N TRYON ST. - CHARLOTTE, N.C.

DATE: AUGUST 1, 1984

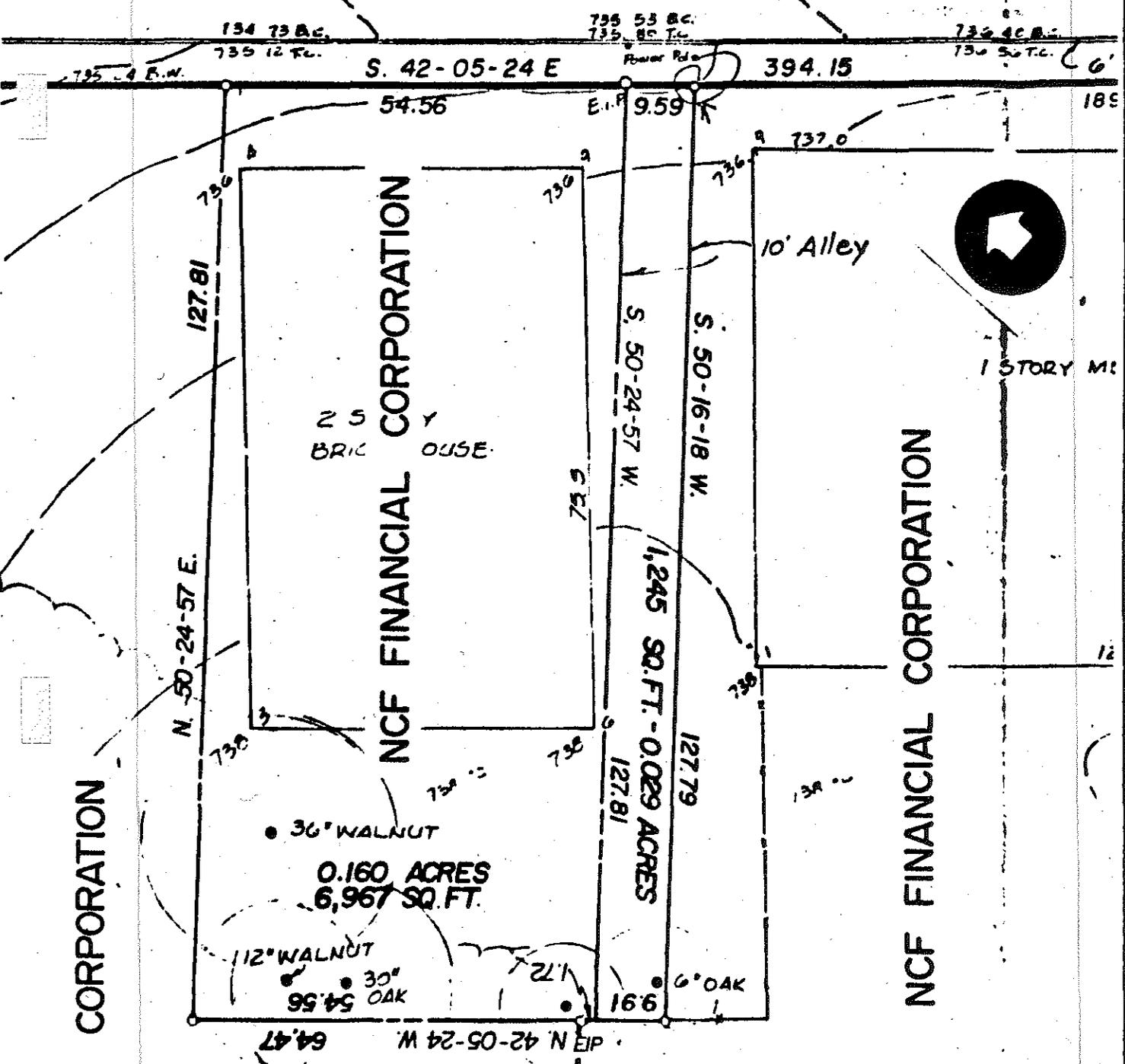
SCALE: 1" = 20'

FILE: P4-08-01



September 9, 1985  
Resolution Book 21 - Page 261

734° 92' 735  
**NINTH STREET** 736 730° 26'



NCF FINANCIAL CORPORATION

NCF FINANCIAL CORPORATION

NCF FINANCIAL CORPORATION

EXHIBIT "B"

REVISED APRIL 2, 1985

LEAF-TRENT, INC.  
BOUNDARY AND  
TOPOGRAPHIC SURVEY



CITY OF CHARLOTTE MECKLENBURG COUNTY NORTH CAROLINA

JACK R. CHRISTIAN & ASSOCIATES -

DATE AUGUST 1, 1984

6" APP.

September 9, 1985  
Resolution Book 21 - Page 262

RESOLUTION CLOSING A CERTAIN PORTION OF  
THE UNUSED RIGHT OF WAY OF NORTH PINE STREET  
IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY  
NORTH CAROLINA

WHEREAS, a Petition has been filed and received in accordance with the provisions of Chapter 160A, Section 299 of the General Statutes of North Carolina, requesting the closing of a certain portion of unused right of way of North Pine Street in the City of Charlotte, Mecklenburg County, North Carolina; and

WHEREAS, the petitioners have caused to be published a copy of the Resolution of Intent to close a certain portion of unused right of way of North Pine Street, all in accordance with said Statute; and

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close a certain portion of unused right of way of North Pine 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 two places along said street, all in accordance with said Statute; and

WHEREAS, said public hearing was held on 9th day of September, 1985; and

WHEREAS, no persons, firms, or corporations or parties in interest have appeared in opposition to the closing of said portion of said street;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of September 9, 1985, that the Council hereby orders the closing of a portion of unused right of way of North Pine Street in the City of Charlotte, Mecklenburg County, North Carolina as described below:

"BEGINNING at a point in the northern margin of North Pine Street, said point being the southeast corner of Tract I owned by Billy Shaw Howell, Jr., said Tract I being fully described in the Deed from Mary B. Howell to Billy Shaw Howell, Jr. as recorded in Book 4147 at Page 277 of the Mecklenburg Public Registry; thence from said existing iron pipe following the northern margin of North Pine Street S. 26-24-50 W. 15.29 feet to a new nail in the northern margin of Pine Street; thence S. 30-31-51 W. a chord distance of 41.40 feet to a new iron nail in the northern margin of Pine Street, said chord distance inscribing an arc having said chord distance a radius of 288.31 feet, for a total length on the radius of 41.43 feet to the new iron nail; thence S. 88-19-40 W. a chord distance of 38.85 feet, inscribing an arc having a radius of 24.11 feet, for a total length along the radius of 45.18 feet to an existing iron pipe in the eastern margin of West Trade Street, said existing point being the southwest corner of Tract I of the Billy Shaw Howell, Jr., property as fully described in the Deed recorded in Deed Book 4147 at Page 277 in the Mecklenburg Public Registry; thence with the existing line of said Tract I of the Billy Shaw Howell, Jr. property N. 52-51-55 E. for a distance of 83.63 feet, to the point of BEGINNING. Said tract containing 1253 square feet or .029 acres, all as more fully shown on a survey for Federal Plaza Associates prepared by Jack R. Christian and Associates as revised on 3-27-85."

September 9, 1985  
Resolution Book 21 - Page 263

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, Pat Sharkey, 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 9th day of September, 1984, the reference having been made in Minute Book 84, Page \_\_\_\_\_, and recorded in full in Resolution Book 21, Page 262-264

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of September, 1985.

\_\_\_\_\_  
Pat Sharkey, City Clerk



September 9, 1985  
Resolution Book 21 - Page 265

**RESOLUTION CLOSING A PORTION OF CHERRY STREET  
LOCATED BETWEEN KINGS DRIVE AND BAXTER 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 portion of Cherry 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 portion of Cherry Street to be sent by registered or certified mail to all owners or 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 Cherry Street, all as required by G.S. 160-299; and

WHEREAS, the public hearing was held on the 9th day of September, 1985, and City Council determined that the closing of a portion of Cherry 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 9, 1985, that the Council hereby orders the closing of a portion of Cherry Street in the City of Charlotte, Mecklenburg County, North Carolina as described below:

**Metes and Bounds Description**

Beginning at a point located on the easterly margin of Cherry Street, said point being the northwesterly corner of Lot 15, Block 2 of Cherryton Subdivision as recorded in Map Book 230, Page 47 of the Mecklenburg County Registry and runs thence with the margin of the Cherry Street cul-de-sac in four courses as follows: 1) with the arc of a circular curve to the left having a radius of 10.65 feet, a distance of 8.56 feet to a point; 2) with the arc of a circular curve to the right having a radius of 40.00 feet a distance of 189.96 feet to a point; 3) with the arc of a circular curve to the left having a radius of 10.65 feet, a distance of 8.56 feet to a point; 4) N. 45-55-48 E. 10.23 feet to a point, said point being the southwesterly corner of Lot 5, Block 1 of Cherryton Subdivision as recorded in Map Book 230, Page 47 of the Mecklenburg County Registry: thence with a new line crossing Cherry Street S. 32-16-42 E. 50.05 feet to the point and place of beginning. Containing 5240.54 square feet or 0.120 acres as shown on map entitled Cherry Street cul-De-Sac prepared by R. B. Pharr & Associates dated April 24, 1985.

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, Pat Sharkey, 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 9th day of September, 1985, the reference having been made in Minute Book 84, page \_\_\_\_\_, and recorded in full in Resolution Book 21, page 265-266.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of September, 1985.

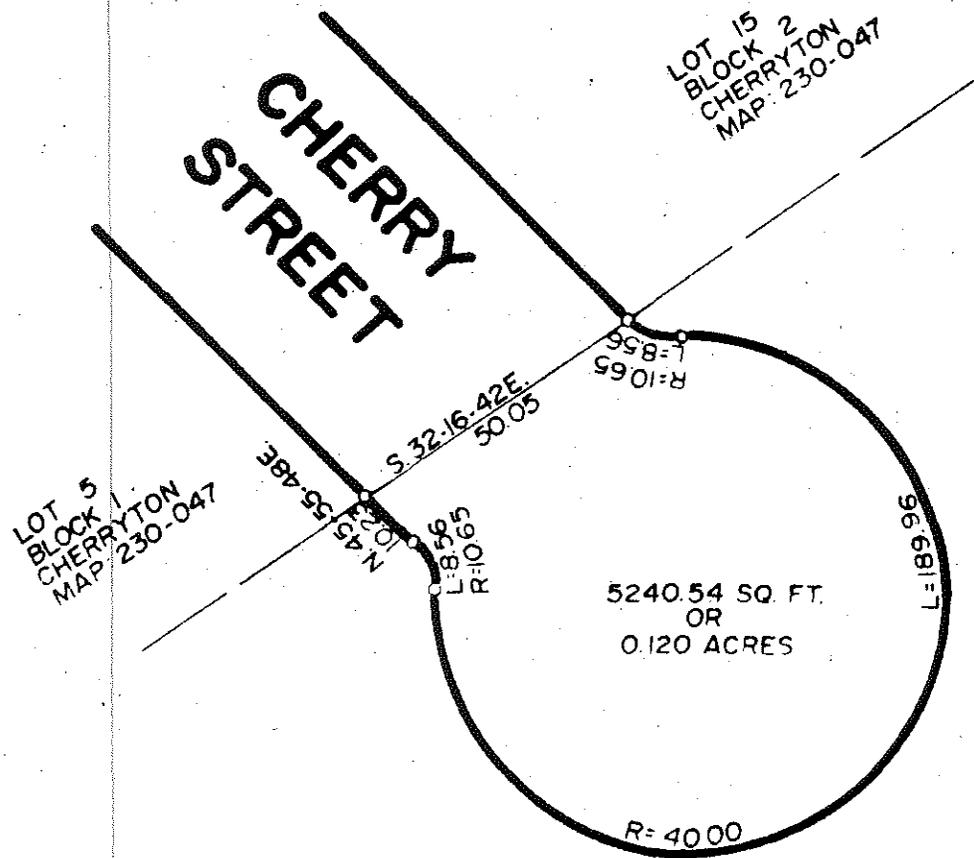
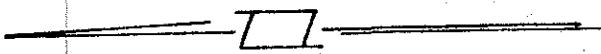
\_\_\_\_\_  
Pat Sharkey, City Clerk

September 9, 1985  
Resolution Book 21 - Page 266

THIS IS TO CERTIFY THAT ON THE 24<sup>th</sup> DAY OF APRIL 1985 I SURVEYED THE  
PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS IF  
ANY ARE AS SHOWN HEREON.

EXHIBIT A

SIGNED R. B. PHARR  
R. B. PHARR & ASSOCIATES, REGISTERED SURVEYORS



KUESTER DEV.

MAP OF SURVEY

CHERRY STREET CUL-DE-SAC

SCALE 1" = 30'

CHARLOTTE, N. C.

**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.

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 provisions of Title VI of the 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 and North Carolina Department of Transportation, to aid in the financing of assistance projects pursuant to Section 9.
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.
3. That the Director of the Charlotte Department of Transportation is authorized to furnish such additional information as the U. S. Department of Transportation may require in connection with the application for the project.

September 9, 1985  
Resolution Book 21 - Page 268

- 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 Mayor is authorized to execute grant agreements and any amendments thereto on behalf of the City of Charlotte with the U. S. Department of Transportation and the North Carolina Department of Transportation for aid in the financing of the transit assistance projects.

Approved as to form:

Henry W. Underhill, Jr.  
City Attorney

8/21/85  
Date

**CERTIFICATION**

The undersigned duly qualified and acting City Clerk of the City of Charlotte certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the Charlotte City Council held on September 9, 1985.

If applicant has an official seal, impress here.

\_\_\_\_\_  
Pat Sharkey  
City Clerk

September 11, 1985  
Date

September 9, 1985  
Resolution Book 21 - Page 269

RESOLUTION AMENDING THE PAY PLAN  
OF THE  
CITY OF CHARLOTTE

BE IT RESOLVED by The City Council of the City of Charlotte, North Carolina that the Pay Plan heretofore adopted by the City Council to be effective October 1, 1960, as subsequently amended, is hereby further amended by the addition of class number 2247, Revenue Division Manager, Management Pay Plan, Pay Range \$33,165 - \$46,431.

BE IT FURTHER RESOLVED that this resolution shall be effective on the date of its adoption.

APPROVED AS TO FORM:

  
City Attorney

*Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of September, 1985, the reference having been made in Minute Book 84, and is recorded in full in Resolution Book 21 at Page 269.*

Pat Sharkey  
City Clerk

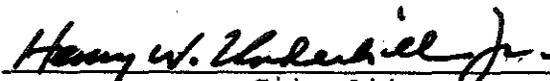
270  
September 9, 1985  
Resolution Book 21 - Page 270

RESOLUTION AMENDING THE PAY PLAN  
OF THE  
CITY OF CHARLOTTE

BE IT RESOLVED by The City Council of the City of Charlotte, North Carolina that the Pay Plan heretofore adopted by the City Council to be effective October 1, 1960, as subsequently amended, is hereby further amended by the addition of class number 3056, Administrative Services Officer - Fire, Pay Range 24, Pay Steps A-F inclusive.

BE IT FURTHER RESOLVED that this resolution shall be effective on the date of its adoption.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

*Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of September, 1985, the reference having been made in Minute Book 84, and is recorded in full in Resolution Book 21 at Page 270.*

Pat Sharkey  
City Clerk

September 9, 1985  
Resolution Book 21 - Page 271

RESOLUTION AMENDING THE PAY PLAN  
OF THE  
CITY OF CHARLOTTE

BE IT RESOLVED by The City Council of the City of Charlotte, North Carolina that the Pay Plan heretofore adopted by the City Council to be effective October 1, 1960, as subsequently amended, is hereby further amended by changing the following classes:

Class No. 2391, Contract Administrator, from Pay Range 21 to Pay Range 23, Pay Steps A-F inclusive.

Class No. 2390, Contract Assistant, from Pay Range 16 to Pay Range 19, Pay Steps A-F inclusive.

BE IT FURTHER RESOLVED that this resolution shall be effective on the date of its adoption.

APPROVED AS TO FORM:

Henry W. Cheshire Jr.  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of September, 1985, the reference having been made in Minute Book 84, and is recorded in full in Resolution Book 21 at Page 271.

Pat Sharkey  
City Clerk

September 9, 1985  
Resolution Book 21 - Page 272

RESOLUTION AMENDING THE PAY PLAN  
OF THE  
CITY OF CHARLOTTE

BE IT RESOLVED by The City Council of the City of Charlotte, North Carolina that the Pay Plan heretofore adopted by the City Council to be effective October 1, 1960, as subsequently amended, is hereby further amended by the addition of the following classes:

<u>Class Title</u>	<u>Class No.</u>	<u>Pay Range</u>	<u>Pay Steps</u>
Transportation Planner I	2327	19	A-F
Transportation Planner II	2328	21	A-F
Transportation Planner III	2329	25	A-F
Traffic Signal Electrician	1081	12	A-F

BE IT FURTHER RESOLVED that this resolution shall be effective on the date of its adoption.

APPROVED AS TO FORM:

*Henry W. Thacker Jr.*  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of September, 1985, the reference having been made in Minute Book 84, and is recorded in full in Resolution Book 21 at Page 272.

Pat Sharkey  
City Clerk

September 9, 1985  
Resolution Book 21 - Page 273

RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF CHARLOTTE APPROVING THE EXECUTION OF AMENDMENTS  
TO THE UPTOWN CHARLOTTE REDEVELOPMENT LOAN AGREEMENT  
AND TO THE UPTOWN CHARLOTTE  
REDEVELOPMENT SEPARATE LOAN AGREEMENT

WHEREAS, the City of Charlotte, the Charlotte Uptown Development Corporation, Branch Banking and Trust Company, City National Bank, First-Citizens Bank, First Union National Bank, Home Federal Savings and Loan Association, Mechanics and Farmers Bank, NCNB National Bank of North Carolina, Northwestern Bank, Piedmont Bank & Trust Company, Republic Bank & Trust Co., Security Bank, Southeastern Savings & Loan Company, Southern National Bank of North Carolina, United Carolina Bank, and Wachovia Bank & Trust Co., N. A. entered into the Uptown Charlotte Redevelopment Loan Agreement ("Loan Agreement No. 1") on December 15, 1982;

WHEREAS, the City of Charlotte and the Charlotte Uptown Development Corporation entered into the Uptown Charlotte Redevelopment Separate Loan Agreement ("Loan Agreement No. 2", and together with Loan Agreement No. 1, the "Agreements") on December 15, 1982;

WHEREAS, the Agreements established two loan programs to provide financing for the repair and rehabilitation of eligible properties within certain areas ("Redevelopment Area") of the central business district of Charlotte;

WHEREAS, the Agreements were amended on July 17, 1984, to adopt the amended Redevelopment Plans for Redevelopment Areas 1 and 4, thereby including additional areas within Redevelopment Areas 1 and 4;

September 9, 1985  
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WHEREAS, Loan Agreement No. 1 provides that the commitment of the Lenders to make advances to the City under the Loan Program terminated on December 15, 1984, except as to advances to fund loans that were the subject of binding commitments between the City and Borrowers before December 15, 1984;

WHEREAS, the parties wish to extend the Lenders' commitment under Loan Agreement No. 1 to make advances to the City with respect to loans that are the subject of binding commitments between the City and Borrowers before December 15, 1986; and

WHEREAS, recent changes in the federal tax law require that various amendments be made to the Agreements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session duly assembled:

The Mayor of the City of Charlotte is hereby authorized to execute on behalf of the City the Second Amendment to the Uptown Charlotte Redevelopment Loan Agreement and the Second Amendment to the Uptown Charlotte Redevelopment Separate Loan Agreement, copies of each of which are attached hereto.

RESOLVED, this the 9th day of September, 1985.

APPROVED AS TO FORM:

Henry W. Underhill Jr.  
City Attorney

CERTIFICATION

I, PAT SHARKEY, 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 9th day of September, 1985, the reference having been made in Minute Book 84, and recorded in full in Resolution Book 21, at Page(s) 273-287.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of September, 1985.

PAT SHARKEY, CITY CLERK

SECOND AMENDMENT TO THE UPTOWN CHARLOTTE REDEVELOPMENT  
LOAN AGREEMENT

WHEREAS, the City of Charlotte, the Charlotte Uptown Development Corporation, Branch Banking and Trust Company, City National Bank, First-Citizens Bank, First Union National Bank, Home Federal Savings and Loan Association, Mechanics and Farmers Bank, NCNB National Bank of North Carolina, Northwestern Bank, Piedmont Bank & Trust Company, Republic Bank & Trust Co., Security Bank, Southeastern Savings & Loan Company, Southern National Bank of North Carolina, United Carolina Bank, and Wachovia Bank & Trust Co., N. A. entered into the Uptown Charlotte Redevelopment Loan Agreement ("Agreement") on December 15, 1982;

WHEREAS, the Agreement established a loan program to provide financing for the repair and rehabilitation of eligible properties within certain areas ("Redevelopment Area") of the central business district of Charlotte;

WHEREAS, the Agreement was amended on July 17, 1984, to adopt the amended Redevelopment Plans for Redevelopment Areas 1 and 4, thereby including additional areas within Redevelopment Areas 1 and 4;

WHEREAS, the Agreement provides that the commitment of the Lenders to make advances to the City under the Loan Program terminated on December 15, 1984, except as to advances to fund loans that were the subject of binding commitments between the City and Borrowers before December 15, 1984;

WHEREAS, the parties wish to extend the Lenders' commitment to make advances to the City with respect to loans that are the subject of binding commitments between the City and Borrowers before December 15, 1986;

WHEREAS, recent changes in the federal tax law require that various amendments be made to the Agreement; and

WHEREAS, on \_\_\_\_\_, 1985, the City Council authorized the Mayor to execute on behalf of the City an amendment to the Agreement reflecting the extension of the Lenders' commitment and the recent federal tax changes;

NOW, THEREFORE, the parties hereby amend the Agreement as follows:

1. The Lenders are hereby committed to make advances to the City pursuant to the Agreement with respect to Mortgage Loans that are the subject of binding commitments between the City and Borrowers before December 15, 1986.

2. The prohibited uses listed below are added to those already listed in Section 3.06(b) on page 24:

- (x) airplane, skybox, or other luxury box,
- (xi) health club facility, (xii) facility primarily used for gambling, or (xiii) store the principal business of which is the sale of alcoholic beverages for consumption off premises.

3. After Section 3.06(c) on page 24 is inserted the following:

(d) No advance under the Loan Program shall exceed, when added to the aggregate amount of private activity bonds issued by the City and the City's various authorities and commissions during the calendar year, the City's private activity bond limit for such year, as determined under section 103(n) of the Internal Revenue Code or under state law;

(e) Neither the Note nor any Mortgage Loan shall be federally guaranteed, as that term is used in section 103(h) of the Internal Revenue Code. In other words, no federal agency, with certain exceptions provided in I.R.C. § 103(h), may guarantee the payment of principal or interest with respect to the Note or any Mortgage Loan, and the proceeds of such loans may not be invested in federally insured accounts, except for any initial temporary period and certain other exceptions as provided in I.R.C. § 103(h);

(f) No beneficiary of any Mortgage Loan shall have an industrial development bond allocation exceeding \$40,000,000 after the issuance of the Mortgage Loan, as provided in section 103(b)(15) of the Internal Revenue Code. A beneficiary is an owner or principal user of the facilities financed by the Mortgage Loan at any time during the three-year period beginning on the later of the date of issue or the date such facilities were placed in service. Rules allocating industrial development bonds among beneficiaries are provided in I.R.C. § 103(b)(15). Also, in calculating the industrial development bond allocation of a beneficiary, the total allocations of parties related, as defined in I.R.C. § 103(b)(6)(C), to such beneficiary are included;

(g) No advances shall be invested in non-purpose obligations except as provided in section 103(c)(6) of the Internal Revenue Code (for example, for an initial temporary period).

4. Section 1.02(d) on page C-3 is restated as follows: "is not a 'related person' [as defined in section

103(b)(6)(C) and (b)(13) of the Code] to any of the Lenders;  
and".

5. Inserted after Section 1.02(e) on page C-3 is the following:

(f) the Borrower and all other beneficiaries of the Mortgage Loan do not have an industrial development bond allocation exceeding \$40,000,000 after the issuance of the Mortgage Loan, as provided in section 103(b)(15) of the Internal Revenue Code. A beneficiary is an owner or principal user of the facilities financed by the Mortgage Loan at any time during the three-year period beginning on the later of the date of issue or the date such facilities were placed in service. Rules allocating industrial development bonds among beneficiaries are provided in I.R.C. § 103(b)(15). Also, in calculating the industrial development bond allocation of a beneficiary, the total allocations of parties related, as defined in I.R.C. § 103(b)(6)(C), to such beneficiary are included.

6. Inserted after Section 1.03 on page C-5 is the following:

**1.04 Prohibition of Federally Guaranteed Loans.**  
Neither the loan from the Lenders to the City nor the Mortgage Loan shall be federally guaranteed, as that term is used in section 103(h) of the Internal Revenue Code. In other words, no federal agency, with certain exceptions provided in I.R.C. § 103(h), may guarantee the payment of principal or interest with respect to the loan to the City or the Mortgage Loan, and the proceeds of such loans may not be invested in federally insured accounts, except for an initial temporary period and certain other exceptions as provided in I.R.C. § 103(h).

7. The prohibited uses listed below are added to those already listed in Section 2.03 on page C-7:

(x) airplane, skybox, or other luxury box, (xi) health club facility; (xii) facility primarily used for gambling; or (xiii) store the principal business of which is the sale of alcoholic beverages for consumption off premises.

8. The prohibited uses listed below are added to those already listed in Section 7 on page E-3:

(x) airplane, skybox, or other luxury box; (xi) health club facility; (xii) facility primarily used for gambling; or (xiii) store the principal business of which is the sale of alcoholic beverages for consumption off premises. Not more than twenty-five percent (25%) of the proceeds of the Mortgage Loan will be used to provide a facility the primary purpose of which is either (i) retail food and beverage services, (ii) automobile sales or service, or (iii) the provision of recreation or entertainment.

9. Section 14 on page E-4 is deleted, and Sections 15 and 16 are renumbered 17 and 18, and inserted after Section 13 is the following:

14. Neither the Borrower nor any "related person" of the Borrower (as defined in section 103(b)(6)(C) and (b)(13) of the Internal Revenue Code) shall, pursuant to an arrangement, formal or informal, purchase from any of the Lenders any interest in the Note issued by the City to the Lenders in connection with the funding of this Loan Program.

15. The Mortgage Loan shall not be federally guaranteed, as that term is used in section 103(h) of the Internal Revenue Code. In other words, no federal agency, with certain exceptions, may guarantee the payment of principal or interest with respect to the Mortgage Loan, and the proceeds of the Mortgage Loan may not be invested in federally insured accounts, except for an initial temporary period and certain other exceptions.

16. No beneficiary of the Mortgage Loan shall have an industrial development bond allocation exceeding \$40,000,000 after the issuance of the Mortgage Loan, as provided in section 103(b)(15) of the Internal Revenue Code. A beneficiary is an owner or principal user of the facilities financed by the Mortgage Loan at any time during the three-year period beginning on the later of the date of issue or the date such facilities were placed in service. Rules allocating industrial development bonds among beneficiaries are provided in I.R.C. § 103(b)(15). Also, in calculating the industrial development bond allocation of a beneficiary, the total allocations of parties related, as defined in I.R.C. § 103(b)(6)(C), to such beneficiary are included.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to the Agreement, under seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 1985.

CHARLOTTE UPTOWN DEVELOPMENT CORPORATION

[CORPORATE SEAL]

By: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

(signatures continued)

September 9, 1985  
Resolution Book 21 - Page 281

CITY OF CHARLOTTE

[CORPORATE SEAL]

By: \_\_\_\_\_

ATTEST:

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

APPROVED AS TO FORM:

Henry W. Underhill Jr.  
City Attorney

September 9, 1985  
Resolution Book 21 - Page 282

**SECOND AMENDMENT TO THE UPTOWN CHARLOTTE REDEVELOPMENT  
SEPARATE LOAN AGREEMENT**

WHEREAS, the City of Charlotte and the Charlotte Uptown Development Corporation entered into the Uptown Charlotte Redevelopment Separate Loan Agreement ("Agreement") on December 15, 1982;

WHEREAS, the Agreement established a loan program to provide financing for the repair and rehabilitation of eligible properties within certain areas ("Redevelopment Area") of the central business district of Charlotte;

WHEREAS, the Agreement was amended on July 17, 1984, to adopt the amended Redevelopment Plans for Redevelopment Areas 1 and 4, thereby including additional areas within Redevelopment Areas 1 and 4;

WHEREAS, recent changes in the federal tax law require that various amendments be made to the Agreement; and

WHEREAS, on \_\_\_\_\_, 1985, the City Council authorized the Mayor to execute on behalf of the City an amendment to the Agreement reflecting the recent federal tax changes;

NOW, THEREFORE, the parties hereby amend the Agreement as follows:

1. The prohibited uses listed below are added to those already listed in Section 3.06(b) on page 18:

(x) airplane, skybox, or other luxury box,  
(xi) health club facility, (xii) facility primarily used for gambling, or (xiii) store the principal business of which is the sale of alcoholic beverages for consumption off premises.

2. After Section 3.06(c) on page 18 is inserted the following:

(d) No advance under the Loan Program shall exceed, when added to the aggregate amount of private activity bonds issued by the City and the City's various authorities and commissions during the calendar year, the City's private activity bond limit for such year, as determined under section 103(n) of the Internal Revenue Code or under state law;

(e) No Separate Loan Note nor any Separate Loan shall be federally guaranteed, as that term is used in section 103(h) of the Internal Revenue Code. In other words, no federal agency, with certain exceptions provided in I.R.C. § 103(h), may guarantee the payment of principal or interest with respect to any Separate Loan Note or any Separate Loan, and the proceeds of such loans may not be invested in federally insured accounts, except for any initial temporary period and certain other exceptions as provided in I.R.C. § 103(h);

(f) No beneficiary of any Separate Loan shall have an industrial development bond allocation exceeding \$40,000,000 after the issuance of the Separate Loan, as provided in section 103(b)(15) of the Internal Revenue Code. A beneficiary is an owner or principal user of the facilities financed by the Separate Loan at any time during the three-year period beginning on the later of the date of issue or the date such facilities were placed in service. Rules allocating industrial development bonds among beneficiaries are provided in I.R.C. § 103(b)(15). Also, in calculating the industrial development bond allocation of a beneficiary, the total allocations of parties related, as defined in I.R.C. § 103(b)(6)(C), to such beneficiary are included;

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(g) No advances shall be invested in non-purpose obligations except as provided in section 103(c)(6) of the Internal Revenue Code (for example, for an initial temporary period).

3. Section 1.02(d) on page C-2 is restated as follows: "is not a 'related person' [as defined in section 103(b)(6)(C) and (b)(13) of the Code] to the Lender; and".

4. Inserted after Section 1.02(e) on page C-3 is the following:

(f) the Borrower and all other beneficiaries of the Separate Loan do not have an industrial development bond allocation exceeding \$40,000,000 after the issuance of the Separate Loan, as provided in section 103(b)(15) of the Internal Revenue Code. A beneficiary is an owner or principal user of the facilities financed by the Separate Loan at any time during the three-year period beginning on the later of the date of issue or the date such facilities were placed in service. Rules allocating industrial development bonds among beneficiaries are provided in I.R.C. § 103(b)(15). Also, in calculating the industrial development bond allocation of a beneficiary, the total allocations of parties related, as defined in I.R.C. § 103(b)(6)(C), to such beneficiary are included.

5. Inserted after Section 1.03 on page C-4 is the following:

1.04 *Prohibition of Federally Guaranteed Loans.* Neither the loan from the Lender to the City nor the Separate Loan shall be federally guaranteed, as that term is used in section 103(h) of the Internal Revenue Code. In other words, no federal agency, with certain exceptions provided in I.R.C. § 103(h), may guarantee the payment of principal or interest with respect to the loan to the City or the Separate Loan, and the proceeds of such loans may not be invested in federally insured

accounts, except for an initial temporary period and certain other exceptions as provided in I.R.C. § 103(h).

6. The prohibited uses listed below are added to those already listed in Section 2.03 on page C-7:

- (x) airplane, skybox, or other luxury box, (xi) health club facility; (xii) facility primarily used for gambling; or (xiii) store the principal business of which is the sale of alcoholic beverages for consumption off premises.

7. Before the last paragraph in Section 4.02 on page C-13 is inserted the following:

The City Council shall hold a public hearing with respect to each loan application after public notice of that hearing at least 14 days prior to the hearing. Public notice shall be given in the same manner as zoning matters considered by City Council. After the public hearing, City Council shall decide whether to authorize the Separate Loan which is the subject of the application.

8. The prohibited uses listed below are added to those already listed in Section 7 on page E-3:

- (x) airplane, skybox, or other luxury box; (xi) health club facility; (xii) facility primarily used for gambling; or (xiii) store the principal business of which is the sale of alcoholic beverages for consumption off premises. Not more than twenty-five percent (25%) of the proceeds of the Separate Loan will be used to provide a facility the primary purpose of which is either (i) retail food and beverage services, (ii) automobile sales or service, or (iii) the provision of recreation or entertainment.

9. Section 13 on page E-4 is deleted, and Sections 14 and 15 are renumbered 16 and 17, and inserted after Section 12 is the following:

13. Neither the Borrower nor any "related person" of the Borrower (as defined in section 103(b)(6)(C) and (b)(13) of the Internal Revenue Code) shall, pursuant to an arrangement, formal or informal, purchase from the Lender any interest in the Base Note issued by the City to the Lender in connection with the funding of this Loan Program.

14. The Separate Loan shall not be federally guaranteed, as that term is used in section 103(h) of the Internal Revenue Code. In other words, no federal agency, with certain exceptions, may guarantee the payment of principal or interest with respect to the Separate Loan, and the proceeds of the Separate Loan may not be invested in federally insured accounts, except for an initial temporary period and certain other exceptions.

15. No beneficiary of the Separate Loan shall have an industrial development bond allocation exceeding \$40,000,000 after the issuance of the Separate Loan, as provided in section 103(b)(15) of the Internal Revenue Code. A beneficiary is an owner or principal user of the facilities financed by the Separate Loan at any time during the three-year period beginning on the later of the date of issue or the date such facilities were placed in service. Rules allocating industrial development bonds among beneficiaries are provided in I.R.C. § 103(b)(15). Also, in calculating the industrial development bond allocation of a beneficiary, the total allocations of parties related, as defined in I.R.C. § 103(b)(6)(C), to such beneficiary are included.

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IN WITNESS WHEREOF, the parties hereto have executed  
this Amendment to the Agreement, under seal, this the \_\_\_\_\_ day  
of \_\_\_\_\_, 1985.

CHARLOTTE UPTOWN DEVELOPMENT  
CORPORATION

[CORPORATE SEAL]

By: Michael Smedley

ATTEST:

Judy Craig  
Secretary

CITY OF CHARLOTTE

[CORPORATE SEAL]

By: \_\_\_\_\_

ATTEST:

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

APPROVED AS TO FORM:

Henry W. Underhill Jr  
City Attorney

C990927

September 9, 1985  
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A RESOLUTION AUTHORIZING THE  
REFUND OF CERTAIN TAXES

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

1. The City-County Tax Collector has collected certain taxes from the taxpayers set out on the list attached to the Docket.
2. The City Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within eight years from the date the amounts were due to be paid.
3. The amounts listed on the schedule were collected through clerical error or by a tax illegally levied and assessed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 9th day of September, 19 85, that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set out and that the schedule and this resolution be spread upon the minutes of this meeting.

Approved as to form:

Henry W. Underhill, Jr.  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of September, 19 85, the reference having been made in Minute Book 84 and recorded in full in Resolution Book 21, page(s) 288-289.

Pat Sharkey  
City Clerk

TAXPAYERS AND REFUNDS REQUESTED

<u>NAME</u>	<u>AMOUNT OF REFUND REQUESTED</u>	<u>REASON</u>
Lilly, Fred A. III and wife Gaye C.	\$ 2.14	Clerical error
Richardson, John Allen	7.36	Illegal levy
White, G. Bo, Jr.	2.88	Illegal levy
ARI/Northwestern Center	399.91	Clerical error
Briarcliffe Apts.	60.55	Clerical error
Carmel Center	389.49	Clerical error
Carmel on Provident Apts.	28.97	Clerical error
Central Square Apt.s	720.51	Clerical error
Forty-One Hundred and Eight Park Road c/o Synco, Inc.	295.92	Clerical error
Henkel Corp.	9,526.98	Clerical error
Park Seneca Bldg.	97.68	Clerical error
Mackey, Andrew	47.97	Illegal levy
Newrene, Tommy Ray	13.45	Illegal levy
White, Mary Elizabeth	12.67	Clerical error
Sperry Corporation	3,813.90	Clerical error
Peerless, Inc.	<u>750.00</u>	Clerical error
	TOTAL	<u><u>\$16,170.38</u></u>

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 purpose of building York Road Community Park, in the Project known as "York Road Community Park"; and

WHEREAS, the City has in good faith undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price.

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that pursuant to Section 7.81, Chapter 713 of the 1965 Session Laws of North Carolina, being the Charter of The City of Charlotte, as amended, and the authority granted by Chapter 40A of the North Carolina General Statutes, condemnation proceedings are hereby authorized to be instituted against all persons having an interest in the property named below, under the procedures set forth in Chapter 40A of the General Statutes of North Carolina, as amended; and

<u>Parties in Interest</u>	<u>Property Description</u>	<u>Appraised Value</u>
Hal P. Sumpter, unmarried	Tax Code No. 143-181-05 (See attached map)	\$130,000.00
William O. Austin, Trustee for Bobby V. Elliott		
Bobby V. Elliott, Beneficiary		
Frances Small Elliott		
Any Other Parties of Record		

IT IS FURTHER RESOLVED that the appraised value of 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.

Approved as to form:

*J. H. Marshall*  
Deputy City Attorney

CERTIFICATION

I, PAT SHARKEY, 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 9th day of September, 1985, and the reference having been made in Minute Book 84, Page       , and recorded in full in Resolutions Book 21, Page 290.

WITNESS my hand and the corporate seal of The City of Charlotte, North Carolina, this the 11th day of September, 1985.

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

September 9, 1985  
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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 purpose of building York Road Community Park, in the Project known as "York Road Community Park"; and

WHEREAS, the City has in good faith undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that pursuant to Section 7.81, Chapter 713 of the 1965 Session Laws of North Carolina, as amended, being the Charter of the City of Charlotte, condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the procedures set forth in Chapter 40A of the General Statutes of North Carolina.

<u>Parties In Interest</u>	<u>Property Description</u>	<u>Appraised Value</u>
Austin Powder Company	(See attached map) Tax Code No. 143-201-01 A & B plus all access and/or easement rights appurtenant thereto	\$96,000.000

Any Other Parties of Record

IT IS FURTHER RESOLVED that the appraised value of 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.

Approved as to form:

Henry W. Claderhick Jr.  
City Attorney

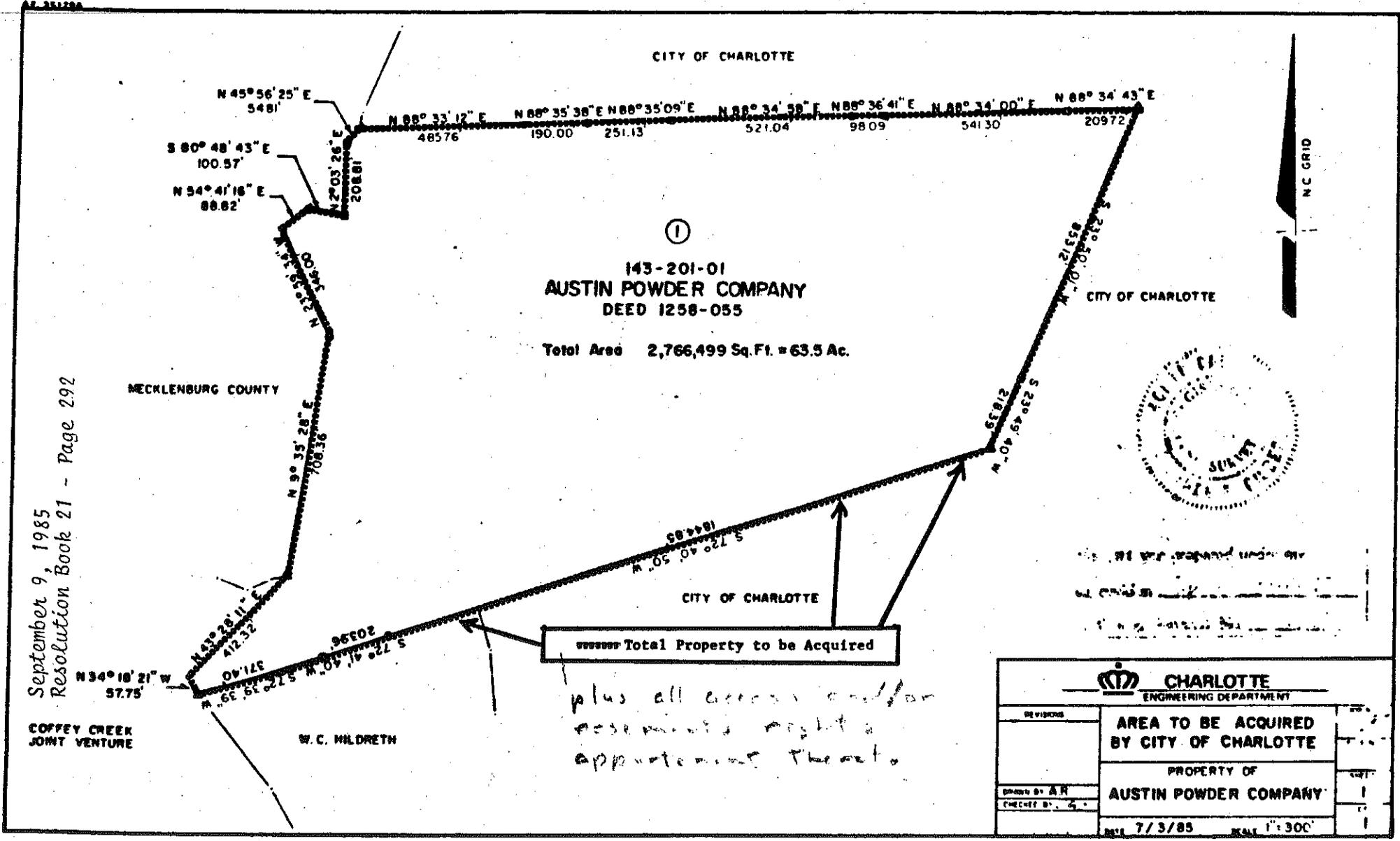
CERTIFICATION

I, PAT SHARKEY, 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 9th day of September, 1985, and the reference having been made in Minute Book 84, and recorded in full in Resolutions Book 21, Page 291-292

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of September, 1985.

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

September 9, 1985  
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①  
 143-201-01  
 AUSTIN POWDER COMPANY  
 DEED 1258-055  
 Total Area 2,766,499 Sq. Ft. = 63.5 Ac.

Total Property to be Acquired

plus all access and/or  
 easements right of  
 appurtenance thereto



<b>CHARLOTTE</b> ENGINEERING DEPARTMENT	
REVISIONS	<b>AREA TO BE ACQUIRED BY CITY OF CHARLOTTE</b>
DESIGNED BY: AH	PROPERTY OF
CHECKED BY: G	<b>AUSTIN POWDER COMPANY</b>
DATE: 7/3/85	SCALE: 1" = 300'

September 9, 1985  
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RESOLUTION PROVIDING FOR A PUBLIC HEARING  
ON APPLICATION FOR ERECTION OF PUBLIC MONUMENT

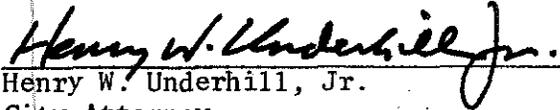
WHEREAS, the City Council has received an application from J. Henry McGill for the erection of a public monument in the form of a water fountain with a simple plaque and small garden to be installed in the Rose Garden on North Davidson Street in memory of his late wife; and

WHEREAS, the City Council deems it to be in the public interest that a public hearing be held on said application.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that a public hearing will be held in the Council Chamber of City Hall at 600 East Trade Street beginning at 3:00 o'clock p.m. on Monday, October 28, 1985, on the application for erection of a public monument.

BE IT FURTHER RESOLVED that notice of said hearing be published as required by law.

Approved as to form:

  
Henry W. Underhill, Jr.  
City Attorney

*Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of September, 1985, the reference having been made in Minute Book 84, and is recorded in full in Resolution Book 21 at Page 293.*

Pat Sharkey  
City Clerk