

RESOLUTION CLOSING PORTION OF GORDON STREET IN
CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, a petition has been filed and received in accordance with the provisions of the General Statutes of North Carolina, Chapter 153, Section 9-17, and Chapter 160, Section 200-11, requesting the closing of a portion of Gordon Street in the City of Charlotte, Mecklenburg County, North Carolina; and

WHEREAS, the City Council has caused to be published once a week for four consecutive weeks in a newspaper published in Mecklenburg County, North Carolina, a notice of public hearing on said petition, and has in all other respects complied with the provisions of said Statutes with regard to the giving of notice and holding of public hearing; and

WHEREAS, said public hearing was held on the 6th day of December, 1971; and

WHEREAS, the petitioners, H. L. Smith and wife, Pearl W. Smith and J. William Heinz, D.D.S., and wife, Betsy B. Heinz, own all of the land abutting upon said portion of Gordon Street, or the affected portions thereof; and

WHEREAS, no persons or parties in interest have appealed in opposition to the closing of said street or the portion thereof; and

WHEREAS, it has been made to appear to the satisfaction of the City Council that the closing and abandonment of said portion of Gordon Street is not contrary to the public interest and that no individuals, firms, or corporations owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property; and

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

December 6, 1971
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the closing and abandonment of that portion of Gordon Street located in the City of Charlotte, Mecklenburg County, North Carolina designated in the aforesaid petition and more particularly described as follows

BEGINNING at the point of intersection of the northerly margin of the right of way of Independence Boulevard and the westerly margin of the right of way of Gordon Street, said point being the southeasterly corner of that certain tract or parcel of land conveyed to H. L. Smith and wife, Pearl W. Smith by Deed dated March 30, 1970, from Gulf Oil Corporation and recorded in Book 3191, at page 297 in the Mecklenburg Public Registry, and running thence from said BEGINNING point, N. 00-43 W. 110.87 feet to a point in the southerly margin of the right of way of Commonwealth Avenue; thence with the said southerly margin of the right of way of Commonwealth Avenue, S. 85-33 E. 50.20 feet to an iron; thence, S. 00-43 E. 131.25 feet to an iron in the northerly margin of the right of way of Independence Boulevard; thence, with the said northerly margin of the right of way of Independence Boulevard, N. 64-13-40 W. 55.86 feet to the point of BEGINNING.

BEING all of the street known as Gordon Street lying between the northerly margin of the right of way of Independence Boulevard and the southerly margin of the right of way of Commonwealth Avenue.

PROVIDED, HOWEVER, this Resolution shall only become effective from and after the execution by the petitioners, H. L. Smith and wife, Pearl W. Smith and J. William Heinz, D.D.S., and wife, Betsy B. Heinz, of an agreement with the City of Charlotte providing a permanent 10-foot sanitary sewer right of way centered on the City's existing sewer line in Gordon Street.

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

Approved as to form:

Henry L. Condit Jr.
City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 6th day of December, 1971, the reference having been made in Minute Book 56, at Page 236, and recorded in full in Resolution Book 8, beginning at Page 1.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 8th day of December, 1971.

Ruth Armstrong, City Clerk

RESOLUTION CLOSING PORTION OF ARLINGTON AVENUE IN
CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, a petition has been filed and received in accordance with the provisions of the General Statutes of North Carolina, Chapter 153, Section 9 (17), and Chapter 160, Section 200 (11), requesting the closing of a portion of Arlington Avenue in the City of Charlotte, Mecklenburg County, North Carolina; and

WHEREAS, the City Council has caused to be published once a week for four consecutive weeks in a newspaper published in Mecklenburg County, N. C., a notice of public hearing on said petition, and has in all other respects complied with the provisions of said Statutes with regard to the giving of notice and holding of public hearing; and

WHEREAS, said public hearing was held on the 6th day of December, 1971; and

WHEREAS, the petitioner, Housing Authority of the City of Charlotte, N. C., owns all of the land abutting upon said portion of Arlington Avenue, or the affected portions thereof; and

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

WHEREAS, it has been made to appear to the satisfaction of the City Council that the closing and abandonment of said portion of Arlington Avenue is not contrary to the public interest and that no individuals, firms, or corporations 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, that the City Council hereby orders the closing and abandonment of that portion of Arlington Avenue located in the City of Charlotte, Mecklenburg County, North Carolina, designated in the aforesaid petition and more particularly described as follows:

BEGINNING at the corner formed by the intersection of the northerly margin of Euclid Avenue with the easterly margin of Arlington Avenue; and running thence with the easterly margin of Arlington Avenue N 35-42-29 W 89.45

feet to a point; thence S 54-35-59 W 49.83 feet to a point; thence with the westerly margin of Arlington Avenue S 35-42-26 E 90.23 feet to a point in the northerly margin of Euclid Avenue; thence with the northerly margin of Euclid Avenue in an easterly direction to the point or place of BEGINNING.

Being all of that land lying within the street right of way of that portion of Arlington Avenue intersecting the northerly margin of Euclid Avenue and lying north of said margin.

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

Approved as to form:


City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 6th day of December, 1971, the reference having been made in Minute Book 56, at Page 237, and recorded in full in Resolution Book 8, beginning at Page 3.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 8th day of December, 1971.

Ruth Armstrong, City Clerk

A RESOLUTION TO RESCIND AUTHORIZATION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST PROPERTY BELONGING TO KATHERINE MC CHESNEY AND DOROTHY M. BOYLES AND HUSBAND, JOE M. BOYLES, LOCATED ON OLD DOWD ROAD IN BERRY HILL TOWNSHIP FOR A NEW PROPOSED RUNWAY IN CONNECTION WITH THE AIRPORT EXPANSION PROGRAM.

WHEREAS, the City Council of the City of Charlotte at its regular session on May 10, 1971, did authorize the institution of condemnation proceedings for the acquisition of property belonging to Katherine McChesney and Dorothy M. Boyles and husband, Joe M. Boyles, located on Old Dowd Road for a proposed runway in connection with the Airport Expansion Program; and

WHEREAS, since this action has been taken, the owners named above have accepted the amount of the appraised value of said property and title to the land has been vested in the City making the institution of condemnation proceedings unnecessary.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that authorization previously granted to institute condemnation proceedings against the parties named above, is hereby rescinded.

Approved as to form:

Henry W. Chesney Jr.
City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 6th day of December, 1971, and the reference having been made in Minute Book 56, page 243, and recorded in full in Resolution Book 8, page 5.

WITNESS MY HAND and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of December, 1971.

Ruth Armstrong
Ruth Armstrong, City Clerk

A RESOLUTION TO RESCIND AUTHORIZATION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST PROPERTY BELONGING TO ROBERT D. NOBLE AND WIFE, SYLVIA A. NOBLE, LOCATED AT 2000 SHARON LANE IN THE CITY OF CHARLOTTE FOR THE SHARON LANE WIDENING PROJECT.

WHEREAS, the City Council of the City of Charlotte at its regular session on June 7, 1971, did authorize the institution of condemnation proceedings for the acquisition of property belonging to Robert D. Noble and wife, Sylvia A. Noble, located at 2000 Sharon Lane in the City of Charlotte, for the Sharon Lane Widening Project; and

WHEREAS, since this action has been taken, Robert D. Noble and wife, Sylvia A. Noble, have by written agreement, granted the City the necessary temporary construction easement needed in connection with the Sharon Lane Widening Project, making it no longer necessary to institute condemnation proceedings against these owners.

NOW. THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that authorization previously granted to institute condemnation proceedings against the parties named above, is hereby rescinded.

Approved as to form:

Henry W. Underhill, Jr.
City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 6th day of December, 1971, the reference having been made in Minute Book 56, page 243, and recorded in full in Resolutions Book 8, page 6.

WITNESS MY HAND and the corporate seal of the City of Charlotte, North Carolina this 9th day of December, 1971.

Ruth Armstrong
Ruth Armstrong City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO WARNER ENTERPRISES, INC. LOCATED AT 3804 COMMONWEALTH AVENUE IN THE CITY OF CHARLOTTE FOR THE EASTWAY DRIVE WIDENING PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Warner Enterprises, Inc., located at 3804 Eastway Drive in the City of Charlotte, Mecklenburg County, for right of way purposes and a temporary construction easement in connection with the Eastway Drive Widening Project; 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 of the Charter of the City of Charlotte, as amended by Chapter 216, 1967 Session Laws of North Carolina, and further amended by Chapter 384, 1969 Session Laws of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of Warner Enterprises, Inc., located at 3804 Commonwealth Avenue in the City of Charlotte, Mecklenburg County, under the procedures set forth in Article 9, Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that \$1,250.00, the amount of the appraised value of said property, is hereby authorized to be deposited in the Office of the Clerk of Superior Court of Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

Approved as to form:

Henry W. Phillips, Jr.
City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 6th day of December, 1971, the reference having been made in Minute Book 56, page 245, and recorded in full in Resolutions Book 8, page 7.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this 9th day of December, 1971.

Ruth Armstrong
Ruth Armstrong, City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO VICTORIA S. GRANGER, (WIDOW) AND THE HEIRS OF MARY TYSON EVANS, LOCATED AT 1808 WAYT STREET IN THE CITY OF CHARLOTTE FOR THE SUGAR CREEK-IRWIN CREEK OPEN SPACE PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Victoria S. Granger, (Widow) and the heirs of Mary Tyson Evans, located at 1808 Wayt Street in the City of Charlotte, Mecklenburg County for the purpose of establishing, maintaining and building a public park in connection with the Sugar Creek-Irwin Creek Open Space Project, N. C. OSC 51; 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 of the Charter of the City of Charlotte and the North Carolina General Statutes 160-204 and 205, condemnation proceedings are hereby authorized to be instituted against the property of Victoria S. Granger and the heirs of Mary Tyson Evans, located at 1808 Wayt Street in the City of Charlotte, Mecklenburg County, under the procedures set forth in Article 2, Chapter 40 of the General Statutes of North Carolina, as amended.

Approved as to form:

Henry W. Underhill, Jr.
City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 6th day of December, 1971, reference having been made in Minute Book 56, page 245, and recorded in full in Resolutions Book 8, at page 8.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of December, 1971.

Ruth Armstrong
Ruth Armstrong, City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO WILSON LEWITH AND WIFE, MARGARET M. LEWITH, FREDA LEWITH, AND THE CESTUI QUE TRUST BENEFICIARIES OF THE ESTATE OF JAKE HAYMAN AND GUSSIE HAYMAN, LOCATED ON THE SOUTHWEST CORNER OF HARRILL STREET AT EAST 15TH STREET IN THE CITY OF CHARLOTTE FOR THE SUGAR CREEK-IRWIN CREEK OPEN SPACE PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Wilson Lewith and wife, Margaret M. Lewith, Freda Lewith, and the Cestui Que trust beneficiaries of the Estate of Jake Hayman and Gussie Hayman, located on the southwest corner of Harrill Street at East 15th Street in the City of Charlotte, Mecklenburg County for the purpose of establishing, maintaining and building a public park in connection with the Sugar Creek-Irwin Creek Open Space Project, N. C. OSC 73; 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; also, unsettled questions of disposition of the property under the terms of the wills of Jake Hayman and Gussie Hayman make it advisable to institute condemnation proceedings to assure clear title.

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, and the North Carolina General Statutes 160-204 and 205, condemnation proceedings are hereby authorized to be instituted against the property of Wilson Lewith and wife, Margaret M. Lewith, Freda Lewith, and the cestui que trust beneficiaries of the Estates of Jake Hayman and Gussie Hayman, located on the southwest corner of Harrill Street at East 15th Street in the City of Charlotte, Mecklenburg County, under the procedures set forth in Article 2, Chapter 40 of the General Statutes of North Carolina, as amended.

Approved as to form:

Henry W. Underhill, Jr.
Henry W. Underhill, Jr.
City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 6th day of December, 1971, reference having been made in Minute Book 56, page 245, and recorded in full in Resolutions Book 8, at page 9.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of December, 1971.

Ruth Armstrong