January 15, 1973
Resolutions Book 8 - Page 496
Resolution Passed by the
City Council of the City of
Charlotte, North Carolina

The following resolution was offered by Councilman Whittington and a
motion was made by Councilman ___ that it be adopted; this motion was
seconded by Councilman ___ and upon being put to a vote, was unanimously
carried;

WHEREAS, the State Highway Commission has prepared and adopted plans
to make certain street and highway improvements within the City of Charlotte
consisting of the Improvement of Hawthorne Lane at its intersection with
Independence Boulevard (US 74), as shown on the plans of Project 8.6100305,
Mecklenburg County; said project having a right of way width as shown on the
plans of Project 8.6100305, Mecklenburg County, as filed with the State Highway
Commission in Raleigh, North Carolina; that said project is considered to
be a most necessary improvement in the street and highway system within the
Corporate limits of this Municipality for the promotion of public safety
and convenience; and,

WHEREAS, in the plans and proposals of said Improvement, it is provided
that this Municipality cooperate with the State Highway Commission to the
extent of:

(1) Exercising any rights which it may have under any franchise to
effect the changing, adjusting or relocating of telephone, telegraph,
electric power lines, underground cables and gas lines or any privately or public owned utilities without expense to the Commission
and without cost or obligation to the Municipality, shall lay, change,
relay, repair and otherwise adjust any municipal owned electric
lines, water, sewer, gas or other pipelines or conduits, and shall
make all necessary adjustments to house or lot connection or services
lying within the right of way of Project 8.6100305 which are owned
by the Municipality or by others; agreeing to make every effort to
promptly relocate municipal owned utilities and to make all necessary
adjustments to house and lot connections or services lying within
the right of way of the project so as not to delay the Highway
Commission contractor in the performance of his contract. Except
the Commission, where necessitated by construction, will make
vertical adjustments of two (2) feet or less to the existing
catch basins, manholes, drop inlets, meter boxes, and valve boxes
at no expense to the Municipality, and the Commission will reimburse
the Municipality in accordance with the Municipal Owned Utility
Policy of the Commission contained in the official minutes of the
July 2, 1964, meeting of the Commission, which policy is incorporated
herein by reference.

(2) Participating in the cost and expense of acquiring all of the rights
of way necessary for the location and construction of said project,
including the cost of relocation assistance and payments, and the
removal therefrom of all obstructions of any kind or character
necessary for the construction thereof to the extent of twenty-five
(25) percent of the total cost thereof to be paid in one (1) lump
sum amount due and payable on October 1, 1973. The proportionate
part that the Municipality shall pay will be based on present estimates
to be adjusted when the actual cost figures are determined.

(3) Authorizing the State Highway Commission to withhold so much of the
Municipality's share of funds allocated to said Municipality by the
General Statutes of North Carolina, Section 136-41.1, in the event
the Municipality fails for any reason to pay said Commission for
the said right of way costs, in accordance with the provisions
for payment hereinabove provided, until such time as said payment
is made.
(4) Installing without expense to the Commission the traffic signal equipment for the project, said equipment to be furnished by the Commission.

(5) Entering into an agreement with the State Highway Commission as to establishing, maintaining, and enforcing traffic operating controls for the regulation of movement of traffic on said project.

NOW, THEREFORE, BE IT RESOLVED that Project 0.6100305, Mecklenburg County, be and it is hereby formally approved by the City Council of the City of Charlotte and that the Mayor and City Clerk (or Manager) of this Municipality be and they are hereby empowered to sign and execute the required Agreement between this Municipality and the State Highway Commission.

This Resolution was passed and adopted the 15th day of January, 1973.

I, Ruth Armstrong, Clerk (or Manager) of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and correct copy of excerpts from the minutes of the City Council of this Municipality;

WITNESS, my hand and the official seal of the City of Charlotte on this 16th day of January, 1973.

[Signature]
CLERK (OR MANAGER)
CITY OF CHARLOTTE
NORTH CAROLINA

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 15th day of January, 1973, the reference having been made in Minute Book 58, and recorded in full in Resolutions Book 8, at Pages 496-497.

Ruth Armstrong
City Clerk
The following resolution was offered by Councilman Wittigton and a
motion was made by Councilman Wittigton that it be adopted; this motion was
seconded by Councilman Wittigton and upon being put to a vote, was unanimously
carried;

WHEREAS, the State Highway Commission has prepared and adopted plans
to make certain street and highway improvements within the City of Charlotte
consisting of the construction and improvement of North Tryon Street (US 29)
at its intersections with East 16th Street-Duls Lane, Dalton-Plymouth Avenues
and Sylvania Avenue, West 24th Street, and Craighead Road; the improvement of
Eastway Drive (Secondary Road 2940) at North Tryon Street, and the improvement
of North Tryon Street from the vicinity of Eastway Drive to Old Concord Road
at the northern corporate limits; as shown on the plans of Project 8.6100311,
Mecklenburg County; said project having a right of way width as shown on the
plans of Project 8.6100311, Mecklenburg County, as filed with the State Highway
Commission in Raleigh, North Carolina; that said project is considered to
be a most necessary improvement in the street and highway system within the
corporate limits of this Municipality for the promotion of public safety
and convenience; and,

WHEREAS, the State Highway Commission and this Municipality have
agreed that the corporate limits of this Municipality, as of the date of the
awarding of the contract for construction of the above mentioned project are
to be used in determining the duties, responsibilities, rights and legal
obligations of each party; and,

WHEREAS, in the plans and proposals of said improvement, It is provided
that this Municipality cooperate with the State Highway Commission to the
extent of:

(I) Exercising any rights which it may have under any franchise to
effect the changing, adjusting or relocating of telephone, telegraph,
electric power lines, underground cables and gas lines or any
privately or public owned utilities without expense to the Commission
and without cost or obligation to the Commission, shall lay, change,
relay, repair and otherwise adjust any municipal owned electric
lines, water, sewer, gas or other pipelines or conduits, and shall
make all necessary adjustments to house or lot connection or services
ly ing within the right of way of Project 8.6100311 which are owned
by the Municipality or by others; agreeing to make every effort to
promptly relocate municipal owned utilities and to make all necessary
adjustments to house and lot connections or services lying within
the right of way of the project so as not to delay the Highway
Commission contractor in the performance of his contract. Except
the Commission, where necessitated by construction, will make
vertical adjustments of two (2) feet or less to the existing
catch basins, manholes, drop inlets, meter boxes, and valve boxes
at no expense to the Municipality, and the Commission will reimburse
the Municipality in accordance with the Municipal Owned Utility
Policy of the Commission contained in the official minutes of the
July 2, 1964, meeting of the Commission, which policy is incorporated
herein by reference.
(2) Participating in the cost and expense of acquiring all of the rights of way necessary for the location and construction of said project, including the cost of relocation assistance and payments, and the removal therefrom of all obstructions of any kind or character necessary for the construction thereof to the extent of twenty-five (25) percent of the total cost thereof to be paid in one (1) lump sum amount due and payable on October 1, 1973. The proportionate part that the Municipality shall pay will be based on cost estimates to be adjusted when the actual cost figures are determined.

(3) Authorizing the State Highway Commission to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1, in the event the Municipality fails for any reason to pay said Commission for said right of way costs, in accordance with the provisions for payment hereinabove provided, until such time as said Commission has received payment in full for said right of way costs.

(4) Installing without expense to the Commission the traffic signal equipment for the project, said equipment to be furnished by the Commission.

(5) Entering into an agreement with the State Highway Commission as to establishing, maintaining, and enforcing traffic operating controls for the regulation of movement of traffic on said project.

NOW, THEREFORE, BE IT RESOLVED that Project 8.6100311, Mecklenburg County, be and it is hereby formally approved by the City Council of the City of Charlotte, and that the Mayor and City Clerk (or Manager) of this Municipality be and they are hereby empowered to sign and execute the required Agreement between this Municipality and the State Highway Commission.

This Resolution was passed and adopted the 15th day of January, 1973.

I, Ruth Armstrong, Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and correct copy of excerpts from the minutes of the City Council of this Municipality;

WITNESS, my hand and the official seal of the City of Charlotte on this 16th day of January, 1973.

Ruth Armstrong
City Clerk

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 15th day of January, 1973, the reference having been made in Minute Book 58, and recorded in full in Resolutions Book 8, at Pages 498-499.

Ruth Armstrong
City Clerk
The following resolution was offered by Councilman Whittington and a motion was made by Councilman Whittington that it be adopted; this motion was seconded by Councilman Whittington and upon being put to a vote, was unanimously carried;

WHEREAS, the State Highway Commission has prepared and adopted plans to make certain street and highway improvements within the City of Charlotte consisting of the improvement of the intersection of Wilkinson Boulevard (US 29-74) and Remount Road, as shown on the plans of Project 8.6100308, Mecklenburg County; said project having a right of way width as shown on the plans of Project 8.6100308, Mecklenburg County, as filed with the State Highway Commission in Raleigh, North Carolina; that said project is considered to be a most necessary improvement in the street and highway system within the corporate limits of this Municipality for the promotion of public safety and convenience; and,

WHEREAS, in the plans and proposals of said improvement, it is provided that this Municipality cooperate with the State Highway Commission to the extent of:

(1) Exercising any rights which it may have under any franchise to effect the changing, adjusting or relocating of telephone, telegraph, electric power lines, underground cables and gas lines or any privately or public owned utilities without expense to the Commission and without cost or obligation to the Commission, shall lay, change, relay, repair and otherwise adjust any municipal owned electric lines, water, sewer, gas or other pipelines or conduits, and shall make all necessary adjustments to house or lot connection or services lying within the right of way of Project 8.6100308 which are owned by the Municipality or by others; agreeing to make every effort to promptly relocate municipal owned utilities and to make all necessary adjustments to house and lot connections or services lying within the right of way of the project so as not to delay the Highway Commission contractor in the performance of his contract. Except the Commission, where necessitated by construction, will make vertical adjustments of two (2) feet or less to the existing catch basins, manholes, drop inlets, meter boxes, and valve boxes at no expense to the Municipality, and the Commission will reimburse the Municipality in accordance with the Municipal Owned Utility Policy of the Commission contained in the official minutes of the July 2, 1964, meeting of the Commission, which policy is incorporated herein by reference.

(2) Participating in the cost and expense of acquiring all of the rights of way necessary for the location and construction of said project, including the cost of relocation assistance and payments, and the removal therefrom of all obstructions of any kind or character necessary for the construction thereof to the extent of eighteen (18) percent of the total cost thereof to be paid in one (1) lump sum amount due and payable on October 1, 1973. The proportionate part that the Municipality shall pay will be based on cost estimates to be adjusted when the actual cost figures are determined.

(3) Authorizing the State Highway Commission to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1, in the event the Municipality fails for any reason to pay said Commission for said right of way costs, in accordance with the provisions for payment hereinabove provided, until such time as said Commission has received payment in full for said right of way costs.
NOW, THEREFORE, BE IT RESOLVED that Project 8.610008, Mecklenburg County, be and it is hereby formally approved by the City Council of the City of Charlotte, and that the Mayor and City Clerk (or Manager) of this Municipality be and they are hereby empowered to sign and execute the required Agreement between this Municipality and the State Highway Commission.

This Resolution was passed and adopted the 15th day of January, 1973.

Ruth Armstrong, Clerk (or Manager) of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and correct copy of excerpts from the minutes of the City Council of this Municipality;

WITNESS, my hand and the official seal of the City of Charlotte on the 16th day of January, 1973.

CITY OF CHARLOTTE
NORTH CAROLINA

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 15th day of January, 1973, the reference having been made in Minute Book 58, and recorded in full in Resolutions Book 9, at Pages 1-2.

Ruth Armstrong
City Clerk
The following resolution was offered by Councilman W. D. Withington and a motion was made by Councilman W. D. Withington that it be adopted; this motion was seconded by Councilman W. D. Withington and upon being put to a vote, was unanimously carried.

WHEREAS, the State Highway Commission has prepared and adopted plans to make certain street and highway improvements within the City of Charlotte consisting of the improvement of the Remount Road - West Boulevard (NC 160) intersection, as shown on the plans of Project 8.6100310, Mecklenburg County; said project having a right of way width as shown on the plans of Project 8.6100310, Mecklenburg County, as filed with the State Highway Commission in Raleigh, North Carolina; that said project is considered to be a most necessary improvement in the street and highway system within the corporate limits of this Municipality for the promotion of public safety and convenience; and,

WHEREAS, in the plans and proposals of said improvement, it is provided that this Municipality cooperate with the State Highway Commission to the extent of:

1. Exercising any rights which it may have under any franchise to effect the changing, adjusting or relocating of telephone, telegraph, electric power lines, underground cables and gas lines or any privately or public owned utilities without expense to the Commission and without cost or obligation to the Commission, shall lay, change, relay, repair and otherwise adjust any municipal owned electric lines, water, sewer, gas or other pipelines or conduits, and shall make all necessary adjustments to house or lot connection or services lying within the right of way of Project 8.6100310 which are owned by the Municipality or by others; agreeing to make every effort to promptly relocate municipal owned utilities and to make all necessary adjustments to house or lot connections or services lying within the right of way of the project so as not to delay the Highway Commission contractor in the performance of his contract. Except the Commission, where necessitated by construction, will make vertical adjustments of two (2) feet or less to the existing catch basins, manholes, drop inlets, meter boxes, and valve boxes at no expense to the Municipality, and the Commission will reimburse the Municipality in accordance with the Municipal Owned Utility Policy of the Commission contained in the official minutes of the July 2, 1964, meeting of the Commission, which policy is incorporated herein by reference.

2. Participating in the cost and expense of acquiring all of the rights of way necessary for the location and construction of said project, including the cost of relocation assistance and payments, and the removal therefrom of all obstructions of any kind or character necessary for the construction thereof to the extent of thirteen (13) percent of the total cost thereof to be paid in one (1) lump sum amount due and payable on October 1, 1973. The proportionate part that the Municipality shall pay will be based on cost estimates to be adjusted when the actual cost figures are determined.

3. Authorizing the State Highway Commission to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1, in the event the Municipality fails for any reason to pay said Commission for said right of way costs, in accordance with the provisions for payment hereinabove provided, until such time as said Commission has received payment in full for said right of way costs.
(4) Installing the traffic signal equipment, furnished by the State Highway Commission for the project, in accordance with the procedures set forth in the municipal agreement, and being reimbursed by the Highway Commission to the extent of one hundred (100) percent of the actual cost of the installation.

(5) Following the Reimbursement and Accounting Procedures as set forth in Attachment A of the municipal agreement.

(6) Complying with the equal opportunity provisions as set out in Attachment B of the municipal agreement.

(7) Entering into an agreement with the State Highway Commission as to establishing, maintaining, and enforcing traffic operating controls for the regulation of movement of traffic on said project.

NOW, THEREFORE, BE IT RESOLVED that Project 8.6100310, Mecklenburg County, be and it is hereby formally approved by the City Council of the City of Charlotte and that the Mayor and City Clerk (or Manager) of this Municipality be and they are hereby empowered to sign and execute the required Agreement between this Municipality and the State Highway Commission.

This Resolution was passed and adopted the 15th day of January, 1973.

__________________________
Ruth Armstrong
Clerk (or Manager) of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and correct copy of excerpts from the minutes of the City Council of this Municipality;

WITNESS, my hand and the official seal of the City of Charlotte on this 16th day of January, 1973.

__________________________
Ruth Armstrong
City Clerk

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 15th day of January, 1973, the reference having been made in Minute Book 58, and recorded in full in Resolutions Book 9, at Pages 3-4.
RESOLUTION AUTHORIZING AMENDMENT OF GRANT
FOR NEIGHBORHOOD FACILITIES PROJECT

WHEREAS the U.S. Department of Housing and Urban Development approved, on November 18, 1969, a federal grant in the amount of $400,000.00 for the construction of a Neighborhood Facilities Center in the First Ward section of Charlotte's Model Neighborhood, and

WHEREAS the construction of the facility could not be planned for the First Ward Renewal Area because the U.S. Department of Housing and Urban Development did not and had not made it possible for the Charlotte Redevelopment Commission to proceed with execution activities for this First Ward area, and

WHEREAS the efforts which the City made to create a regional neighborhood facilities center utilizing the existing Alexander Street school building could not be realized because of the U.S. Department of Housing and Urban Development guidelines which prevented the construction of an ancillary building to the school building and the carrying out of necessary rehabilitation activities on said building, and

WHEREAS the special efforts of the Model Cities staff and its consultants resulted in a decision to recommend the construction of a regional multi-purpose center in the Belmont neighborhood instead of either the Alexander Street location or the original First Ward location,

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City of Charlotte, North Carolina be authorized to submit a formal amendment to the existing federal grant for the location of a neighborhood facilities center in the First Ward area to a location in the Belmont neighborhood on Parkwood Avenue immediately east of Sugar Creek; and, further, that the Mayor be authorized to execute such contracts as may be necessary with the U.S. Department of Housing and Urban Development to establish an appropriate contractual relationship between that agency and the City of Charlotte.

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 15th day of January, 1973, the reference having been made in Minute Book 58, and recorded in full in Resolutions Book 9, at Page 5.

Ruth Armstrong
City Clerk
A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF CHARLOTTE TO EXECUTE AN EASEMENT AGREEMENT FOR DRIVEWAY PURPOSES ON BEHALF OF THE CITY OF CHARLOTTE, GRANTOR, TO EDITH C. WERTS (WIDOW), GRANTEE.

WHEREAS, the City of Charlotte is presently engaged in that certain improvement project known as Sharon Road Culvert; and

WHEREAS, Edith C. Werts (Widow) is the owner of a certain parcel of land that is located within the said project's right-of-way boundaries; and

WHEREAS, the City of Charlotte, as a part of the Sharon Road Culvert Project, has acquired the adjacent parcel of land to said Edith C. Werts' (Widow) parcel of land, being conveyed to the City of Charlotte by Odell S. Vestal, Sr. and wife, Edith, and recorded in Deed Book 3514 at page 11 in the Mecklenburg Public Registry; and

WHEREAS, said Edith C. Werts (Widow) has agreed to convey to the City of Charlotte that portion of her parcel of land that is located within the said project's right-of-way boundaries for a certain sum plus the additional consideration that the City of Charlotte grant to her a 10-foot easement for driveway purposes along the southerly boundary of its property, said southerly boundary of its property being the common property line with Edith C. Werts' (Widow) parcel of land, being the same as conveyed to her in Deed Book 1195 at page 192 located in the Mecklenburg Public Registry; and

WHEREAS, the City's Public Works Department advises that this said 10-foot easement area will not be needed for construction of the said project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, at its regularly scheduled meeting of January 15, 1973, that the Mayor of the City of Charlotte is hereby authorized to execute an easement agreement between the City of Charlotte and Edith C. Werts (Widow) granting to the said Edith C. Werts a 10-foot easement for driveway purposes along the southerly boundary of its property on Sharon Road, being that parcel of land conveyed to the City of Charlotte in Deed Book 3514 at page 11 in the Mecklenburg Public Registry, and said southerly boundary being the common property line of the City's said parcel of land and the parcel of land conveyed to the said Edith C. Werts (Widow) in Deed Book 1195 at page 192 in the Mecklenburg Public Registry.

Approved as to form:

[Signature]
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 15th day of January, 1973, the reference having been made in Minute Book 58, and recorded in full in Resolutions Book 9, at Page 6.

Ruth Armstrong
City Clerk
A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE
ACQUISITION OF PROPERTY BELONGING TO CABELL HOWARD SMITH AND
WIFE, MABLE H. SMITH, LOCATED AT 2323 SHARON ROAD IN THE CITY OF
CHARLOTTE IN CONNECTION WITH THE SHARON ROAD CULVERT PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire
certain property belonging to Cabell Howard Smith and wife, Mable H. Smith,
located at 2323 Sharon Road in the City of Charlotte for right of way purposes in
connection with the Sharon Road Culvert Project; and

WHEREAS, the City has in good faith undertaken to negotiate for the pur-
chase 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 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 Cabell Howard Smith
and wife, Mable H. Smith, located at 2323 Sharon Road 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 $2,050.00, 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:

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 15th day of January, 1973, and the reference having been made
in Minute Book 58, page 1, and recorded in full in Resolution Book
9, page 7.

Witness my hand and the corporate seal of the City of Charlotte, North
Carolina, this the 18th day of January, 1973.

City Clerk