

RESOLUTION CLOSING A PORTION OF
HUTCHINSON-McDONALD ROAD LOCATED BETWEEN
HUTCHINSON-McDONALD ROAD (AS RECONFIGURED AND
CONSTRUCTED) 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 Hutchinson-McDonald Road which calls for a public hearing on the question; and

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

WHEREAS, the public hearing was held on the 10th day of June, 1991, and City Council determined that the closing of such portion of Hutchinson-McDonald Road is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of June 10, 1991, that the Council hereby orders the closing of the portion of Hutchinson-McDonald Road in the City of Charlotte, Mecklenburg County, North Carolina as described below:

Lying and being in the City of Charlotte, Mecklenburg County, North Carolina and being more particularly described as follows:

Beginning at a point on the southern edge of the right of way of Cindy Lane near its intersection with Hutchinson-McDonald Road, such point being the following calls and distances from an existing concrete monument located at intersection of Cindy Lane with Hutchinson-McDonald Road: (1) N. 82-50-34 W. 184.84 feet to an existing concrete monument; and (2) N. 84-11-36 W. 2.0 feet to the POINT AND PLACE OF BEGINNING; thence for a first call S. 56-11-05 E. 245.8 feet to a point; thence along and with the arc of a circular curve to the right having a radius of 202.47 feet, an arc distance of 54.09 feet (such curve subtended by a cord having a bearing of S. 48-31-53 E. 53.93 feet) to a point on the western edge of the right of way of Hutchinson-McDonald Road; thence along and with the western edge of the right of way of Hutchinson-McDonald Road S. 04-24-02 W. 143.86 feet to a point; thence with the arc of a circular curve to the left having a radius of 142.47 feet, an arc distance of 150.65 feet (such curve subtended by a cord having a bearing of N. 25-53-31 W. 143.73 feet) to a point; thence N. 56-11-05 W. 358.60 feet to an existing concrete monument on the southern edge of the right of way of Cindy Lane; thence along and with the southern edge of the right of way of Cindy Lane S. 84-11-36 E. 127.77 feet to the POINT AND PLACE OF BEGINNING, all according to a survey entitled "A portion of Hutchinson-McDonald Road to be Removed from Dedication -- Property of Cindy Lane Associates and Carol B. Goodwin" prepared by C. Clark Neilson of R. B. Pharr & Associates, dated April 3, 1991.

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 10th day of June, 1991, the reference having been made in Minute Book 98, Page _____, and recorded in full in Resolution Book 27, Page 465-467

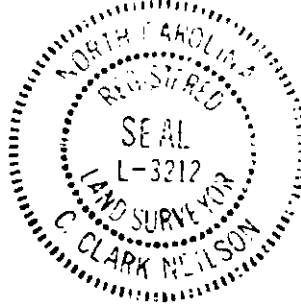
Pat Sharkey, City Clerk

THIS IS TO CERTIFY THAT ON THE 03 DAY OF APRIL 19 91 AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS IF ANY ARE AS SHOWN HEREON. THIS PLAT DOES NOT MEET NCGS 47-30 STANDARDS AND IS NOT FOR RECORDING.

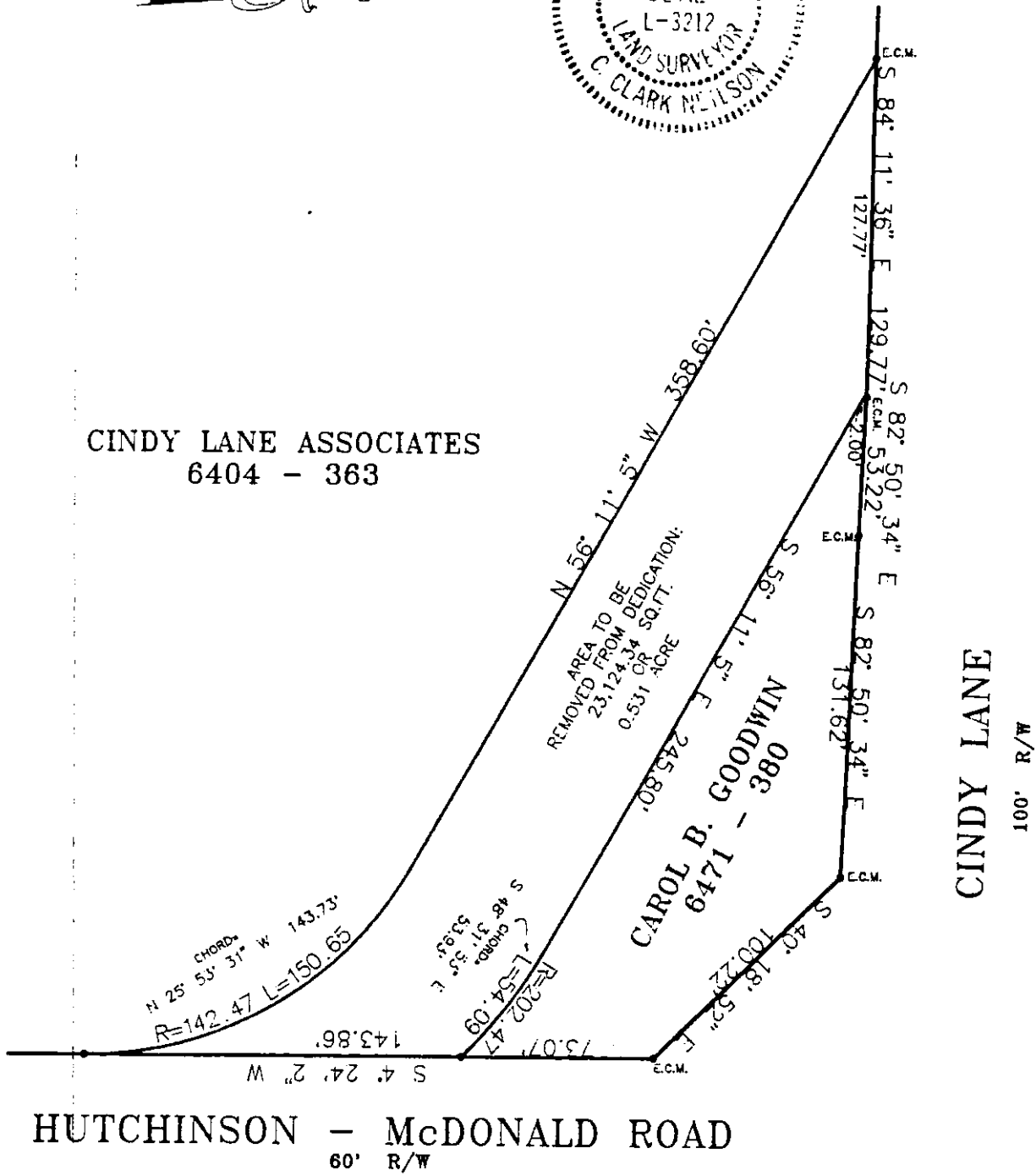
June 10, 1991
Resolution Book 27, page 467

SIGNED C. Clark Neilson

R. B. PHARR & ASSOCIATES, REGISTERED SURVEYORS
712 EAST INDEPENDENCE BLVD.
CHARLOTTE, N.C. 28204
TEL. (704) 378-2166



CINDY LANE ASSOCIATES
6404 - 363



HUTCHINSON - McDONALD ROAD
60' R/W

CINDY LANE
A/R .001

SURVEY OF:

A PORTION OF HUTCHISON-MCDONALD ROAD TO BE REMOVED FROM DEDICATION
LONG CREEK TOWNSHIP, MECKLENBURG COUNTY
CHARLOTTE N.C.

THE PROPERTY OF CINDY LANE ASSOCIATES & CAROL B. GOODWIN

SCALE 1"=60'

MAP BOOK _____ PAGE _____

DEED BOOK _____ PAGE _____

FLOOD CERTIFICATION

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED JUNE 1, 1981

RESOLUTION OF
THE CITY OF CHARLOTTE, NORTH CAROLINA
APPROVING AN INSTALLMENT PURCHASE CONTRACT
AND RELATED MATTERS

WHEREAS, the City of Charlotte, North Carolina (the "City") is a validly existing municipal corporation of the State of North Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "State");

WHEREAS, the City has the power, pursuant to North Carolina General Statutes, to (i) purchase property and construct facilities and (ii) enter into installment purchase contracts in order to finance the construction of property used, or to be used, for public purposes;

WHEREAS, the City has determined, and hereby determines, that it is in the best interests of the City to enter into an Installment Purchase Contract dated as of June 1, 1991 (the "Contract") with New Charlotte Corporation (the "Corporation") in order to provide for the construction, acquisition, installation and equipping of certain convention facilities for public purposes (the "Convention Facility"), including the land on which said convention facilities will be located (the "Real Property" and collectively with the Convention Facility, the "Project");

WHEREAS, the City has determined and hereby determines, (i) that the Project is essential to its proper, efficient and economic operation, (ii) that the Project will provide an essential and necessary function permitting the City to carry out certain of its public functions, (iii) that the City anticipates an ongoing need for the Project; and (iv) that entering into the Contract and the Deed of Trust (as defined below) are necessary and expedient for the City by virtue of the findings presented herein;

WHEREAS, the City has determined and hereby determines, that the cost of construction, acquisition, installation and equipping of the Project exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and nonvoted bonds that could be issued by the City in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

WHEREAS, the City has determined and hereby determines that the Contract and the Deed of Trust and the obligations of the City thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (i) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the

expenditure of significant funds; (ii) the time required for a general obligation bond election would cause an unnecessary delay which could thereby increase the cost of constructing, acquiring, installing and equipping the Project in light of the favorable interest rates currently available to the City in the financial market place; and (iii) the Project is not expected to produce sufficient revenues to permit a revenue bond financing;

WHEREAS, the estimated cost of financing the Project pursuant to the Contract reasonably compares with an estimate of similar costs under a bond financing for the same undertaking;

WHEREAS, the obligation of the City to make Installment Payments and Additional Payments (each as defined in the Contract) shall constitute a limited obligation of the City payable solely from currently budgeted appropriations of the City and shall not constitute a pledge of the faith and credit of the City within the meaning of any constitutional debt limitation;

WHEREAS, in order to secure the City's obligations under the Contract, the City will enter into the Deed of Trust and Security Agreement dated as of June 1, 1991 (the "Deed of Trust") with the deed of trust trustee named therein, for the benefit of the Corporation;

WHEREAS, no deficiency judgment may be rendered against the City in any action for breach of a contractual obligation under the Contract, and the taxing power of the City is, may and will not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract;

WHEREAS, the Corporation will execute and deliver the Certificates of Participation Evidencing Proportionate Undivided Interests in Rights to Receive Certain Revenues Pursuant to the Contract (the "Certificates");

WHEREAS, to execute and deliver the Certificates and to make an offering and sale of the Certificates, the City desires to make certain representations and warranties to PaineWebber Incorporated, on behalf of the underwriters of the Certificates (collectively, the "Underwriters") in the form of the City's Letter of Representation to be dated on or about June 19, 1991 to the Underwriters (the "Letter of Representation");

WHEREAS, there have been presented to the City Council (the "Council") the following documents (collectively, the "Instruments"), copies of which are attached hereto, which the City proposes to approve, enter into and deliver to effectuate the proposed purchase financing:

- (1) the form of the Contract;
- (2) the form of the Deed of Trust; and
- (3) the form of the Letter of Representation;

WHEREAS, there has been presented to the Council the Preliminary Official Statement to be dated on or about June 4, 1991 relating to the offering and sale of the Certificates by the Underwriters (the "Preliminary Official Statement");

WHEREAS, it appears that each of the Instruments and the Preliminary Official Statement is in appropriate form and is an appropriate instrument for the purposes intended;

WHEREAS, the Council did conduct a public hearing on October 8, 1990 to receive public comment on the proposed Contract to finance the Project; and

WHEREAS, the net sums to fall due under the Contract will not exceed \$15,000,000 in each year for 30 and 1/2 years (after subtracting from the sum falling due in the final year the deposit to the Reserve Fund from the proceeds of the Certificates) and can be included in the City's budget;

WHEREAS, it is reasonable to conclude that the payments under the Contract are not excessive for the stated purpose of constructing, acquiring, installing and equipping the Project, and no increase in the property tax rate will be required to raise funds to fall due under the Contract in each fiscal year during the term of the Contract;

WHEREAS, the City Attorney is of the opinion that this transaction is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of the State;

WHEREAS, the City has further determined and hereby expresses its determination that the Installment Payments, the Additional Payments and all other obligations of the City under the Contract and the Deed of Trust are not excessive for their stated purposes;

WHEREAS, the City hereby determines that all findings, conclusions and determinations of the City in the Resolution adopted by the City Council on September 10, 1990 are fully affirmed;

WHEREAS, the City's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the City has conformed with generally accepted accounting principles in preparing its Annual Budget Ordinance;

WHEREAS, past audit reports of the City indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the City has not been censured by the North Carolina Local Government Commission (the "LGC"), external auditors, or any other regulatory agencies in connection with such management;

WHEREAS, the LGC has approved of the form of the Contract;

WHEREAS, the City is not in default in meeting any of its debt service or contract obligations;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AS FOLLOWS:

Section 1. That all actions of the City in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments and the Preliminary Official Statement.

Section 2. That the City approves the construction, acquisition, installation and equipping of the Project in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the City in accordance with its terms. The form and content of the Contract are in all respects authorized, approved and confirmed, and the City Manager or his designee and the City Clerk are authorized, empowered and directed to execute and deliver the Contract for and on behalf of the City, including necessary counterparts, in substantially the form attached hereto, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Contract, the City Manager and the City Clerk or their respective designees are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

Section 3. That the form and content of the Deed of Trust are in all respects authorized, approved and confirmed, and the City Manager and the City Clerk are authorized, empowered and directed to execute and deliver the Deed of Trust for and on behalf of the City, including necessary counterparts, in substantially the form attached hereto, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Deed of Trust, the City Manager and the City Clerk or their respective designees are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Deed of Trust as executed.

Section 4. That the form and content of the Letter of Representation are in all respects authorized, approved and confirmed, and the City Manager and the City Clerk are authorized, empowered and directed to execute and deliver the Letter of Representation for and on behalf of the City, including necessary counterparts, in substantially the form attached hereto, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Letter of Representation, the City Manager and the City Clerk or their respective designees are hereby authorized, empowered and

directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Letter of Representation as executed.

Section 5. That the information pertaining to the City supplied by the City for use in the Preliminary Official Statement and the final Official Statement to be dated on or about June 19, 1991 relating to the offering and sale of the Certificates (the "Official Statement") is in all respects authorized, approved and confirmed, and the City Manager is authorized to sign the Official Statement on behalf of the City.

Section 6. That the City Manager is hereby designated as the City's representative to act on behalf of the City in connection with the transactions contemplated by the Instruments and the Preliminary Official Statement, and the City Manager is authorized and directed to proceed with the construction, acquisition, installation and equipping of the Project in accordance with the Instruments, and to seek opinions on matters of law from the City Attorney, which the City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The City Manager is hereby authorized to designate one or more employees of the City to take all actions which the City Manager is authorized to perform under this Resolution, and the City Manager or his designees are in all respects authorized on behalf of the City to supply all information pertaining to the City for use in the Preliminary Official Statement and the transactions contemplated by the Instruments or the Preliminary Official Statement. The City Clerk and the City Manager are authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Instruments or as they may deem necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution.

Section 7. That if any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 8. That all motions, orders, resolutions, ordinances and parts thereof, in conflict herewith are hereby repealed.

Section 9. That this Resolution shall become effective on the date of its adoption.

YEAS	<u>Councilmembers Campbell, Clodfelter,</u> <u>McCrory, Mangum, Martin, Matthews,</u> <u>Patterson, Scarborough, Vinroot</u> <u>and Wheeler</u>
NAYES	<u>Councilmember Hammond</u>

Read, Approved and Adopted this 10th day of June, 1991.

Pat Shaukey
City Clerk

Lee Myer
Mayor

APPROVED AS TO FORM:

Henry W. Underhill Jr.
City Attorney

A Resolution of the Charlotte City Council Requesting
A State One-Half Cent Local Option Sales Tax

WHEREAS, the North Carolina House budget proposal provides for a one-half cent local option sales tax in lieu of current reimbursements to local governments; and

WHEREAS, the distribution basis upon which the sales tax would be calculated is in proportion to municipalities' percentage of total reimbursements; and

WHEREAS, municipalities currently experience no growth in reimbursements and are constantly concerned about the State's withholding of these funds for budgetary purposes; and

WHEREAS, other local sources of revenues (beer and wine, utility franchise, and remaining intangibles taxes) have been included in the State's budget under HB 2377 and are subject to the State's withholding during the budget crisis.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte on June 10, 1991, that as between the House and Senate budget proposals that the House budget proposal for one-half cent local option sales tax is more equitable to municipalities and the City Council, therefore, supports the adoption of the House proposal by the entire General Assembly.


FURTHERMORE, BE IT RESOLVED that the City of Charlotte endorses HB 916 which proposes to delete HB 2377 funds from the State's budget by requiring statutory distribution of these funds and, therefore, restoring the growth of these local taxes for local municipalities.

CERTIFICATE

I, PAT SHARKEY, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and accurate copy of Resolution which was passed by the City Council of the City of Charlotte, North Carolina at its regular meeting held on the 10th day of June, 1991, to become effective on the 10th day of June, 1991, and that said Resolution has been duly recorded in Minute Book 98 of the minutes of said City Council beginning on page _____ end ending on page _____.

WITNESS my hand and the official seal of said City, this 13th day of June, 1991.

[SEAL]



Pat Sharkey
City Clerk

RESOLUTION REQUESTING APPROVAL OF THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION FOR ALLOCATION OF THE TWO ONE-HALF PERCENT SALES AND USE TAX FOR GENERAL GOVERNMENT PURPOSES

WHEREAS, North Carolina General Statutes 105-487 and 105-504 provide for the expenditure of the two one-half percent local government sales and use taxes (hereinafter "tax") levied and collected pursuant to G.S. 105-480, et seq., and 105-495, et seq., and

WHEREAS, G. S. 105-487 and 105-504 provide that 40% of the tax for the first five years and 30% of the tax for the second five years be used for water and sewer capital purposes, unless the North Carolina Local Government Commission provides approval for exemption for water and sewer purposes, and

WHEREAS, the City of Charlotte has provided for the efficient operation and orderly growth of a county-wide water and sewer system utilizing a public enterprise, self-sustaining approach with a long-standing policy of support for water and sewer without tax resources, and

WHEREAS, the City has identified needs for additional and diversified tax resources to fund general government expenditures, without increasing reliance on the property tax;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session duly assembled, pursuant to G.S. 105-487(c) and G.S. 105-504(b), that the City of Charlotte hereby respectfully requests exemption for the use of the tax revenue for a ten year period in consideration of the following factors:

Policy of self-sustaining operations without tax support;

Long-term capital planning which identified capital needs and resources including current revenues, federal grants and bond proceeds;

Adequate capacity to meet capital needs without local sales and use tax revenues;

Ability to establish water and sewer user fees that will not be impacted materially, as a result of excluding the use of the local sales and use tax for water and sewer purposes.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to submit an application or petition for exemption to the North Carolina Local Government Commission and provide the financial, economic and other data, as needed to support the application or petition.

This 10th day of June, 1991.

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 10th day of June, 1991, the reference having been made in Minute Book 98, and recorded in full in Resolution Book 27, at page(s) 477-478.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 18th day of June, 1991.

Pat Sharkey, City Clerk

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

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

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements within this Municipality under Project B-1281, Mecklenburg County, said plans consisting of the replacement of Bridge #101 over Seaboard System Railroad and approaches on US 29 North Graham Street just north of Northwest Freeway; and,

WHEREAS, said Department of Transportation and this Municipality propose to enter into an Agreement for the above-captioned project whereby this Municipality agrees: (1) to effect the necessary adjustment of any utilities under franchise without cost to the Department of Transportation, and (2) to provide for the adjustment of any municipally-owned utilities without cost to the Department of Transportation, except that said Department will reimburse this Municipality in accordance with said Department's Municipally-Owned Utility Policy; and,

WHEREAS, said Department of Transportation agrees to acquire the right of way and construct the project in accordance with the approved project plans; and,

WHEREAS, the Agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion.

NOW, THEREFORE, BE IT RESOLVED that Project B-1281, Mecklenburg County, is hereby formally approved by the City Council of the Municipality of Charlotte and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

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 10th
day of June, 1991, and the reference having been made in
Minute Book 98, and recorded in full in Resolution Book 27,
Page 479-480

WITNESS, my hand and the corporate seal of the City of
Charlotte, North Carolina, this the 18th day of June,
1991.

(SEAL)

Pat Sharkey, City Clerk

MUNICIPALITY OF CHARLOTTE
NORTH CAROLINA

APPROVED AS TO FORM

Henry W. Underhill Jr.
ASST. CITY ATTORNEY

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

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

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans for the improvement of SR 2853 (W. T. Harris Boulevard) from south of NC 24-27 Albemarle Road to north of SR 2820 Hickory Grove Road and south of Williams Road to north of Plaza Road Extension; and,

WHEREAS, said Department of Transportation and the Municipality of Charlotte propose to enter into an agreement whereby said Department will include in its construction contract provisions for the contractor to relocate and adjust certain municipally-owned water lines located along the project; and,

WHEREAS, the Municipality agrees to reimburse the Department of Transportation for the cost of said work with reimbursement to be made in a lump-sum amount upon completion of the work.

NOW, THEREFORE, BE IT RESOLVED that Project U-2005A, Mecklenburg County, is hereby formally approved by the City Council of the Municipality of Charlotte and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

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 10th day of June, 1991, the reference having been made in Minute Book 98, and recorded in full in Resolution Book 27, Page 481.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 18th day of June, 1991.

(SEAL)

Pat Sharkey, City Clerk

MUNICIPALITY OF CHARLOTTE
NORTH CAROLINA

Approved as to Form

Henry W. Underhill Jr.
CITY ATTORNEY

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 Irvins Creek Outfall-Phase II Project; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to locate all the parties in interest, and has, therefore, been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

Parties in Interest

Carolina Water Service, Inc. of North Carolina; Any Other Parties in Interest

Property Description

3,550.61 square feet for permanent sanitary sewer easement;
1,672.27 square feet for a temporary construction easement;
and any additional property or interest as the City may determine is necessary to complete the project, as it relates to Tax Parcel No. 135-421-35

Appraised Value

\$1,700.00 or such appraised value as may be determined based upon the takings required by the final construction plans.

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:


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 10th day of June, 1991, and the reference having been made in Minute Book 98, Page .

WITNESS my hand and the corporate seal of The City of Charlotte, North Carolina, this the 18th day of June, 1991.

City Clerk