

March 26, 1979
Resolutions Book 14 - Page 180

RESOLUTION CLOSING A PORTION OF CHERRY STREET LOCATED BETWEEN 3RD STREET AND 4TH 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 sent a copy of the Resolution of Intent to Close a portion of Cherry Street by registered or certified mail to all owners of property adjoining the said portion of Cherry Street, and the petitioner prominently posted a notice of the closing and public hearing in at least two places along that portion of Cherry Street as shown, all as required by G.S. 160A-299; and

WHEREAS, the public hearing was held on the 26th day of March, 1979, 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 March 26, 1979, 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:

BE IT FURTHER RESOLVED that the closing of that certain portion of Cherry Street described in Exhibit "B" attached hereto be, and the same is hereby made subject to the right of the City of Charlotte and certain utility companies to use all of that portion of the tract of land designated as 30 feet utility easement as shown on sheet 2 of Exhibit "A" for the purpose of laying, constructing, reconstructing and maintaining one or more than one sewer and/or water lines or for any other utility lines and the City of Charlotte does hereby specifically reserve for itself, its successors and assigns, permanent rights-of-way and/or utility easements in and to the tract of land described in Exhibit "B" attached hereto for the aforementioned purposes, said right-of-way and/or easements being shown on a plat entitled "Proposed Utility Easement-Cherry Street", prepared by City of Charlotte, Department of Public Works, Engineering Division, dated January 5, 1979, and revised January 31, 1979, a copy of which is hereto attached and marked Exhibit "A" sheet 2 and incorporated herein by this reference.

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, 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 26th day of March, 1979, the reference having been made in Minute Book 70, page , and recorded in full in Resolution Book 14, Page 180.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of March, 1979.

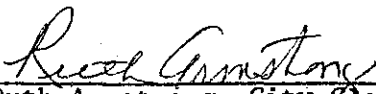
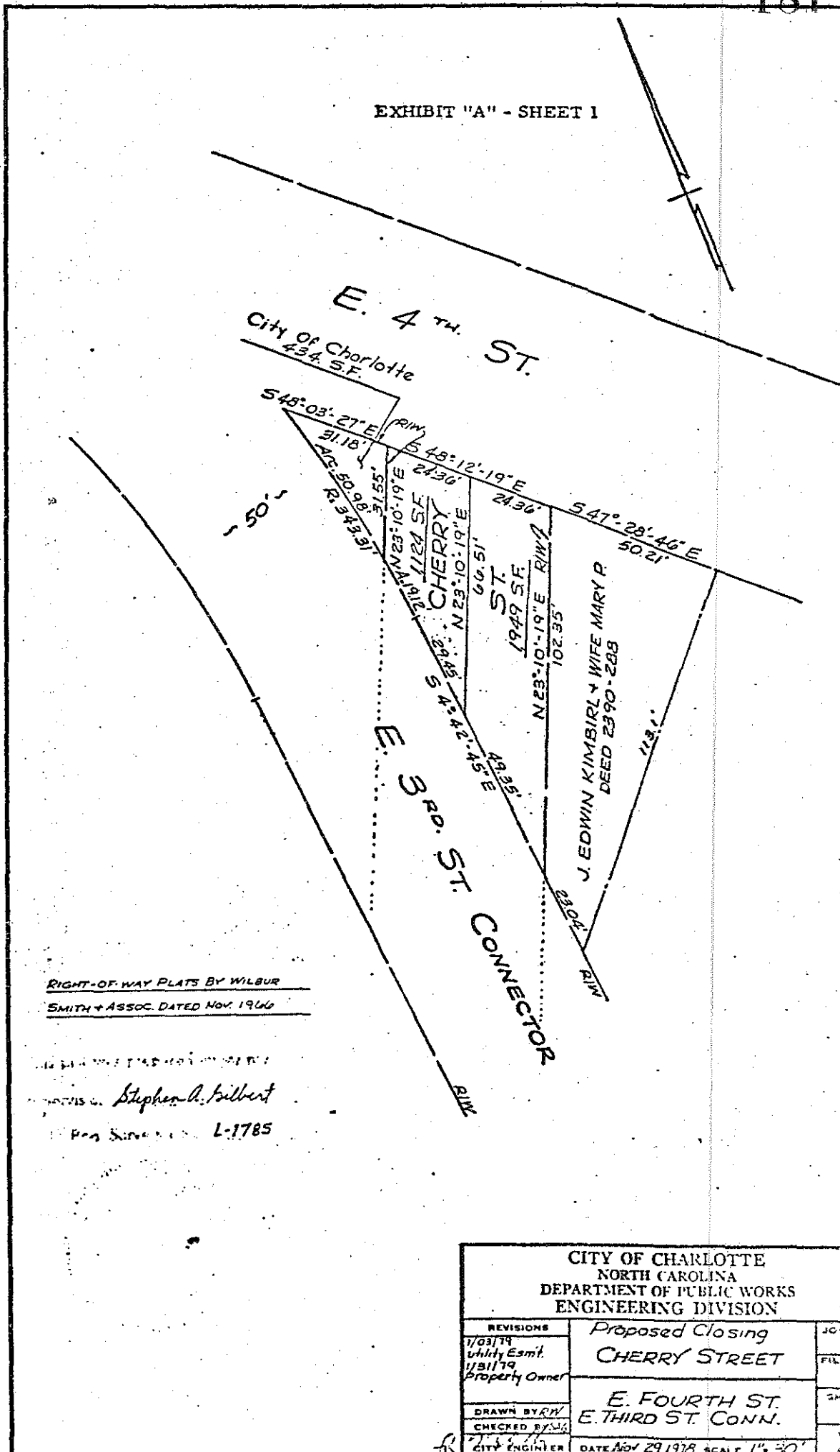

Ruth Armstrong, City Clerk

EXHIBIT "A" - SHEET 1



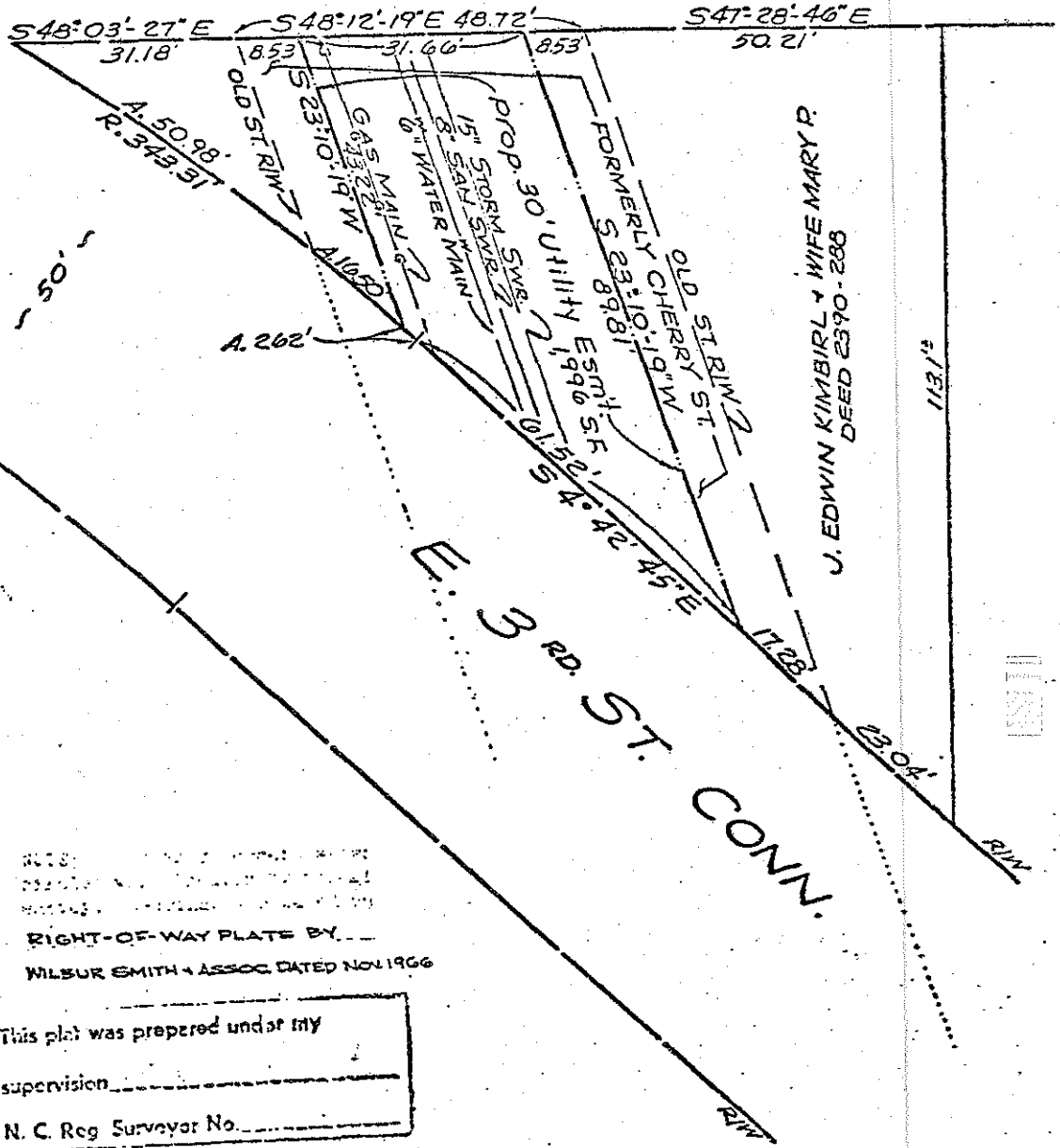
RIGHT-OF-WAY PLATS BY WILBUR SMITH & ASSOC. DATED NOV. 1966

Stephen A. Gilbert
L-1785

CITY OF CHARLOTTE NORTH CAROLINA DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION		
REVISIONS	Proposed Closing CHERRY STREET	JCM
1/03/79 Utility Esmt.		FILE
1/31/79 Property Owner		
DRAWN BY RW	E. FOURTH ST. E. THIRD ST. CONN.	SM
CHECKED BY SW		
CITY ENGINEER	DATE Nov 29, 1978 SCALE 1" = 30'	

EXHIBIT "A" - SHEET 2

E. 4TH ST.



RIGHT-OF-WAY PLATE BY
 WILBUR SMITH & ASSOC. DATED NOV 1966

This plat was prepared under my
 supervision
 N. C. Reg. Surveyor No.



CITY OF CHARLOTTE NORTH CAROLINA DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION		
REVISIONS	Prop. Utility Easement CHERRY STREET	JOB NO.
11/31/79 Property Owner		FILE NO.
DRAWN BY CHECKED BY	Property of J. EDWIN KIMBIRL E. 4 TH ST. @ E. 3 RD ST. CONN.	SHEET 2
CITY ENGINEER	DATE JAN 5, 1979 SCALE 1" = 20'	

EXHIBIT "B"

Beginning at a point located S. 48-03-27 E. 31.18 feet from the Intersection of the Westerly right of way margin of East Fourth Street and Southeasterly right of way margin of East Third Street Connector; thence along said right of way margin of East Fourth Street S. 48-12-19 E. 48.72 feet to a point marking the Northerly corner of J. Edwin Kimbirl property, as recorded in Deed Book 2390-288 in the Mecklenburg County Public Registry; thence along said Kimbirl property line, S. 23-10-19 W. 102.35 feet to a point at the Southeasterly right of way margin of East Third Street Connector; thence along said East Third Street Connector, N. 4-42-45 W. 78.80 feet to a point; thence Northerly along the arc of a curve to the left, having a radius of 343.31 feet for a distance of 19.12 feet to a point; thence N. 23-10-19 E. 31.55 feet to the point and place of beginning. All being an unused portion of right of way of Cherry Street as shown on a drawing prepared by the City of Charlotte Engineering Division.

March 26, 1979
Resolutions Book 14 - Page 184

A RESOLUTION AUTHORIZING MR. DAVID A. BURKHALTER, CITY MANAGER, TO FILE APPLICATION REQUESTING STATE GRANT ASSISTANCE FOR WATER WORKS IMPROVEMENTS

WHEREAS, the North Carolina Clean Water Bond Act of 1977 has authorized the making of grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, and

WHEREAS, the City of Charlotte has need for and intends to construct a wastewater collection system project, and

WHEREAS, the City of Charlotte intends to request State grant assistance for the project:

Doby Creek Outfall

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

That the City of Charlotte will arrange financing for all remaining costs of the project, if approved for a State grant award.

That the City of Charlotte will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Mr. David A. Burkhalter is hereby authorized to execute and file an application on behalf of the City of Charlotte with the State of North Carolina for a grant to aid in the construction of the project described above.

That Mr. David A. Burkhalter is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application, grant offer, or grant award.

That the City of Charlotte has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto; and hereby authorizes the above designated representative to execute an affidavit so stating.

- continued -

RESOLUTION - STATE GRANT ASSISTANCE

Page 2

That the City of Charlotte agrees to adopt and place into effect on or before completion of the project a schedule of fees and charges which will provide adequate funds for proper operation, maintenance, and administration of the projects.

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 26th day of March, 1979, the reference having been made in Minute Book 70, Page , and recorded in full in Resolutions Book 14, Page 184-185.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of March, 1979.

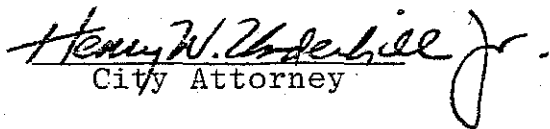
Ruth Armstrong
Ruth Armstrong
City Clerk

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 become effective October 1, 1960, as subsequently amended, is hereby further amended by the addition of a class number 2046, Physical Fitness Coordinator, pay range 20, pay steps A through 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 26th day of March, 1979, the reference having been made in Minute Book 70, and is recorded in full in Resolutions Book 14, at page 186.

Ruth Armstrong, City Clerk

RESOLUTION PASSED BY CHARLOTTE CITY COUNCIL RELATIVE TO SALE OF TAX LIENS:

WHEREAS, the Machinery Act of North Carolina, specifically G.S. §105-369, requires the Tax Collector to report to the City Council on the first Monday in February in each year the total amount of unpaid taxes for the current fiscal year that are liens on real property, and the governing body shall thereupon order the Tax Collector to sell such tax liens at a specified time; and

WHEREAS, Chapter 557 of the 1973 Session Laws of the North Carolina General Assembly authorizes the Charlotte City Council to adopt a resolution exempting the City of Charlotte from the requirements of the tax lien sale; and the Charlotte City Council desires to exercise such exemption privilege;

THEREFORE, BE IT RESOLVED that the Tax Collector is hereby ordered not to conduct the tax lien sale as specified in G.S. §105-369, which order will remain in effect until repealed.

Motion by Councilwoman Frech

Second by Councilwoman Trosch

Affirmative votes: Councilmembers Carroll, Chafin, Cox, Dannelly, Frech,

Gantt, Leeper, Locke, Short, Selden and Trosch.

Negative votes: None.

This 26th day of March, 1979.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

Ruth Armstrong
Clerk to the Charlotte City Council

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of March, 1979, the reference having been made in Minute Book 70, and is recorded in full in Resolutions Book 14, at page 187.

Ruth Armstrong, City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO AVERY PRODUCTS CORPORATION LOCATED AT 4441 DILLARD DRIVE IN THE CITY OF CHARLOTTE FOR THE SHARON AMITY ROAD EXTENSION PROJECT.

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property belonging to Avery Products Corporation located at 4441 Dillard Drive in the City of Charlotte, for right of way purposes and a temporary construction easement in connection with the Sharon Amity Road Extension 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 owner 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 in Chapter 160A-241 of the General Statutes of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of Avery Products Corporation, located at 4441 Dillard Drive in the City of Charlotte, under the procedure set forth in Article 9, Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that \$1,100.00, the amount of the appraised value of said property, is hereby authorized to be deposited in the office of the Clerk os Superior Court of Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 26th day of March, 1979, and the reference having been made in Minute Book 70, page _____, and recorded in full in Resolutions Book 14, page 188.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of March, 1979.

Ruth Armstrong
Ruth Armstrong, City Clerk

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:

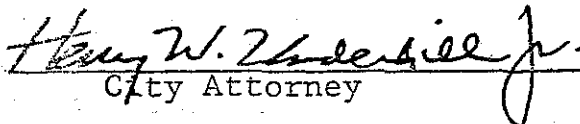
1. The City-County Tax Collector collected taxes from the taxpayers set out on the list attached to the Docket.

2. The City-County Tax Collector has certified that those taxpayers made 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 26th day of March, 19 79, that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded the amounts therein set out and that the schedule and this resolution be spread upon the minutes of this meeting.

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 26th day of March, 1979, the reference having been made in Minute Book 70, and is recorded in full in Resolutions Book 14, at page 189.

Ruth Armstrong, City Clerk

TAXPAYERS AND REFUNDS REQUESTED

<u>NAME</u>	<u>AMOUNT OF REFUND REQUESTED</u>	<u>REASON</u>
Joe D. Padgett & wife	\$ 2.64	Illegal levy
Dutch Pantry Restaurant	618.36	Illegal levy
Billy Brown Fesperman & wife	25.05	Illegal levy
Joe D. Padgett & wife	2.64	Illegal levy
Dutch Pantry Restaurant	909.83	Illegal levy
Charles Archer Binford & wife	12.36	Illegal levy
Jo Brown Blackwelder	18.17	Illegal levy
Billy Brown Fesperman & wife	18.54	Illegal levy
Samuel P. Malone, Jr. & wife	31.24	Illegal levy
Richard Lee Navey	66.00	Clerical error
John P. O'Malley & wife	53.24	Illegal levy
Joe D. Padgett & wife	2.64	Illegal levy
George M. Shroyer & wife	24.11	Illegal levy
Dutch Pantry Restaurant	1,180.70	Illegal levy
Caro-Knit Incorporated	46.95	Illegal levy
Bobbie Harrelson Atkinson	4.84	Illegal levy
James Wade Prince	4.84	Illegal levy
William Earl Richardson, Jr.	14.18	Illegal levy
Patricia Lowry Sweeney	9.92	Illegal levy
Gelco Corporation	<u>12.41</u>	Illegal levy
	\$3,058.66	