

May 31, 1971

Resolution Book 7 - Page 345

A RESOLUTION DECLARING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRES THE TAXICAB SERVICE PROPOSED BY THE APPLICATION OF VICTORY CAB COMPANY FOR THE ISSUANCE OF TWENTY ADDITIONAL CERTIFICATES TO OPERATE TAXICABS IN THE CITY OF CHARLOTTE.

WHEREAS, Victory Cab Company has applied to the City Council for the issuance of twenty (20) additional Certificates of Public Convenience and Necessity for the operation of a like number of taxicabs; and

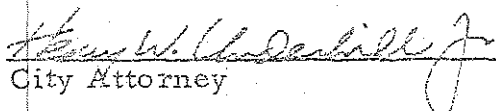
WHEREAS, in view of the continuing growth of the City of Charlotte, it has been determined that the issuance of these twenty additional Certificates to the Victory Cab Company would not create an excessive number of franchises at this time; and

WHEREAS, the City Council has considered and investigated all matters pertinent to said application as required by Sections 19-9, 19-11, and 19-12 of the Code of the City of Charlotte, and after notice and hearing as required by law, desires to approve and issue;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that it hereby determined and declared that public convenience and necessity require the taxicab service proposed by the application of Victory Cab Company; and

BE IT FURTHER RESOLVED that, subject to the conditions specified in Section 19-13 of the Code of the City of Charlotte, not more than twenty (20) new and additional Certificates of Public Convenience and Necessity shall be issued to Victory Cab Company, provided that such certificates are activated within a period ending six (6) months from the date of adoption of this resolution.

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 31st day of May, 1971, the reference having been made in Minute Book 55, at Page , and recorded in full in Resolution Book 7, at Page 345.

Ruth Armstrong, City Clerk

RESOLUTION  
OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, N. C.  
AUTHORIZING FILING OF APPLICATION  
FOR GRANT TO ACQUIRE OPEN-SPACE LAND

WHEREAS, Title VII of the Housing Act of 1961, as amended, provides for the making of grants by the Secretary of Housing and Urban Development to States and local public bodies to assist them in the acquisition of permanent interests in land for open-space uses where such assistance is needed for carrying out a unified or officially coordinated program for the provision of open-space land as part of the comprehensively planned development of the urban area; and

WHEREAS the City of Charlotte (herein sometimes referred to as "Applicant") desires to acquire and develop as urban parks, a Community Park located adjacent to Beatties Ford Road and two District Parks, in Randolph Road and Tuckaseegee Road locations, more particularly described in Code OS 101, which land is to be held and used for permanent open-space; and

WHEREAS Title VI of the Civil Rights Act of 1964, and the regulations of the Department of Housing and Urban Development effectuating that Title, provide that no person shall be discriminated against because of race, color, or national origin in the use of the land acquired; and

WHEREAS it is recognized that the contract for Federal Grant will impose certain obligations and responsibilities upon the Applicant and will require among other things (1) assurances that families and individuals displaced as a result of the open-space land project are offered decent, safe and sanitary housing, (2) compliance with Federal labor standards, and (3) compliance with Federal requirements relating to equal employment opportunity; and

WHEREAS it is estimated that the cost of acquiring said interests will be \$688,725 and

WHEREAS it is estimated that the cost of necessary demolition and removal of improvements on said land will be \$10,000; and

WHEREAS it is estimated that the administrative cost will be \$25,000; and

WHEREAS it is estimated that the total amount of relocation payments to be made to eligible site occupants displaced from property to be acquired will be \$25,000.

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

1. That an application be made to the Department of Housing and Urban Development for a grant in an amount authorized by Title VII of the Housing Act of 1961, as amended, which amount is presently estimated to be \$361,363, and that the Applicant will pay the balance of the cost from other funds available to it.

2. That the Mayor is hereby authorized and directed to execute and to file such application with the Department of Housing and Urban Development, to provide additional information and to furnish such documents as may be required by said Department, to execute such contracts as are required by said Department, and to act as the authorized correspondent of the Applicant.

3. That the proposed acquisition is in accordance with plans for the allocation of land for open-space uses, and that, should said grant be made, the Applicant will acquire and retain said land for the use(s) designated in said application and approved by the Department of Housing and Urban Development.

4. That the United States of America and the Secretary of Housing and Urban Development be, and they hereby are, assured of full compliance by the Applicant with regulations of the Department of Housing and Urban Development effectuating Title VI of the Civil Rights Act of 1964.

5. That the United States of America and the Secretary of Housing and Urban Development be, and they hereby are, assured of full compliance by the Applicant with the Federal labor standards imposed under Title VII of the Housing Act of 1961, as amended.

6. That a land acquisition policy will be developed whereby every reasonable effort to acquire each property by negotiated purchase will be made before instituting eminent domain proceedings against the property. In addition, a property owner will not be required to surrender the right to possession of his property until the applicant pays, or causes to be paid, to the owner (a) the agreed purchase price arrived at by negotiation, or (b) in any case where only the amount of the payment to the owner is in dispute, not less than 75% of the appraised fair value as approved by the applicant and concurred in by the United States Department of Housing and Urban Development. Also, the applicant will not require any person lawfully occupying property to surrender possession without at least 90-days written notice from the applicant of the date on which possession will be required.

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 31st day of May, 1971, the reference having been made in Minute Book 55, at Page 319, and recorded in full in Resolution Book 7, beginning on page 346.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2nd day of June, 1971.

Ruth Armstrong  
Ruth Armstrong, City Clerk

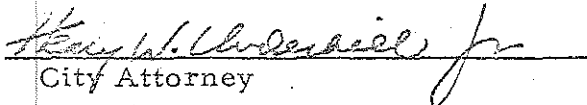
May 31, 1971  
Resolution Book 7 - Page 348

A RESOLUTION AUTHORIZING DAVID A. BURKHALTER, CITY MANAGER,  
TO FILE APPLICATION FOR FEDERAL GRANT FOR SEWAGE WORKS  
IMPROVEMENTS.

BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that David A. Burkhalter, City Manager, is hereby authorized and directed to file an application with the Department of Water and Air Resources and to execute and file all documents necessary for the prosecution of the application for a Federal Grant for the following project in the maximum amount for which said project is eligible under the Federal Water Pollution Act, as amended, and to accept such grant as may be made under the Act:

WPC-NC-309      McAlpine Creek and Irwin Creek Wastewater  
Treatment Plant Additions

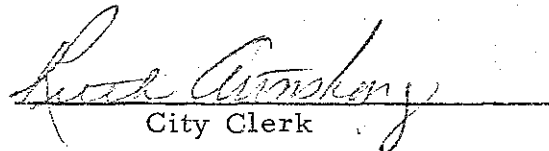
Approved as to form:

  
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 31st day of May, 1971, the reference having been made in Minute Book 55, Page 320, and recorded in full in Resolutions Book 7, Page 348.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 3rd day of June, 1971.

  
City Clerk

May 31, 1971  
Resolution Book 7 - Page 349

A RESOLUTION AUTHORIZING DAVID A. BURKHALTER, CITY MANAGER,  
TO EXECUTE AND FILE ALL DOCUMENTS PERTAINING TO SANITARY  
SEWER CONSTRUCTION GRANTS UNDER P. L. 660.

BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that David A. Burkhalter, City Manager, is hereby authorized and directed to execute and file all documents necessary for the prosecution of sanitary sewer construction grants under P. L. 660.

This the 31st day of May, 1971.

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 31st day of May, 1971, the reference having been made in Minute Book 55, Page 321, and recorded in full in Resolutions Book 7, Page 349.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 3rd day of June, 1971.

Ruth Armstrong  
City Clerk

May 31, 1971  
Resolution Book 7 - Page 350

A RESOLUTION AUTHORIZING DAVID A. BURKHALTER, CITY MANAGER,  
TO FILE APPLICATION FOR FEDERAL GRANT FOR SEWAGE WORKS  
IMPROVEMENTS.

BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that David A. Burkhalter, City Manager, is hereby authorized and directed to file an application with the Department of Water and Air Resources and to execute and file all documents necessary for the prosecution of the application for a Federal Grant for the following project in the maximum amount for which said project is eligible under the Federal Water Pollution Act, as amended, and to accept such grant as may be made under the Act:

Lower Briar Creek Interceptor from the Sugar Creek  
Waste Water Treatment Plant northward to near  
Barclay Downs Drive, approximately 5,200 L. F.

Upper Briar Creek Interceptor from the confluence with  
Edwards Branch northward to above Commonwealth  
Avenue, approximately 2,800 L. F.

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 31st day of May, 1971, the reference having been made in Minute Book 55, Page 321, and recorded in full in Resolutions Book 7, Page 350.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 3rd day of June, 1971.

Ruth Armstrong  
City Clerk

May 31, 1971

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A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF THE PROPERTY OF WILLIAM S. GORDON, SR., AND WIFE, HATTIE PEARL GORDON, LOCATED AT 915 SOUTH McDOWELL STREET FOR THE SOUTH McDOWELL STREET WIDENING PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to William S. Gordon, Sr., and wife, Hattie Pearl Gordon, located at 915 South McDowell Street in the City of Charlotte for right of way purposes for the South McDowell Street 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, condemnation proceedings are hereby authorized to be instituted against the property of William S. Gordon, Sr., and wife, Hattie Pearl Gordon, located at 915 South McDowell Street in the City of Charlotte, Mecklenburg County, including a portion of a structure and the underlying fee for that portion of the property needed for right of way purposes, but not to include the underlying fee of that portion of the structure taken to meet the necessary setback requirements as set out in the Code of the City of Charlotte, 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 \$47,500.00, 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. 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 31st day of May, 1971, the reference having been made in Minute Book 55, Page 321, and recorded in full in Resolutions Book 7, at Page 351.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 3rd day of June, 1971.

Ruth Armstrong  
City Clerk

May 31, 1971  
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A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF THE PROPERTY OF WILLIAM M. BUTLER AND WIFE, LOUISE S. BUTLER, LOCATED AT 919 SOUTH MC DOWELL STREET AND 901 EAST MOREHEAD STREET FOR THE SOUTH MC DOWELL STREET WIDENING PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to William M. Butler and wife, Louise S. Butler, located at 919 South McDowell Street and 901 E. Morehead Street in the City of Charlotte for right of way purposes for the South McDowell Street 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, North Carolina, as amended by Chapter 216, 1967 Session Laws of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of William M. Butler and wife, Louise S. Butler, located at 919 South McDowell Street and 901 East Morehead Street in the City of Charlotte, Mecklenburg County, including a portion of two structures and the underlying fee for that portion of the property needed for right of way purposes, but not to include the underlying fee of that portion of the two structures taken to meet the necessary setback requirements as set out in the Code of the City of Charlotte, 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 \$50,000.00, 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. 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 31st day of May, 1971, the reference having been made in Minute Book 55, Page 321, and recorded in full in Resolutions Book 7, at page 352.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 3rd day of June, 1971.

Ruth Armstrong  
City Clerk



A RESOLUTION AUTHORIZING MAYOR JOHN M. BELK TO ACCEPT SEVEN PROJECT ACTION GRANTS FROM THE CENTRAL PIEDMONT CRIMINAL JUSTICE PLANNING AGENCY AND THE DIVISION OF LAW & ORDER OF THE NORTH CAROLINA DEPARTMENT OF LOCAL AFFAIRS.

WHEREAS, The Omnibus Crime Control and Safe Streets Act of 1968 authorizes the issuance of action grants to municipalities to assist in the funding of local projects designed to improve the criminal justice process; and

WHEREAS, the City of Charlotte has requested such grant assistance for the execution of seven criminal justice projects during the 1971-1972 fiscal year; and

WHEREAS, the Central Piedmont Criminal Justice Planning Agency and the Division of Law and Order of the North Carolina Department of Local Affairs have awarded the seven project action grants hereinafter mentioned to the City of Charlotte.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that John M. Belk, Mayor of the City of Charlotte, is hereby authorized to accept the seven (7) action project grants listed below in accordance with the provisions of the Omnibus Crime Control and Safe Streets Act of 1968. The grants recommended for acceptance are:

71-A-265	(1) Police Film Library	\$11,000.00
71-A-285	(2) Police Resource Allocation Study	40,000.00
71-A-300	(3) Police Athletic League	46,547.00
71-A-303	(4) Drug Abuse Study	4,850.00
71-A-313(c)	(5) Family Crisis Intervention Unit	30,000.00
71-A-314(c)	(6) Model Cities Police Community Relations Project	57,907.00
71-A-262	(7) Regional Crime Lab	50,000.00
	Total Grants	\$240,259.00

BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to execute all documents relating to the said action project grants.

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 31st day of May, 1971, the reference having been made in Minute Book 55, at Page , and recorded in full in Resolution Book 7, at Page 353.

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A RESOLUTION AUTHORIZING THE REFUND  
 OF CERTAIN TAXES

Reference is made to the schedule of "Taxpayers and Refunds Re-  
 quested" 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 31st day  
 of May, 1971, 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:

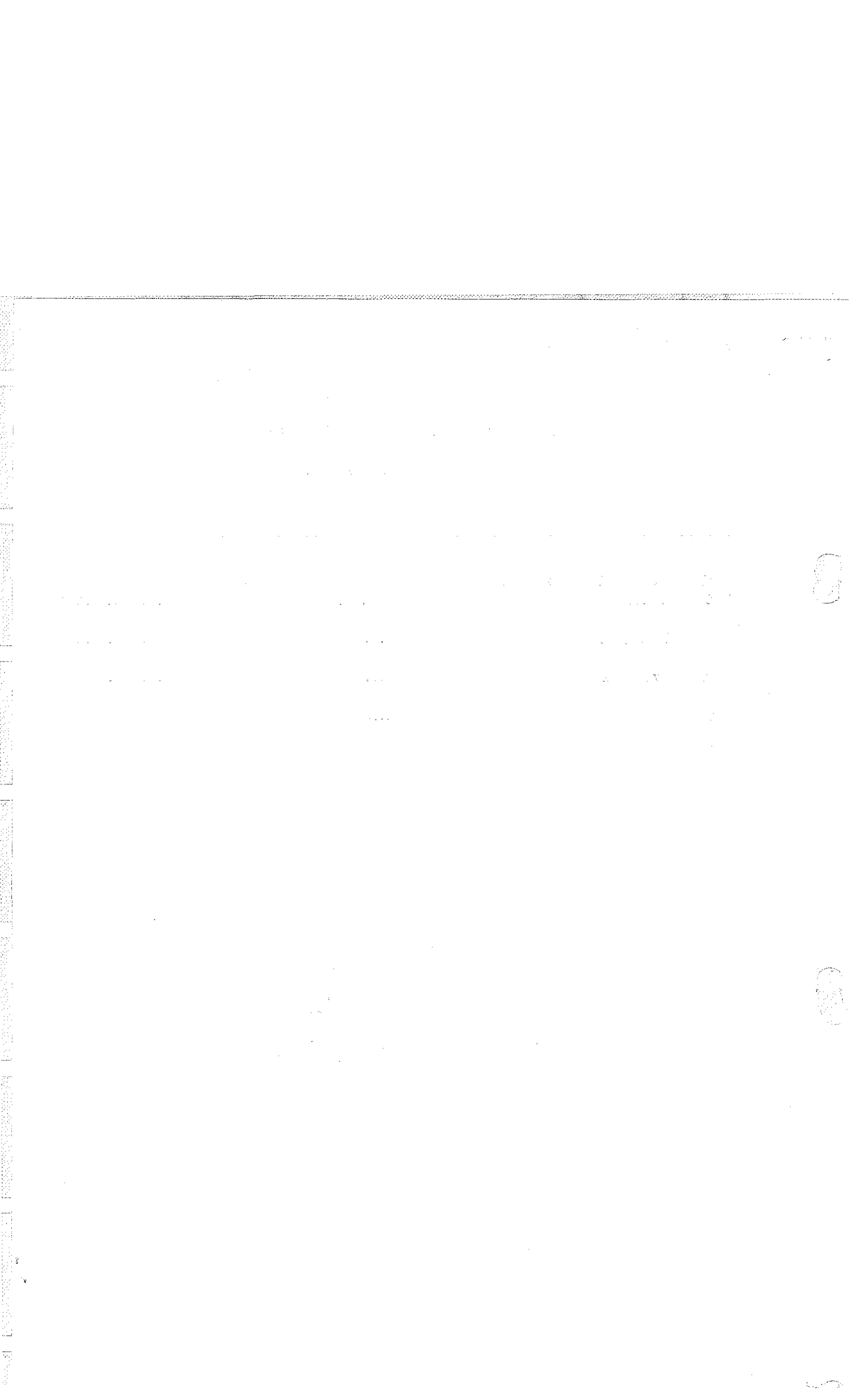
Henry W. Underhill Jr.  
 City Attorney

Read, approved and adopted by the City Council of the City  
 of Charlotte, North Carolina, in regular session convened  
 on the 31st day of May, 1971, the reference having been  
 made in Minute Book 55, at Page , and recorded in full  
 in Resolution Book 7, at Page 354.

Ruth Armstrong  
 City Clerk

TAXPAYERS AND REFUNDS REQUESTED

NAME	AMOUNT OF REFUND REQUESTED	REASON
Equipment Leasing Corp. of South Carolina	\$ 75.04	Clerical error
Lease Plan, Inc.	19.69	Clerical error
Larry David Holsonback	<u>17.25</u>	Clerical error
TOTAL	\$111.98	



May 31, 1971

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RESOLUTION FIXING DATE OF PUBLIC HEARING ON  
PETITION TO CLOSE A PORTION OF SOUTH JOHNSTON  
STREET IN THE CITY OF CHARLOTTE, MECKLENBURG  
COUNTY, NORTH CAROLINA

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WHEREAS, Schwartz and Son, Incorporated, by and through its President has requested the City of Charlotte to vacate and close up that certain portion of South Johnston Street lying south of the intersection of South Johnston Street and West Third Street as shown on the map of Schwartz and Son, Incorporated, by R. B. Pharr and Associates, dated January 18, 1971; said portion of South Johnston Street being more particularly described as follows:

BEGINNING at an iron, said iron being located at the intersection of the southerly margin of West Third Street with the easterly margin of South Johnston Street, said beginning point being further located 220.65 feet from the intersection of the southerly margin of West Third Street with the easterly margin of South Cedar Street, and runs thence from said beginning point with the easterly margin of South Johnston Street S 25-56-54 W. 225.69 feet to an iron; thence N. 75-24-24 W. 30.60 feet to a point in the westerly margin of South Johnston Street; thence with the westerly margin of South Johnston Street N. 25-56-54 E. 231.66 feet to a point in the southerly margin of West Third Street; thence with the southerly margin of West Third Street S. 64-09 E. 30.0 feet to the point of beginning.

WHEREAS, the procedure for closing streets as outlined in the North Carolina General Statutes, Section 160-200 (11) and Section 153-9 (17), requires that the owners of the property adjoining said street who do not join in the request for the closing of said street be notified of the time and place of the Council Meeting at which the closing of said street is to be acted upon; said statutes further require that the notice of said meeting of

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the council at which the closing of said street is to be acted upon be published in a newspaper once a week for four consecutive weeks; and

WHEREAS, the City of Charlotte is desirous of complying with the Petitioner's request.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that a public hearing on the question of closing that certain portion of South Johnston Street lying south of the intersection of South Johnston Street and West Third Street, as shown on the map of Schwartz and Son, Incorporated, by R. B. Pharr and Associates, dated January 18, 1971, said portion of said street being more particularly described hereinabove, shall be held at 2:00 p.m., on Monday, the 28th day of June, 1971, in the Council Chamber of the City Hall. The City Clerk is hereby directed to publish such a notice in the Charlotte News once a week for four successive weeks next preceding the date fixed here for such hearing, as required by G. S. 153-9(17).

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 31st day of May, 1971, the reference having been made in Minute Book 55, at Page , and recorded in full in Resolution Book 7, at Pages 355-356.

Ruth Armstrong  
 City Clerk