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 Carmel Road Widening; 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
Danny Kimbrell McGinnis; JoBeth Privette McGinnis; First Liberty Bank; Any Other Parties in Interest.

Property Description
416.20 square feet for fee-simple; 666.21 square feet for a temporary construction easement; and any additional property or interest as the City may determine to complete the project, as it relates to Tax Parcel No. 209-311-62.

Appraised Value
$1,400.00 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:

[Signature]
City Attorney
CERTIFICATION

I, Brenda R. Freeze, 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 9th day of May, 1994, the reference having been made in Minute Book 104 and recorded in full in Resolution Book 32, Page(s) 252-253.

WITNESS my hand and corporate seal of the City of Charlotte, North Carolina, this the 12th day of May, 1994.

Brenda R. Freeze, City Clerk
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 Carmel Road Widening; 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
Paul D. Wadsworth; Anna H. Wadsworth; Robert L. Kennedy, Jr., d/b/a Carolina Mortgage Services, Beneficiary; Sturnbridge Homeowners Association; Any Other Parties in Interest.

Property Description
1,654.17 square feet for fee-simple; 38 square feet for down-guy easement; 1,053.16 square feet for a temporary construction easement; and any additional property or interest as the City may determine to complete the project, as it relates to Tax Parcel No. 209-311-77.

Appraised Value
$14,400.00 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:

[Signature]
City Attorney
CERTIFICATION

I, Brenda R. Freeze, 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 9th day of May, 1994, the reference having been made in Minute Book 104 and recorded in full in Resolution Book 32, Page(s) 254-255.

WITNESS my hand and corporate seal of the City of Charlotte, North Carolina, this the 12th day of May, 1994.

Brenda R. Freeze, City Clerk
RESOLUTION CLOSING  

Shadowview Drive  

LOCATED BETWEEN  

Hollowood Place  

AND  

N.C. Hwy. 16  

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 Shadowview Drive which calls for a public hearing on the question; and

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to Close Shadowview Dr. 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 Shadowview Drive, all as required by G. S. 160-299; and

WHEREAS, the public hearing was held on the 9th day of May, 1994, and City Council determined that the closing of Shadowview Drive 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 May 9, 1994, that the Council hereby orders the closing of Shadowview Drive in the City of Charlotte, Mecklenburg County, North Carolina as described below:

(Metes and Bounds Description)

EXHIBIT 'B'

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, Brenda Freeze, 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 9th day of May, 1994, the reference having been made in Minute Book 104, Page 256-258, and recorded in full in Resolution Book 32.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 12th day of May, 1994.

Brenda R. Freeze, City Clerk
This map was prepared for the abandonment of the right-of-way of Shadowview Drive only, and is not intended to be a boundary survey of the property shown.

The source of the highway right-of-way information for Shadowview Drive was taken from "Oakdale Forest" Subdivision Plat, Map Book 8, Page 217, as recorded in the Mecklenburg County Registry.
May 9, 1994
Resolution Book 32, Page 258
Exhibit B
RIGHT - OF - WAY ABANDONMENT
OF
SHADOWVIEW DRIVE

Being a portion of lands as shown on a subdivision plat of Oakdale Forest as recorded in map book 8, page 217, in Mecklenburg County Registry, and being more particularly described as follows: Beginning at a point in the northerly right-of-way of Shadowview Drive, said point also being the common corner of lot #11 on the south and lot #12 on the north, as shown on said plat, running thence N 41-11-00 W along said right-of-way of Shadowview Drive a distance of 375.02' to a point, said point being the southwesterly corner of lot #12 and in the division line between D. E. Dillinger and wife Willie S., as recorded in deed book 4596, page 059, in Mecklenburg County Registry, on the north and said Shadowview Drive on the south, thence with said division line S 47-57-00 W a distance of 19.30' to a point in the easterly right-of-way of North Carolina Highway #16, thence S 09-14-47 E with said easterly right-of-way of N. C. Highway #16 a distance of 76.94' to a point in the southerly right-of-way line of said Shadowview Drive, thence along said southerly right-of-way of Shadowview Drive, the following courses and distances, S 41-11-00 E a distance of 294.93' to a point in lot #10, thence S 14-00-00 E a distance of 175.00' to a point in lot #8, thence S 34-00-00 E a distance of 507.37' to a point, being the point of intersection of Shadowview Drive right-of-way and the southwesterly projection of the westerly right-of-way of Hollowood Place, thence N 44-53-00 E along said projection a distance of 61.13' to a point, being the point of intersection of the northerly right-of-way of Shadowview Drive and said southerly projection of the westerly right-of-way of Hollowood Place, thence along said northerly right-of-way of Shadowview Drive, the following courses and distances; N 34-00-00 W a distance of 485.00' to a point in lot #10, thence N 14-00-00 W a distance of 178.95' to a point and the place of beginning, containing 61,047 sq. ft.

Also to be included is the area of the two fillets shown as C1 and C2 whose area is 84 sq. ft. and 208 sq. ft., respectively, combining for a grand total of 61,339 sq. ft.
RESOLUTION CLOSING PORTIONS OF GIBBS AND TINNIN STREETS
LOCATED BETWEEN INTERSTATE HIGHWAY 77
AND PROPERTY OF DUKE POWER COMPANY
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 portions of Gibbs and Tinnin Streets which calls for a public hearing on the question; and

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to Close portions of Gibbs and Tinnin Streets to be sent by registered or certified mail to all owners adjoining the said portion of said streets, and prominently posted a notice of the closing and public hearing in at least two places along Gibbs and Tinnin Streets, all as required by G.S. 160A-299; and

Whereas, the public hearing was held on the _____ day of May, 1994, and City Council determined that the closing of portions of Gibbs and Tinnin Streets 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 May 9, 1994, that the Council hereby orders the closing of portions of Gibbs and Tinnin Streets in the City of Charlotte, Mecklenburg County, North Carolina as described below:

Beginning at a concrete monument found in the easterly right of way limit of Interstate Highway 77, said point being 125.25 feet east of the centerline of said Interstate Highway 77, thence S 67°40'16" E 99.99 feet along the southerly property line of Duke Power Company, to an iron pipe found in the westerly right of way limit of Gibbs Street at its intersection with Tinnin Street, thence S 21°42'41" W 39.55 feet across Tinnin Street to an iron pipe set in the southerly right of way limit of Tinnin Street, thence with the southerly right of way limit of Tinnin Street N 67°38'31" W 60.82 feet to an iron pipe found being the north westerly corner of Duke Power Company, thence S 22°05'25" W 110.32 feet along the westerly property line of Duke Power Company to an iron pipe found, thence continuing along the westerly property line of Duke Power Company S 20°46'37" W 102.06 feet to a concrete monument found in the northerly right of way of Oaklawn Avenue, thence with the northerly right of way limit of Oaklawn Avenue N 70°05'15" W 33.24 feet to a concrete monument found in the easterly right of way limit of Interstate Highway 77 said concrete monument being 133.03 feet east of the centerline of Interstate Highway 77, thence with the easterly right of way limit of Interstate Highway 77 N 19°39'24" E 213.99 feet to a concrete monument also in the easterly right of way limit of Interstate Highway 77 thence continuing along the easterly right of way limit of Interstate Highway 77 N 22°51'54" E 39.50 feet to the point of beginning containing 0.276 acres.
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, Brenda Freeze, 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 9th day of May 1994, the reference having been made in Minute Book 104 and recorded in full in Resolution Book 32, Pages 259-262.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this 12th day of May, 1994.

Brenda R. Freeze, City Clerk
Beginning at a concrete monument found in the easterly right of way limit of Interstate Highway 77, said point being 125.25 feet east of the centerline of said Interstate Highway 77, thence S 67°40'16" E 99.99 feet along the southerly property line of Duke Power Company, to an iron pipe found in the westerly right of way limit of Gibbs Street at its intersection with Tinnin Street, thence S 21°42'41" W 39.55 feet across Tinnin Street to an iron pipe set in the southerly right of way limit of Tinnin Street, thence with the southerly right of way limit of Tinnin Street N 67°38'31" W 60.82 feet to an iron pipe found being the north westerly corner of Duke Power Company, thence S 22°05'25" W 110.32 feet along the westerly property line of Duke Power Company to an iron pipe found, thence continuing along the westerly property line of Duke Power Company S 20°46.137" W 102.06 feet to a concrete monument found in the northerly right of way of Oaklawn Avenue, thence with the northerly right of way limit of Oaklawn Avenue N 70°05'15" W 33.24 feet to a concrete monument found in the easterly right of way limit of Interstate Highway 77 said concrete monument being 133.03 feet east of the centerline of Interstate Highway 77, thence with the easterly right of way limit of Interstate Highway 77 N 19°39'24" E 213.99 feet to a concrete monument also in the easterly right of way limit of Interstate Highway 77 thence continuing along the easterly right of way limit of Interstate Highway 77 N 22°51'54" E 39.50 feet to the point of beginning containing 0.276 acres.
RESOLUTION CLOSING A PORTION OF NEWKIRK STREET
LOCATED BETWEEN OLD MALLARD CREEK ROAD AND THE
CITY LIMITS IN THE CITY OF CHARLOTTE, MECKLEMBURG
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 Newkirk Street
which calls for a public hearing on the question; and

WHEREAS, the petitioners have caused a copy of the Resolution of Intent to Close Newkirk Street
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 on the closing and public hearing in at least two places along Newkirk Street all as required by G.S. 160A-299; and

WHEREAS, the public hearing was held on the 9th day of May, 1994, and City Council determined that the closing of Newkirk 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 May 9, 1994, that the Council hereby orders the closing of Newkirk Street in the City of Charlotte, Mecklenburg County, North Carolina as shown on the attached map marked Exhibit A and as more particularly described by metes and bounds in the attached Exhibit B.

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

1, Brenda Freeze, 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 9th day of May, 1994, the reference having been made in Minute Book 104 and recorded in full in Resolution Book 32, pages 263-265.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 12th day of May, 1994.

[Signature]
Brenda R. Freeze, City Clerk
May 9, 1994
Resolution Book 32, Page 264

OLD MALLARD CREEK ROAD

LOT 2
BLOCK 1

YOUNG MEN'S CHRISTIAN ASSOCIATION
6890-535
047-122-05

YOUNG MEN'S CHRISTIAN ASSOCIATION
6890-558
047-122-04

YOUNG MEN'S CHRISTIAN ASSOCIATION
6890-540
047-122-03

LOT 5

YOUNG MEN'S CHRISTIAN ASSOCIATION
6890-543
047-122-02

CHARLOTTE CITY LIMITS
MALLARD CREEK TOWNSHIP

LOT 6 & PART OF LOT 5

MALLARD CREEK TOWNSHIP
CHARLOTTE CITY LIMITS

LOT 7

IBM CORP.
5155-795
047-122-08

MAP OF:
A PORTION OF NEWKIRK STREET TO BE REMOVED FROM DEDICATION,
MALLARD CREEK TOWNSHIP, MECKLENBURG COUNTY,
CHARLOTTE N.C.

YOUNG MEN'S CHRISTIAN ASSOCIATION
6890-547
047-121-02

YOUNG MEN'S CHRISTIAN ASSOCIATION
6890-526
047-121-04

MALLARD CREEK TOWNSHIP
CHARLOTTE CITY LIMITS

LOT 8

MATCH LINE
CHARLOTTE CITY LIMITS
MALLARD CREEK TOWNSHIP

A WITHIN NEWKIRK STREET
J BE ABANDONED IN CITY
21,884.71 SQ. FT.
OR 0.502 ACRE

FLOOD CERTIFICATION
THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED FEBRUARY 1993.

TAX NUMBER: 047-122 AND 121-
DESCRIPTION:

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

BEGINNING at a point made by the intersection of the southerly margin of Old Mallard Creek Road (50' foot right-of-way) and the easterly margin of Newkirk Street (30' foot right-of-way) said point being the northwest corner of the property of the Young Men's Christian Association as described in deed recorded in Book 6890, Page 547 and Deed Book 6890, Page 526 of the Mecklenburg Public Registry, and runs thence with the westerly margin of the Young Men's Christian Association property South 00-14-25 West 741.76 feet to a point; thence crossing Newkirk Street (30' right-of-way) North 89-45-35 West 30.00 feet to a point; thence with the easterly line of the IBM Corporation property as described in deed recorded in Book 5155, Page 795 of said Registry, North 00-14-25 East 110.00 feet to a point; thence with the easterly line of Lots 2-6, Block 1, of Dr. C.W.Robinson subdivision as shown in Map Book 7, Page 381 of said Registry, North 00-14-25 East 630.06 feet to an existing iron, said point being the southwesterly intersection of Old Mallard Creek Road and Newkirk Street; thence with the southerly margin of Old Mallard Creek Road right-of-way North 81-44-33 East 30.33 feet to the point and place of BEGINNING. Containing 69781.08 square feet or 1.601 acres as shown on a map of said street abandonment by R.B.Pharr & Associates, P.A. dated December 28, 1993.
RESOLUTION CLOSING A PORTION OF OLD JENKINS AVENUE
LOCATED BETWEEN ALBEMARLE ROAD (NC 24 & 27) AND
JENKINS AVENUE (RELOCATED) 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 Old
Jenkins Avenue which calls for a public hearing on the questions;
and

WHEREAS, the petitioner has caused a copy of the Resolution of
Intent to Close a portion of Old Jenkins Avenue 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 Jenkins Avenue, all as required by G.S. 160-299; and

WHEREAS, the public hearing was held on the 9th day of
May, 1994, and City Council determined that the closing
of Old Jenkins Avenue 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; and further, that the Petitioner
herein will deed certain property and a right-of-way to the City of
Charlotte which is needed for the improvement of the intersection
of said Jenkins Avenue and Albemarle Road, all without cost to the
City of Charlotte; and

WHEREAS, a Deed has been tendered by P & S Enterprises, a
North Carolina General Partnership, the Petitioner herein conveying
certain property, as well as a right-of-way to the City of
Charlotte in exchange for such closing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City
of Charlotte, North Carolina at its regularly assembled meeting of
May 9, 1994, that the Council hereby orders that
upon the recordation or filing in the office of the Register of
Deeds of Mecklenburg County, North Carolina of that certain deed by
P & S Enterprises, a North Carolina General Partnership, to the
City of Charlotte, conveying certain lands and granting certain
rights-of-way, a copy of said deed being marked "Exhibit A"
attached hereto and being a part hereof, the closing of a portion
of Old Jenkins Avenue in the City of Charlotte, Mecklenburg County,
North Carolina as described below:

BEGINNING at an E.I.P. located at the intersection
of the easterly right-of-way line of old Jenkins Avenue
(now closed) and the southerly line of Lot 3 of the G. N.
Burke property (now or formerly) as found in Deed Book
4144 at Page 0620 of the Mecklenburg County, North
Carolina Public Registry, and running thence from said
BEGINNING point and with the right-of-way line of the
said old Jenkins Avenue (closed) and with an arc of a circular curve to the left having a radius of 301.56 feet, an arc length of 58.24 feet, and with a cord of S. 12-31-58 W. having a distance of 58.15 feet to another E.I.P., thence continuing with said right-of-way line of old Jenkins Avenue (closed) S. 07-00-00 W. 210.79 feet to another E.I.P., thence with the arc of another circular curve to the left having a radius of 30 feet and an arc length of 44.76 feet and a cord of a radius of 40.72 feet to another E.I.P. on said old right-of-way line, thence continuing with said old right-of-way line S. 80-57-98 E. 100.12 feet to an E.I.P. on the northerly right-of-way line of Albemarle Road (N.C. 24 and 27), thence with the northerly right-of-way line of said Albemarle Road N. 83-37-35 W. 214.41 feet to another point on the said northerly right-of-way of said Albemarle Road, said point being at the intersection of the northerly right-of-way line of Albemarle Road and the right-of-way line of old Jenkins Avenue (closed), thence with the "flared" right-of-way line of old Jenkins Avenue (closed) and with the arc of the circular curve to the left having a radius of 24.00 feet and an arc length of 11.97 feet and a cord of N. 82-05-19 E. a distance of 11.84 feet, thence with another curve to the left having a radius of 30 feet and an arc length of 26.22 feet and a cord of N. 30-28-47 E. a distance of 25.39 feet, and thence continuing with the old right-of-way line of said old Jenkins Avenue (closed) N. 05-26-30 E. 141.08 feet to a point on the easterly right-of-way line of Jenkins Avenue (relocated) thence with the easterly right-of-way line of Jenkins Avenue (relocated) N. 29-24-21 E. 148.14 feet to a point; thence a new line S. 60-46-41 E. 14.20 feet to an E.I.P., the point and place of BEGINNING and containing an area of 15981.91 square feet or 0.3669 acres as per survey of C. Clark Neilson, NCRLS dated September 23, 1992.

SAVE AND EXCEPT that certain storm drainage easement 15 feet in width now located on the above-described property; however, it is specifically understood and agreed that in the event said easement conflicts with any proposed permanent structure to be located on the property, then in such event it will be relocated at the then owner's expense as per plan and specific location as reviewed and approved by proper governmental authorities; those being as of this date, the Land Development Services Section of Engineering and Property Management Departments of the City of Charlotte, said approval being obtained prior to building permit submittal.

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, Brenda R. Freeze, 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 9th day of May, 1994, the reference having been made in Minute Book 104 and recorded in full in Resolution Book 32, Page(s) 266-274.

WITNESS my hand and corporate seal of the City of Charlotte, North Carolina, this the 12th day of May, 1994.

Brenda R. Freeze, City Clerk
Resolution Book 32, Page 259

THIS IS TO CERTIFY THAT ON THE 23 DAY OF SEPTEMBER 19 94 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 HEREIN. THIS PLAT DOES NOT MEET NCGS 47-30 STANDARDS AND IS NOT FOR RECORDING.

Signed: C. Clark Wilson
R. H. Pills & Associates, Registered Surveyors
GREAT HOPKINS BUILDING
TALLAHASSEE, FL

ALBEMARLE ROAD (N.C. 24 AND 27)
PAVED ROAD
SURVEY OF:
OLD JENKINS AVENUE TO BE REMOVED FROM DEDICATION

THE PROPERTY OF
CHARLOTTE N.C.
P & S ENTERPRISES

SCALE: 1"=40'

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 THE FLOOD HAZARD PLANS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED FEBRUARY 26, 1984.

IN: NUMBER: 103-111-20 AND 103-12-13
NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 21st day of January, 1994, by and between

GRANTOR

P & S Enterprises, a North Carolina General Partnership

GRANTEE

The City of Charlotte
C/o Department of Transportation
600 East Fourth Street
Charlotte, NC 28202-2858

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Mecklenburg, County, North Carolina and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference as if fully set forth in words and figures.
The property hereinabove described was acquired by Grantor by instrument recorded in

A map showing the above described property is recorded in Plat Book _______________________________ page _______________________________.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

Subject to all valid and enforceable easements, conditions and restrictions of record and ad valorem taxes for the current year, which Grantee hereby assumes and agrees to pay.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

P & S Enterprises, a North Carolina General Partnership

By: _______________________________ (SEAL)

Fletcher E. Keith, President

(SEAL)

SEAL-STAMP: North Carolina, Mecklenburg County.

I, a Notary Public of the County and State aforesaid, certify that Fletcher E. Keith, a General Partner of P & S Enterprises, a North Carolina General Partnership personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 21st day of January, 1994.

My commission expires: May 12, 1996. By: _______________________________ Notary Public

(SEAL)

SEAL-STAMP: North Carolina, ______________ County.

I, a Notary Public of the County and State aforesaid, certify that _______________________________ personally came before me this day and acknowledged that _______________________________ is Secretary of _______________________________ a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by _______________________________ as its Secretary. Witness my hand and official stamp or seal, this ______________ day of ______________, 1994.

My commission expires: _______________________________ Notary P

The foregoing Certificate(s) of _______________________________ are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

REGISTER OF DEEDS FOR: ______________ County

By: _______________________________ Deputy/Assistant - Register of Deeds
BEGINNING at an E.I.P. located at the intersection of the easterly right-of-way line of old Jenkins Avenue (now closed) and the southerly line of Lot 3 of the G. N. Burke property (now or formerly) as found in Deed Book 4144 at Page 0620 of the Mecklenburg County, North Carolina Public Registry and running thence from said BEGINNING point seven (7) new courses and distances (said seven (7) courses and distances to become a portion of the easterly right-of-way line of Jenkins Avenue (relocated) and the northerly right-of-way line of a portion of Albemarle Road) as follows: (1) S. 31-31-58 W. 50 feet, (2) N. 68-28-02 W. 5 feet, (3) S. 21-31-58 W. 147.35 feet (4) with the arc of a circular curve to the left having a radius of 95 feet and an arc length of 99.45 feet and a cord of S. 08-27-26 E. a distance of 94.97 feet to a point, (5) S. 83-37-35 E. 35.06 feet to a point, (6) with an arc of a circular curve to the left having a radius of 30 feet and an arc length of 34.76 feet and a cord of S. 55-45-46 E. a distance of 32.85 feet to an existing iron pin, (7) S. 80-57-58 E. 100.12 feet to an existing iron pin located on the northerly right-of-way line of Albemarle Road, (N.C. 24 and 27) thence with the right-of-way line of said Albemarle Road N. 83-37-35 W. 214.41 feet to a point, thence continuing with said right-of-way line of the intersection of Albemarle Road and Jenkins Avenue (relocated) and with the arc of a circular curve to the right having a radius of 24 feet and an arc distance of 40.99 feet and with a cord of N. 34-41-45 W. a distance of 36.19 feet to a point on the easterly right-of-way line of said Jenkins Avenue (relocated), thence with said easterly right-of-way line of said Jenkins Avenue (relocated) and with the arc of a circular curve to the right having a radius of 501.90 feet, an arc distance of 97.00 feet and with a cord of N. 21-42-27 E., a distance of 96.85 feet to a point, thence continuing with said easterly right-of-way line of Jenkins Avenue (relocated) N. 27-14-39 E. 49.74 feet to a point, thence continuing with said right-of-way line of Jenkins Avenue (relocated) N. 29-24-21 E. 148.14 feet to a point, thence S. 60-46-41 E. 14.20 feet to the point and place of BEGINNING and containing 9897.04 square feet or 0.2272 acres as per survey for P & S Enterprises as prepared by R. B. Pharr & Associates, P.A. dated September 29, 1993.

TOGETHER with a right-of-way for sidewalks, utilities, and/or temporary construction purposes that certain five-foot strip of land located along the easterly boundary of the above-described property and with the westerly boundary of said strip more particularly described as follows:

BEGINNING at a POINT; said POINT being located two (2) courses and distances measured from an E.I.P. located at the intersection of the easterly right-of-way line of old Jenkins Avenue (now closed) and the southerly line of Lot 3 of the G. N. Burke property (now or formerly) as found in Deed Book 4144 at Page 0620 of the Mecklenburg County, North Carolina Public Registry as follows: (1) S. 31-31-58 W. 50 feet and (2) N. 68-28-02 W. 5 feet; and running from said BEGINNING POINT two (2) courses and distances as follows: (1) S. 21-31-58 W. 147.35 feet and (2) with an arc of a circular curve to the left having a radius of 95.00 feet and an arc distance of 99.45 feet and a cord of S. 08-27-26 E. a distance of 94.97 feet.
EXHIBIT C

ALBEMARLE ROAD (N.C. 24 AND 27)
PAVED ROAD
BEGINNING at an E.I.P. located at the intersection of the easterly right-of-way line of old Jenkins Avenue (now closed) and the southerly line of Lot 3 of the G. N. Burke property (now or formerly) as found in Deed Book 4144 at Page 0620 of the Mecklenburg County, North Carolina Public Registry and running thence from said BEGINNING point seven (7) new courses and distances (said seven (7) courses and distances to become a portion of the easterly right-of-way line of Jenkins Avenue (relocated) and the northerly right-of-way line of a portion of Albemarle Road) as follows: (1) S. 31-31-58 W. 50 feet, (2) N. 68-28-02 W. 5 feet, (3) S. 21-31-58 W. 147.35 feet (4) with the arc of a circular curve to the left having a radius of 95 feet and an arc length of 99.45 feet and a cord of S. 08-27-26 E. a distance of 94.97 feet to a point, (5) S. 83-37-35 E. 35.06 feet to a point, (6) with an arc of a circular curve to the left having a radius of 30 feet and an arc length of 34.76 feet and a cord of S. 55-45-46 E. a distance of 32.85 feet to an existing iron pin, (7) S. 80-57-58 E. 100.12 feet to an existing iron pin located on the northerly right-of-way line of Albemarle Road, (N.C. 24 and 27) thence with the right-of-way line of said Albemarle Road N. 83-37-35 W. 214.41 feet to a point, thence continuing with said right-of-way line of the intersection of Albemarle Road and Jenkins Avenue (relocated) and with the arc of a circular curve to the right having a radius of 24 feet and an arc distance of 40.99 feet and with a cord of N. 34-41-45 W. a distance of 36.19 feet to a point on the easterly right-of-way line of said Jenkins Avenue (relocated), thence with said easterly right-of-way line of said Jenkins Avenue (relocated) and with the arc of a circular curve to the right having a radius of 501.90 feet, an arc distance of 97.00 feet and with a cord of N. 21-42-27 E., a distance of 96.85 feet to a point, thence continuing with said easterly right-of-way line of Jenkins Avenue (relocated) N. 27-14-39 E. 49.74 feet to a point, thence continuing with said right-of-way line of Jenkins Avenue (relocated) N. 29-24-21 E. 148.14 feet to a point, thence S. 60-46-41 E. 14.20 feet to the point and place of BEGINNING and containing 9897.04 square feet or 0.2272 acres as per survey for P & S Enterprises as prepared by R. B. Pharr & Associates, P.A. dated September 29, 1993.
May 9, 1994
Resolution Book 32, Page 275

EXHIBIT E

BEING a five foot strip of land located along a portion of the easterly boundary of that certain property to be deeded to the City of Charlotte by P & S Enterprises, a North Carolina General Partnership, said property to be deeded to become the easterly boundary of Jenkins Avenue (relocated) in the City of Charlotte; and with the westerly boundary of said strip more particularly described as follows:

BEGINNING at a POINT; said POINT being located two (2) courses and distances as measured from an E.I.P. located at the intersection of the easterly right-of-way line of old Jenkins Avenue (now closed) and the southerly line of Lot 3 of the G. N. Burke property (now or formerly) as found in Deed Book 4144 at Page 0620 of the Mecklenburg County, North Carolina Public Registry as follows: (1) S. 31-31-58 W. 50 feet and (2) N. 68-28-02 W. 5 feet; and running from said BEGINNING POINT two (2) courses and distances as follows: (1) S. 21-31-58 W. 147.35 feet and (2) with an arc of a circular curve to the left having a radius of 95.00 feet and an arc distance of 99.45 feet and a cord of S. 08-27-26 E. a distance of 94.97 feet.
RESOLUTION CLOSING FOUR ALLEYWAYS LOCATED WITHIN THE BOUNDARIES OF EAST FIFTH STREET, NORTH ALEXANDER STREET, EAST TRADE STREET, AND NORTH DAVIDSON 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 the alleyways which calls for a public hearing on the question; and

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

WHEREAS, the public hearing was held on the 9th day of May, 1994, and City Council determined that the closing of the alleyways 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, at its regularly assembled meeting of May 9, 1994, that the Council hereby orders the closing of the alleyways in the City of Charlotte, Mecklenburg County, North Carolina as shown on maps (attached) marked Exhibit A and as more particularly described by metes and bounds in Exhibit B (attached).

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, Brenda Freeze, 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 9th day of May, 1994, the reference having been made in Minute Book 104 XXXXXXXXXX and recorded in full in Resolution Book 32, page 276-280.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 12th day of May, 1994.

Brenda R. Freeze, City Clerk
NOTE:
PREPARED FROM UNRECORDED SURVEY BY THE CITY OF CHARLOTTE ON 10-25-91

EAST FIFTH STREET
60' R/W

CITY OF CHARLOTTE
TAX CODE 080-083-10
DB 8733 PG 543
16,067 sf (0.369 ac)

CITY OF CHARLOTTE
TAX CODE 080-083-04
DB 8732 PG 704

CITY OF CHARLOTTE
TAX CODE 080-083-10
DB 8733 PG 543
16,067 sf (0.369 ac)

CITY OF CHARLOTTE
TAX CODE 080-083-04
DB 8732 PG 704

LEGEND
IRON FOUND CONTROL MONUMENT A
AREA TO ABANDON

GRAPHIC SCALE
( IN FEET )
1 inch = 40 ft.

GEO STATION MDSS(ARNOLD)
NC GRID COORDINATE
N=539,784.498
1,449,630.923
NAD 83
GRID FACTOR 0.99983874

PREPARED BY:
CITY OF CHARLOTTE
ENGINEERING DEPARTMENT
600 EAST FOURTH STREET
CHARLOTTE, NC 28202
704-336-2291

RESERVED FOR FUTURE RIGHT-OF-WAY

RESERVED FOR FUTURE RIGHT-OF-WAY

RESERVED FOR FUTURE RIGHT-OF-WAY
\textbf{NOTE:}

PREPARED FROM UNRECORDED SURVEY
BY THE CITY OF CHARLOTTE
ON 10-25-91

\textbf{LEGEND}

\begin{itemize}
  \item \textbf{IRON FOUND} \hspace{1cm} \textbullet
  \item \textbf{AREA TO ABANDON} \hspace{1cm} \square
\end{itemize}

\begin{table}[h]
\centering
\begin{tabular}{|c|c|}
\hline
\textbf{LINE} & \textbf{BEARING} & \textbf{DISTANCE} \\
\hline
L-1 & S52'14.36"W & 10.06' \\
L-2 & S42'45.57"E & 27.12' \\
L-3 & S68'58.15"E & 19.99' \\
L-4 & N50'52.48"E & 11.12' \\
L-5 & S50'19.12"W & 11.00' \\
\hline
\end{tabular}
\end{table}

\textbf{AREA of ALLEY "A"}

2,027 sf (0.047 ac)

\textbf{AREA of ALLEY "B"}

781 sf (0.018 ac)

\textbf{GRAPHIC SCALE}

( IN FEET )
1 inch = 40 ft.
ABANDONMENT OF ALLEY WAY
EAST FIFTH STREET
EAST OF NORTH DAVIDSON STREET

Being part of the 8-foot alley way located on the Southerly side of East Fifth Street east of North Davidson Street and bounded on both sides by the property of the City of Charlotte and more particularly described as follows: Being at a point in the Westerly side of an 8-foot alley, said point being located South 44-25-36 East 71.41 feet from an iron pin found at the end of the radius on the right-of-way of East Fifth Street from North Davidson Street and South 51-26-51 West 10.05 feet along the Westerly side of said 8-foot alley along the property of the City of Charlotte as recorded in Deed Book 6733, Page 543 in the Mecklenburg County Register of Deeds Office; thence from said beginning point with a future right-of-way line of East Fifth Street South 44-25-36 East 8.04 feet to a point on the Eastern side of said 8-foot alley, also being in the line of the property of the City of Charlotte as recorded in Deed Book 6732, Page 704; thence with the property of the City of Charlotte South 51-26-51 West 176.22 feet to a point in the Northern side of a 10-foot alley from North Davidson Street; thence along the Northerly side of said 10-foot alley North 42-44-50 West 8.02 feet to a point in the Western side of said 8-foot alley, also being the most Southern corner of the property of the City of Charlotte as recorded in Deed Book 6733, Page 543; thence with the Western side of said 8-foot alley along the property of the City of Charlotte North 51-26-51 East 175.99 feet to the point and place of beginning containing 1,409 square feet, all as shown on a map prepared by the City of Charlotte, Engineering Department entitled "Abandonment of Alley Way, Property of the City of Charlotte" dated November 18, 1993 and revised for the future right-of-way of East Fifth Street dated March 3, 1994.
Being part of that alley way located on the Southerly side of East Fifth Street West of the intersection of North Alexander Street and bounded on all sides by the property of the City of Charlotte, Tax Code 080-083-04 as recorded in Deed Book 6732, Page 704 and more particularly described as follows: Beginning at point in the Eastern side of an alley way and also being in the line of the property of the City of Charlotte as recorded in Deed Book 6732, Page 704 as recorded in the Mecklenburg County Register of Deeds Office, said point being located North 43-54-20 West 122.74 feet from an iron pin found at the end of the radius on East Fifth Street from North Alexander Street and South 51-24-06 West 10.07 feet to the point and place of beginning; thence, along said alley way in the following seven courses as follows: (1) South 51-24-06 West 150.81 feet to an iron pin found, (2) North 42-44-34 West 54.56 feet to an iron pin found, (3) North 52-14-36 East 10.06 feet to an iron pin found, (4) South 42-45-57 East 27.12 feet to an iron pin found, (5) South 68-58-15 East 19.99 feet to an iron pin found, (6) North 51-23-18 East 131.58 feet to a point, and (7) Along the future right-of-way of East Fifth Street South 45-17-07 East 10.08 feet to the point and place of beginning containing 2,027 square feet all as shown as Alley A on a map prepared by the City of Charlotte, Engineering Department entitled "Abandonment of Alley Way, Property of the City of Charlotte" dated November 18, 1993 and revised for the future right-of-way of East Fifth Street dated March 3, 1994.