

A RESOLUTION PROVIDING FOR PUBLIC  
HEARINGS ON PETITIONS FOR ZONING CHANGES

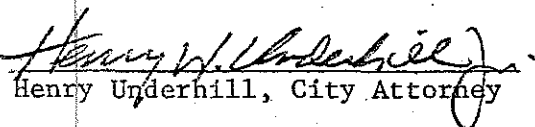
WHEREAS, the City Council has received petitions for zoning changes, which petitions, numbered 75-21 and 75-28 through 75-36 are on record in the Office of the City Clerk, and

WHEREAS, the City Council deems it in the public interest that hearings be held on said petitions,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that public hearings will be held in the Council Chamber on the Second Floor at Charlotte City Hall beginning at 3:00 o'clock P. M. on Monday the 27th day of October, 1975 on petitions for zoning changes number 75-21 and 75-28 through 75-36.

BE IT FURTHER RESOLVED that notice of said hearings be published as required by law.

APPROVED AS TO FORM:

  
Henry Underhill, City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 6th day of October, 1975, the reference having been made in Minute Book 62, and recorded in full in Resolutions Book 11, at Page 99.

Ruth Armstrong  
City Clerk

STATE OF NORTH CAROLINA - COUNTY OF MECKLENBURG  
RESOLUTION CALLING FOR A PUBLIC HEARING ON  
THE COMMUNITY DEVELOPMENT PLAN FOR  
NORTH CHARLOTTE COMMUNITY DEVELOPMENT AREA

WHEREAS, the City of Charlotte has prepared a Community Development Plan for North Charlotte Community Development Area, Charlotte, North Carolina; and

WHEREAS, the Community Development Plan for the North Charlotte Community Development Area has been approved by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council of the City of Charlotte is desirous of holding a public hearing on the aforementioned Community Development Plan.

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

1. That on Wednesday, October 29, 1975, at 7:30 P.M., in the Council Chamber of the City Hall, the City Council shall hold a public hearing on the Community Development Plan, North Charlotte Community Development Area.

2. That a description of area specified in the Community Development Plan (1) by boundaries and (2) by City block, street and house numbers is as follows:

That certain area in the City of Charlotte, County of Mecklenburg, State of North Carolina, described as follows:

BEGINNING at the intersection of the northeastern right-of-way line of East Craighead Road and the northwestern right-of-way line of North Tryon Street; thence southeast along the northeastern right-of-way line of East Craighead Road approximately 1,920 feet to the center line of the main tracks of the Southern Railroad; thence northeast along said tracks approximately 5,470 feet to the eastern right-of-way line of Eastway Drive; thence southwest along the eastern right-of-way line of Eastway Drive approximately 1,660 feet to the southeastern right-of-way line of The Plaza; thence southwest along the southwestern right-of-way line of The Plaza approximately 8,320 feet to a point, said point being the western right-of-way line of Clemson Avenue extended across The Plaza; thence north across The Plaza and continuing along the western right-

(Resolution Calling for a Public Hearing on the  
Community Development Plan for North Charlotte  
Community Development Area - Page 2)

of-way line of Clemson Avenue approximately 360 feet to the southern right-of-way line of Woodside Avenue; thence northwest along the southern right-of-way line of Woodside Avenue approximately 2,700 feet to the southwestern right-of-way line of Lunsford Place; thence continuing northwest along the southwestern right-of-way line of Lunsford Place to the southwestern right-of-way line of East Twenty-Eighth Street and line extended approximately 1,830 feet to the center line of the main track of the Norfolk and Southern Railroad; thence northeast along said track approximately 3,260 feet to the southwestern right-of-way line of East Thirty-Sixth Street; thence northwest along the southwestern right-of-way line of East Thirty-Sixth Street and line extended across North Tryon Street approximately 1,960 feet to the northwestern right-of-way line of North Tryon Street; thence northeast along the northwestern right-of-way line of North Tryon Street approximately 2,420 feet to the POINT OF BEGINNING.

The Project Area can be more particularly described as follows:

Beginning at the intersection of North Tryon Street and East Craighead Road; thence along East Craighead Road, 100 block, 132 East Craighead Road; 200 block, 220 East Craighead Road; 300 block, 308 East Craighead Road; thence to the centerline of the main tracks of Southern Railroad, northeast along Southern Railroad to intersection of Eastway Drive; thence Eastway Drive, 400 block, 426 Eastway Drive through 464 Eastway Drive; 500 block, 504 Eastway Drive through 530 Eastway Drive; thence The Plaza, 4300 block, 4301 The Plaza through 4331 The Plaza; 4200 block, 4201 The Plaza through 4259 The Plaza; 4100 block, 4110 The Plaza; 4000 block, 4015 The Plaza; 3900 block, 3901 The Plaza through 3945 The Plaza; 3800 block, 3801 The Plaza through 3815 The Plaza; 3700 block The Plaza; 3600 block, 3603 The Plaza through 3631 The Plaza; 3500 block, 3501 The Plaza; 3400 block, 3401 The Plaza; 3300 block, 3321 The Plaza; 3200 block, 3205 The Plaza through 3223 The Plaza; 3100 block, 3129 The Plaza; 3000 block, 3001 The Plaza through 3029 The Plaza; 2900 block, 2907 The Plaza through 2923 The Plaza; 2800 block, 2819 The Plaza through 2823 The Plaza; thence Clemson Avenue, 2600 block, 2610 Clemson Avenue; thence Woodside Avenue, 1100 block, 1111 Woodside Avenue through

(Resolution Calling for a Public Hearing on the  
Community Development Plan for North Charlotte  
Community Development Area - Page 3)

1151 Woodside Avenue; 1000 block, 1001 Woodside Avenue through 1027 Woodside Avenue; 900 block, 901 Woodside Avenue through 933 Woodside Avenue; 800 block, 801 Woodside Avenue through 851 Woodside Avenue; thence Lunsford Place, 800 block, 801 Lunsford Place through 845 Lunsford Place; thence East Twenty-Eighth Street, 700 block, 701 East Twenty-Eighth Street through 723 East Twenty-Eighth Street; 600 block, 617 East Twenty-Eighth Street; 500 block East Twenty-Eighth Street; 400 block East Twenty-Eighth Street; thence the centerline of Norfolk and Southern Railroad northeast along the Norfolk and Southern Railroad track to the intersection of East Thirty-Sixth Street; thence East Thirty-Sixth Street, 300 block, 315 East Thirty-Sixth Street; 200 block, 241 East Thirty-Sixth Street; 100 block East Thirty-Sixth Street; thence North Tryon Street, 3300 block, 3300 North Tryon Street; 3400 block, 3400 North Tryon Street through 3428 North Tryon Street; 3500 block, 3500 North Tryon Street through 3528 North Tryon Street; 3600 block, 3618 North Tryon Street through 3620 North Tryon Street; 3700 block, 3724 North Tryon Street to the point of BEGINNING. It is intended that all property located within the boundary description above, whether located on a named or unnamed street, alley, lane or court, vacant or improved, be included within the project area, whether or not cited in this block, street and house number description.

3. The Community Development Plan for North Charlotte Community Development Area, with such maps, plans, contracts and other documents which are part of the proposal, together with the recommendation of the Planning Board and supporting data, are available for public inspection in the City Manager's Office, City Hall, and the office of the Director of the Community Development Department of the City of Charlotte, Suite 510,, 301 South McDowell Street, Charlotte, North Carolina, and shall be available from the date of this Resolution until the time of the public hearing.

4. That this Resolution shall be published at least once a week for two consecutive weeks in The Charlotte News, a newspaper of general circulation in the City of Charlotte, the first publication to be not less than fifteen (15) days prior to the date fixed for said hearing.

October 6, 1975  
Resolutions Book 11 - Page 103

(Resolution Calling for a Public Hearing on the  
Community Development Plan for North Charlotte  
Community Development Area - Page 4)

The foregoing Resolution was adopted by the City Council of  
the City of Charlotte, North Carolina, Monday, October 6, 1975

BY ORDER OF THE CITY COUNCIL OF  
THE CITY OF CHARLOTTE

Ruth Armstrong  
City Clerk

Read, approved and adopted by the City Council of the City of Charlotte,  
North Carolina, in regular session convened on the 6th day of October,  
1975, the reference having been made in Minute Book 62, and recorded in  
full in Resolutions Book 11, at Page 100-103.

Ruth Armstrong  
City Clerk

STATE OF NORTH CAROLINA - COUNTY OF MECKLENBURG  
RESOLUTION CALLING FOR A PUBLIC HEARING ON  
THE REDEVELOPMENT PLAN FOR  
GRIER HEIGHTS REDEVELOPMENT AREA

WHEREAS, under the authority of Article 22 of Chapter 160A of the General Statutes of North Carolina and particularly Section 160A-513 of the General Statutes, the City of Charlotte has prepared a Redevelopment Plan for Grier Heights Redevelopment Area, Charlotte, North Carolina; and

WHEREAS, the Redevelopment Plan for the Grier Heights Redevelopment Area has been approved by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, G. S. 160A-513(h) requires that the City Council of the City of Charlotte hold a public hearing upon the Redevelopment Plan.

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

1. That on Wednesday, October 29, 1975, at 7:30 P.M., in the Council Chamber of the City Hall, the City Council shall hold a public hearing on the Redevelopment Plan, Grier Heights Redevelopment Area.

2. That a description of area specified in the Redevelopment Plan (1) by boundaries and (2) by City block, street and house numbers is as follows:

That certain area in the City of Charlotte, County of Mecklenburg, State of North Carolina, described as follows:

BEGINNING at the intersection of the northern right-of-way line of Monroe Road and the center line of the Seaboard Coastline Railroad track; thence southeast along the center line of said track approximately 6,360 feet to the southeastern right-of-way line of McAlway Road; thence southwest along the southeastern right-of-way line of McAlway Road and line extended across McAlway Road approximately 1,620 feet to the southeastern right-of-way line of Beal Street; thence southwest along the southeastern right-of-way line of Beal Street approximately 2,220 feet to the western right-of-way line of Ellington Street; thence north along the western right-of-way line of Ellington Street approximately 610 feet to the southern right-of-way line of Billingsley Road; thence west along the southern right-of-way line of Billingsley Road and line extended across Randolph Road approximately

(Resolution Calling for a Public Hearing on the  
Redevelopment Plan for Grier Heights Redevelop-  
ment Area - Page 2)

2,810 feet to the western right-of-way line of Randolph Road; thence north and northwest along the western right-of-way line of Randolph Road approximately 3,550 feet to the center line of Briar Creek; thence northeast along the center line of Briar Creek approximately 2,240 feet to the northern right-of-way line of Monroe Road; thence east along the northern right-of-way line of Monroe Road approximately 560 feet to the POINT OF BEGINNING.

The Project Area can be more particularly described as follows:

Beginning at the intersection of Monroe Road and the centerline of the Seaboard Coastline Railroad track; thence southeast along the centerline of the Seaboard Coastline Railroad track to its intersection with McAlway Road; thence McAlway Road, 1200 block; 1100 block, 1109 McAlway Road through 1123 McAlway Road; 1000 block, 1001 McAlway Road through 1055 McAlway Road; thence Beal Street, 900 block, 901 Beal Street through 937 Beal Street; 800 block, 801 Beal Street through 825 Beal Street; 700 block, Beal Street; 600 block, Beal Street; 500 block, 501 Beal Street through 547 Beal Street; thence Ellington Street, 3700 block, 3713 Ellington Street through 3741 Ellington Street; thence Billingsley Road, 500 block, 501 Billingsley Road through 539 Billingsley Road; 400 block, 401 Billingsley Road through 429 Billingsley Road; 300 block, 301 Billingsley Road; 200 block Billingsley Road; 100 block, 100 Billingsley Road; thence Randolph Road, 3400 block through 2900 block; thence northeast along the centerline of Briar Creek to its intersection with Monroe Road; thence Monroe Road, 2700 block, 2718 Monroe Road through 2720 Monroe Road; 2800 block, Monroe Road to the point of BEGINNING. It is intended that all property located within the boundary description above, whether located on a named or unnamed street, alley, lane or court, vacant or improved, be included within the project area, whether or not cited in this block, street and house number description.

3. The Redevelopment Plan for Grier Heights Redevelopment Area with such maps, plans, contracts and other documents which are part of the proposal, together with the recommendation of the Planning Board and supporting data, are available for public

October 6, 1975  
Resolutions Book 11 - Page 106

(Resolution Calling for a Public Hearing on the  
Redevelopment Plan for Grier Heights Redevelop-  
ment Area - Page 3)

inspection in the City Manager's Office, City Hall, and the office  
of the Director of the Community Development Department of the  
City of Charlotte, Suite 510, 301 South McDowell Street, Char-  
lotte, North Carolina, and shall be available from the date of  
this Resolution until the time of the public hearing.

4. That this Resolution shall be published at least once a  
week for two consecutive weeks in The Charlotte News,  
a newspaper of general circulation in the City of Charlotte, the  
first publication to be not less than fifteen (15) days prior to  
the date fixed for said hearing.

The foregoing Resolution was adopted by the City Council of  
the City of Charlotte, North Carolina, Monday, October 6, 1975.

BY ORDER OF THE CITY COUNCIL OF  
THE CITY OF CHARLOTTE

Ruth Armstrong  
City Clerk

Read, approved and adopted by the City Council of the City of Charlotte,  
North Carolina, in regular session convened on the 6th day of October, 1975,  
the reference having been made in Minute Book 62, and recorded in full in  
Resolutions Book 11, at Page 104-106.

Ruth Armstrong  
City Clerk



RESOLUTION DECLARING AN INTENT  
TO CLOSE A PORTION OF AN ALLEYWAY  
ON THE SOUTHWESTERLY SIDE OF BAY  
STREET BETWEEN HAWTHORNE LANE  
AND LAMAR AVENUE IN CHARLOTTE,  
MECKLENBURG COUNTY, NORTH CAROLINA  
AND CALLING A PUBLIC HEARING ON THE  
QUESTION

WHEREAS, Lillie Mae Penegar, has filed a petition requesting that a portion of an alleyway described as follows be closed and abandoned:

BEGINNING at a point on the southwesterly line of Bay Street 210 feet in an easterly direction from the line of Hawthorne Lane and running thence with Bay Street in a southeasterly direction 5 feet; thence in a southwesterly direction parallel with Hawthorne Lane 55 feet; thence in a northwesterly direction 5 feet to a stake; thence in a northeasterly direction parallel with Hawthorne Lane 55 feet to the point of BEGINNING.

WHEREAS, the procedure for closing streets as outlined in North Carolina General Statutes, Section 160A-299, requires the Council first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said Statute further requires that the resolution shall be published once a week for four (4) successive weeks prior to the hearing and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street; and

WHEREAS, the City of Charlotte is desirous of closing a portion of the alleyway.

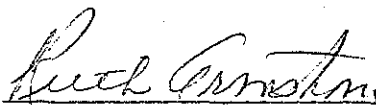
NOW, THEREFORE, BE IT RESOLVED AND DECLARED by the City Council of the City of Charlotte, at its regularly scheduled session of October 6, 1975, that it intends to close that portion of the alleyway described above and hereby calls a public meeting on the question to be held at 3:00 p. m. on Monday, the 3rd day of November, 1975, in the Council Chamber of the City of Charlotte. The City Clerk is hereby directed to publish a copy of this resolution

once a week for four (4) successive weeks next preceding the date fixed here for such hearing, as required by G.S. 160A-299; and further, Petitioner is directed to send by certified mail, a copy of this resolution to all owners of property adjoining the said portion of the street as shown on the county tax records, as required by G.S. 160A-299. The Petitioner is hereby directed to prominently post a notice of the closing and public hearing in at least two places along the portion of the alleyway.

C E R T I F I C A T I O N

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 6th day of October, 1975, and the reference having been made in Minute Book 62, and recorded in full in Resolutions Book 11, at Page 107.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 7th day of October, 1975.

  
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Ruth Armstrong, City Clerk

October 6, 1975  
Resolutions Book 11 - Page 109

RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF CHARLOTTE, NORTH CAROLINA,  
RELATING TO RETENTION OF LAND IN THE  
GREENVILLE URBAN RENEWAL AREA, PROJECT NO. N.C. R-78

WHEREAS, the City of Charlotte, Charlotte, North Carolina, (hereinafter called "City") in furtherance of the objectives of the North Carolina Urban Redevelopment Law, N.C. G.S. 160A-500 et. seq., has undertaken a program for the clearance and reconstruction or rehabilitation of slum and blighted areas and in this connection is engaged in carrying out an Urban Renewal Project known as the Greenville Urban Renewal Area, Project No. N.C. R-78, (hereinafter called "Project") in an area (hereinafter called "Project Area") located in the City of Charlotte, Charlotte, North Carolina; and

WHEREAS, as of the date of the adoption of this Resolution, there has been prepared and approved by the City, a Redevelopment Plan (which also comprises the Urban Renewal Plan for the Project) approved by the City on October 13, 1969, and as subsequently amended and approved by the City (which Plan, as so amended, and as it may hereafter be further amended from time to time pursuant to law, and as so constituted from time to time, is, unless otherwise indicated by the context, hereinafter called "Redevelopment Plan"); and a copy of the Redevelopment Plan, as constituted on the date of this Resolution in the form of Land Controls and Restrictions, has been recorded among the land records for the place in which the Project Area is situated, namely, in the office of the Register of Deeds for the County of Mecklenburg and State of North Carolina in Book 3675 at Page 0813, Mecklenburg County Records; and

WHEREAS, in order to enable the City to achieve the objectives of the Redevelopment Plan and particularly to make the land in the Project Area available for use as a Public Street Right of Way for and in accordance with the uses specified in the Redevelopment Plan as amended, both the Federal Government and the City have undertaken to provide and have provided substantial aid and assistance to the City through a Contract for Loan and Capital Grant dated August 5, 1971, and all amendments thereto, with specific reference being made to amendments dated August 17, 1972, June 22, 1973 and December 20, 1973, in the case of the Federal Government and a Cooperation Agreement dated August 31, 1970, and all amendments thereto, with specific reference being made to amendment dated June 15, 1971, in the case of the City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte as follows:

(1) Subject to all the terms, covenants and conditions of this Resolution and the said Contract for Loan and Capital Grant and the Cooperation Agreement, all as amended, the City will retain the following described Property in the Project Area:

A parcel of land in Charlotte Township, Mecklenburg County, State of North Carolina, located in Greenville Urban Renewal Area, Project No. N.C. R-78, shown as Parts I and II of Parcel 1 on a plat prepared by Giddings & Associates, dated August 28, 1975 and recorded in Map Book 17 at Page 446 of the Mecklenburg County, North Carolina Public Registry; and being more particularly described as follows:

Beginning at a point, said point being the intersection of the existing south right of way of Oaklawn Avenue and the existing west right of way of Statesville Avenue; thence following said Statesville Avenue right of way line five courses as follows: S 9-43-11 W 176.67 feet to a point; thence on a curve to the left 119.61 feet (R = 2310.83 feet); thence S 6-45-15 W 566.52 feet to a point; thence on a curve to the left 498.62 feet (R = 3838.72 feet); thence S 0-41-17 E 484.13 feet to a point; thence S 89-18-43 W 30.00 feet to a point on the proposed west right of way of Statesville Avenue; thence following said proposed right of way line five courses as follows: N 0-41-17 W 484.13 feet to a point; thence on a curve to the right 502.51 feet (R = 3868.72 feet); thence N 6-45-15 E 566.52 feet to a point; thence on a curve to the right 121.16 feet (R = 2340.83 feet); thence N 9-43-11 E 136.18 feet to a point; thence on a curve to the left 27.23 feet (R = 20 feet) to a point on the proposed right of way of Oaklawn Avenue; thence following said proposed south right of way line six courses as follows: N 68-16-29 W 353.54 feet to a point; thence N 74-36-58 W 90.54 feet to a point; thence N 68-16-29 W 1354.97 feet to a point; thence N 71-08-14 W 120.15 feet to a point; thence N 68-16-29 W 633.72 feet to a point; thence N 71-23-38 W 93.13 feet to a concrete monument on the existing south right of way of Oaklawn Avenue; thence following said existing right of way five courses as follows: S 74-47-40 E 117.23 feet to a point; thence S 82-08-40 E 93.68 feet to a point; thence S 68-31-46 E 79.51 feet to a point; thence N 21-43-31 E 14.95 feet to a point; thence S 68-16-29 E 2398.76 feet to the point of beginning and containing 153,988 square feet.

which it will develop for use as a Public Street Right of Way in accordance with the Redevelopment Plan as amended.

(2) Construction Required. The City will redevelop the property by the construction of a Public Street Right of Way (hereinafter called the "Improvements") and all plans and specifications and all work by the City or its successors and assigns with respect to such redevelopment of the Property and the construction and making of other improvements thereon, if any, shall be in conformity with the Redevelopment Plan, and all applicable State and Local Laws.

(3) Time for Construction. The City agrees for itself, its successors, and assigns, and every successor in interest to the Property, or any part thereof, that the City or its assigns shall begin the redevelopment of the Property within a reasonable period of time from the date this Resolution is adopted and diligently proceed to complete such redevelopment.

(4) Restrictions on Land Use. The City agrees for itself, its successors and assigns, and every successor in interest to the Property or any part thereof and the Deed, if any, shall contain covenants on the part of the City for itself, and successors and assigns, that the City, and such successors and assigns, shall:

(a) Devote the Property to and only to and in accordance with the uses specified in the Redevelopment Plan, as amended, and as the same may be hereafter amended, is amended from time to time;

(b) Comply with the Land Controls and Restrictions affecting the subject property, a copy of which is recorded in Book 3675 at Page 0813 of the Mecklenburg County, North Carolina Public Registry.

(c) Not discriminate upon the basis of sex, race, color, creed, or national origin in the sale, lease, or rental or in the use or occupancy of the Property or any improvements erected or to be erected thereon, or any part thereof.

(5) Effect of Covenants, Period of Duration. It is intended and resolved that the conditions and covenants provided in Section 4 thereof shall be covenants running with the land and that they shall, in any event, and without regard to technical classification or designation, legal or otherwise, and except only as otherwise specifically provided in this Resolution, be, to the fullest extent permitted by law and equity, binding for the benefit and in favor of, and enforceable by, the City, its successors and assigns, and the United States (in the case of the covenant provided in subdivision (b) of Section 4 of this Resolution), against the City, its successors and assigns, and every successor in interest to the Property or any part thereof or any interest therein, and any party in possession or occupancy of the Property or any part thereof. It is further intended and resolved that the conditions and covenants provided (a) in subdivision (a) of Section 4 of this Resolution shall remain in effect until December 31, 1989 (at which time such condition and covenant shall terminate), and (b) in subdivision (b) of such Section 4 shall remain in effect without limitation as to time.

(6) Enforceability by City and United States. In amplication, and not in restriction, of the provisions of Section 5 of this Resolution, it is intended and resolved that the City shall be deemed a beneficiary of the conditions and covenants provided in Section 4 herein, and the United States shall be deemed a beneficiary of the covenant provided in subdivision (b) of Section 4, both for and in their or its own right and also for the purposes of protecting the interest of the community and the other parties, public or private, in whose favor or for whose benefit such conditions and covenants have been provided. Such conditions and covenants shall run in favor of the City and the United States for the entire period during which such conditions and covenants shall be in force, without regard to whether the City or the United States is or has been an owner of any land or interest therein to, or in favor of, which such conditions and covenants relate. The City shall have the right, in the event of any breach of any such conditions or covenants, and the United States shall have the right, in the event of any breach of the covenant provided in said subdivision (b) of Section 4, to exercise all the rights and remedies, and to maintain any actions or suits at law or in equity or other proper proceedings to enforce the curing of such breach of condition or covenant, to which it or any other beneficiaries of such condition or covenant may be entitled.

(7) Representation as to Redevelopment. The City represents and agrees that its retention of the Property shall be for the purpose of redevelopment of the Property in accordance with the Redevelopment Plan and the Resolution.

(8) Conflict of Interest. No member, official, or employee of the City shall have any personal interest, direct or indirect, in the Resolution, nor shall any such member, official, or employee participate in any decision relating to the Resolution which affects his personal interests or the interests of any corporation, partnership, or association in which he is, directly or indirectly, interested. No member, official, or employee of the City shall be personally liable in the event of any default or breach by the City on any obligations under the terms of the Resolution.

(9) Prohibition Against Transfer of Property and Assignment. The City will not, prior to the proper completion of the Improvements, make or create, or suffer to be made or created, (a) any total or partial sale, conveyance, or lease of the Property, or any part thereof or interest therein, or (b) any assignment of the Resolution, or any part thereof, or (c) any agreement to do any of the foregoing.

(10) Equal Employment Opportunity. The City, for itself, and its successors and assigns, agrees that it will include the following provisions of this Section 10 in every contract or purchase order which may hereafter be entered into between the City and any party (hereinafter in this Section called "Contractor") for or in connection with the construction of the Improvements, or any part thereof, provided for in this Resolution unless such contract or purchase order is exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967:

Equal Employment Opportunity. During the performance of this contract, the Contractor agrees with the City as follows:

- (a) The Contractor will not discriminate against any employee or applicant for employment because of race, religion, sex, color, or national origin. The Contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by the City setting forth the provisions of this nondiscrimination clause.
- (b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for

employment without regard to race, color, religion, sex, or national origin.

- (c) The Contractor will send to each labor union or representative of workers with which the Contractor has a collective bargaining agreement or other contract or understanding, a notice, to be provided, advising the labor union or worker's representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (d) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- (e) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and by the rules, regulations, and orders of the Secretary of Labor or the Secretary of Housing and Urban Development pursuant thereto, and will permit access to the Contractor's books, records, and accounts by the City, the Secretary of Housing and Urban Development, and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (f) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

- (g) The Contractor will include the provisions of Paragraphs (a) through (g) of this Section in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 dated October 13, 1967, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any construction contract, subcontract, or purchase order as the City or the Department of Housing and Urban Development may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the City or the Department of Housing and Urban Development, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

(11) The proper officers of the City are hereby authorized, empowered and directed to cause a properly certified copy of this Resolution to be recorded among the land records in the office of the Register of Deeds of Mecklenburg County, and to furnish the Department of Housing and Urban Development with appropriate notification of the adoption of this Resolution and the recording information.

(12) Delays Beyond Control of Parties. For the purposes of the Resolution, neither the City nor any successor shall be considered in breach of or in default under its obligations with respect to the preparation of the Property for redevelopment, or the beginning and completion of construction of the Improvements, or progress in respect thereto, in the event of enforced delay in the performance of such obligations due to unforeseeable causes beyond its control and without its fault or negligence, including, but not restricted to, acts of God, acts of the public enemy, acts of the Government, acts of the other party, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, or delays of subcontractors due to such causes; it being the purpose and intent of this provision that, in the event of the occurrence of any such enforced delay, the time or times for performance of the obligations of the City with respect to construction of the Improvements, as the case may be, shall be extended for the period of the enforced delay.

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 6th day of October, 1975, the reference having been made in Minute Book 62, and recorded in full in Resolutions Book 11, at Page 109-114.

Ruth Armstrong  
City Clerk



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

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WHEREAS, The North Carolina Clean Water Bond Act of 1971 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 water supply distribution system project, and

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

Annexation Area III -6  
Plaza Road Elevated Water Tank

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 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.

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 project.

- CONTINUED -

APPROVED AS TO FORM:

Henry W. Underhill  
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 6th day of October, 1975, the reference having been made in Minute Book 62, Page \_\_\_\_\_, and recorded in full in Resolutions Book 11, Page 115.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 7th day of October, 1975.

Ruth Armstrong  
Ruth Armstrong  
City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO JEANETTE GOODMAN; W. P. HUBERT, JR., TRUSTEE; AND FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF CHARLOTTE LOCATED AT 4200 CHELTENHAM ROAD (CORNER RANDOLPH ROAD & CHELTENHAM ROAD) IN THE CITY OF CHARLOTTE FOR THE RANDOLPH ROAD WIDENING PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Jeanette Goodman; W. P. Hubert, Jr., Trustee; and First Federal Savings and Loan Association of Charlotte located at 4200 Cheltenham Road (corner Randolph Road & Cheltenham Road) in the City of Charlotte, for right of way purposes and a temporary construction easement in connection with the Randolph Road 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, 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 Jeanette Goodman; W. P. Hubert, Jr., Trustee; and First Federal Savings and Loan Association of Charlotte located at 4200 Cheltenham Road (corner Randolph Road & Cheltenham Road) in 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 \$350.00, 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. Chadwell 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 6th day of October, 1975, and the reference having been made in Minute Book 62, page \_\_\_\_\_, and recorded in full in Resolutions Book 11, page 117.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 7th day of October, 1975.

Ruth Armstrong  
Ruth Armstrong, City Clerk