

1313 HARTIS LN

19332211

8/18/08

marliwr

Groundwater and Wastewater Services File Imaging Project
May 2007
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18446

INDIVIDUAL WATER AND WASTEWATER SYSTEMS PROGRAM
APPLICATION FOR SERVICES

PD #50 7/6/94 Ck # 206 CRT

Mecklenburg County Health Dept.
Environmental Health Division
c/o Hal Marshall Ctr., Suite 211
700 N. Tryon St.
Charlotte, NC 28202

(704)336-5102

PERSON FILING APPLICATION:

NAME: POWELL (last) ROBERT (first) G. (mi)

ADDRESS: 1313 HARTIS LN PHONE: (704) 847-4793

CITY: MATTHEWS STATE: NC ZIPCODE: 28105

Date:

PROPERTY OWNER:

NAME: SAME (last) (first) (mi)

ADDRESS: _____ PHONE: (___) _____

CITY: STATE: ZIPCODE:

PROPERTY INFORMATION (FROM ENGINEERING FORM):

TAX/PARCEL NUMBER: 193-322-11

STREET ADDRESS: 1313 HARTIS LN.

ZONING: _____

Township (check one):
☒ 0 Mecklenburg County [] 2 Davidson [] 4 Pineville [] 6 Huntersville
[] 1 Charlotte [] 3 Cornelius [] 5 Matthews [] 7 Mint Hill

SUBDIVISION OR MOBILE HOME PARK NAME:

LOT NUMBER: LOT SIZE (in acres):

TYPE APPLICATION (check one):

[] SOIL TEST - INDIVIDUAL LOT (D)
[] NEW CONSTRUCTION ON VACANT LOT - 4 BEDROOMS OR LESS (N)
[] EXCHANGE MOBILE HOME - SAME # BEDROOMS (Y)
[] ADDITION - INCREASE ROOMS/OCCUPANCY/MOBILE HOME SIZE (A or M)
[] COMMERCIAL OR INDUSTRIAL (N)
[] SOIL TEST DEVELOPMENT (P)
☒ ADDITION - GARAGE OR RENOVATION/NO MAJOR CHANGES (X) Also Add Bed
[] MODIFIED /ALTERNATIVE/ OR RESIDENCE > 4 BEDROOMS (Z)
[] REPAIR TO SYSTEM (R)

RESIDENTIAL PROPERTY (Type Building, check one):

[] SINGLE MOBILE HOME (S) ☒ HOUSE (H) [] MULTIPLE FAMILY (U)
[] DOUBLE WIDE (D) [] MODULAR HOME (M) [] OTHER _____ (O)

NUMBER BEDROOMS: 3 NUMBER OCCUPANTS: 6

SYSTEM CLASSIFICATION:

COMMERCIAL/INDUSTRIAL PROPERTY:

Type Business _____ # Employees ___ Per Shift ___ ___ ___
Industrial Wastes (Y/N) ___
Underground Storage Tanks On Property (Y/N) ___ Type _____

WATER SUPPLY (check one):

[] Community (C) [] Shared Well (S)
[] Municipal (M) [] Other 'spring' (O)
☒ Private Well (P)

FUTURE ADDITIONS - ALL PLANNED ADDITIONS MUST BE ENTERED (check all that apply):

[] Swimming Pool [] Jacuzzi [] Stable/Barn [] Workshop [] None
[] Garage [] Storage Building [] Deck/Patio [] Bedrooms [] Other

The undersigned, owner, or legal agent for the owner, of the property described above as the "JOB LOCATION" has read the foregoing application, acknowledges that the contents of same are true, and authorizes agents of the MECKLENBURG COUNTY HEALTH DEPARTMENT to enter onto the property for the purpose of processing this request.

Signed: Robert G. Powell Date: 7-6-94

NOTICE:

The undersigned, an authorized agent of the MECKLENBURG COUNTY HEALTH DEPARTMENT, certifies that the Department has approved the the Request for the Job Location contained in this document. This approval is granted in accordance with the provisions of Laws And Rules For Sanitary Sewage Collection, Treatment And Disposal in effect at the time of issuance of the permit and is subject to the following provisions:

...No work shall be conducted on the septic tank system until an installation, Construction, Alteration and/or Repair approval is granted by this Department.

...This permit is not transferable.

... Use existing system.

[] IMPROVEMENT PERMIT - VALID 60 MONTHS FROM ISSUANCE
[] MOBILE HOME EXCHANGE APPROVAL - VALID 6 MONTHS FROM ISSUANCE
☒ ADDITION/RENOVATION APPROVAL - VALID 1 YEAR FROM ISSUANCE

David H. Newell 9/15/94
Environmentalist Date

P. Walker for D. Daniel 7/20/94
Director or Authorized Section Head Date

WATER : 122791

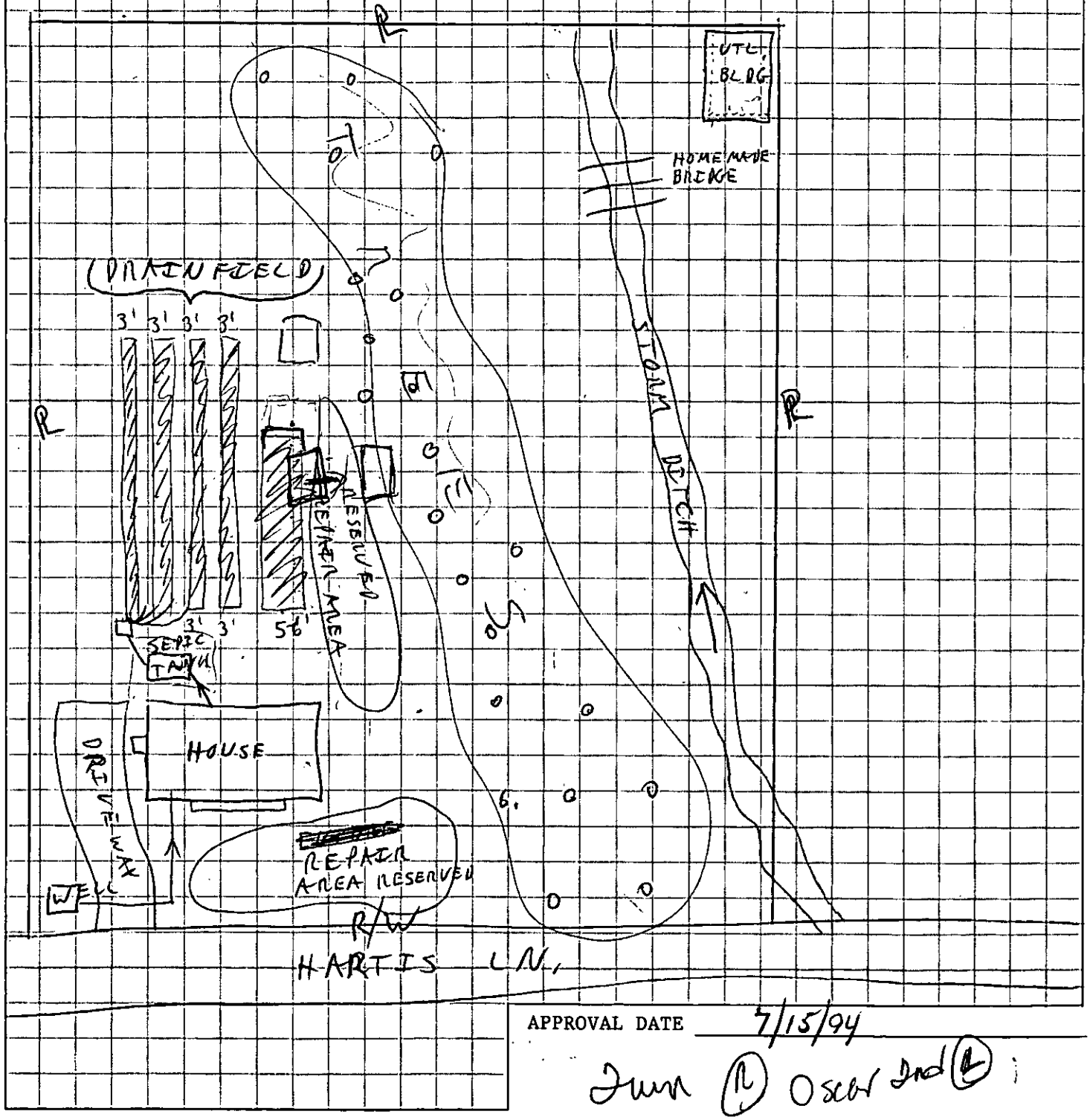
PROPOSED PLOT PLAN

HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
700 NORTH TRYON STREET
CHARLOTTE, NC 28202
PHONE (704) 336-5102

FILE: 18446

TC: _____

Draw in and name all roads adjoining the property. Draw in and accurately dimension the lot concerned. Accurately indicate property boundaries, proposed and/or existing structures and driveways, underground utilities, and wells and springs within 100 feet of the proposed building or drainfield.



APPROVAL DATE 7/15/94

Jun (R) Oscar 2nd (L)

White - Health Department's Copy Canary - Environmentalist's Copy Pink - Owner's Copy

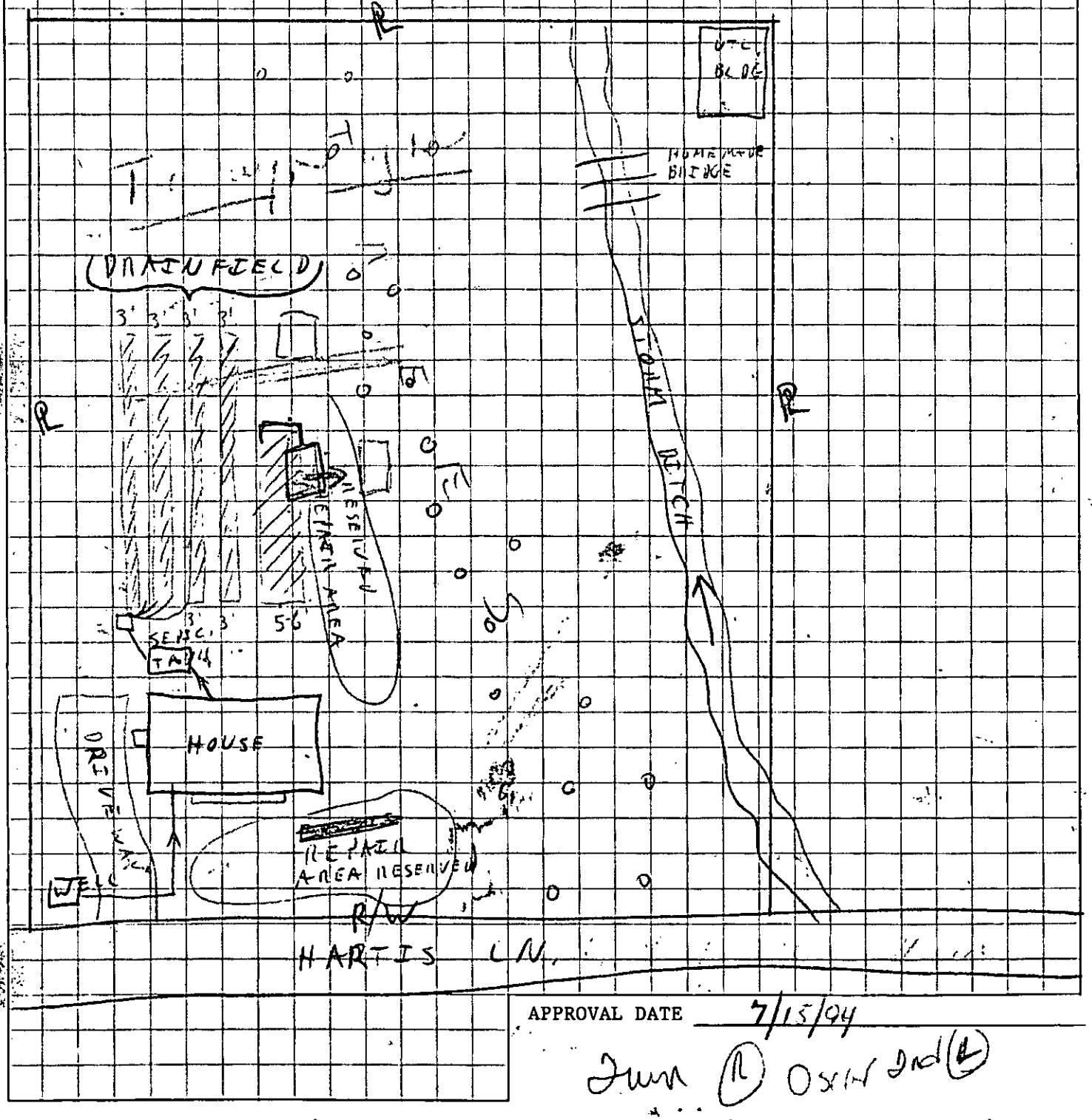
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HEALTH DEPARTMENT
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PHONE (704) 336-5102

FILE: 18446

TC: _____

Draw in and name all roads adjoining the property. Draw in and accurately dimension the lot concerned. Accurately indicate property boundaries, proposed and/or existing structures and driveways, underground utilities, and wells and springs within 100 feet of the proposed building or drainfield.



APPROVAL DATE 7/15/94

Drain (1) Oskin 2nd (L)

White - Health Department's Copy Canary - Environmentalist's Copy Pink - Owner's Copy

STATE OF NORTH CAROLINA FILED IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF MECKLENBURG 96 NOV 18 AM 11:17 96-CVS- 16457

MECKLENBURG COUNTY, N.C.

MECK COUNTY DEPARTMENT OF
RECEIVED
NOV 19 1996
ENVIRONMENTAL PROTECTION

THE CITY OF CHARLOTTE, A municipal corporation Plaintiff, v. ROBERT GUY POWELL, III and wife, MARILYN COREY POWELL; THOMAS H. LEGGETT, Trustee; UNITED CAROLINA BANK, Beneficiary; JOHN T. PRUITT and wife LYDIA ANNE PRUITT, Judgment Creditors; STATE OF NORTH CAROLINA, Judgment Creditor; MECKLENBURG COUNTY; ANY OTHER PARTIES IN INTEREST, Defendants.	COMPLAINT, DECLARATION OF TAKING AND NOTICE OF DEPOSIT (N.C.G.S. §136-103 et seq)

COMPLAINT

NOW COMES THE CITY OF CHARLOTTE, Plaintiff herein, and for its cause of action alleges and says that:

1. THE CITY OF CHARLOTTE is a municipal corporation, located in Mecklenburg County, North Carolina, possessing the powers, duties, and authority, including the power of eminent domain, vested in it by the General Assembly of North Carolina.

2. The Plaintiff is informed and believes and alleges upon information and belief that those persons whose names and address are set forth in Exhibit "A", attached hereto and made a part hereof, are the only persons who may have or claim to have an interest in the property described in Exhibit "B-1", attached hereto and made a part hereof, insofar as the same can, by reasonable diligence, be ascertained; that except as indicated in Exhibit "A", none of the said persons are under any legal disability.

3. The tract or tracts of land affected by the taking are described in Exhibit "B-2", attached hereto and made a part hereof.

4. The Plaintiff is informed and believes and alleges upon information and belief that the property is subject only to such liens and encumbrances as are set forth in Exhibit "A", attached hereto.

5. The Charter of The City of Charlotte, Section 7.81 (Chapter 713 of the 1965 Session Laws of North Carolina, as amended by Chapter 216 of the 1967 Session Laws, Chapter 384 of the 1969 Session Laws, Chapter 432 of the 1973 Session Laws, Chapter 1046 of the 1974 Session Laws, and Chapter 437 of the 1983 Session Laws), copy of which Section is set forth in Exhibit "C", attached hereto, authorizes the City of Charlotte to follow the condemnation procedures prescribed for the State Highway Commission in Chapter 136 of the General Statutes of North Carolina.

6. Pursuant to the authority vested in the Plaintiff under the provisions of Section 7.81 of the Charter of The City of Charlotte, as amended, the City Council of The City of Charlotte on the date indicated in Exhibit "D" determined that it is necessary to condemn and appropriate the property described in Exhibit "B-1" for the use indicated in Exhibit "D". The estate and area appropriated are described in Exhibit "B-1", and a certified copy of the Resolution describing this action is set forth in Exhibit "D", both attached hereto and specifically made a part hereof.

7. A plat of the land taken is attached hereto and incorporated herein by reference as Exhibit "E".

WHEREFORE, Plaintiff prays that just compensation for the taking of the interest or estate herein set forth be determined according to the provisions of Article 9 of Chapter 136 of the N.C. General Statutes and for such other relief as the Court may deem just and proper.

DECLARATION OF TAKING AND NOTICE OF DEPOSIT

The Plaintiff, THE CITY OF CHARLOTTE, declares as follows:

1. THE CITY OF CHARLOTTE is a municipal corporation, located in Mecklenburg County, North Carolina, possessing the powers, duties, and authority, including the power of eminent domain, vested in it by the General Assembly of North Carolina.

2. The Plaintiff is informed and believes and alleges upon information and belief that those persons whose names and addresses are set forth in Exhibit "A", attached hereto and made a part hereof, are the only persons who may have or claim to have an interest in the property described in Exhibit "B-1", attached hereto and made a part hereof, insofar as the same can, by reasonable diligence be ascertained; that except as indicated in Exhibit "A", none of the said persons are under any legal disability.

3. The tract or tracts of land affected by the taking are described in Exhibit "B-2", attached hereto and made a part hereof.

4. The Charter of The City of Charlotte, Section 7.81, (Chapter 713 of the 1965 Session Laws of North Carolina, as amended), a copy of which Section is set forth in Exhibit "C" attached hereto, authorizes The City of Charlotte to follow the condemnation procedure described for the State Highway Commission in Chapter 136 of the General Statutes of North Carolina.

5. Pursuant to the authority vested in the Plaintiff under the provisions of Section 7.81 of the Charter of The City of Charlotte, as amended, the City Council of The City of Charlotte on the date indicated on Exhibit "D", determined that it is necessary to condemn and appropriate the property described in Exhibit "B-1" for public use as indicated in Exhibit "D".

6. The Plaintiff has estimated the sum of Four Hundred ($400.00) Dollars to be just compensation for said taking; that the Plaintiff has this date deposited that sum with the Superior Court of Mecklenburg County, and the Defendants herein may, within the time allowed by law, apply to the Court for disbursement of the money as full compensation, or as a credit against just compensation, to be determined in this action.

7. The interest and area described in Exhibit "B-1", attached hereto, is hereby taken and appropriated and the interest and area together with the right to immediate possession thereof is hereby vested in the Plaintiff, THE CITY OF CHARLOTTE.

8. A plat of the land taken is attached hereto and incorporated herein by reference as Exhibit "E".

THIS the 18th day of November, 1996.

OFFICE OF THE CITY ATTORNEY

By: Lisa H. Graham

Lisa H. Graham for
Susanne Knox
Attorney for Plaintiff
600 East Fourth Street
Charlotte, NC 28202-2841
(704) 336-2254

EXHIBIT "A"

I.	PARTY WITH INTEREST	ADDRESS	NATURE OF INTEREST
	Robert Guy Powell, III and wife, Marilyn Corey Powell	1313 Hartis Lane Matthews, NC 28105	Fee
	Thomas H. Leggett	c/o United Carolina Bank P.O. Box 632 Whiteville, NC 28472	Trustee
	United Carolina Bank	P.O. Box 3347 Wilmington, NC 28406	Beneficiary
	John T. Pruitt and wife, Lydia Anne Pruitt	2040 Tarleton Drive Matthews, NC 28105	Judgment Creditors
	Mecklenburg County City/Co. Tax Collector	c/o Gerald G. Fox P.O. Box 31457 Charlotte, NC 28231	Tax Lien
	Town of Matthews Tax Collector	c/o Barry Webb Town Manager P.O. Box 398 Matthews, NC 28106	Tax Lien
	Mecklenburg County c/o Dept. of Environmental Protection	700 North Tryon Street Suite 205, Charlotte, NC 28202-2236	
	State of North Carolina	c/o Michael G. Easley Attorney General's Office 2 East Morgan Street Raleigh, NC 27601-1497	Judgment Creditor

II. DISABILITIES OF ABOVE, IF KNOWN
None known

III. OTHER LIENS AND ENCUMBRANCES

1. Deed of Trust from Robert Guy Powell, III and wife Marilyn Corey Powell to Thomas H. Leggett, Trustee for United Carolina Bank, securing an original debt in the amount of $47,500, dated May 12, 1993, and recorded May 13, 1993 in book 7298, Page 798, Mecklenburg County Public Registry.

2. 1993 Mecklenburg County ad valorem personal taxes against Robert G. Powell, III, only.

3. 1996 Mecklenburg County ad valorem taxes.

4. 1996 Town of Matthews ad valorem taxes.

5. Judgments filed in the Mecklenburg County Clerk of Court's Office as follows:

   a. Liability of Robert G. Powell, III to John T. Pruitt and Lydia Anne Pruitt for $295.00 plus interest and costs, docketed January 18, 1991, in Judgment Book 359, Page 280.

   b. Liability of Robert Powell to the State of North Carolina for $1,250.00 plus interest and costs, docketed February 10, 1987, in Judgment Book 261, Page 314.

6. Septic Tank Agreement recorded in Book 4638, Page 459, Mecklenburg County Public Registry.

EXHIBIT "B-1"

LEGAL DESCRIPTION

CROOKED CREEK INTERCEPTOR SEWER IMPROVEMENTS
PROPERTY OF ROBERT GREY POWELL, III AND WIFE MARILYN POWELL
DEED BOOK 7298 PG 796. TAX REF 193-322-11
MECKLENBURG COUNTY, NORTH CAROLINA

15' PERMANENT EASEMENT(AREA TAKEN)
TO ARRIVE AT THE POINT OF BEGINNING, COMMENCE AT NCGS STATION "MC 017" HAVING NC GRID COORDINATES (NAD 83) OF N=505,597.78 FEET AND E=1,497,254.54 FEET; THENCE A GRID TIE OF NORTH 30° 53' 04" WEST, A HORIZONTAL GROUND DISTANCE OF 3319.03 FEET TO AN EXISTING IRON PIN, NORTHEASTERN CORNER OF LOT 3, BLOCK "C" OF W.P. THOMAS PROPERTY AS SHOWN IN MAP BOOK 10, PAGE 315 IN THE MECKLENBURG REGISTRY; THENCE ALONG THE NORTHERN LINE OF LOT 3 SOUTH 63° 14' 29" WEST, A DISTANCE OF 22.26 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 41° 25' 38" EAST, A DISTANCE OF 84.11 FEET TO A POINT; THENCE SOUTH 26° 05' 11' EAST, A DISTANCE OF 56.70 FEET TO A POINT; THENCE NORTH 41° 25' 38" WEST, A DISTANCE OF 142.71 FEET TO A POINT; THENCE NORTH 63° 14' 29" EAST, A DISTANCE OF 15.51 FEET TO THE BEGINNING; CONTAINING 0.039 ACRE (1701 SQUARE FEET); ALL OF WHICH IS SHOWN ON THE MAP ATTACHED HERETO AND INCORPORATED HEREWITH.

TEMPORARY CONSTRUCTION EASEMENT "A"
TO ARRIVE AT THE POINT OF BEGINNING, COMMENCE AT NCGS STATION "MC 017" HAVING NC GRID COORDINATES (NAD 83) OF N=505,597.78 FEET AND E=1,497,254.54 FEET; THENCE A GRID TIE OF NORTH 30° 53' 04" WEST, A HORIZONTAL GROUND DISTANCE OF 3319.03 FEET TO AN EXISTING IRON PIN, NORTHEASTERN CORNER OF LOT 3, BLOCK "C" OF W.P. THOMAS PROPERTY AS SHOWN IN MAP BOOK 10, PAGE 315 IN THE MECKLENBURG REGISTRY; THENCE ALONG THE NORTHERN LINE OF LOT 3 SOUTH 63° 14' 29" WEST, A DISTANCE OF 11.92 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 41° 25' 38" EAST, A DISTANCE OF 45.04 FEET TO A POINT A POINT; THENCE SOUTH 26° 05' 11" EAST, A DISTANCE OF 37.80 FEET TO A POINT; THENCE NORTH 41° 25' 30" WEST, A DISTANCE OF 84.11 FEET TO A POINT; THENCE NORTH 63° 14' 29" EAST, A DISTANCE OF 10.34 FEET TO THE BEGINNING; CONTAINING 0.014 ACRE (646 SQUARE FEET); ALL OF WHICH IS SHOWN ON THE MAP ATTACHED HERETO AND INCORPORATED HEREWITH.

TEMPORARY CONSTRUCTION EASEMENT "B"

TO ARRIVE AT THE POINT OF BEGINNING, COMMENCE AT NCGS STATION "MC 017" HAVING NC GRID COORDINATES (NAD 83) OF N=505,597.78 FEET AND E=1,497,254.54 FEET; THENCE A GRID TIE OF NORTH 30° 53' 04" WEST, A HORIZONTAL GROUND DISTANCE OF 3319.03 FEET TO AN EXISTING IRON PIN, NORTHEASTERN CORNER OF LOT 3, BLOCK "C" OF W.P. THOMAS PROPERTY AS SHOWN IN MAP BOOK 10, PAGE 315 IN THE MECKLENBURG REGISTRY; THENCE ALONG THE NORTHERN LINE OF LOT 3 SOUTH 63° 14' 29" WEST, A DISTANCE OF 37.77 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 41° 25' 38" EAST, A DISTANCE OF 142.71 FEET TO A POINT, THENCE SOUTH 26°05' 11" EAST, A DISTANCE OF 37.80 FEET TO A POINT; THENCE NORTH 41° 25' 38' WEST, A DISTANCE OF 181.78 FEET TO A POINT; THENCE NORTH 63° 14' 29" EAST, A DISTANCE OF 10.34 FEET TO THE BEGINNING; CONTAINING 0.037 ACRE (1623 SQUARE FEET); ALL OF WHICH IS SHOWN ON THE MAP ATTACHED HERETO AND INCORPORATED HEREWITH.

LEGAL DESCRIPTION

CROOKED CREEK INTERCEPTOR SEWER IMPROVEMENTS
PROPERTY OF ROBERT GREY POWELL, III AND WIFE MARILYN POWELL
DEED BOOK 7298 PG 796. TAX REF 193-322-11
MECKLENBURG COUNTY, NORTH CAROLINA

PROPERTY AFFECTED BY TAKING

BEING ALL OF LOT NO. 3, BLOCK "C" OF W.P. THOMAS PROPERTY AS SHOWN ON MAP BOOK 10, PAGE 315 IN THE MECKLENBURG REGISTRY, TO WHICH REFERENCE IS HEREBY GIVEN; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO ARRIVE AT THE POINT OF BEGINNING, COMMENCE AT NCGS STATION "MC 017" HAVING NC GRID COORDINATES (NAD 83) OF N=505,597.78 FEET AND E=1,497,254.54 FEET; THENCE A GRID TIE OF NORTH 30° 53' 04" WEST, A HORIZONTAL GROUND DISTANCE OF 3319.03 FEET TO THE **POINT OF BEGINNING;** SAID POINT BEING AN EXISTING IRON PIN, NORTHEASTERN CORNER OF LOT 3, BLOCK "C" OF W.P. THOMAS PROPERTY AS SHOWN IN MAP BOOK 10, PAGE 315 IN THE MECKLENBURG REGISTRY; THENCE ALONG THE EASTERN LINE OF LOT 3, SOUTH 26° 05' 11" EAST, A DISTANCE OF 276.35 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY LIMIT OF HARTIS LANE; THENCE THE FOLLOWING TWO COURSES WITH SAID RIGHT-OF-WAY LIMIT: (1) WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 698.28 FEET AN ARC DISTANCE OF 97.21 FEET TO A POINT (2) SOUTH 63° 54' 49" WEST, A DISTANCE OF 43.08 FEET TO A POINT; THENCE WITH THE WESTERN LINE OF LOT 3 NORTH 26° 05'11" WEST, A DISTANCE OF 267.94 FEET TO A POINT; THENCE WITH THE NORTHERN LINE OF LOT 3 NORTH 63° 14' 29" EAST, A DISTANCE OF 140.01 FEET TO THE BEGINNING; CONTAINING 0.868 ACRES (37,845 SQUARE FEET), MORE OR LESS; ALL OF WHICH IS SHOWN ON THE MAP ATTACHED HERETO AND INCORPORATED HEREWITH.

EXHIBIT "C"

SECTION 7.81, CHAPTER 437 OF THE 1983
SESSION LAWS OF NORTH CAROLINA

"Section 7.81. Powers and Procedures. The City of Charlotte shall have the power of eminent domain and may acquire, either by purchase, gift, or condemnation, any land, right of access, right of way, water right, privilege, easement, or any other interest in or without the City limits, for any lawful public use or purpose. In the exercise of the power of eminent domain, the City is hereby vested with all power and authority now or hereafter granted by the laws of North Carolina applicable to the City of Charlotte, and the City shall follow the procedures now or hereafter prescribed by said laws; provided that, notwithstanding the provisions of G.S. §40A-1, in the exercise of its authority of eminent domain for the acquisition of property to be used for streets and highways, water supply and distribution systems, sewage collection and disposal systems, and airports, the City of Charlotte is hereby authorized to use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes of North Carolina, as now or hereafter amended; provided, further, that whenever therein the words 'Secretary' or 'Secretary of Transportation' appear, they shall be deemed to include the 'City Manager'; provided, further, that nothing herein shall be construed to enlarge the power of the City of Charlotte to condemn property already devoted to public use. The City of Charlotte is also vested with the authority to condemn for public library purposes, property rights, privileges, easements and restrictive covenants and conditions, including any restrictive covenants and conditions applicable to real estate now or hereafter owned, restricting the use of same in any manner whatsoever."

EXHIBIT "D"

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 **Beards Creek & Crooked Creek Trunks and Pump Station Project**; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to 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:

PROPERTY DESCRIPTION:

Amount necessary for the **Beards Creek & Crooked Creek Trunks and Pump Station Project,** estimated to be approximately 1,701 square feet (.039 acre) for a 15' sanitary sewer easement and 2,269 square feet (.052 acre) 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. 193-322-11, said property currently owned by: ROBERT GUY POWELL III and wife, MARILYN COREY POWELL; THOMAS H. LEGGETT, Trustee; UNITED CAROLINA BANK, Beneficiary; or the owners' successors-in-interest.

ESTIMATED JUST COMPENSATION:

Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

IT IS FURTHER RESOLVED that the estimated just compensation for 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.

July 22, 1996
Resolution Book 34, Page 227

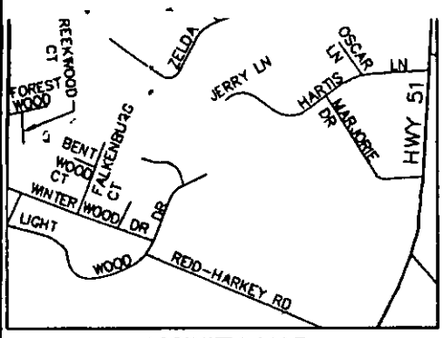
CERTIFICATION

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 22nd day of July, 1996, the reference having been made in Minute Book 109, and recorded in full in Resolution Book 34, Page(s) 226-227.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 7th day of August, 1996.

Brenda R. Freeze

Brenda R. Freeze, City Clerk



VICINITY MAP

NORTH CAROLINA REGISTERED SEAL L-2830 LAND SURVEYOR J. JEFFREY COBB

7/3/96

THIS IS TO CERTIFY THAT THE MAP TO WHICH IT IS BASED WAS PREPARED UNDER MY SUPERVISION AND CONFORMS TO THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000

J. JEFFREY COBB, R.L.S. L-2830
W.K. DICKSON & CO., INC.

PRESBYTERY OF CHARLOTTE (INC.)
PRESBYTERIAN CHURCH (USA)
DB 6130 PG 762

EXHIBIT E

Original

(N65°17'20"E)
(140.01')
N63°14'29"E
140.01'(TOTAL)

GRID TIE POINT

30.01'

10.34'TCE

11.92'

10.34'TCE

PROP. 15' SANITARY SEWER R/W

N63°14'29"E
15.51'

S41°25'38"E
45.04'TCE

N41°25'38"W
181.78'TCE

S41°25'38"E
84.11'

TCE 'A'

S41°25'38"E
113.41'

37.80'
TCE

150.01'

TCE 'B'

142.71'
N41°25'38"W

56.70'

276.35'(TOTAL)

S26°05'11"E
(276.35')

(S24°02'20"E)

37.80'
TCE

NC GRID

HOBBS
DB 5965 PG 592

N26°05'11"W
(267.94')
(N24°02'20"W)

40

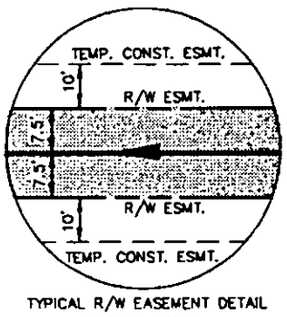
ROBERT GREY POWELL III &
WIFE, MARILYN COREY
DB 7298 PG 796
TAX REF 193-322-11
LOT 3 BLK C
MB 10 PG 315

41

MARLENE M. IRVING &
JOSEPHINE IRVING
DB 7950 PG 435

42

GARRY P. EDWARDS &
WIFE, KIMBERLY D.
DB 7081 PG 343



TYPICAL R/W EASEMENT DETAIL
NOT TO SCALE

TOTAL AREA OF SUBJECT PROPERTY	37,845± SQ.FT.	0.868± AC.
PERM. EASEMENT AREA TAKEN	1,701± SQ.FT.	0.039± AC.
AREA REMAINING	36,144± SQ.FT.	0.829± AC.
TEMP. CONST. EASEMENT A B	 646± SQ.FT. 1,623± SQ.FT.	 0.014± AC. 0.037± AC.

(43.08')
(N65°57'40"E)
S63°54'49"W

R/W

(L=97.21')
(R=698.28')

HARTIS LANE

NOTES

1. PROPERTY CORNERS SHOWN CIRCLED WERE LOCATED BY ACTUAL SURVEY. ALL DISTANCES ARE HORIZONAL UNLESS OTHERWISE NOTED.
2. BEARINGS AND COORDINATES ARE BASED ON NC GRID (NAD 83)
   GRID TIE POINT COORDS: N 508,445.74 FT
   E 1,495,551.13 FT

   NCGS STA. "MC 017" MECK CO. COORDS: N 505,597.78 FT
   E 1,497,254.54 FT

   GRID TIE: BEARING S 30°53'04" W
   GRID DIST.= 3318.50'
   GROUND DIST.= 3319.03'
   COMB. FACTOR = 0.9998391
3. THIS MAP WAS PREPARED FOR THE PURPOSE OF EASEMENT ACQUISITION ONLY, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN.
4. BEARINGS & DISTANCES SHOWN IN PARENTHESIS DERVIED FROM MB 10 PG 315.
5. AREA CALCULATED BY THE COORDINATE METHOD.
6. TCE - TEMPORARY CONSTRUCTION EASEMENT.

40 0 20 40
1 Inch = 40 ft.

CHARLOTTE-MECKLENBURG
UTILITY DEPARTMENT
ENGINEERING DIVISION
CHARLOTTE, NORTH CAROLINA

889-95-566 Job No. / File No.
Scales
PLAN
PROFILE Hor. Vert.
As Built Date

PROPOSED 10" SANITARY SEWER
TRUCK BEARDS CREEK

PROPERTY OF
ROBERT GREY POWELL III &
WIFE, MARILYN COREY

No.	Date	By	Revision
1	7-96	BA	CONDEMNATION PLAT

WKD	TMB	BA	DLP		9-95	Sheet 40	Of 150
Surveyed By	Designed By	Drawn By	Project-Engr	Approved By	Date		

\95065\P\95065BD

MEMORANDUM

12-20-96

To: File (Hartis Ln.)

From: Kelly Randall

Re: Conversation with Craig Long (City of Charlotte Engineering; Real Estate Supervisor)

I spoke with Craig Long about a notice we received concerning a sewer line easement acquisition on Hartis Ln. in Matthews, NC. The Mecklenburg County Health Dept. was named as a Party of Interest on a Eminent Domain Lawsuit brought about by the City of Charlotte in order to acquire an easement to construct a sewer line. I brought this to Craig Long's attention and he indicated he would take the matter to the City Attorney to have the Health Dept's. name removed from the Suit. The Health Department was named because the title search uncovered a recorded agreement form reclassifying the unsuitable lot.

During my discussion with Craig I stressed the need to be cognizant of acquisitions which could adversely affect existing septic systems. I also offered the assistance of this department if the need arises on acquisitions which affect wells or septic tank systems

CITY OF CHARLOTTE
Engineering Department
600 East Fourth Street
Charlotte, NC 28202-2844
(704) 336-2291

READ & REPLY

PRIORITY
- URGENT
- SOON AS POSSIBLE
- NO REPLY NECESSARY

TO: KELLY RANDALL

DATE 12/23/96

SUBJECT MECK CO. AS A PARTY IN CONDEMNATION OF ATTACHED LAWSUIT

MESSAGE KELLY, I SPOKE W/ LISA GRAHAM, ASST CITY ATTORNEY ABOUT ATTACHED SUBJECT MATTER. SHE SAID COUNTY CAN DO TWO THINGS. 1) WRITE HER A LETTER CLAIMING MECK. CO. HAS NO INTEREST IN SEPTIC TANK AGREEMENT AND WISHES TO BE REMOVED FROM LAWSUIT. 2) TAKE NO ACTION AT ALL AND DEFAULT. RESOLUTION OF CONDEMNATION

SIGNED

REPLY WILL BE FINAL WITH THE PROPERTY OWNER ONLY BEING ENTITLED TO THE CONDEMNATION DEPOSIT OF $400.00. (PROPERTY OWNER MUST RESOLVE JUDGMENT AND LIEN PROBLEMS BEFORE TAKING THE MONEY.) IF I WERE COUNTY, I WOULD TAKE NO ACTION) CALL ME IF YOU HAVE QUESTIONS

SIGNED Craig R. Lay DATE

RECEIVER: WRITE REPLY, DETACH STUB, KEEP PINK COPY, RETURN WHITE COPY TO SENDER.

CITY OF CHARLOTTE
Engineering Department
600 East Fourth Street
Charlotte, NC 28202-2844
(704) 336-2291

READ & REPLY

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TO: KELLY RANDALL

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SIGNED

DATE

Craig R. Rau

SENDER: DETACH AND FILE THIS COPY FOR FOLLOW UP.

CITY OF CHARLOTTE
Engineering Department
600 East Fourth Street
Charlotte, NC 28202-2844
(704) 336-2291

READ & REPLY

PRIORITY
- URGENT
- SOON AS POSSIBLE
- NO REPLY NECESSARY

TO: KELLY RANDALL

DATE 12/23/96

SUBJECT MECK CO. AS A PARTY IN CONDEMNATION OF ATTACHED LAWSUIT

MESSAGE KELLY, I SPOKE W/ LISA GRAHAM, ASST CITY ATTORNEY ABOUT ATTACHED SUBJECT MATTER. SHE SAID COUNTY CAN DO TWO THINGS. 1) WRITE HER A LETTER CLAIMING MECK. CO. HAS NO INTEREST IN SEPTIC TANK AGREEMENT AND WISHES TO BE REMOVED FROM LAWSUIT. 2) TAKE NO ACTION AT ALL AND DEFAULT. RESOLUTION OF CONDEMNATION

SIGNED

REPLY WILL BE FINAL WITH THE PROPERTY OWNER ONLY BEING ENTITLED TO THE CONDEMNATION DEPOSIT OF $4000. (COUNTY MUST RESOLVE ANY TITLE PROBLEMS BEFORE TAKING THE MONEY. IF I WERE COUNTY, I WOULD TAKE NO ACTION) CALL ME IF YOU HAVE QUESTIONS

SIGNED

DATE 12/23/96

RECEIVER: WRITE REPLY, DETACH STUB, KEEP PINK COPY, RETURN WHITE COPY TO SENDER.

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF MECKLENBURG

96-CVS- 16457

MECK COUNTY DEPARTMENT OF
RECEIVED
NOV 19 1996
ENVIRONMENTAL PROTECTION

THE CITY OF CHARLOTTE, a municipal corporation

Plaintiff,

v.

ROBERT GUY POWELL, III and wife, MARILYN COREY POWELL; THOMAS H. LEGGETT, Trustee; UNITED CAROLINA BANK, Beneficiary; JOHN T. PRUITT and wife LYDIA ANNE PRUITT, Judgment Creditors; STATE OF NORTH CAROLINA, Judgment Creditor; MECKLENBURG COUNTY; ANY OTHER PARTIES IN INTEREST,

Defendants.

COMPLAINT, DECLARATION OF TAKING AND NOTICE OF DEPOSIT (N.C.G.S. §136-103 et seq)

Craig, this is the septic tank situation we talked about the other day. I think this has come up via the title search. We made them sign and record an "agreement form" because the soil was unsuitable. Call me if you need to 398 3448 336 5575 Thanks Kelly my new Beeper # is 580-0676

COMPLAINT

NOW COMES THE CITY OF CHARLOTTE, Plaintiff herein, and for its cause of action alleges and says that:

1. THE CITY OF CHARLOTTE is a municipal corporation, located in Mecklenburg County, North Carolina, possessing the powers, duties, and authority, including the power of eminent domain, vested in it by the General Assembly of North Carolina.

2. The Plaintiff is informed and believes and alleges upon information and belief that those persons whose names and address are set forth in Exhibit "A", attached hereto and made a part hereof, are the only persons who may have or claim to have an interest in the property described in Exhibit "B-1", attached hereto and made a part hereof, insofar as the same can, by reasonable diligence, be ascertained; that except as indicated in Exhibit "A", none of the said persons are under any legal disability.

3. The tract or tracts of land affected by the taking are described in Exhibit "B-2", attached hereto and made a part hereof.

4. The Plaintiff is informed and believes and alleges upon information and belief that the property is subject only to such liens and encumbrances as are set forth in Exhibit "A", attached hereto.

5. The Charter of The City of Charlotte, Section 7.81 (Chapter 713 of the 1965 Session Laws of North Carolina, as amended by Chapter 216 of the 1967 Session Laws, Chapter 384 of the 1969 Session Laws, Chapter 432 of the 1973 Session Laws, Chapter 1046 of the 1974 Session Laws, and Chapter 437 of the 1983 Session Laws), copy of which Section is set forth in Exhibit "C", attached hereto, authorizes the City of Charlotte to follow the condemnation procedures prescribed for the State Highway Commission in Chapter 136 of the General Statutes of North Carolina.

6. Pursuant to the authority vested in the Plaintiff under the provisions of Section 7.81 of the Charter of The City of Charlotte, as amended, the City Council of The City of Charlotte on the date indicated in Exhibit "D" determined that it is necessary to condemn and appropriate the property described in Exhibit "B-1" for the use indicated in Exhibit "D". The estate and area appropriated are described in Exhibit "B-1", and a certified copy of the Resolution describing this action is set forth in Exhibit "D", both attached hereto and specifically made a part hereof.

7. A plat of the land taken is attached hereto and incorporated herein by reference as Exhibit "E".

WHEREFORE, Plaintiff prays that just compensation for the taking of the interest or estate herein set forth be determined according to the provisions of Article 9 of Chapter 136 of the N.C. General Statutes and for such other relief as the Court may deem just and proper.

DECLARATION OF TAKING AND NOTICE OF DEPOSIT

The Plaintiff, THE CITY OF CHARLOTTE, declares as follows:

1. THE CITY OF CHARLOTTE is a municipal corporation, located in Mecklenburg County, North Carolina, possessing the powers, duties, and authority, including the power of eminent domain, vested in it by the General Assembly of North Carolina.

2. The Plaintiff is informed and believes and alleges upon information and belief that those persons whose names and addresses are set forth in Exhibit "A", attached hereto and made a part hereof, are the only persons who may have or claim to have an interest in the property described in Exhibit "B-1", attached hereto and made a part hereof, insofar as the same can, by reasonable diligence be ascertained; that except as indicated in Exhibit "A", none of the said persons are under any legal disability.

3. The tract or tracts of land affected by the taking are described in Exhibit "B-2", attached hereto and made a part hereof.

4. The Charter of The City of Charlotte, Section 7.81, (Chapter 713 of the 1965 Session Laws of North Carolina, as amended), a copy of which Section is set forth in Exhibit "C" attached hereto, authorizes The City of Charlotte to follow the condemnation procedure described for the State Highway Commission in Chapter 136 of the General Statutes of North Carolina.

5. Pursuant to the authority vested in the Plaintiff under the provisions of Section 7.81 of the Charter of The City of Charlotte, as amended, the City Council of The City of Charlotte on the date indicated on Exhibit "D", determined that it is necessary to condemn and appropriate the property described in Exhibit "B-1" for public use as indicated in Exhibit "D".

6. The Plaintiff has estimated the sum of Four Hundred ($400.00) Dollars to be just compensation for said taking; that the Plaintiff has this date deposited that sum with the Superior Court of Mecklenburg County, and the Defendants herein may, within the time allowed by law, apply to the Court for disbursement of the money as full compensation, or as a credit against just compensation, to be determined in this action.

7. The interest and area described in Exhibit "B-1", attached hereto, is hereby taken and appropriated and the interest and area together with the right to immediate possession thereof is hereby vested in the Plaintiff, THE CITY OF CHARLOTTE.

8. A plat of the land taken is attached hereto and incorporated herein by reference as Exhibit "E".

THIS the 18th day of November, 1996.

OFFICE OF THE CITY ATTORNEY

By: Lisa H. Graham

Lisa H. Graham for
Susanne Knox
Attorney for Plaintiff
600 East Fourth Street
Charlotte, NC 28202-2841
(704) 336-2254

EXHIBIT "A"

I.	PARTY WITH INTEREST	ADDRESS	NATURE OF INTEREST
	Robert Guy Powell, III and wife, Marilyn Corey Powell	1313 Hartis Lane Matthews, NC 28105	Fee
	Thomas H. Leggett	c/o United Carolina Bank P.O. Box 632 Whiteville, NC 28472	Trustee
	United Carolina Bank	P.O. Box 3347 Wilmington, NC 28406	Beneficiary
	John T. Pruitt and wife, Lydia Anne Pruitt	2040 Tarleton Drive Matthews, NC 28105	Judgment Creditors
	Mecklenburg County City/Co. Tax Collector	c/o Gerald G. Fox P.O. Box 31457 Charlotte, NC 28231	Tax Lien
	Town of Matthews Tax Collector	c/o Barry Webb Town Manager P.O. Box 398 Matthews, NC 28106	Tax Lien
	Mecklenburg County c/o Dept. of Environmental Protection	700 North Tryon Street Suite 205, Charlotte, NC 28202-2236	
	State of North Carolina	c/o Michael G. Easley Attorney General's Office 2 East Morgan Street Raleigh, NC 27601-1497	Judgment Creditor

II. DISABILITIES OF ABOVE, IF KNOWN
None known

III. OTHER LIENS AND ENCUMBRANCES

1. Deed of Trust from Robert Guy Powell, III and wife Marilyn Corey Powell to Thomas H. Leggett, Trustee for United Carolina Bank, securing an original debt in the amount of $47,500, dated May 12, 1993, and recorded May 13, 1993 in book 7298, Page 798, Mecklenburg County Public Registry.

2. 1993 Mecklenburg County ad valorem personal taxes against Robert G. Powell, III, only.

3. 1996 Mecklenburg County ad valorem taxes.

4. 1996 Town of Matthews ad valorem taxes.

5. Judgments filed in the Mecklenburg County Clerk of Court's Office as follows:

   a. Liability of Robert G. Powell, III to John T. Pruitt and Lydia Anne Pruitt for $295.00 plus interest and costs, docketed January 18, 1991, in Judgment Book 359, Page 280.

   b. Liability of Robert Powell to the State of North Carolina for $1,250.00 plus interest and costs, docketed February 10, 1987, in Judgment Book 261, Page 314.

6. Septic Tank Agreement recorded in Book 4638, Page 459, Mecklenburg County Public Registry.

EXHIBIT "B-1"

LEGAL DESCRIPTION

CROOKED CREEK INTERCEPTOR SEWER IMPROVEMENTS
PROPERTY OF ROBERT GREY POWELL, III AND WIFE MARILYN POWELL
DEED BOOK 7298 PG 796. TAX REF 193-322-11
MECKLENBURG COUNTY, NORTH CAROLINA

15' PERMANENT EASEMENT(AREA TAKEN)
TO ARRIVE AT THE POINT OF BEGINNING, COMMENCE AT NCGS STATION "MC 017" HAVING NC GRID COORDINATES (NAD 83) OF N=505,597.78 FEET AND E=1,497,254.54 FEET; THENCE A GRID TIE OF NORTH 30° 53' 04" WEST, A HORIZONTAL GROUND DISTANCE OF 3319.03 FEET TO AN EXISTING IRON PIN, NORTHEASTERN CORNER OF LOT 3, BLOCK "C" OF W.P. THOMAS PROPERTY AS SHOWN IN MAP BOOK 10, PAGE 315 IN THE MECKLENBURG REGISTRY; THENCE ALONG THE NORTHERN LINE OF LOT 3 SOUTH 63° 14' 29" WEST, A DISTANCE OF 22.26 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 41° 25' 38" EAST, A DISTANCE OF 84.11 FEET TO A POINT; THENCE SOUTH 26° 05' 11' EAST, A DISTANCE OF 56.70 FEET TO A POINT; THENCE NORTH 41° 25' 38" WEST, A DISTANCE OF 142.71 FEET TO A POINT; THENCE NORTH 63° 14' 29" EAST, A DISTANCE OF 15.51 FEET TO THE BEGINNING; CONTAINING 0.039 ACRE (1701 SQUARE FEET); ALL OF WHICH IS SHOWN ON THE MAP ATTACHED HERETO AND INCORPORATED HEREWITH.

TEMPORARY CONSTRUCTION EASEMENT "A"
TO ARRIVE AT THE POINT OF BEGINNING, COMMENCE AT NCGS STATION "MC 017" HAVING NC GRID COORDINATES (NAD 83) OF N=505,597.78 FEET AND E=1,497,254.54 FEET; THENCE A GRID TIE OF NORTH 30° 53' 04" WEST, A HORIZONTAL GROUND DISTANCE OF 3319.03 FEET TO AN EXISTING IRON PIN, NORTHEASTERN CORNER OF LOT 3, BLOCK "C" OF W.P. THOMAS PROPERTY AS SHOWN IN MAP BOOK 10, PAGE 315 IN THE MECKLENBURG REGISTRY; THENCE ALONG THE NORTHERN LINE OF LOT 3 SOUTH 63° 14' 29" WEST, A DISTANCE OF 11.92 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 41° 25' 38" EAST, A DISTANCE OF 45.04 FEET TO A POINT A POINT; THENCE SOUTH 26° 05' 11" EAST, A DISTANCE OF 37.80 FEET TO A POINT; THENCE NORTH 41° 25' 30" WEST, A DISTANCE OF 84.11 FEET TO A POINT; THENCE NORTH 63° 14' 29" EAST, A DISTANCE OF 10.34 FEET TO THE BEGINNING; CONTAINING 0.014 ACRE (646 SQUARE FEET); ALL OF WHICH IS SHOWN ON THE MAP ATTACHED HERETO AND INCORPORATED HEREWITH.

TEMPORARY CONSTRUCTION EASEMENT "B"

TO ARRIVE AT THE POINT OF BEGINNING, COMMENCE AT NCGS STATION "MC 017" HAVING NC GRID COORDINATES (NAD 83) OF N=505,597.78 FEET AND E=1,497,254.54 FEET; THENCE A GRID TIE OF NORTH 30° 53' 04" WEST, A HORIZONTAL GROUND DISTANCE OF 3319.03 FEET TO AN EXISTING IRON PIN, NORTHEASTERN CORNER OF LOT 3, BLOCK "C" OF W.P. THOMAS PROPERTY AS SHOWN IN MAP BOOK 10, PAGE 315 IN THE MECKLENBURG REGISTRY; THENCE ALONG THE NORTHERN LINE OF LOT 3 SOUTH 63° 14' 29" WEST, A DISTANCE OF 37.77 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 41° 25' 38" EAST, A DISTANCE OF 142.71 FEET TO A POINT, THENCE SOUTH 26°05' 11" EAST, A DISTANCE OF 37.80 FEET TO A POINT; THENCE NORTH 41° 25' 38' WEST, A DISTANCE OF 181.78 FEET TO A POINT; THENCE NORTH 63° 14' 29" EAST, A DISTANCE OF 10.34 FEET TO THE BEGINNING; CONTAINING 0.037 ACRE (1623 SQUARE FEET); ALL OF WHICH IS SHOWN ON THE MAP ATTACHED HERETO AND INCORPORATED HEREWITH.

LEGAL DESCRIPTION

CROOKED CREEK INTERCEPTOR SEWER IMPROVEMENTS
PROPERTY OF ROBERT GREY POWELL, III AND WIFE MARILYN POWELL
DEED BOOK 7298 PG 796. TAX REF 193-322-11
MECKLENBURG COUNTY, NORTH CAROLINA

PROPERTY AFFECTED BY TAKING
BEING ALL OF LOT NO. 3, BLOCK "C" OF W.P. THOMAS PROPERTY AS SHOWN ON MAP BOOK 10, PAGE 315 IN THE MECKLENBURG REGISTRY, TO WHICH REFERENCE IS HEREBY GIVEN; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO ARRIVE AT THE POINT OF BEGINNING, COMMENCE AT NCGS STATION "MC 017" HAVING NC GRID COORDINATES (NAD 83) OF N=505,597.78 FEET AND E=1,497,254.54 FEET; THENCE A GRID TIE OF NORTH 30° 53' 04" WEST, A HORIZONTAL GROUND DISTANCE OF 3319.03 FEET TO THE **POINT OF BEGINNING;** SAID POINT BEING AN EXISTING IRON PIN, NORTHEASTERN CORNER OF LOT 3, BLOCK "C" OF W.P. THOMAS PROPERTY AS SHOWN IN MAP BOOK 10, PAGE 315 IN THE MECKLENBURG REGISTRY; THENCE ALONG THE EASTERN LINE OF LOT 3, SOUTH 26° 05' 11" EAST, A DISTANCE OF 276.35 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY LIMIT OF HARTIS LANE; THENCE THE FOLLOWING TWO COURSES WITH SAID RIGHT-OF-WAY LIMIT: (1) WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 698.28 FEET AN ARC DISTANCE OF 97.21 FEET TO A POINT (2) SOUTH 63° 54' 49" WEST, A DISTANCE OF 43.08 FEET TO A POINT; THENCE WITH THE WESTERN LINE OF LOT 3 NORTH 26° 05'11" WEST, A DISTANCE OF 267.94 FEET TO A POINT; THENCE WITH THE NORTHERN LINE OF LOT 3 NORTH 63° 14' 29" EAST, A DISTANCE OF 140.01 FEET TO THE BEGINNING; CONTAINING 0.868 ACRES (37,845 SQUARE FEET), MORE OR LESS; ALL OF WHICH IS SHOWN ON THE MAP ATTACHED HERETO AND INCORPORATED HEREWITH.

EXHIBIT "C"

SECTION 7.81, CHAPTER 437 OF THE 1983
SESSION LAWS OF NORTH CAROLINA

"Section 7.81. Powers and Procedures. The City of Charlotte shall have the power of eminent domain and may acquire, either by purchase, gift, or condemnation, any land, right of access, right of way, water right, privilege, easement, or any other interest in or without the City limits, for any lawful public use or purpose. In the exercise of the power of eminent domain, the City is hereby vested with all power and authority now or hereafter granted by the laws of North Carolina applicable to the City of Charlotte, and the City shall follow the procedures now or hereafter prescribed by said laws; provided that, notwithstanding the provisions of G.S. §40A-1, in the exercise of its authority of eminent domain for the acquisition of property to be used for streets and highways, water supply and distribution systems, sewage collection and disposal systems, and airports, the City of Charlotte is hereby authorized to use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes of North Carolina, as now or hereafter amended; provided, further, that whenever therein the words 'Secretary' or 'Secretary of Transportation' appear, they shall be deemed to include the 'City Manager'; provided, further, that nothing herein shall be construed to enlarge the power of the City of Charlotte to condemn property already devoted to public use. The City of Charlotte is also vested with the authority to condemn for public library purposes, property rights, privileges, easements and restrictive covenants and conditions, including any restrictive covenants and conditions applicable to real estate now or hereafter owned, restricting the use of same in any manner whatsoever."

EXHIBIT "D"

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 **Beards Creek & Crooked Creek Trunks and Pump Station Project**; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to 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:

PROPERTY DESCRIPTION:

Amount necessary for the **Beards Creek & Crooked Creek Trunks and Pump Station Project,** estimated to be approximately 1,701 square feet (.039 acre) for a 15' sanitary sewer easement and 2,269 square feet (.052 acre) 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. 193-322-11, said property currently owned by: ROBERT GUY POWELL III and wife, MARILYN COREY POWELL; THOMAS H. LEGGETT, Trustee; UNITED CAROLINA BANK, Beneficiary; or the owners' successors-in-interest.

ESTIMATED JUST COMPENSATION:

Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

IT IS FURTHER RESOLVED that the estimated just compensation for 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.

July 22, 1996
Resolution Book 34, Page 227

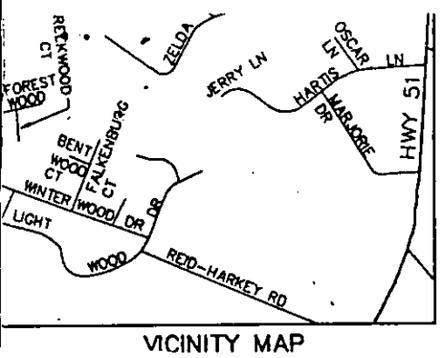
CERTIFICATION

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 22nd day of July, 1996, the reference having been made in Minute Book 109, and recorded in full in Resolution Book 34, Page(s) 226-227.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 7th day of August, 1996.

Brenda R. Freeze

Brenda R. Freeze, City Clerk



VICINITY MAP

NORTH CAROLINA REGISTERED SEAL L-2830 LAND SURVEYOR J. JEFFREY COBB

7/3/96

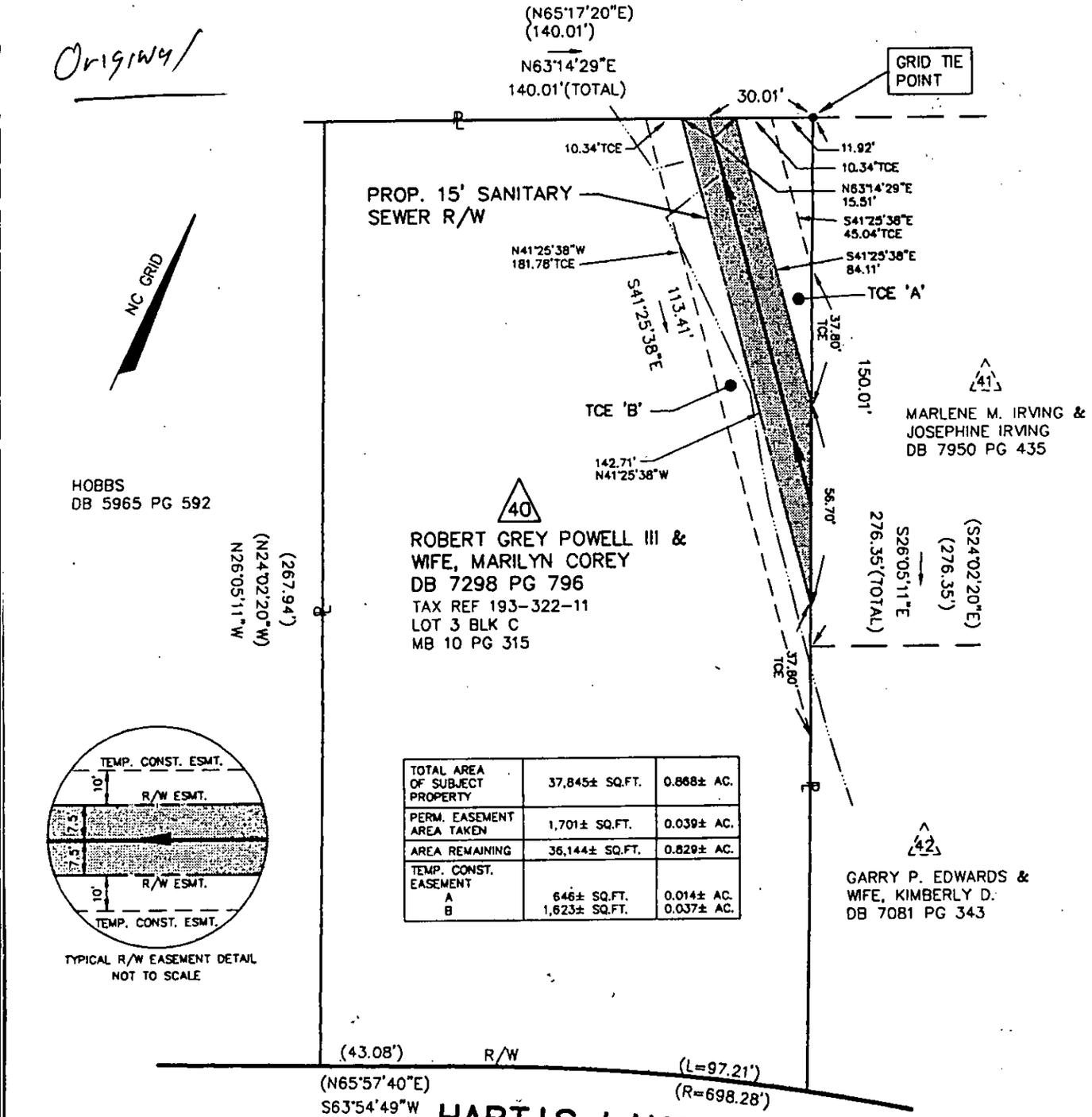
THIS IS TO CERTIFY THAT THIS MAP AND THE SURVEY ON WHICH IT IS BASED WAS PREPARED UNDER MY SUPERVISION AND CONFORMS TO THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:15,000

J. JEFFREY COBB, R.L.S. L-2830
W.K. DICKSON & CO., INC.

PRESBYTERY OF CHARLOTTE (INC.)
PRESBYTERIAN CHURCH (USA)
DB 6130 PG 762

EXHIBIT E

Original

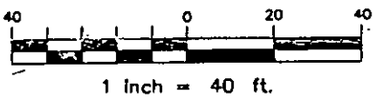


TYPICAL R/W EASEMENT DETAIL
NOT TO SCALE

TOTAL AREA OF SUBJECT PROPERTY	37,845± SQ.FT.	0.868± AC.
PERM. EASEMENT AREA TAKEN	1,701± SQ.FT.	0.039± AC.
AREA REMAINING	36,144± SQ.FT.	0.829± AC.
TEMP. CONST. EASEMENT A B	 646± SQ.FT. 1,623± SQ.FT.	 0.014± AC. 0.037± AC.

NOTES

1. PROPERTY CORNERS SHOWN CIRCLED WERE LOCATED BY ACTUAL SURVEY. ALL DISTANCES ARE HORIZONAL UNLESS OTHERWISE NOTED.
2. BEARINGS AND COORDINATES ARE BASED ON NC GRID (NAD 83)
   GRID TIE POINT COORDS: N 508,445.74 FT
   E 1,495,551.13 FT
   NCGS STA. "MC 017" MECK CO. COORDS: N 505,597.78 FT
   E 1,497,254.54 FT
   GRID TIE: BEARING S 30°53'04" W
   GRID DIST.= 3318.50'
   GROUND DIST.= 3319.03'
   COMB. FACTOR = 0.9998391
3. THIS MAP WAS PREPARED FOR THE PURPOSE OF EASEMENT ACQUISITION ONLY, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN.
4. BEARINGS & DISTANCES SHOWN IN PARENTHESIS DERVIED FROM MB 10 PG 315.
5. AREA CALCULATED BY THE COORDINATE METHOD.
6. TCE - TEMPORARY CONSTRUCTION EASEMENT.



1 inch = 40 ft.

CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT
ENGINEERING DIVISION
CHARLOTTE, NORTH CAROLINA

899-95-566 Job No.	File No.	PROPOSED 10" SANITARY SEWER TRUCK BEARDS CREEK						
Scales								
PLAN								
PROFILE Hor. / Vert.		PROPERTY OF ROBERT GREY POWELL III & WIFE, MARILYN COREY						
As Built	Date							
WKD Surveyed By	TMB Designed By	BA Drawn By	DLP Project-Engr	DMC Approved By	9-95 Date	Sheet 40	01 150	

No.	Date	By	Revision
1	7-96	BA	CONDEMNATION PLAT

\95065\P\95065BD

BOOK PAGE

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

4638 0459

SEPTIC TANK AGREEMENT

The undersigned, Robert L. Powell Jr., owner of property located at 4211 Harrisburg Lane, ("the site") and described in instrument recorded in Book 4638 at Page 691, Mecklenburg Public Registry, hereby acknowledges that he applied to the Department of Environmental Health for a permit to install a septic tank sewage disposal system on the site; the Department evaluated the site for suitability for such a system in accordance with the regulations promulgated by the North Carolina Commission for Health Services at 10 NCAC 10A .1900 et seq; that the Department classified the site as unsuitable and an appropriate permit was issued by the Department.

The undersigned further acknowledges that the proper design, construction, and maintenance of such septic tank system is his responsibility and that neither the Department nor its officials, employees or agents warrant or guarantee that the said system installed pursuant to the permit issued by the Department will function in a satisfactory manner for any length of time or that the Department, its officials, employees or agents assume any liability for any damages, consequential or direct, which are caused, or which may be caused on behalf of, such system.

This document shall be placed on the public records of the Register of Deeds of Mecklenburg County and indexed therein under the Grantor Index in the name or names of the undersigned, and the foregoing acknowledgements shall henceforth be binding on all persons claiming any right, title, or interest in the site.

And the undersigned further agrees for himself, his heirs and assigns that he shall indemnify and hold harmless the Department and its successors, as well as Mecklenburg County, for any damages or other claims of any person or persons whatsoever arising out of the installation, operation, or failure of said septic tank system.

And the undersigned further agrees for his heirs and assigns that, in the event any septic tank system installed under authority of the aforesaid permit fails to perform adequately in any respect, he will take whatever measures are required to correct same; or if such is impossible he will discontinue use of said system immediately.

Use of the singular masculine pronoun forms herein shall be deemed to also include the plural and feminine forms as the context may require.

This 17 day of March, 1983

Robert L. Powell Jr. (Seal)
(Seal)

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Grace H. Gass, a Notary Public for said County and State, do hereby certify that Robert L. Powell Jr. personally appeared before me this date and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this 17 day of March, 1983

Grace H. Gass
Notary Public
My Commission Expires: 4/24/83

RECEIVED
MAR 23 1983
ENVIRONMENTAL HEALTH

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, _____, a Notary Public for said County and State, do hereby certify that _____ personally came before me this day and acknowledged that he is _____ of _____, and that by authority duly given and as the act and deed of said corporation, the foregoing instrument was signed in its name by _____, sealed with its corporate seal and attested by _____.

WITNESS my hand and notarial seal, this _____ day of _____, 19__.

Notary Public
My Commission Expires: _____