

RESOLUTION AUTHORIZING THE GROUND LEASE  
OF APPROXIMATELY 2.31 ACRES OF PROPERTY LOCATED ON  
DeWITT LANE AND SOUTH BOULEVARD

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WHEREAS, the City of Charlotte owns vacant property located at 2356 DeWitt Lane, in Charlotte, NC, Mecklenburg County Tax Parcel #149-012-47, and a portion of 3804 South Boulevard in Charlotte, NC, Mecklenburg County Tax Parcel #149-012-51, that is currently not being used for a City purpose (the "Property"); and

WHEREAS, Charlotte-Mecklenburg Housing Partnership, Inc., a North Carolina Non-Profit Corporation ("CMHP"), desires to ground lease the Property for a term of 99 years at 1\$ per year, for a mixed-income residential multi-family rental development which will consist of a minimum of eighty-two (82) affordable housing units; and

WHEREAS, the housing units shall be reserved for families with earned incomes ranging from less than 30% up to 80% of the HUD Area Median Income ("AMI") for Charlotte, at the following levels: 16 units < 30%, 49 units 51-60%, and 17 units 61-80%.

WHEREAS, the Property will be leased subject to restrictions requiring a) that the Property be developed and the housing units be available for occupancy within three (3) years from the date of the ground lease, and if that deadline is not met, then the lease will be terminated and the City will resume unencumbered ownership of the Property; and b) that the affordability restriction will continue in effect for a period of thirty (30) years.

WHEREAS, once City Council has approved the lease transaction described herein, the City will grant CMHP an exclusive Option to Lease the Property, and the Option shall have a term of one (1) year during which CMHP will perform due diligence and secure financial commitments before executing the option and closing on the ground lease; and

WHEREAS, in the event CMHP does not exercise the option to ground lease by June 30, 2020, the option to ground lease shall terminate.

WHEREAS, the City of Charlotte Charter §8.131 gives the City the right and option to lease the Property for its own benefit upon such terms and conditions as it may determine, including terms of more than 10 years, without the necessity of following any procedures other than those required by North Carolina General Statute §160A-272; and

WHEREAS, North Carolina General Statute §160A-278 permits the Property to be leased pursuant only to a resolution of the council adopted at a regular meeting upon 10 days' public notice of the transaction; and

WHEREAS, the required public notice has been published and the City Council is convened in a regular meeting:

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Charlotte that it hereby authorizes the ground lease of the above referenced Property as follows:

The City Council hereby approves the ground lease of the City Property described above to Charlotte-Mecklenburg Housing Partnership, Inc., upon the terms and conditions set forth herein, and authorizes the City Manager, or his Designee, to execute all instruments necessary to the lease.

THIS THE 22<sup>nd</sup> DAY OF JULY 2019.