

ATTACHMENT A

AN ORDINANCE AMENDING FY'2005-06 BUDGET ORDINANCE

WHEREAS, the Town Board of the Town of Carrboro on June 7, 2005 adopted the annual budget for the fiscal year beginning July 1, 2005 and ending June 30, 2006 and

WHEREAS, it is appropriate to amend the expense accounts in the funds listed to provide for increased expenses for the reasons stated.

NOW, THEREFORE, BE IT ORDAINED, that in accordance with authority contained in G.S. 159-15, the following expense and revenue accounts are amended as shown and that the total amount for the funds are herewith appropriated for the purposes shown:

FUND	ACCOUNT TITLE	INCREASE (DECREASE)	AMOUNT	FROM	TO
General Fund					
Expenditures					
	Public Works	INCREASE	\$9,000	\$4,224,417	\$4,233,417
	Nondepartmental	DECREASE	\$9,000	\$781,017	\$772,017

REASON: To appropriate funds for value of Rogers-Triem recently negotiated. The funds are drawn from the contingency account within the Nondepartmental function. Funds remaining in contingency for FY05-06 as indicated in the final amendment in June remains \$4,500.

THE BROUGH LAW FIRM

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January 12, 2006

Ms. Bing Roenigk
Finance Director
Town of Carrboro
301 W. Main Street
Carrboro, North Carolina 27510

Re: *Town of Carrboro v. Rogers Triem, Inc.*; Consent Judgment

Dear Bing:

Enclosed with this letter please find a copy of the signed Consent Judgment in the above-referenced matter. Pursuant to the Judgment, the Town is to pay, to the order of Rogers Triem, Inc., the sum of \$9,000 within 30 days after January 9, 2006. The check should be sent to Thomas H. Davis, Post Office Box 10096, Raleigh, North Carolina 27605-0096 (Tom Davis is the attorney for Rogers Triem, Inc.).

In addition, a copy of this Consent Judgment should be included in the minutes of the meetings of the Board of Aldermen so that there is a public record of the judgment that was entered into by the Town of Carrboro in this matter.

Should you have any questions about the foregoing, please do not hesitate to contact me.

I am, with kindest regards,

Very sincerely,

THE BROUGH LAW FIRM



G. Nicholas Herman

GNH:las
Enclosure

NORTH CAROLINA

FILED IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

ORANGE COUNTY

05-01-9 01 1:16

05 CVS 0071

TOWN OF CARRBORO,

4

Plaintiff,

v.

CONSENT JUDGMENT

ROGERS TRIEM, INC.,

Defendant.

THIS CAUSE, coming on to be heard before the undersigned Superior Court Judge Presiding, it having been stipulated by the parties and the Court finding as a fact the following:

1. This action was duly instituted on the 13th day of January, 2005, by the issuance of Summons and the filing of a Complaint, Declaration of Taking, and Notice of Deposit, along with the deposit of \$16,000, the sum estimated by the Plaintiff to be just compensation for the taking of the property of the Defendant.

2. Summons, together with a copy of the Complaint, Declaration of Taking and Notice of Deposit were duly served upon the Defendant as appears of record.

3. All persons having or claiming to have an interest in the condemned land are parties hereto and are duly before the Court.

4. The parties have now settled all matters in controversy between them, and as agreed by the parties, the total sum of \$25,000, which sum includes any claim by the Defendant to interest, is the full and adequate value of, and represents just compensation for, the taking of Defendant's property.

ON THE FOREGOING STIPULATIONS, THE COURT CONCLUDES AS A MATTER OF LAW THE FOLLOWING:

1. The Plaintiff was entitled to acquire and did acquire on the 13th day of January, 2005, the property of the Defendant as described herein.
2. These proceedings as appears from the Pleadings are regular in every respect and no just cause has been shown against granting the prayer contained in the Complaint, Declaration and Notice.
3. Except as expressly set forth herein, the Defendant is not entitled to any further relief from the Plaintiff as a result of the taking.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that:

1. The Plaintiff, Town of Carrboro, on the 13th day of January, 2005, by the filing of a Complaint, Declaration of Taking, and Notice of Deposit, has condemned and shall be permanently vested with the property, interest or estate, described as follows:

1. Description of Entire Tract affected by taking:

All of that certain lot or parcel of land identified in "Attachment A" to the Deed recorded in Deed Book 411, at Page 116 of the Orange County Registry.

2. Statement of Property Taken – Fee Simple Absolute

3. **Description of Area Taken:**

BEGINNING at an existing iron at the intersection of the western right-of-way of Purple Leaf Place and the southern line of Lot 34, Roberson Place, Phase 4 as shown on Plat Book 87, at page 52, Orange County Register of Deeds, running thence S. 87° 02' 53" E. 55.42 feet with the southern line of Roberson Place Homeowners Association Open Space to a point; thence with a curve, clockwise, an arc length of 68.12 feet and radius of 812.80 feet to a point on said curve, the northeast corner of the existing Rand Road parcel deeded to the Town of Carrboro by Deed Book 206, at Page 580; thence N. 49° 26' 54' W. 46.00 feet to the northwest corner of said Rand Road parcel; thence with a curve

counterclockwise, an arc length of 34.23 feet and radius of 766.80 feet to the point of BEGINNING. Being a 2,357 square foot parcel of right-of-way to be dedicated on Right-of-Way Dedication Plat, Property of Rogers Triem, Inc., dated January 13, 2003, by Charles R. Billings, Freehold Land Surveys.

2. The Town of Carrboro, shall pay to Defendant the additional sum of \$9,000 within 30 days after the date of entry of this Judgment and that said sum, together with the original deposit made by the plaintiff in this action unless heretofore disbursed by order of the Court, be disbursed to the defendant, Rogers Triem, Inc., through its attorney, Thomas H. Davis, Jr., POYNER & SPRUILL, LLP.

3. That the defendant, Rogers Triem, Inc., is a corporation organized and existing under the laws of North Carolina, and that John E. Matthews is an officer of the defendant, Rogers Triem, Inc., and as such warrants that he is duly authorized to enter into this Consent Judgment on behalf of the defendant, Rogers Triem, Inc.

4. A copy of this Judgment shall be certified under seal of the Court to the Register of Deeds of this County, and the Register of Deeds shall be ordered to record this Judgment among the land records of the County.

5. Each party shall pay their own costs in this action.

This the 9th day of January, 2006



SUPERIOR COURT JUDGE PRESIDING

A TRUE COPY


Clerk of Superior Court

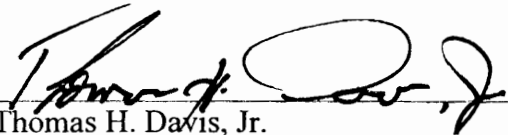
Consented to:

THE BROUGH LAW FIRM

By: 
G. Nicholas Herman
N.C. State Bar # 10923
Ste. 800-A, 1829 E. Franklin St.
Chapel Hill, North Carolina 27514
(919) 929-3905

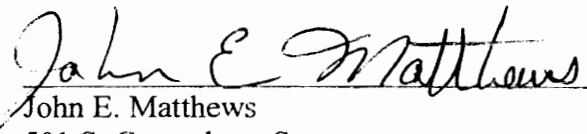
Attorneys for Town of Carrboro

POYNER & SPRUILL, L.L.P.

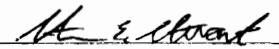
By: 
Thomas H. Davis, Jr.
Post Office Box 10096
Raleigh, North Carolina 27605-0096
(919) 783-6400

Attorneys for Defendant Rogers Triem, Inc.

ROGERS TRIEM, INC.

By: 
John E. Matthews
501 S. Greensboro St.
Carrboro, NC 27510

TOWN OF CARRBORO

By: 
Steven E. Stewart, Town Manager
301 W. Main Street
Carrboro, North Carolina 27510
(919) 918-7315