

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 13

Date of Request: April 16, 2008

Date Request Received: April 16, 2008

Board Meeting Date Requested: April 21, 2008

Board Meeting Date Assigned: April 21, 2008

Short Title: Resolution Consenting To Release Of Property From Restrictive Covenants And Authorizing Execution Of Release Agreement.

- Request Status:**
- Request is proceeding to Board of Commissioners
 - More information is needed – see attached
 - Request on hold – no further information needed
 - Other:

Background: We have been approached by the owners of property (Cavanaugh and others) to consent to the release of real property from restrictive covenants. Our consent is required as the county owns a tract (FEMA acquisition) in the vicinity that is subject to the same covenants. The property owners have a contract to sell their acreage subject to the restriction being released. It is our understanding that all other property owners in the vicinity have consented to the release.

(Administrative Use Only)

Specific Action Requested: Consent to release of property described as tax map number 3325-23-1675-0000, deed book 944/page 283, from restrictive covenants and authorize execution of Release Agreement.

CONTRACT TYPE

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
 - Federal Grantor
 - State Grantor
 - Grant or
- County as Grantor
 - County Funds
 - Other Funds:
- Revision
- For Equipment

Requested by: Buddy Raynor And Others
Department:
Title:
Contact Phone: 289-6232
Contact Fax:

PURCHASING Budgeted Item: Yes No
Date Rec'd: Reviewed and Approved
 Comments on Reverse

Date Sent: Signed:

ATTORNEY Reviewed and Approved
Date Rec'd: Legal Problem(s)
 Comments on Reverse

Date Sent: Signed:

FINANCE Sufficient Funds Available Not Available
Date Rec'd: Budget Amendment Necessary
 Budgeted Amendment is Attached
 Comments on Reverse

Date Sent: Signed:

CLERK Signature(s) Required:
 Board Chairman/County Manager
 Other:

Date Rec'd Approved by Board: Yes No
At meeting on

MANAGER'S RECOMMENDATION:

Respectfully Recommend Approval

AM
Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that

the Consent to release of property described as tax map number 3325-23-1675-0000, deed book 944/page 283, from restrictive covenants is approved, and execution of Release Agreement is authorized. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Williams ___ Tate ___ Blanchard ___ Brown ___ Rivenbark _____

J. David Williams, Jr., Chairman 04/21/08
Date

Attest 04/21/08
Date

NORTH CAROLINA

PENDER COUNTY

THIS RELEASE AGREEMENT, made and entered into this the ____ day of April, 2008, by and between PENDER COUNTY, GLENWOOD E. CAVENAUGH and wife, JANE CAVENAUGH, RAY LANIER, JR. and wife, TAMMY S. LANIER, CHARLES T. REGISTER and wife, LINDA S. REGISTER, and JANE PHILLIPS SYKES RECOVABLE TRUST, hereinafter referred to as Grantors; and DURWARD ALLEN RAYNOR, SR., DURWARD ALLEN RAYNOR, JR., and wife, ALLISON R. RAYNOR, and CHRISTY RAYNOR, hereinafter referred to as Grantee.

WHEREAS, the grantor Pender County, is the owner of Lot No. 1, in a subdivision formerly owned by the developer, Glenwood E. Cavanaugh, by virtue of a deed dated March 28, 2002, and recorded in Book 1862, Page 333, of the Pender County Registry; the Grantor, Glenwood E. Cavanaugh, and wife, Jane Cavanaugh, are the owners of Lot No. 2 of said subdivision; the Grantor, Jane Phillips Sykes Revocable Trust, is the owner of Lot No. 6, of said subdivision, by virtue of a deed dated October 18, 2007, and recorded in Book 3344, Page 16, of the Pender County Registry; the Grantors, Ray Lanier, Jr. and wife, Tammy S. Lanier, are the owners of Lot No. 7, of said subdivision by virtue of a deed dated October 3, 2006, and recorded in Book 3070, Page 344, of the Pender County Registry; and Grantors, Charles T. Register and wife, Linda S. Register are the owners of Lot No. 9, of said subdivision by virtue of a deed dated August 9, 2006, and recorded in Book 3024, Page 1, of the Pender County Registry; and,

WHEREAS, the former owner of said subdivision caused restrictive covenants to be placed upon said lots as well as the remaining land from which the above described lots were

subdivided, said Restrictive Covenants being recorded in an instrument recorded in Book 1096, Page 31, of the Pender County Registry, (hereafter the "Covenants"); and,

WHEREAS, Grantee wishes to convey the remainder of the tract of land that has not been heretofore subdivided to a third party, which land is referred to in the Covenants as being recorded in Book 944, Page 283, of the Pender County Registry, and Grantee has requested the above referred to Grantors to release said remaining tract from certain restrictions contained in the Covenants, release terms are described hereafter, and Grantors have agreed to such releases.

NOW, THEREFORE, for an in consideration of the sum of ONE DOLLAR and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties and contracted and agreed as follows:

Grantors do hereby release, remit and quitclaim to Grantor, and their heirs, Executors, and assigns, any and all rights, duties and obligations contained within the Covenants, to the end that that unsubdivided tract of land shall be free and clear of all of the conditions, restrictions, or obligations contained in said Covenants from and after the date of this release.

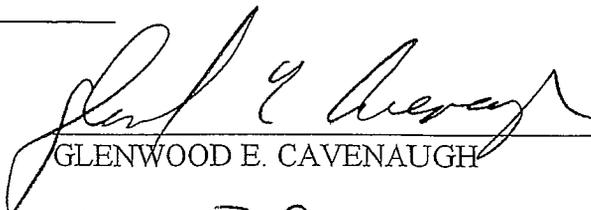
IN TESTIMONY WHEREOF, the undersigned have executed this release agreement the day and year first above written for the purposes hereinabove set out.

PENDER COUNTY

BY: _____
Chairman of the Board of Commissioners

Attest:

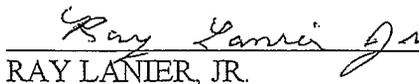
County Clerk



GLENWOOD E. CAVENAUGH



JANE B. CAVENAUGH



RAY LANIER, JR.

TAMMY S. LANIER



CHARLES T. REGISTER



LINDA S. REGISTER

JANE PHILLIPS SYKES RECOVABLE TRUST

BY: _____
JANE PHILLIPS SYKES, TRUSTEE

STATE OF NORTH CAROLINA

COUNTY OF PENDER

I, _____, a Notary Public for said County and State, certify that _____ personally came before me this day and acknowledged that (s)he is Clerk to the Board of Commissioners of the County of Pender, and that by authority duly given and as the act of the County, the foregoing instrument was signed in its name by its Chairman, sealed with its corporate seal, and attested by him/herself as its Clerk.

Witness my hand and official seal, this the _____ day of _____, 2005.

Notary Public

My Commission Expires:

STATE OF NORTH CAROLINA

COUNTY OF DUPLIN

I, Dreta P. Merritt, a Notary Public of the aforesaid county and state, do hereby certify that GLENWOOD E. CAVENAUGH and wife JANE B. CAVENAUGH, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and notarial seal, this 10th day of April, 2008.

Dreta P. Merritt
Notary Public

[Notary Seal]

My Commission Expires: May 4, 2008

STATE OF NORTH CAROLINA

COUNTY OF Duplin

I, Breta P. Merritt, a Notary Public of the aforesaid county and state, do hereby certify that RAY LANIER, JR. and wife, TAMMY S. LANIER, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and notarial seal, this 10th day of April, 2008.

Breta P. Merritt
Notary Public

[Notary Seal]

My Commission Expires: May 4, 2008

STATE OF NORTH CAROLINA

COUNTY OF Duplin

I, Breta P. Merritt, a Notary Public of the aforesaid county and state, do hereby certify that CHARLES T. REGISTER and wife, LINDA S. REGISTER, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and notarial seal, this 10th day of April, 2008.

Breta P. Merritt
Notary Public

[Notary Seal]

My Commission Expires: May 4, 2008

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, a Notary Public of the aforesaid county and state, do hereby certify that JANE PHILLIPS SYKES, Trustee of the Jane Phillips Sykes Revocable Trust, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and notarial seal, this _____ day of April, 2008.

Notary Public

[Notary Seal]

My Commission Expires:

rymerfel