

# REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

**Tracking Number:** 17.

**Date of Request:** July 28, 2008

**Date Request Received:** July 28, 2008

**Board Meeting** August 4, 2008

**Board Meeting** August 4, 2008

**Date Requested:**

**Date Assigned:**

**Short Title:** Resolution To Quitclaim Interest In Real Property Owned By Pender Volunteer Ems & Rescue, Inc.

**Request Status:**

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

**Background:** Pender EMS owns a tract of real property and appurtenances located at 108 East Wilmington St., Burgaw, which was donated to it by the County of Pender. The County donated the property upon the express condition that in the event the real property was not utilized for rescue squad services by Pender EMS and its successors and assigns, title to the real property would revert to the County.

*(Administrative Use Only)*

## CONTRACT TYPE

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

Due to the growing demands for emergency medical services within the County, Pender EMS is in need to relocate its current locations to a larger tract of land and facilities to be located within the Town of Burgaw. Since Pender EMS can't sell the real property and appurtenances located at 108 East Wilmington Street and utilize the resulting sale proceeds for the purchase of the larger tract of real property, Pender EMS is asking the County to consent to waive the title reversion provisions set forth in the deed from the County of Pender to Pender County Rescue Squad, and agree to execute a quitclaim deed which will quitclaim and release all of the County of Pender's right, title and interest in the property.

## PURCHASING

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

Date Sent:

Signed:

## ATTORNEY

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

Date Sent:

Signed:

## FINANCE

Sufficient Funds  Available  
Date Rec'd  Not Available  
 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

**Specific Action Requested:** The Board of Commissioners is requested to consent to waiving the title reversion provisions and agree to execute a quitclaim deed which will quitclaim and release all of the County of Pender's right, title and interest in the property located at 108 East Wilmington Street, Burgaw.

Requested by: Woody Sullivan  
Department: Pender Ems & Rescue  
Title: Director  
Contact Phone: 675-9198  
Contact Fax:

**MANAGER'S RECOMMENDATION:**

Respectfully Recommend Approval

DDP  
Initials

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

Pender County consents to waiving the title reversion provisions and agree to execute a quitclaim deed which will quitclaim and release all of the County of Pender's right, title and interest in the property located at 108 East Wilmington Street, Burgaw. The Chairman/County Manager is authorized to execute any documents necessary to implement this resolution.

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECONDED \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS

YEA VOTES: Williams \_\_\_ Tate \_\_\_ Blanchard \_\_\_ Brown \_\_\_ Rivenbark \_\_\_\_\_

\_\_\_\_\_  
J. David Williams, Jr., Chairman      08/04/08  
Date

\_\_\_\_\_  
Attest      08/04/08  
Date

RESOLUTION TO QUITCLAIM INTEREST IN REAL PROPERTY OWNED BY  
PENDER VOLUNTEER EMS AND RESCUE, INC.

WHEREAS, Pender Volunteer EMS and Rescue, Inc. a North Carolina non-profit corporation (hereinafter referred to as "Pender EMS") provides emergency medical services within Pender County, North Carolina; and

WHEREAS, Pender EMS is the owner of a tract of real property and appurtenances located thereon which is located at 108 East Wilmington Street, Burgaw, North Carolina and which is more particularly described as Tract No. 1 within the deed dated September 25, 2002, and recorded in Deed Book 2077, at Page 48 in the Office of the Pender County Register of Deeds, State of North Carolina from Pender County Rescue Squad, Inc. to Pender Volunteer EMS and Rescue, Inc.; and

WHEREAS, in a deed dated May 20, 1970, from the County of Pender to Pender County Rescue Squad, Inc. as recorded in Deed Book 429, at Page 228 in the Office of the Pender County Register of Deeds, State of North Carolina, the County of Pender conveyed the real property described therein upon the express condition that in the event the real property was not utilized for rescue squad services by Pender County Rescue Squad, Inc. and its successors and assigns title to the real property would revert to the County of Pender; and

WHEREAS, due to the growing demands for emergency medical services within the County of Pender, Pender EMS is in need to relocate its operations from the current location at 108 East Wilmington Street, Burgaw to a larger tract of land and facilities to be located thereon within the Town of Burgaw; and

WHEREAS, Pender EMS cannot sale the real property and appurtenances located on the tract of real property at 108 East Wilmington Street, Burgaw and utilize the resulting sale proceeds for the purchase of the larger tract of real property without the County of Pender consenting to waive the title reversion provisions as originally set forth within Deed Book 429, at Page 228 of the Pender County Registry; and

NOW THEREFORE, BE IT RESOLVED that the County of Pender does hereby consent to waiving the title reversion provisions, as set forth within the deed from the County of Pender to Pender County Rescue Squad, Inc. recorded in Deed Book 429, at Page 228 in the Office of the Pender County Register of Deeds, State of North Carolina, and agrees to execute a quitclaim deed in favor of Pender Volunteer EMS and Rescue, Inc. which quitclaims and releases all of the County of Pender's right, title and interest in the real property as described in Deed Book 429, at Page 228 of the Pender County Registry, and the Chairman of the Pender County Board of Commissioners and the Clerk to the Board are hereby authorized to execute the foregoing quitclaim deed attached hereto as Exhibit "A" to this resolution on behalf of the County of Pender.

Adopted this the \_\_\_\_\_ day of August, 2008.

STATE OF NORTH CAROLINA

COUNTY OF PENDER

QUITCLAIM DEED

This Quitclaim Deed is made and entered into this the \_\_\_\_\_ day of August, 2008, by and between the County of Pender, a political subdivision of the State of North Carolina (hereinafter referred to as "Grantor") and Pender Volunteer EMS and Rescue, Inc., a North Carolina nonprofit corporation organized and existing under the laws of the State of North Carolina (hereinafter referred to as "Grantee"):

WITNESSETH:

WHEREAS, Grantor in a deed dated May 20, 1970, and recorded in Deed Book 429, at Page 228 in the Office of the Pender County Register of Deeds conveyed title to the real property described in said deed with a reversion clause that in the event that the real property was not used by the Pender County Rescue Squad, Inc. or its successors and assigns for the purposes of operating a county rescue squad, then title to the real property would revert to Grantor; and

WHEREAS, in a deed dated September 25, 2002, and recorded in Deed Book 2077, at Page 48 in the Office of the Pender County Register of Deeds, State of North Carolina, Pender County Rescue Squad, Inc. conveyed title to the real property as described in Deed Book 429, at Page 228 to Grantee and subject to the reversion clause as set forth within Deed Book 429, at Page 228; and

WHEREAS, Grantee currently operates a EMS service station on the real property described in Deed Book 429, at Page 228; and

WHEREAS, due to the growing demands for EMS services within Pender County and the Town of Burgaw, Grantee is desirous of purchasing a larger tract of real property to relocate its EMS operations, which services the Town of Burgaw and Pender County, and to terminate its operations at the real property described in Deed Book 429, at Page 228; and

WHEREAS, in order to have monies available to purchase the larger tract of real property, Grantee has negotiated the sale of the real property as described in Deed Book 429, at Page 228 to the Town of Burgaw, subject to the County of Pender releasing the real property from the reversion clause set forth within Deed Book 429, at Page 228;

NOW THEREFORE, Grantor in consideration of the sum of Ten Dollars (\$10.00) to them in hand paid, the receipt of which is hereby acknowledged, have remised and released and by these presents do remise, release and forever quitclaim unto the Grantee and its successors and assigns all right, title, claim and interest of the said Grantor, inclusive of the reversion clause as set forth within Deed Book 429, at Page 228 of the Pender County Registry, in and to a certain tract or parcel of land lying in the Town of Burgaw, Burgaw Township, Pender County, State of North Carolina adjacent to and North of the Northern right-of-way line of Wilmington Street and being more fully described as follows, to wit:

Beginning at a concrete monument in the Northern right-of-way line of Wilmington Street, the Southwest corner of a lot leased by Humble Oil Refining Company said Beginning concrete monument is located at a point that is South 76 degrees 43 minutes West 60.00 feet from the point of intersection of the Northern line of Wilmington Street with the Western line of Walker Street; running thence from said Beginning concrete monument so located, with the Northern line of Wilmington Street South 76 degrees 43 minutes West 60.00 feet to a point in a utility pole which stands on said right-of-way line; thence North 13 degrees 17 minutes West 180.00 feet (passing over an inline corner location concrete monument at 1.00 foot) along a small ditch to a concrete monument in the Southern line of the Town Hall Parking Lot; thence with said Town Hall Southern property line North 76 degrees 43 minutes East 60.00 feet to another concrete monument in said line, the Northwest corner of L.W. Horne (deceased) lot, same being located at a point that is South 76 degrees 43 minutes West 60.00 feet from a concrete monument the dividing corner of said Town Hall Parking Lot and L.W. Horne, Sr. (deceased) lot in the Western line of Walker Street; thence with the Western line of said Horne's lot and a lot leased by Pender Gas & Oil Company South 13 degrees 17 minutes East 180.00 feet to the point of Beginning, containing 10,800 square feet and is as surveyed by Walton and Walton, Inc. Registered Land Surveyors on May 13, 1970.

To have and to hold the aforesaid tract or parcel of land and all privileges thereunto belonging to said Grantee and its successors and assigns free and discharged from all right, title, claim or interest of Grantors or anyone claiming by, through or under them.

In Testimony Whereof, said Grantor has authorized the granting of this quitclaim deed to the Grantee and has authorized the execution of this instrument by its Chairman of the Board of Commissioners on its behalf with the Clerk to the Board of Commissioners attesting to said Chairman's signature and affixing its corporate seal on the day and year first above written.

COUNTY OF PENDER

By: \_\_\_\_\_  
Chairman to Board of Commissioners

(CORPORATE SEAL)

Attested to: \_\_\_\_\_  
Clerk to Board of Commissioners

STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public of the State and County aforesaid, certify that \_\_\_\_\_ personally appeared before me this day and acknowledged that he/she is Clerk to the Board of Commissioners of Pender County, and that by authority duly given and as the act of the Board of Commissioners, the foregoing instrument was signed in its name by its Chairman, sealed with its official seal and attested by himself/herself as its Clerk.

Witness my hand and official seal this the \_\_\_\_\_ day of August, 2008.

\_\_\_\_\_  
Notary Public

(NOTARY SEAL)

My Commission Expires: \_\_\_\_\_