

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 6.

Date of Request: August 13, 2008

Date Request Received: August 13, 2008

Board Meeting Date Requested: August 18, 2008

Board Meeting Date Assigned: August 18, 2008

Short Title: Resolution For The Downtown Burgaw Association, Inc. To Deed Over The Old Jail Property To The Town Of Burgaw.

- 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 County conveyed the Old Jail property to the Downtown Burgaw Association, November 1, 2000, Deed book 1639, page 230 with the expressed condition "that neither the building located on the described lot commonly referred to as the OLD JAIL, nor the described lot may be leased, sold, or transferred by the Grantee without approval of the Pender County Board of Commissioners.

(Administrative Use Only)

The Town of Burgaw would have access to funding sources and agency assistance for improvement of the old jail not available to the Downtown Burgaw Association. The Town Board of the Town of Burgaw has passed a resolution stating their intended goal of renovation and continued use of the Old Jail for community purposes.

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

Specific Action Requested: The Board of Commissioners is requested to consent to allow title and ownership of the Old Jail to the Town of Burgaw.

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

Requested by: Vernon Harrell
Department: Downtown Burgaw Association
Title:
Contact Phone:
Contact Fax:

Date Sent:
Signed:

ATTORNEY Reviewed and Approved
Date Rec'd: 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

RESOLUTION TO ALLOW TRANSFER OF TITLE OF REAL PROPERTY OWNED BY
THE DOWNTOWN BURGAW ASSOCIATION, INC.

WHEREAS, the Downtown Burgaw Association, Inc. a North Carolina non-profit corporation (hereafter referred to as "the DBA") provides benefit and support to the downtown area of the Town of Burgaw; and

WHEREAS, the DBA is the owner of a tract of real property and appurtenances located thereon which is located at 106 East Wilmington Street, Burgaw, North Carolina and which is more particularly described as " a lot located adjacent to and North of Wilmington Street in the Town of Burgaw, North Carolina and more particularly described as beginning at a stake at the intersection of the northern line of Wilmington Street with the western line of the most eastern alley intersecting Wilmington Street, running thence South 73 degrees 30 minutes West with the northern line of Wilmington Street sixty feet to a stake, thence North 16 degrees 30 minutes West one hundred twenty feet, thence North 73 degrees 30 minutes East sixty feet to an alley, thence South 16 degrees 30 minutes east with said alley one hundred twenty feet to Wilmington Street and the point of beginning, containing one sixth of an acre and being one third of Lot 1, Block 30 of H.A. Colvins plan of the Town of Burgaw." recorded in Deed Book 1639 at Page 230 in the Office of the Pender County Register of Deeds, State of North Carolina from the County of Pender to the Downtown Burgaw Association, Inc.; and

WHEREAS, in a deed dated November 1, 2000 from the County of Pender to the Downtown Burgaw Association, Inc. as recorded in Deed Book 1639 at Page 230 in the Office of the Pender County Register of Deeds, State of North Carolina, the County of Pender conveyed the real property described therein with the expressed condition that "this conveyance is made with the special condition that neither the building located on the above described lot and commonly referred to as the "OLD JAIL", nor the above described lot may be leased, sold, or transferred by the Grantee without approval of the PENDER COUNTY BOARD OF COMMISSIONERS. This conveyance is made pursuant to NCGS 160A-279 and subject to the condition that the above described property shall continue to be used for a public purpose as defined in NCGS 160A-279"; and

WHEREAS, there is a desire of the members of the DBA to facilitate continued renovation and use of the facilities located on the described property (hereafter referred to as "the Old Jail"), and

WHEREAS, the Town Board of the Town of Burgaw has passed a resolution stating their intended goal of renovation and continued use of the Old Jail for community purposes with a committee of interested citizens and Town Board members guiding the process, and

WHEREAS, the Town of Burgaw would have access to funding sources and agency assistance for improvement of the Old Jail not available to the DBA, and

WHEREAS, the DBA cannot deed the property described to the Town of Burgaw without the express permission of the PENDER COUNTY BOARD OF COMMISSIONERS, and

NOW THEREFORE, BE IT RESOLVED that the County of Pender does hereby consent to allow title and ownership of the land and appurtenances located thereon and recorded in the Deed Book 1639 at Page 230 in the Office of the Pender County Register of Deeds, State of North Carolina to be transferred to the Town of Burgaw with all exceptions and restrictions stated in the aforementioned deed still enforced, and the Chairman of the Pender County Board of Commissioners and the Clerk to the Board are hereby authorized to facilitate the aforementioned transfer.

FILED

NOV 16 AM 8:39

JOYCE M. SWICEGOOD
REGISTER OF DEEDS
PENDER COUNTY, NC

No N.C. Real Estate
Excise Tax Affixed

Excise Tax -0-

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No.
Verified by K/S County on the day of
by [Signature]

Mail after recording to

This instrument was prepared by Harold L. Pollock, Attorney at Law, Burgaw, NC 28425

Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 1 day of November, 2000, by and between

GRANTOR

GRANTEE

PENDER COUNTY, a municipal corporation

DOWNTOWN BURGAW ASSOCIATION, INCORPORATED

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Town of Burgaw, Burgaw Township, Pender County, North Carolina and more particularly described as follows:

Being a lot located adjacent to and North of Wilmington Street in the Town of Burgaw, North Carolina and more particularly described as beginning at a stake at the intersection of the northern line of Wilmington Street with the western line of the most eastern alley intersecting Wilmington Street, running thence South 73 degrees 30 minutes West with the northern line of Wilmington Street sixty feet to a stake, thence North 16 degrees 30 minutes West one hundred twenty feet, thence North 73 degrees 30 minutes East sixty feet to an alley, thence South 16 degrees 30 minutes east with said alley one hundred twenty feet to Wilmington Street and the point of beginning, containing one sixth of an acre and being one third of Lot 1, Block 30 of H.A. Colvins plan of the Town of Burgaw.

[Handwritten initials]
JOYCE M. SWICEGOOD
REGISTER OF DEEDS
PENDER COUNTY, NC

The property hereinabove described was acquired by Grantor by instrument recorded in

A map showing the above described property is recorded in Plat Book page.....

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:
This conveyance is made with the special condition that neither the building located on the above described lot and commonly referred to as the "OLD JAIL", nor the above described lot may be leased, sold, or transferred by the Grantee without approval of the PENDER COUNTY BOARD OF COMMISSIONERS.

This conveyance is made pursuant to NCGS 160A-279 and subject to the condition that the above described property shall continue to be used for a public purpose as defined in NCGS 160A-279.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

PENDER COUNTY, a municipal corporation
By: Carolyn Justice, Chairman
ATTAS: Martin Beach, Clerk
USE BLACK INK ONLY (SEAL)

NORTH CAROLINA, Pender County.
I, a Notary Public of the County and State aforesaid, certify that Carolyn Justice, Chairman, Pender County Board of Commissioners Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 9th day of November 2000.
My commission expires: 9-22-2002 Melinda K. Knoeferler Notary Public

NORTH CAROLINA, Pender County.
I, a Notary Public of the County and State aforesaid, certify that Martin Beach, Clerk of the Board, Chairman of Pender County a municipal corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Chairman himself as its Clerk.
Witness my hand and official stamp or seal, this 9th day of November 2000.
My commission expires: 9-22-2002 Melinda K. Knoeferler Notary Public

The foregoing Certificate(s) of Melinda K. Knoeferler is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

JOYCE M. SIMMONS REGISTER OF DEEDS FOR Pender COUNTY
By Patricia Darnewood Deputy/Assistant - Register of Deeds