

REQUEST FOR BOARD ACTION

ITEM NO. 3.

DATE OF REQUEST: December 29, 2008

REQUESTED BY: Kathy Lewis, Topsail Humane Society

SHORT TITLE: Proposal to Use the Former Hampstead Annex Building for an Animal Shelter and County Animal Control Services

BACKGROUND: The Topsail Humane Society is proposing an arrangement with the County to use the former Hampstead Annex building and property for a new animal shelter and for serving the eastern and southern areas of the county with animal control sheltering services. The Topsail Humane Society has been offering free shelter to Pender County Animal Control on the East side for the last 5 years, at its current leased site which is now for sale by the owner. The Society is proposing an arrangement whereby in exchange for a nominal lease or sale, the Society will provide animal control sheltering services to the County.

The Society is proposing to make improvements at their cost to the existing facility and property to accommodate a new facility. The Society has been evaluating the facility and property, and is at the point of needing to spend monies for more detailed evaluation, such as for evaluation and design of a septic system. Before moving forward with additional costs, the Society would like concurrence from the Board of County Commissioners on the concept of such an arrangement.

A map of the property, including parcel data is attached. The property totals 19.21 acres, however less than 5 acres would likely be proposed for the shelter. The tax value of the property is \$368,845 (\$259,335 assigned to the land and \$109,510 to the building).

A current agreement is in place between the Society and the Board of Health providing for animal sheltering services for Pender County Animal Control for FY 08/09 in the amount of \$5,000 monthly, at the Pender County Animal Shelter outside of Burgaw.

A listing of the Topsail Humane Society Board members, and their Articles of Incorporation, is attached.

SPECIFIC ACTION REQUESTED: The Board is requested to consider the proposal by Ms. Lewis providing for the Society to renovate and use the building and property for a new animal

shelter in exchange for animal control sheltering services to the County. If the Board agrees to the concept, then further evaluation and planning will occur in anticipation of a formal proposal/agreement being brought back to the Board for further consideration.

Topsail Humane Society Board Members

Kathy Lewis
668 Lewis Rd
Hampstead, NC 28443

Dianne Gallagher
Dog Train (Animal Behavior Specialist)
1038 South Kerr Ave
Wilmington, NC 28403

Joanne Perales
105 Pharlap Dr
Sneads Ferry, NC 28460

Cathy Williams
Service Dog Trainer and Groomer
5439 Andover Dr
Wilmington, NC 28403

David Greer
133 Gazebo Ct
Wilmington, NC 28409

Kelly Jacobson
Cape Fear Bank
151 Winding Branch Rd
Hampstead, NC 28443

Nancy Foster
AKC Master Nationals Training Assistant
103 South Alena Ct.
Hampstead, NC 28443

Under consideration now, is a member of the feline rescue group Cat Adoption Team.

DOCID: 618838
Date Filed: 6/12/2003 11:20:00 AM
Elaine F. Marshall
North Carolina Secretary of State
C200316100003

ARTICLES OF INCORPORATION
OF
TOPSAIL HUMANE SOCIETY, INC.

In compliance with the requirements of Chapter 55A of the General Statutes of North Carolina, the undersigned, all of whom are residents of the State of North Carolina and all of whom are of full age, have this day voluntarily associated themselves together for the purpose of forming a Corporation not for profit and do hereby certify:

1. The name of the Corporation is "TOPSAIL HUMANE SOCIETY, Inc.", (hereinafter called the "Association").

2. The principal registered office of the Association is located at 117 Lewis Road, Hampstead, Pender County, North Carolina, 28443. The mailing address for the Association is P.O. Box 117, Hampstead, North Carolina, 28443.

3. Kathy Lewis, whose address is 117 Lewis Road, Hampstead, Pender County, North Carolina, 28443 is hereby appointed the initial registered agent of the Association.

4. The Association does not contemplate pecuniary gain or profit to the members thereof, and the specific purposes for which it is formed are:

(a) To encourage the prevention of cruelty to animals, relief of suffering, and the extension of humane education throughout the State of North Carolina and especially throughout Pender County, consistent with the provisions of the Internal Revenue Code Section 501(c) (3) or the corresponding provision of any future federal tax law, pursuant to which the Association is or may be granted a tax-exempt status.

(b) To have and to exercise any and all powers, rights and privileges which a Corporation organized under the non profit Corporation law of the State of North Carolina by law may now or hereafter have or exercise.

This Corporation is organized and shall be operated exclusively not for profit. No part of the earnings of the Corporation or of the funds contributed by any person or corporation shall inure to the benefit of any director or officer of the Corporation, or any private individual except that reasonable compensation may be paid for services rendered to or for the corporation affecting one

or more of its purposes. In the event of dissolution or liquidation of the Corporation, either voluntary or involuntary, no director or officer of the Corporation or any private individual shall be entitled to any distribution or division of its remaining property or its proceeds, and the balance of all money and other property received by the corporation from any source, after the payments of all debts and obligations of the corporation, shall be used or distributed exclusively to an entity or entities whose purposes are substantially similar to those set forth in paragraph 4 above and within the intent of Section 528 of the Internal Revenue Code of 1986 and the regulations thereunder as the same now exist or as they may be amended from time to time or to an appropriate public agency to be used for purposes similar to those stated in paragraph 4 above or to an organization which would then qualify under the provisions of Section 501(c)(3) of the Internal revenue Code and its regulations as they now exist or as they may hereinafter be amended.

Any thing to the contrary notwithstanding, the Corporation shall not possess or exercise any power or authority either expressly, by implication, or by operation of law that will prevent it at any time from qualifying for tax-exempt status under section 528 of the Internal Revenue Code of 1986 as amended or the regulations thereunder, nor shall it engage directly in any activity which would cause the loss of such qualification or deny it such election under such section of the internal revenue Code.

In Order to properly prosecute the objects and purposes set forth herein, the Corporation shall have all the powers vested in Corporations by the laws of the State of North Carolina, Chapter 55A, Section 15, and other laws relating to Corporations which may appear in the General Statutes of North Carolina, together with all amendments thereto, past and future, which powers shall include, but shall not be limited to: full power and authority to acquire real or personal property, tangible or intangible, by gift, contribution, or by any other manner and to hold legal or equitable title to said real or personal property; to borrow money; to mortgage, pledge, donate, and otherwise act or perform all acts which may be deemed necessary, expedient or proper by the corporation for the successful carrying out of the objects and purposes for which the corporation is formed.

5. The association shall have no members.

6. The Association may be dissolved with the assent given in writing and signed by two-thirds (2/3) of the directors.

7. This Corporation shall exist perpetually.

8. The name and address of the Incorporator is as follows:

Ray C. Blackburn, Jr. 712 Country Club Road
P.O. Box 895
Hampstead, N.C. 28443
Pender County

9. These articles shall be effective upon filing.

IN WITNESS WHEREOF, I, the undersigned Incorporator, have hereunto set my hand and seal this the 4th day of June, 2003.

Ray C. Blackburn, Jr. (Seal)
Ray C. Blackburn, Jr.-Incorporator

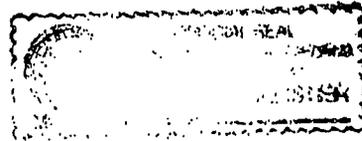
State of North Carolina

County of Pender

This is to certify that on the 4th day of June, 2003, before me, a notary public, appeared Ray C. Blackburn, Jr., who I am satisfied is the person named in and who executed the foregoing Articles of Incorporation, and I, having first made known to him the contents thereof, he did acknowledge that he signed and delivered the same as his voluntary act and deed for the purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official stamp or seal this the 4th of June, 2003.

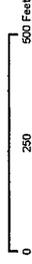
Maury E. McQuister
Notary Public



My Commission expires: 11-12-2005



Pender County GIS



Legend

- Subject Tract
- Private Roads
- Secondary Road
- NC Highways
- US Highways
- Interstate

Transfer Station Road Property

Owner - Pender County

