



REQUEST FOR BOARD ACTION

ITEM NO. 11

DATE OF MEETING: March 19, 2012

REQUESTED BY: Michael G. Mack, Director, PCU

SHORT TITLE: Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District Accepting the Deed of Dedication and Affidavit from the Owners of Kings Heritage Farm for the Conveyance of Title to the Water Distribution System Properly Installed within the 30-Lot Tract in Exchange for the Provision of Water to the Subdivision.

BACKGROUND: In accordance with the Pender County Water and Sewer Ordinance, Article XII, Subsection II, 6.a; submission of a Deed of Dedication and Affidavit are required for acceptance of any new water and/or sewer extensions constructed to serve any structure within a subdivision prior to the commencement of water service by the District. With acceptance of these instruments the conveyance of title to the infrastructure will occur and the District will become responsible for the permanent maintenance of the improvements. Staff is recommending acceptance of approximately 1,490 feet of 6-inch and 490 feet of 2-inch water main, valves, hydrants and other water appurtenances to serve Kings Heritage Farm Development with 30 residential lots. All improvements have been inspected, engineer certified, and issued Final Approval by the NCDENR-Public Water Supply Section.

SPECIFIC ACTION REQUESTED: To adopt a resolution accepting the Deed of Dedication and Owner's Affidavit for the water distribution improvements installed within the Kings Heritage Farm subdivision of 30 residential lots.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.


Initial

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Rocky Point/Topsail Water and Sewer District that:

a resolution accepting the Deed of Dedication and Owner's Affidavit for the water distribution improvements installed within the Kings Heritage Farm subdivision of 30 residential lots is approved.

The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Brown ___ Tate ___ Rivenbark ___ Ward ___ Williams ___

George R. Brown, Chairman 03/19/12
Date

ATTEST 03/19/12
Date

STATE OF NORTH CAROLINA
COUNTY OF PENDER
Prepared by: Biberstein & Nunalee

DEED OF DEDICATION

THIS DEED OF DEDICATION, made and entered into this the 29th day of December, 2011, by and between Robert A. King and wife, Ann King, of Pender County, North Carolina, party of the first part, hereinafter referred to as "Owners", and PENDER COUNTY, a governmental entity created and existing under the laws of the State of North Carolina, party of the second part, hereinafter referred to as Grantee.

WITNESSETH:

That whereas Owners are the owners of a tract or parcel of land located in Topsail Township, Pender County, North Carolina, known as Kings Heritage Farm.

And whereas Owners have caused to be installed water distribution lines under and along the road rights-of-way hereinafter described and referenced;

And whereas Owners wish to obtain water from Grantee for the property and to make water from Grantee's system available to individual owners;

And whereas, in order to obtain water for said subdivision Developer must convey title to the water distribution system to Grantee through an instrument of dedication acceptable to Grantee;

NOW, THEREFORE, Owner, in consideration of Grantee accepting said water lines and making water available to said Subdivision, have conveyed and by these presents does hereby convey to Grantee, its lawful successors and assigned the following described property:

SEE MAP ATTACHED AS EXHIBIT A HERETO

TO HAVE AND TO HOLD said water lines and equipment hereinabove described together with the privileges and appurtenances thereto belonging to Grantee forever.

Together with non-exclusive easements over, along and upon the entire area of the streets and cul-de-sacs depicted on the maps and serving the areas referenced above for purposes of entry into the subdivision for maintenance, repair and upkeep of the water distribution systems and for connecting the same to the individual lots developed or to be developed lying adjacent to said streets and cul-de-sac reserving unto owners, their successors and assigns, equal rights of the easement over, in, along and upon said streets and cul-de-sacs for purposes of installing and maintaining such utilities as may be required for the development of said subdivision, including, but not limited to, electric, gas, telephone, cable and sewer.

And Owners do hereby covenant that they are seized of said water lines and equipment described above in fee simple and have the right to convey the same in fee simple, and that the same are free and clear of encumbrances, and that it will warrant and defend the title to the same against all persons whomsoever.

IN WITNESS WHEREOF, the Owners have caused this instrument to be duly executed, the day and year first above written.

Robert A. King (SEAL)
Robert A. King

Ann King (SEAL)
Ann King

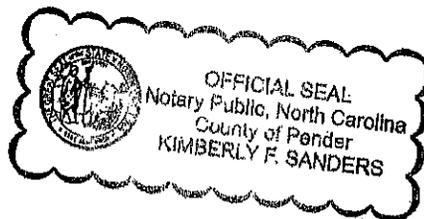
STATE OF NORTH CAROLINA
COUNTY OF PENDER

I, Kimberly F. Sanders, a Notary Public in and for the aforesaid County and State, do hereby certify that Robert A. King and Ann King personally appeared before me this day and acknowledged to me that he voluntarily signed the foregoing document for the purpose stated therein.

Witness my hand and notarial seal this the 22nd day of December, 2011.

Kimberly F. Sanders
Notary Public

My Commission Expires: 5/15/15



ACCEPTANCE OF DEED

This Deed of Dedication and accompanying Affidavit for Robert A. King and wife, Ann King was accepted by the Pender County Board of Commissioners on the ____ day of _____, 201__.

Pender County Board of Commissioners

_____, Chairman

Glenda Pridgen, Clerk to the Board

STATE OF NORTH CAROLINA
COUNTY OF PENDER
Prepared by: Biberstein & Nunalee

AFFIDAVIT

Robert A. King and wife, Ann King, of Pender County, North Carolina, hereinafter referred to as "Affiant", being first duly sworn, hereby depose and say under oath as follows:

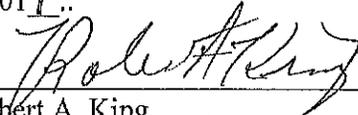
1. That they are the owners of a tract or parcel of land located in Topsail Township, Pender County, North Carolina, known as Kings Heritage Farm, containing lots numbering 1 thru 30, as more particularly described in a Deed of Dedication in favor of Pender County of even date herewith.

2. That they have caused to be installed water distribution lines under and along the road rights-of-way hereinafter described and referenced;

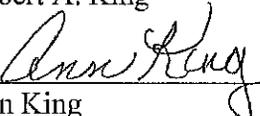
See Map attached as Exhibit A hereto

3. All of the work which has been performed in the construction and installation of said water distribution lines described in paragraph 2 above, has been fully paid for and there are now no liens of any kind including any lien for labor or material against the subdivision property which would in any way jeopardize title of the Affiant to the property in said subdivision nor are there any legal actions pending against Affiant or any contractor arising out of any work performed in said subdivision or to the water line installed therein which would in any way jeopardize title to the subdivision or the water distribution lines located therein.

IN WITNESS WHEREOF, the Affiant has caused this instrument to be duly executed, this 22nd day of December, 2011..



Robert A. King (SEAL)



Ann King (SEAL)

STATE OF NORTH CAROLINA
COUNTY OF PENDER

I, Kimberly F. Sanders, a Notary Public in and for the aforesaid County and State, do hereby certify that Robert A. King and Ann King personally appeared before me this day and acknowledged to me that he voluntarily signed the foregoing document for the purpose stated therein.

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Kimberly F. Sanders
Notary Public

My Commission Expires: 5/15/15

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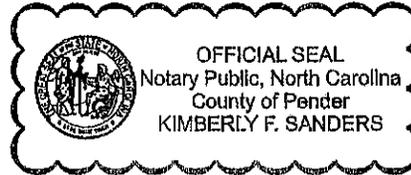


Exhibit A

