



## REQUEST FOR BOARD ACTION

ITEM NO. 6.

**DATE OF MEETING:** April 15, 2013

**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 the Hampstead Town Center for the Conveyance of Title to the Water Distribution System Properly Installed within the Shopping Center in Exchange for the Provision of Water to the Property.

**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 2,500 feet of 8" and 114 feet of 6" water main, valves, hydrants and other water appurtenances to serve the Hampstead Town Center. All improvements have been inspected, engineer certified, and issued Final Approval by the NCDENR-Public Water Supply Section.

**SPECIFIC ACTION REQUESTED:** To consider a resolution to adopt a resolution accepting the Deed of Dedication and Owner's Affidavit for the water distribution improvements installed within the Hampstead Town Center.

**COUNTY MANAGER'S RECOMMENDATION**

Respectfully recommend approval.

  
Initial

**RESOLUTION**

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

a resolution accepting the Deed of Dedication and Owner's Affidavit for the water distribution improvements installed within the Hampstead Town Center is approved. The Chairman/District Manager shall have the authority to execute any/all documents necessary to implement this resolution.

**AMENDMENTS:**

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

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

YEA VOTES: Brown \_\_\_\_\_ McCoy \_\_\_\_\_ Tate \_\_\_\_\_ Ward \_\_\_\_\_ Williams \_\_\_\_\_

\_\_\_\_\_  
George R. Brown, Jr., Chairman      04/15/2013  
Date

\_\_\_\_\_  
ATTEST      04/15/2013  
Date

**DEED OF DEDICATION**

STATE OF NORTH CAROLINA

COUNTY OF PENDER

THIS DEED OF DEDICATION, made and entered into this the 26<sup>th</sup> day of February, 2013, by and between Hampstead Town Center, LLC, of Wake County, North Carolina, party of the first part, hereinafter referred to as "Grantor" or "Owner", and ROCKY POINT/TOPSAIL WATER AND SEWER DISTRICT, a municipal corporation duly 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 Hampstead Town Center, LLC is/are the owner(s) of a tract or parcel located in Topsail Township, Pender County, North Carolina, known as Hampstead Town Center, 17230 US Hwy 17 N, Hampstead, NC and identified as Tract A on the map recorded in Map Book 40 at Page 39, Pender County Registry;

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

And whereas Owner wishes 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 community subdivision, Owner 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, does hereby convey to Grantee, its lawful successors and assigns, the following described property;

Water Distribution System; see attached Map attached as Exhibit A hereto.

TO HAVE AND TO HOLD said water lines and equipment above 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 [and right of way] 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 [and/or sewer collection] systems and for connecting the same to the individual lots developed or to be developed lying adjacent to said streets and cul-de-sacs [and right of way] reserving unto Owners, its successors and assigns, equal rights of easement and 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 Owner does hereby covenant that it is seized of said water lines and equipment described above in fee simple and has the right to convey the same in fee simple, that the same are free and clear of encumbrances except for matters of public record and matters of survey, and that it will warrant and defend the title to the same against all persons whomsoever.

IN WITNESS WHEREOF, the Grantor [Owner] has caused this instrument to be duly executed, the day and year set forth in the acknowledgment block below.

**Hampstead Town Center, LLC**

By:  \_\_\_\_\_

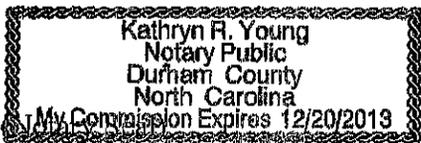
**Richard E. Rowe, Manager**

STATE OF NORTH CAROLINA

COUNTY OF Durham

I, a Notary Public of the County and State aforesaid, do hereby certify that Richard E. Rowe personally came before me this day and acknowledged that he is Manager of Hampstead Town Center, LLC, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the 26<sup>th</sup> day of February, 2013.



Kathryn R. Young  
Signature of Notary Public

Kathryn R. Young  
Printed or Typed Name of Notary Public

My Commission Expires: 12/20/13

ACCEPTANCE OF DEED

This Deed of Dedication and accompanying Affidavit for (Name of Owner) was accepted by the Pender County Board of Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Pender County Board of Commissioners

\_\_\_\_\_  
(Chairman)

\_\_\_\_\_  
Glenda Pridgen

Clerk to the Board

MATCH LINE - SHEET C-9

MATCH LINE - SHEET C-8

UTILITY NOTES:

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE LOCATION AND DEPTH OF UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
2. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 36 INCHES.
3. ALL UTILITIES SHALL BE LINED AT LEAST TO FOOT LAYOUT FROM POINT OF TYPICAL SERVICE.
4. WHEN WORKING UNDER EXISTING UTILITIES, A MINIMUM 18 INCH CLEARANCE SHALL BE MAINTAINED.
5. ALL UTILITIES SHALL BE PROTECTED BY CONCRETE OR METAL CASING.
6. ALL UTILITIES SHALL BE INSTALLED TO A MINIMUM OF 18 INCHES FROM THE FACE OF ANY FOUNDATION OR WALL.
7. ALL UTILITIES SHALL BE INSTALLED TO A MINIMUM OF 18 INCHES FROM THE FACE OF ANY CURB OR DRIVEWAY.
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**UTILITY LEGEND**

1	18" WATER MAIN	2	12" WATER MAIN
3	8" WATER MAIN	4	6" WATER MAIN
5	4" WATER MAIN	6	3" WATER MAIN
7	2" WATER MAIN	8	1.5" WATER MAIN
9	1" WATER MAIN	10	0.75" WATER MAIN
11	0.5" WATER MAIN	12	0.25" WATER MAIN
13	18" SEWER	14	12" SEWER
15	8" SEWER	16	6" SEWER
17	4" SEWER	18	3" SEWER
19	2" SEWER	20	1.5" SEWER
21	1" SEWER	22	0.75" SEWER
23	0.5" SEWER	24	0.25" SEWER
25	18" GAS	26	12" GAS
27	8" GAS	28	6" GAS
29	4" GAS	30	3" GAS
31	2" GAS	32	1.5" GAS
33	1" GAS	34	0.75" GAS
35	0.5" GAS	36	0.25" GAS
37	18" TELEPHONE	38	12" TELEPHONE
39	8" TELEPHONE	40	6" TELEPHONE
41	4" TELEPHONE	42	3" TELEPHONE
43	2" TELEPHONE	44	1.5" TELEPHONE
45	1" TELEPHONE	46	0.75" TELEPHONE
47	0.5" TELEPHONE	48	0.25" TELEPHONE
49	18" CABLE TV	50	12" CABLE TV
51	8" CABLE TV	52	6" CABLE TV
53	4" CABLE TV	54	3" CABLE TV
55	2" CABLE TV	56	1.5" CABLE TV
57	1" CABLE TV	58	0.75" CABLE TV
59	0.5" CABLE TV	60	0.25" CABLE TV

**STANDARD FIELD SOILS**

GROUP 1: SANDY SILT  
GROUP 2: SILTY SAND  
GROUP 3: SAND  
GROUP 4: SILTY SAND WITH CLAY  
GROUP 5: SAND WITH CLAY  
GROUP 6: SILT  
GROUP 7: SILTY CLAY  
GROUP 8: CLAY  
GROUP 9: SILTY CLAY WITH SAND  
GROUP 10: CLAY WITH SAND  
GROUP 11: SILTY CLAY WITH SILT  
GROUP 12: CLAY WITH SILT  
GROUP 13: SILTY CLAY WITH SAND AND SILT  
GROUP 14: CLAY WITH SAND AND SILT  
GROUP 15: SILTY CLAY WITH SAND, SILT AND CLAY  
GROUP 16: CLAY WITH SAND, SILT AND CLAY  
GROUP 17: SILTY CLAY WITH SAND, SILT AND CLAY  
GROUP 18: CLAY WITH SAND, SILT AND CLAY  
GROUP 19: SILTY CLAY WITH SAND, SILT AND CLAY  
GROUP 20: CLAY WITH SAND, SILT AND CLAY

**UTILITY PLAN**

1. ALL UTILITIES SHALL BE INSTALLED TO A MINIMUM OF 18 INCHES FROM THE FACE OF ANY FOUNDATION OR WALL.

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**GENERAL NOTES**

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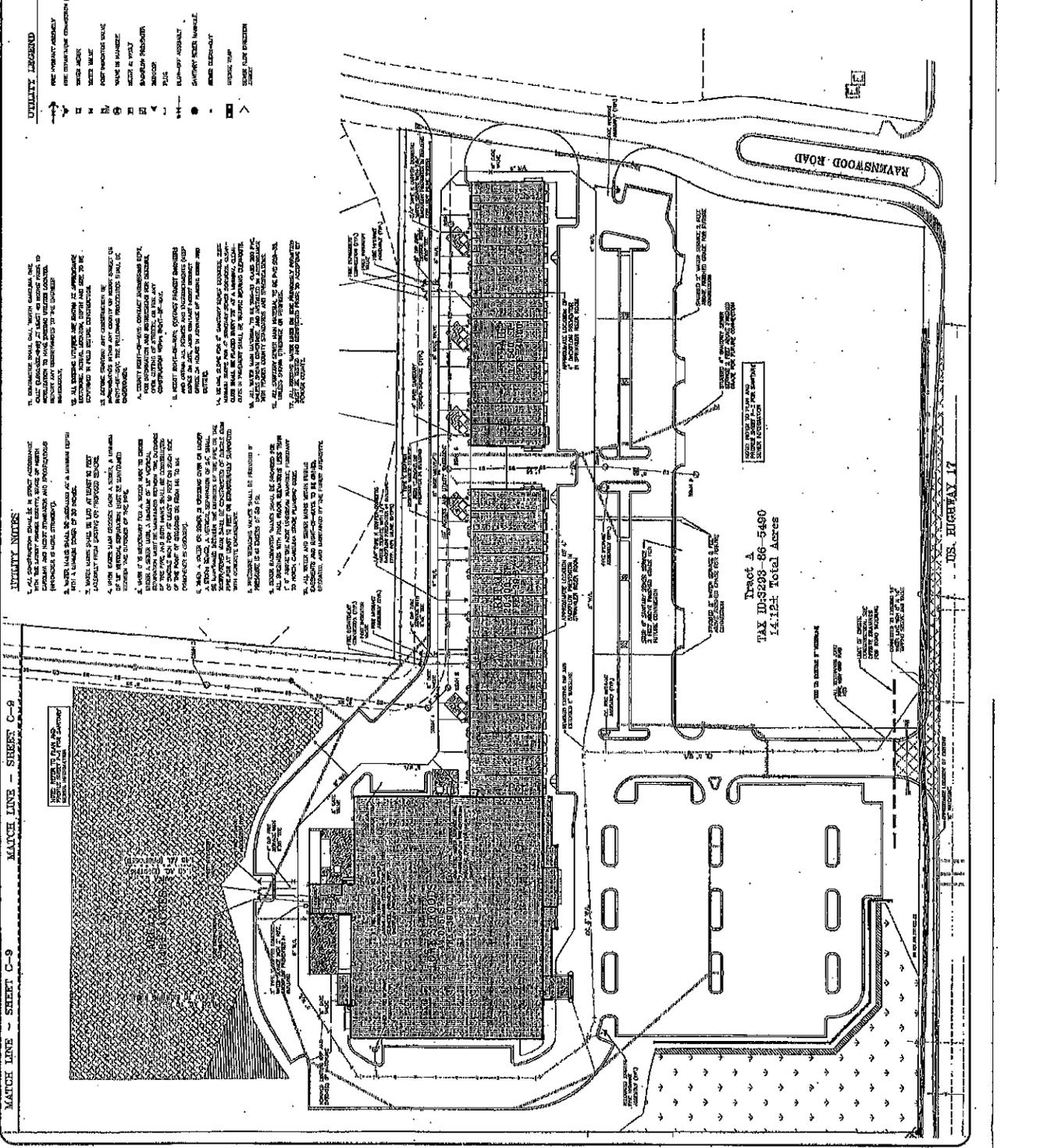
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**THE JOHN R. MADAMAS COMPANY, INC.**  
 ENGINEERS - ARCHITECTS - SURVEYORS - CONSULTANTS  
 100 WEST CHINE CREEK DRIVE, SUITE 201  
 FAYETTEVILLE, NORTH CAROLINA 28404  
 PHONE: 910-438-0707  
 FAX: 910-438-0707

**HAMPSTEAD TOWN CENTER**  
 U.S. HIGHWAY 17  
 FAYETTEVILLE, HENDERSON COUNTY, NORTH CAROLINA  
 UTILITY PLAN

**8-0**  
 SHEET NO. 1 OF 1  
 DATE: 11/15/88  
 DRAWN BY: JRM  
 CHECKED BY: JRM  
 APPROVED BY: JRM

**EXHIBIT A**

## AFFIDAVIT

STATE OF NORTH CAROLINA

COUNTY OF PENDER

Hampstead Town Center, LLC, a North Carolina Limited Liability Company, with an office and place of business in Wake County, North Carolina, hereinafter referred to as Affiant, being first duly sworn, hereby deposes and says under oath as follows:

1. That it is the owner of certain property located in Hampstead Township, Pender County, North Carolina, known as Hampstead Town Center, located at 17230 US Highway 17, N, as more particularly described in a Deed of Dedication in favor of Rocky Point/Topsail Water and Sewer District, hereinafter referred to as Grantee, of even date herewith.
2. That it has caused to be installed water distribution lines under and along the road right-of-ways property hereinafter described and referenced;

See Map attached as Exhibit A

3. All 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 or will be fully paid for in the ordinary course of business 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 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 the water lines installed therein which would in any way jeopardize title to the subdivision or the water distribution system located therein. Affiant agrees to indemnify and hold Grantee harmless of and from any and all loss, cost, damage and expense of every kind, and attorney's fees, costs and expenses, which the Grantee shall incur or become liable for as a result of reliance on the certifications of Affiant made herein or in enforcement of the Grantee's rights hereunder.

IN WITNESS WHEREOF, the Affiant has caused this instrument to be duly executed by its authorized officer(s) this 26<sup>th</sup> day of February, 20 13.

**Hampstead Town Center, LLC**

By: 

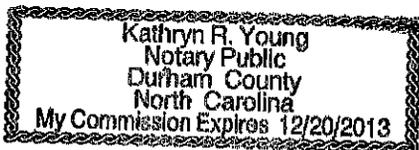
Richard E. Rowe, Manager

STATE OF NORTH CAROLINA

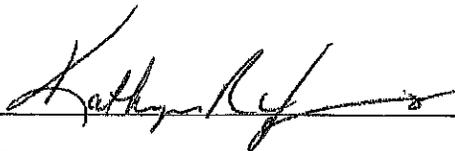
COUNTY OF Durham

I, a Notary Public of the County and State aforesaid, do hereby certify that Richard E. Rowe personally came before me this day and acknowledged that he is Manager of Hampstead Town Center, LLC, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the 26<sup>th</sup> day of February, 20 13.



(Notary Seal)



Signature of Notary Public

Kathryn R Young

Printed or Typed Name of Notary Public

My Commission Expires: 12/20/13

**THE JOHN R. MOYDAMS COMPANY, INC.**  
 10000 WEST 10TH AVENUE, SUITE 100, DENVER, CO 80231  
 (303) 751-1000

**HAMPSTEAD TOWN CENTER**  
 14112 US HIGHWAY 17  
 TOWN AND COUNTRY, NORTH CAROLINA  
 HAMPSTEAD TOWN CENTER, LTD.  
 10000 WEST 10TH AVENUE, SUITE 100, DENVER, CO 80231  
 (303) 751-1000

UTILITY PLAN

AS-BUILT RECORD DRAWING

C-8

