REQUEST FOR BOARD ACTION

ITEM NO. 11

DATE OF MEETING: August 19, 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 from the Owners of the Farms at Sloop Point for the Conveyance of Title to the Water Distribution System Properly Installed within the Subdivision 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 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 550 feet of 8", 2,100 feet of 6", 1,100 feet of 2" water main, 4 fire hydrants, valves, and other water appurtenances to serve the Farms at Sloop Point. All improvements have been inspected, engineer certified, and issued Final Approval by the NCDENR-Public Water Supply Section.

SPECIFIC ACTION REQUESTED: The Board of Commissioners is requested to adopt a resolution accepting the Deed of Dedication for the water distribution improvements installed within the Farms at Sloop Point.

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 for the water distribution improvements installed within the Farms at Sloop Point subdivision is approved. The District Manager/Chairman 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 ____

_____ 08/19/2013
George R. Brown, Jr., Chairman Date

_____ 08/19/2013
ATTEST Date

DEED OF DEDICATION

Prepared by: Murchison, Taylor & Gibson, PLLC, 16 North Fifth Avenue, Wilmington, NC 28401

STATE OF NORTH CAROLINA **COUNTY OF PENDER**

THIS DEED OF DEDICATION, made and entered into this the _____ day of _____ 2013, by and between **SIGNATURE PENDER COUNTY NC LTD.,** a Texas limited partnership, hereinafter referred to as "Developer", and **ROCKY POINT/TOPSAIL WATER AND SEWER DISTRICT,** a municipal corporation duly created and existing under the laws of the State of North Carolina with a mailing address of _____, hereinafter referred to as "Grantee";

W I T N E S S E T H:

WHEREAS, Developer is the owner and developer of tracts or parcels located in Topsail Township, Pender County, North Carolina, known as The Farms at Sloop Pointe (the "Property");

WHEREAS, Developer has caused to be installed water distribution lines under and along the road rights-of-way hereinafter described and referenced;

WHEREAS, Developer wishes to obtain potable water from Grantee for the Property and to make potable water from Grantee's system available to individual lot owners of the Property;

WHEREAS, in order to obtain water for said Property, Developer must convey title to the potable water distribution system to Grantee through an instrument of dedication acceptable to Grantee;

NOW THEREFORE, Developer, in consideration of Grantee accepting said water lines and making water available to said Property, does hereby convey to Grantee, its lawful successors and assigns, the following described property:

All of the potable water lines and equipment located under, along, and within the road, street, and cul-de-sac rights-of-way as shown on the map of "Waterline As-Built Plan", which map is attached hereto as Exhibit A.

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 roads, streets and cul-de-sacs depicted on the map referenced above and serving the area referenced above, for purposes of entry into the Property 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 roads, streets and cul-de-sacs. Reserving unto Developer, its successors and assigns, equal rights of easement and access over, in, along and upon said roads, streets and cul-de-sacs for purposes of installing and maintaining such other utilities as may be required for the development of the Property.

And Developer does hereby covenant that it is seized of said potable 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 those matters of record), and that it will warrant and defend the title to the same against all persons whomsoever.

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

SIGNATURE PENDER COUNTY NC LTD.,
a Texas limited partnership

By: _____
Name: MICHAEL H. POLLOK
Title: MANAGER

STATE OF North Carolina

COUNTY OF New Hanover

I certify that the following person personally appeared before me this day, acknowledging to me that he or she signed the foregoing document: Michael H. Pollak
[Name of person signing]

Today's Date: June 14, 2013 _____
[Notary's signature as name appears on seal]

Garry S. Pape
[Notary's printed name as name appears on seal]

My commission expires: April 13, ~~2013~~ 2015

GARRY S PAPE NOTARY PUBLIC NEW HANOVER COUNTY, NC

[Affix Notary Seal in Space Above]

ACCEPTANCE OF DEED

This Deed of Dedication and accompanying Affidavit for Signature Pender County NC, Ltd. was accepted by the Pender County Board of Commissioners on the _____ day of _____, 2013.

Pender County Board of Commissioners

_____
_____**Chairman**

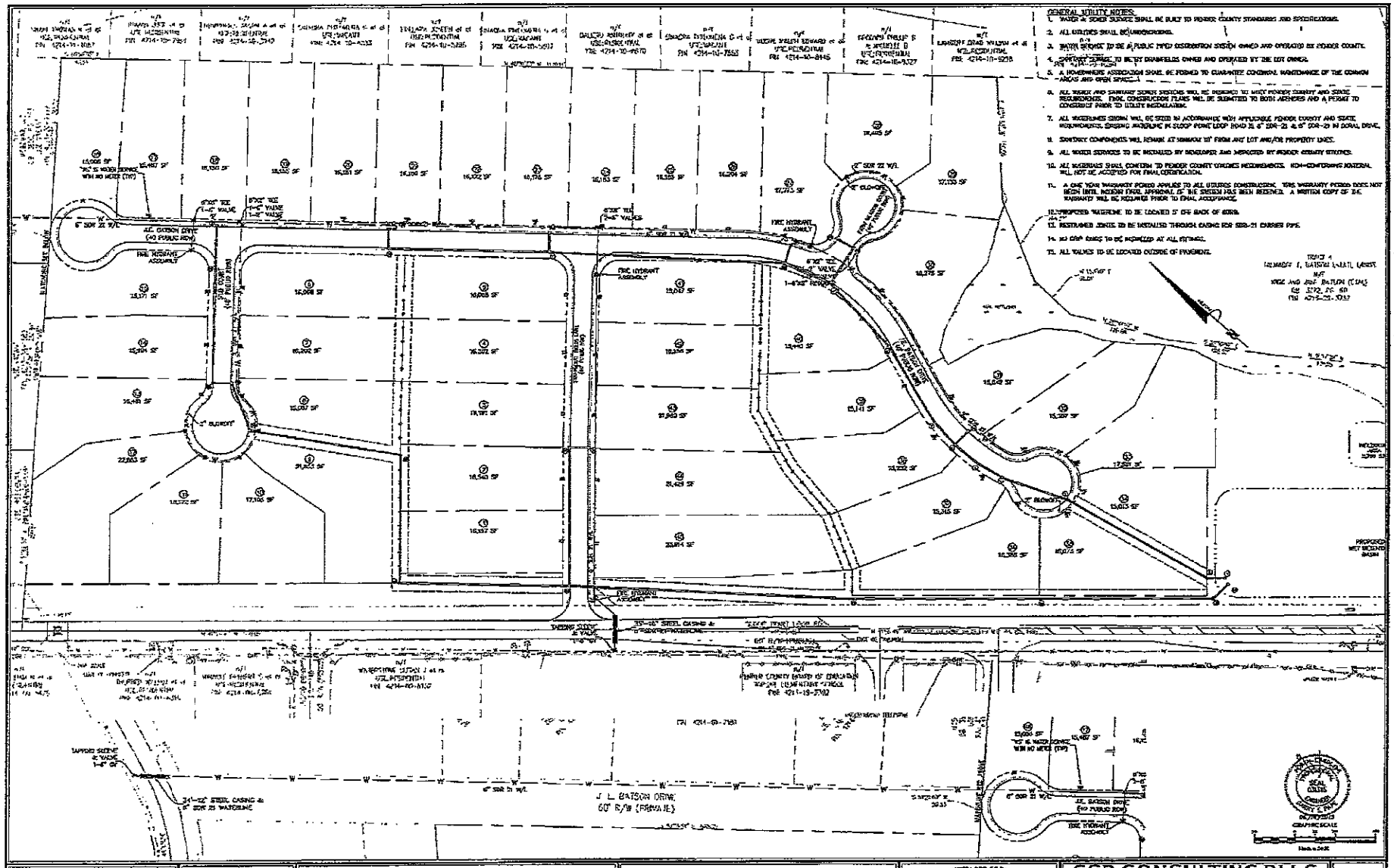
_____
_____**, Clerk to the Board**

115124

EXHIBIT "A"

GENERAL UTILITY NOTES:

1. WATER & SEWER SERVICE SHALL BE BUILT TO PENDER COUNTY STANDARDS AND SPECIFICATIONS.
2. ALL UTILITIES SHALL BE UNDERGROUND.
3. WATER SERVICE TO BE A PUBLIC TYPE DISTRIBUTION SYSTEM OWNED AND OPERATED BY PENDER COUNTY.
4. SANITARY SEWER TO BE TYP DRAINFIELDS OWNED AND OPERATED BY THE LOT OWNER.
5. A HOMEOWNERS ASSOCIATION SHALL BE FORMED TO GUARANTEE COMMONAL MAINTENANCE OF THE COMMON AREAS AND OPEN SPACE.
6. ALL WATER AND SANITARY SEWER SYSTEMS WILL BE DESIGNED TO MEET PENDER COUNTY AND STATE REQUIREMENTS. FINAL CONSTRUCTION PLANS WILL BE SUBMITTED TO BOTH AGENCIES AND A PERMIT TO CONSTRUCT PRIOR TO UTILITY INSTALLATION.
7. ALL WATERLINES SHOWN WILL BE SIZED IN ACCORDANCE WITH APPLICABLE PENDER COUNTY AND STATE REQUIREMENTS. EXISTING WATERLINE IN SLOOP POINT LOOP ROAD IS 6" SDR-21 & 8" SDR-21 IN CORAL DRIVE.
8. SANITARY COMPONENTS WILL REMAIN AT MINIMUM 10' FROM ANY LOT AND/OR PROPERTY LINES.
9. ALL WATER SERVICES TO BE INSTALLED BY DEVELOPER AND INSPECTED BY PENDER COUNTY STAFF.
10. ALL MATERIALS SHALL CONFORM TO PENDER COUNTY UTILITIES REQUIREMENTS. NON-CONFORMING MATERIAL WILL NOT BE ACCEPTED FOR FINAL CERTIFICATION.
11. A ONE YEAR WARRANTY PERIOD APPLIES TO ALL UTILITIES CONSTRUCTION. THIS WARRANTY PERIOD DOES NOT BEGIN UNTIL PENDER FINAL APPROVAL IS THE SYSTEM HAS BEEN ACCEPTED. A WRITTEN COPY OF THE WARRANTY WILL BE REQUIRED PRIOR TO FINAL ACCEPTANCE.
12. PROPOSED WATERLINE TO BE LOCATED 5' OFF BACK OF CURB.
13. RESTRAINED JOINTS TO BE INSTALLED THROUGH CASING FOR SDR-21 CARRIER PIPE.
14. NO DEAD ENDS TO BE REQUIRED AT ALL FITTINGS.
15. ALL VALVES TO BE LOCATED OUTSIDE OF PAVEMENT.



No.	Revision	Date	By

Drawn by: GSP
Checked by: GSP
Scale: 1" = 50'
Date: May 2013
Sheet #: 1 of 1
Project #: 2012-0219

THE FARMS AT SLOOP POINT

Topsail Township — Pender County — North Carolina

WATERLINE AS-BUILT PLAN

PREPARED FOR:
SIGNATURE PROPERTIES GROUP, LLP
4300 PEMBLE DRIVE
WILMINGTON, NC 28412
910-452-2875

GSP CONSULTING, PLLC
ENGINEERING
[illegible]

C-1