



## REQUEST FOR BOARD ACTION

ITEM NO. 13.

**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 Island Creek Subdivision 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 810 feet of 6", 630 feet of 2" water main, 2 fire hydrants, valves, and other water appurtenances to serve the Island Creek subdivision. 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 Island Creek Subdivision.

**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 Island Creek 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 \_\_\_\_\_

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

\_\_\_\_\_  
ATTEST      08/19/2013  
Date

**DEED OF DEDICATION**

STATE OF NORTH CAROLINA

COUNTY OF PENDER

THIS DEED OF DEDICATION, made and entered into this the 18<sup>th</sup> day of July, 2013, by and between D&J Properties of Hampstead, LLC, of Pender County, North Carolina, party of the first part, hereinafter referred to as "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 D&J Properties of Hampstead, LLC is the owner of a tract or parcel located in Topsail Township, Pender County, North Carolina, known as Island Creek Subdivision \_\_\_\_\_;

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

Water Distribution System, North Carolina

See map of water system 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 system 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 [and/or sewer] 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, 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 first above written.

D&J Properties of Hampstead, LLC

(Name of Owner)

*Durwood T. Bradshaw*

By: Durwood T. Bradshaw, Manager

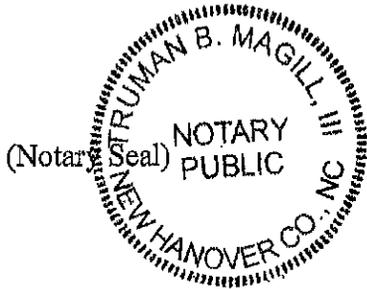
(Name and Title of Officer signing)

STATE OF NORTH CAROLINA

COUNTY OF PENDER

I, a Notary Public of the County and State aforesaid, do hereby certify that Durwood T. Bradshaw personally came before me this day and acknowledged that he (or she) is Manager (title of corporate officer/Member or Manager of LLC) of D&J Properties of Hampstead, LLC (name of corporation/LLC), being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the 18th day of JULY, 2013.



Truman B. Magill III

Signature of Notary Public

TRUMAN B. MAGILL III

Printed or Typed Name of Notary Public

My Commission Expires: 3/12/17

#### 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

