



REQUEST FOR BOARD ACTION

ITEM NO. 14.

DATE OF MEETING: September 2, 2014

REQUESTED BY: Michael G. Mack, Utilities Director

SHORT TITLE: Resolution by the Board of Directors of the Scotts Hill Water & Sewer District Accepting the Deed of Dedication/Bill of Sale from Pender EMS and Fire, Inc. for the Conveyance of Title to the Water Distribution System Properly Installed to Serve Pender EMS and Fire, Inc. Station No. 18 on U.S. Highway 17 for the Provision of Water to the property.

BACKGROUND: In accordance with the Pender County Water and Sewer Ordinance, Article XII, Subsection II, 5.a: submission of a Deed of Dedication is 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 and/or sewer service by the District. With acceptance of these improvements, 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 134 feet of 8" and 80 feet of 2" watermain, 1 fire hydrant, valves, and other water appurtenances to serve Pender EMS and Fire, Inc., Station # 18. All improvements have been inspected, engineer certified, and issued Final Approval by the NCDENR - Public Water Supply Section.

SPECIFIC ACTION REQUESTED: The Board of Directors of the Scotts Hill Water & Sewer District is requested to adopt a resolution accepting the Bill of Sale/Deed of Dedication and Affidavit for the water distribution improvements installed to serve Pender EMS and Fire, Inc., Station # 18.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.

RM
Initial

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Scotts Hill Water & Sewer District that:

a resolution accepting the Deed of Dedication/Bill of Sale for the water distribution improvements installed to serve Pender EMS and Fire, Inc. Station # 18 on U.S. Highway 17 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: Williams _____ McCoy _____ Brown _____ Tate _____ Ward _____

J. David Williams, Jr., Chairman 09/02/14
Date

ATTEST 09/02/14
Date

STATE OF NORTH CAROLINA

COUNTY OF PENDER

BILL OF SALE

THIS BILL OF SALE is made and entered into this the 11 day of August, 2014, by and between PENDER EMS and FIRE, Inc., a North Carolina non-profit corporation with its principal place of business located in Pender County, State of North Carolina (hereinafter referred to as "PENDER EMS"), and SCOTT'S HILL WATER AND SEWER DISTRICT, a North Carolina municipal corporation duly created and existing under the laws of the State of North Carolina, (hereinafter referred to as "SCOTT'S HILL");

WITNESSETH:

WHEREAS, PENDER EMS is the owner of Tract A consisting of 1.384 acres, more or less, as shown on a survey map entitled "Three Lot Division on NCDOT Road for Pender EMS and Fire, Inc., Proposed Station No. 18 on U.S. Highway No. 17" as prepared by Daniel H. Thompson, PLS in November 2013, and recorded in Map Book 56, at Page 5 in the Office of the Pender County Register of Deeds, State of North Carolina, reference to which is hereby made for a more complete and accurate description (hereinafter referred to as the "Real Property"); and

WHEREAS, PENDER EMS is constructing a new emergency medical service and fire station on the Real Property; and

WHEREAS, as part of the construction of the new station, PENDER EMS has tapped onto the SCOTT'S HILL's 12" water main located within the eastern right-of-way of U.S. Highway No. 17 and extended water lines across and under the right-of-way of U.S. Highway No. 17 to and within the western right-of-way of U.S. Highway No. 17.; and

WHEREAS, prior to receiving water service, SCOTT'S HILL has requested PENDER EMS to convey all right, title and interest in and to the water infrastructure constructed within the right-of-way of U.S. Highway No. 17 that extends from SCOTT'S HILL's 12" water main; and

WHEREAS, PENDER EMS is desirous of wanting SCOTT'S HILL to own and maintain the water infrastructure that PENDER EMS has caused to be constructed within the right-of-way of U.S. Highway No. 17 and as shown on the survey plat entitled "Water As Built Survey For Pender EMS & Fire, Station 18 Hwy 17, Pender County, North Carolina" prepared by Norris & Ward Land Surveyors, P.A. that is attached hereto and incorporated herein as Exhibit A;

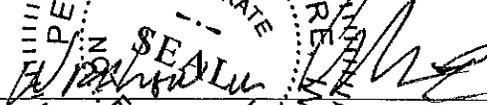
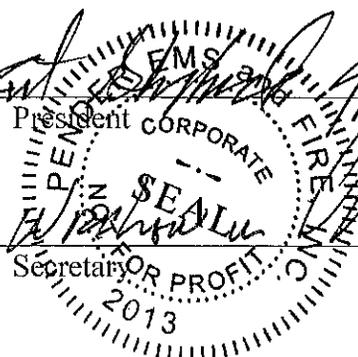
NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the adequacy and sufficiency of which is hereby acknowledged, PENDER EMS has bargained and sold and by these presents does bargain, sell and convey unto SCOTT'S HILL and its successors and assigns all of its right, title and interest in and to the water infrastructure improvements located within the right of way of U.S. Highway No. 17 that extends from SCOTT'S HILL's 12" water main as shown on the "Water As Built Survey For Pender EMS & Fire, Station 18 Hwy 17, Pender County, North Carolina" prepared by Norris & Ward Land Surveyors, P.A. that is attached hereto as Exhibit A.

TO HAVE AND TO HOLD such personalty unto SCOTT'S HILL and its successor and assigns in fee simple.

AND PENDER EMS covenants that it is seized of said personalty in fee simple and has the right to convey the same in fee simple, that the same is free and clear of all encumbrances whatsoever, and that PENDER EMS will warrant and defend the title thereto against the lawful claims of all persons whomsoever.

IN TESTIMONY WHEREOF, PENDER EMS through its President and Secretary have caused this Bill of Sale to be executed in the name of Pender EMS and Fire, Inc. as of the day and year first above written.

PENDER EMS AND FIRE, INC.

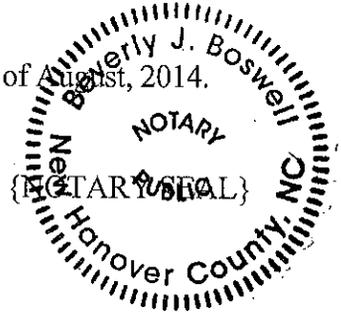
By:  _____
President
Attested To:  _____
Secretary


STATE OF NORTH CAROLINA

COUNTY OF PENDER

I, Beverly J. Boswell, Notary Public, certify that Woodrow Sullivan, III. personally came before me this day and acknowledged that he/she is Secretary of Pender EMS and Fire, Inc., a North Carolina Non-Profit Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with it corporate seal, and attested by himself/herself as its Secretary.

Witness my hand and notarial seal this the 11th day of August, 2014.
Beverly J. Boswell
Notary Public



My Commission Expires: Feb. 26, 2019

ACCEPTANCE OF BILL OF SALE

This Bill of Sale and accompanying Affidavit for Pender EMS and Fire, Inc. was accepted by the Pender County Board of Commissioners on the _____ day of _____, 2014.

PENDER COUNTY BOARD OF COMMISSIONERS

By: _____
_____ (Chairman)

Glenda Pridgen
Clerk to the Board

NOTES
 THE PURPOSE OF THIS PLAN IS TO DEFINE EXHIBIT ONLY
 ALL OTHER INFORMATION IS TO BE OBTAINED FROM THE RECORDS OF THE
 APPROPRIATE AGENCIES AND THE FIELD OFFICES OF THE
 SURVEYOR AND CONSULTED THEREBY.

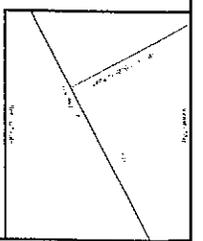
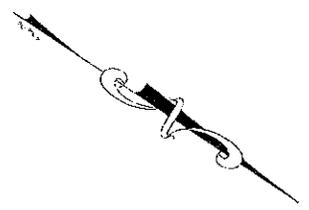
EXHIBIT A

MARY BETH MORGAN CARLSON
 DB 4437, PG 161

Pender EMS & Fire Station
 DB 4358, PG 69

MARY BETH MORGAN CARLSON
 DB 3920, PG 517

U.S. HIGHWAY 17
 100' WIDE



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NW NORRIS & WARD
 Land Surveyors, P.A.
 1501 Thornhurst Road SW, Columbus, GA 31907
 Phone: 910-579-8800 Fax: 910-579-5625

REVISIONS

Pender EMS & Fire
 Station 18, Hwy 17
 Pender County, North Carolina

STATE OF NORTH CAROLINA

COUNTY OF PENDER

AFFIDAVIT

PENDER EMS AND FIRE, INC., a North Carolina non-profit corporation, with an office and place of business in Pender 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 tract of real property located in Topsail Township, Pender County, North Carolina, and being described as Tract A consisting of 1.384 acres, more or less, as shown on a survey map entitled "Three Lot Division on NCDOT Road for Pender EMS and Fire, Inc., Proposed Station No. 18 on U.S. Highway No. 17" as prepared by Daniel H. Thompson, PLS in November 2013, and recorded in Map Book 56, at Page 5 in the Office of the Pender County Register of Deeds, State of North Carolina, reference to which is hereby made for a more complete and accurate description.
2. That it has caused to be installed water distribution lines under and along the road right-of-ways of U.S. Highway No. 17, as shown and described on the survey plat entitled "Water As Built Survey For Pender EMS & Fire, Station 18 Hwy 17, Pender County, North Carolina" prepared by Norris & Ward Land Surveyors, P.A. that is attached hereto and incorporated herein 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 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.

IN WITNESS WHEREOF, the Affiant has caused this instrument to be duly executed by its President and Secretary this 11 day of August, 2014.

PENDER EMS AND FIRE, INC.

By: [Signature]
President
Attested To: [Signature]
Secretary

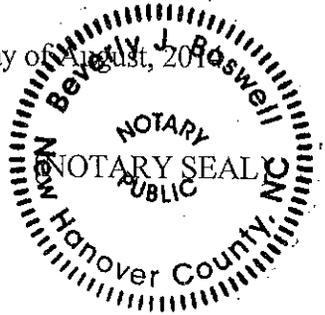


STATE OF NORTH CAROLINA

COUNTY OF PENDER

I, Beverly J. Roswell, Notary Public, certify that Woodrow Sullivan, III. personally came before me this day and acknowledged that he is Secretary of Pender EMS and Fire, Inc., a North Carolina Non-Profit Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by himself as its Secretary.

Witness my hand and notarial seal this the 11th day of August, 2014
Beverly J. Roswell
Notary Public



My Commission Expires: Feb. 26, 2019

EXHIBIT A

NOTES
 FOR RECORD OF THIS MAP IS FOR ADVICE ONLY.
 ALL OTHER INFORMATION SHOWN ON THIS MAP IS FOR INFORMATION ONLY.
 ALL INFORMATION IS FROM AERIAL PHOTOGRAPHS AND CONVEYED THROUGH RESEARCH.

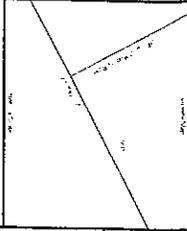
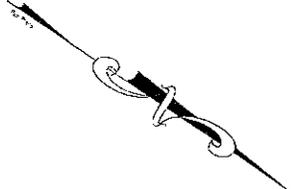
MARY BETH MORGAN CARLSON
 DB 4437, PG 161

Pender EMS & Fire Station
 DB 4358, PG 69

MARY BETH MORGAN CARLSON
 DB 3920, PG 517

U.S. HIGHWAY 17

1:10000



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NW NORRIS & WARD
 Land Surveyors, P.A.
 1301 Chesapeake Road SW, Raleigh, N.C. 27667
 Steve M. Norris, P.L.S. Phone: 910-579-5808 Fax: 910-579-5825
 Tracy D. Ward, P.L.S.

RECORDS
 Pender EMS & Fire
 Station 18, Hwy 17
 Pender County, N.C. 28562