



## REQUEST FOR BOARD ACTION

ITEM NO. 9

**DATE OF MEETING:** January 20, 2015

**REQUESTED BY:** Michael G. Mack, Utilities Director

**SHORT TITLE:** Resolution by the Board of Directors of the Moores Creek 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. 29 on U.S. Highway 421 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 10 feet of 6" watermain, 1 fire hydrant, valves, and other water appurtenances to serve Pender EMS and Fire, Inc., Station # 29. 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 Moores Creek 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 # 29.

**COUNTY MANAGER'S RECOMMENDATION**

Respectfully recommend approval.

DM  
Initial

**RESOLUTION**

**NOW, THEREFORE BE IT RESOLVED** by the Board of Directors of the Moores Creek 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 # 29 on U.S. Highway 421 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 \_\_\_\_\_ Brown \_\_\_\_\_ McCoy \_\_\_\_\_ Piepmeyer \_\_\_\_\_ Tate \_\_\_\_\_

\_\_\_\_\_  
J. David Williams, Jr., Chairman      01/20/15  
Date

\_\_\_\_\_  
ATTEST      01/20/15  
Date

STATE OF NORTH CAROLINA

COUNTY OF PENDER

BILL OF SALE

THIS BILL OF SALE is made and entered into this the 29<sup>th</sup> day of September, 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 MOORE'S CREEK 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 "MOORE'S CREEK");

WITNESSETH:

WHEREAS, PENDER EMS is the owner of a certain tract of real property located in Grady Township, Pender County, North Carolina, and being described as Tract A consisting of 1.515 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. 29 on U.S. Highway No. 421" as prepared by Daniel H. Thompson of Thompson Surveying Company, P.A. in January 2014 and recorded in Map Book 56, at Page 1 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 MOORE'S CREEK's 24" water main located within the western right-of-way of U.S. Highway No. 421; and

WHEREAS, prior to receiving water service, MOORE'S CREEK 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. 421 that extends from MOORE'S CREEK's 24" water main; and

WHEREAS, PENDER EMS is desirous of wanting MOORE'S CREEK 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. 421 and as shown on the survey plat entitled "Water As Built Survey For Pender EMS & Fire, Station 29 Hwy 421, 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 MOORE'S CREEK 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. 421 that extends from MOORE'S CREEK's 24" water main as shown on the "Water As Built Survey For Pender EMS & Fire, Station 29 Hwy 421, 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 MOORE'S CREEK and its successor and assigns in fee simple.

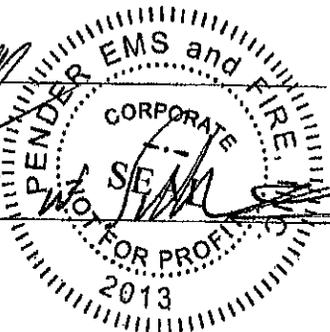
AND PENDER EMS covenants that it is seized of said personalty in fee simple and has the right to convey the same in fee simple, that the same is free and clear of all encumbrances whatsoever, and that PENDER EMS will warrant and defend the title thereto against the lawful claims of all persons whomsoever.

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: Walter D. Day  
President

Attested To: Wm Wm  
Secretary



{CORPORATE SEAL}

STATE OF NORTH CAROLINA

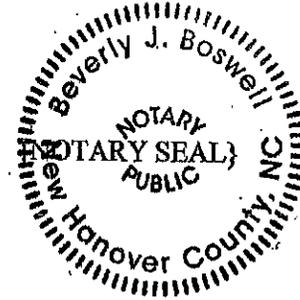
COUNTY OF PENDER

I, Beverly J. Boswell, a Notary Public in and for the aforesaid County and State do hereby certify that Woodrow Sullivan, III., did personally come 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 the authority duly given and as an official 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 official notarial seal this the 29th day of Sept., 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

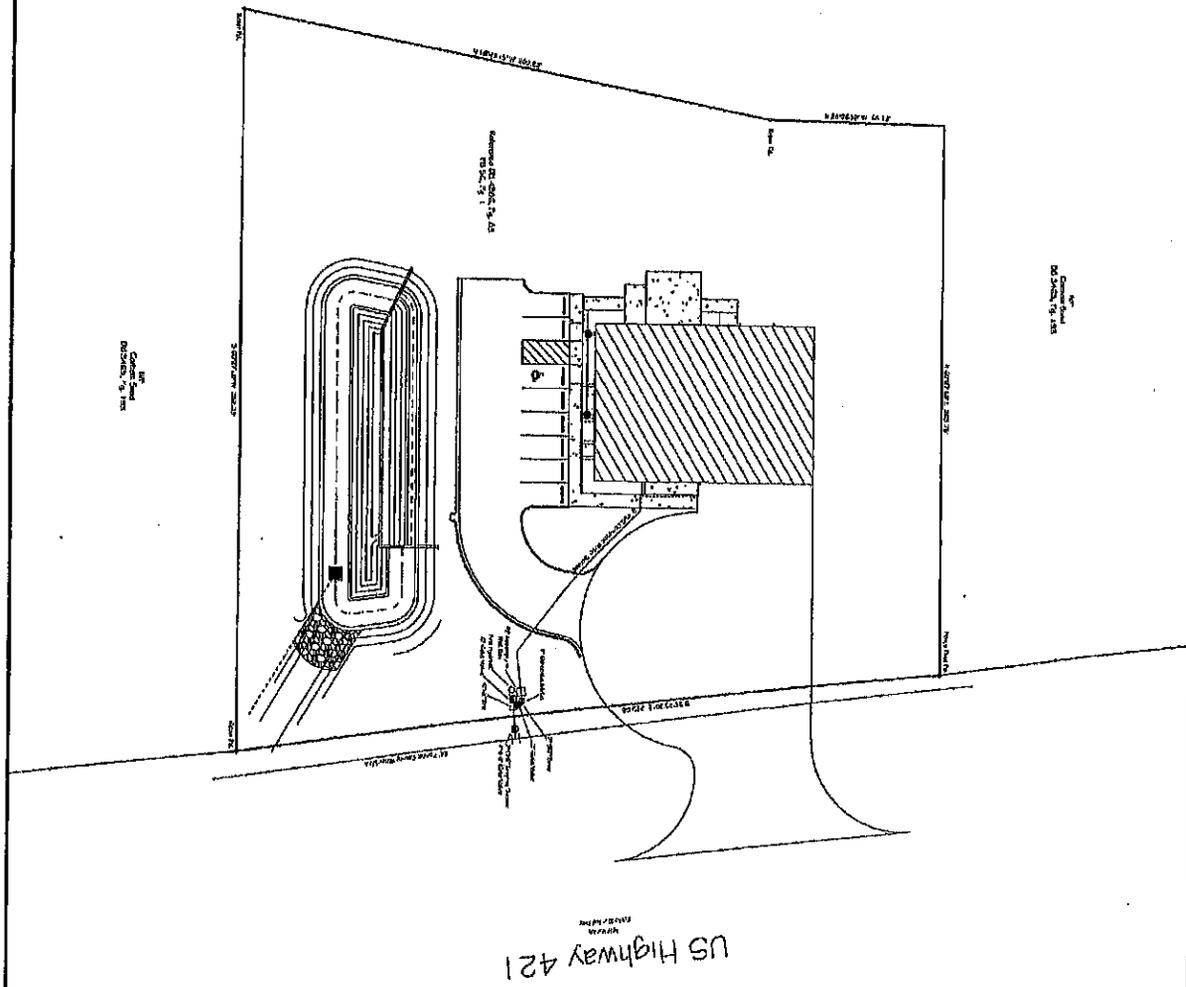
By: \_\_\_\_\_  
\_\_\_\_\_  
(Chairman)

\_\_\_\_\_  
Glenda Pridgen  
Clerk to the Board

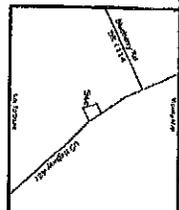
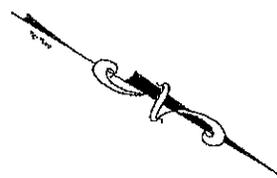
# EXHIBIT A

THIS IS A PRELIMINARY SURVEY AND SHOULD NOT BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR. THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY.

DATE OF SURVEY: 10/15/14



US Highway 421



©Norris & Ward Land Surveyors, P.A. 2014

**NW**  
**NORRIS & WARD**  
 Land Surveyors, P.A.  
 Steve M. Norris, P.L.S.  
 Randy D. Ward, P.L.S.  
 1301 Transitions Road 5th, Colchester, R.C. 28427  
 Phone 310-573-5608 Fax 310-579-5625

Site to be Surveyed  
**Pender EMS & Fire**  
 Station 29, Hwy 421  
 Surveyed by: [Name]

DATE	10/15/14
BY	Steve M. Norris, P.L.S.
CHECKED BY	Randy D. Ward, P.L.S.

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, depose and says under oath as follows:

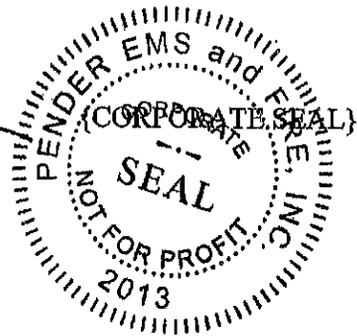
1. That Affiant is the owner of a certain tract of real property located in Grady Township, Pender County, North Carolina, and being described as Tract A consisting of 1.515 acres, more or less, as shown on a survey map entitled "Three Lot Division on NCDOT Road For Pender EMS and Fire, Inc., Proposed Station No. 29 on U.S. Highway No. 421" as prepared by Daniel H. Thompson of Thompson Surveying Company, P.A. in January 2014 and recorded in Map Book 56, at Page 1 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 Affiant has cause to be installed water distribution lines under and along the road right-of-way of U.S. Highway No. 421, as shown and described on the survey plat entitled "Water As Built Survey For Pender EMS and Fire, Station 29, Hwy 421, 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 real property which would in any way jeopardize title of Affiant to the real property nor are there any legal actions pending against Affiant or any contractor arising out of any work performed for the benefit of the real property or the water lines and/or water distribution system located thereon.

IN WITNESS WHEREOF, the Affiant has cause this instrument to be duly executed by its President and Secretary this the 29th day of Sept., 2014.

PENDER EMS AND FIRE, INC.

By: Watts D. Day  
President

Attested To: Woodrow Sullivan, III  
Secretary



STATE OF NORTH CAROLINA

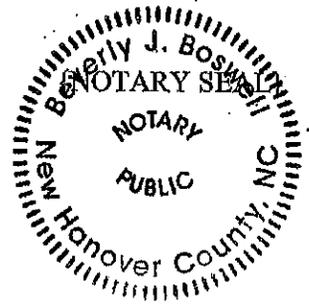
COUNTY OF PENDER

I, Beverly J. Boswell, a Notary Public in and for the aforesaid County and State do hereby certify that Woodrow Sullivan, III., did personally come 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 the authority duly given and as an official 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 official notarial seal this the 20th day of Sept., 2014.

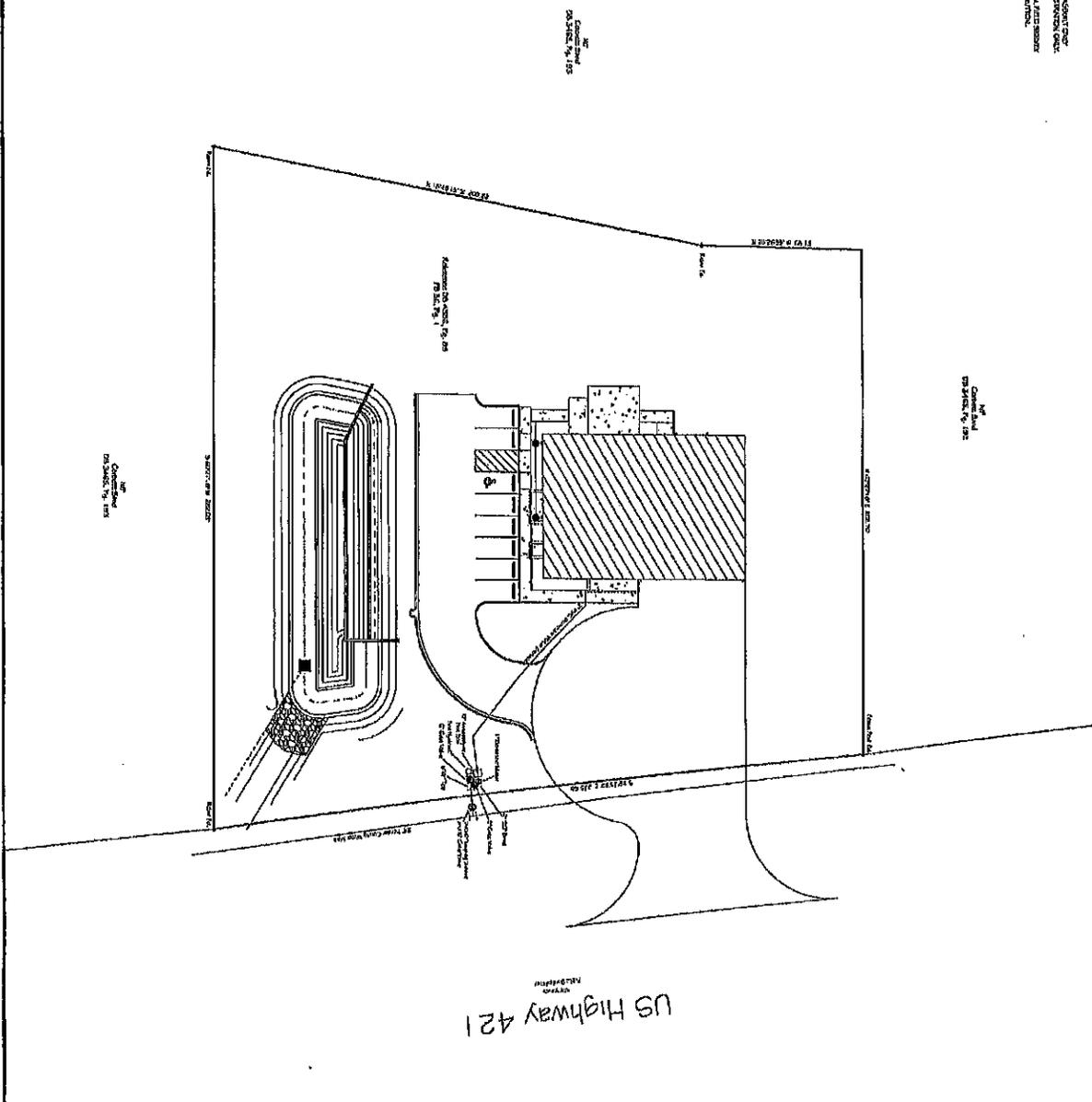
Beverly J. Boswell  
Notary Public

My Commission Expires: Feb. 26, 2019

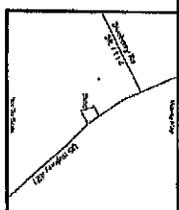
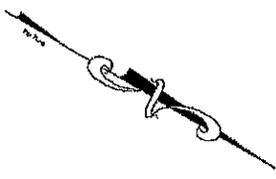


# EXHIBIT A

NOTES:  
 1. THIS PLAN IS FOR THE PROPOSED CONSTRUCTION OF THE  
 2. PENDER EMS & FIRE STATION 29, HWY 421. THE  
 3. AREA OF THE PROPOSED STATION IS SHOWN WITH A  
 4. HATCHED PATTERN. THE EXISTING ROADWAY AND  
 5. ADJACENT PROPERTIES ARE SHOWN WITH A  
 6. SOLID LINE. THE PROPOSED DRIVEWAY IS  
 7. SHOWN WITH A DOTTED LINE.



US Highway 421



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**NW** NORRIS & WARD  
 Land Surveyors, P.A.  
 Steve M. Norris, P.L.S.  
 Randy B. Ward, P.L.S.  
 1501 Thornaboro Road SW, Calabash, N.C. 28427  
 Phone 810-579-5000 Fax 810-579-8025

Map No. 29-1  
**Pender EMS & Fire**  
 Station 29, Hwy 421  
 Pender County, NC

DATE	2014
BY	Steve M. Norris, P.L.S.
CHECKED BY	Randy B. Ward, P.L.S.
SCALE	AS SHOWN