



REQUEST FOR BOARD ACTION

ITEM NO. 16

DATE OF MEETING: July 27, 2015

REQUESTED BY: Randell Woodruff, County Manager

SHORT TITLE: Approval of Offer of Surplus Land to Pender County by the Pender County Board of Education for the Proposed Shiloh Fire Department Substation.

BACKGROUND: Tim Rossell on the behalf of Shiloh Fire Department has requested that Pender County Schools swap a small parcel of land at the Malpass Corner Elementary School so they could build a fire substation to serve the community. Mr. Rossell stated that the station will help reduce the insurance burden for property owners in the area significantly. It will also be beneficial to the elementary school located on the site.

The Pender County Board of Education agreed to consider the request and directed staff to proceed with the proposal. During the title search by the attorney it was determined that a small parcel in the southwestern corner of the property was not titled to Pender County Schools. The school has maintained and treated the property as its own property for over 20 years.

Rick Biberstein has prepared a quitclaim deed that has been signed by the adjoining land owners with exception of one who lives out of the state and has not yet responded. A copy of the deed is attached to this request for your information. The quitclaim deed from Mr. Biberstein regarding the property is also attached.

The Pender County Board of Education must first declare the land surplus and offer the land to Pender County. If it is refused, the land can then be offered to Shiloh Fire Department for the purpose of constructing a fire substation.

The Pender County Board of Education has declared its interest in the property to be surplus and requests that the Pender County Board of Commissioners support declaring the land surplus and given to the Shiloh Fire Department.

SPECIFIC ACTION REQUESTED: To decline the offer of land from the Pender County Board of Education and declare the land as surplus with the condition that the land is given to the Shiloh Fire Department.

RESOLUTION

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

That the Pender County Board of Commissioners declines the offer of land from the Pender County Board of Education and declares the land as surplus with the condition that the land is given to the Shiloh Fire Department.

The Chairman/County Manager is authorized to execute any document necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Williams ___ Brown ___ McCoy ___ Piepmeyer ___ Keith ___

J. David Williams, Jr. Chairman 07/27/15
Date

ATTEST 07/27/15
Date

Randell Woodruff, County Manager
Pender County
805 South Walker St.
Burgaw, NC 28425

June 4, 2015

RE: Fire Substation

Tim Rossell on the behalf of Shiloh Fire Department has requested that Pender County Schools swap a small parcel of land at the Malpass Corner Elementary School so they could build a fire substation to serve the community. Mr. Rossell stated that the station will help reduce the insurance burden for property owners in the area significantly. It will also be beneficial the elementary school located on the site.

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The Pender County School Board of Education must first declare the land surplus and offer the land to Pender County. If it is refused the land can then be offered to Shiloh Fire Department for the purpose of constructing a fire substation.

The Pender County Board of Education has declared its interest in this property to be surplus and respectfully requests that the Pender County Commissioners support declaring the land surplus and given to the Shiloh Department.

Thank you for your support,

David Smith
Chief Officer of Auxiliary Services
Pender County Schools

The attorney preparing this instrument has made no record search or title examination as to the property herein described, unless the same is shown by his written and signed certificate.

Excise Tax \$-0-

Recording: Time, Book and Page

Tax Parcel Identifier No.: a portion of 2287-45-8702-0000

Return to: _____

Prepared by: Biberstein & Nunalee, Attorneys at Law, P. O. Box 428, Burgaw, NC 28425.

Brief Desc. for the Index

THIS PROPERTY IS OR IS NOT THE GRANTOR'S PRINCIPAL RESIDENCE.

NORTH CAROLINA QUIT CLAIM DEED

THIS DEED made this ____ day of _____, 2015 by and between:

GRANTOR

Dudley Ivey Malpass and wife, Carole M. Malpass; Joann Mays Malpass (widow); John James Malpass III and wife, _____; Michael L. Malpass (single); Ethel S. Squires (widow) and the Pender County Board of Education

GRANTEE

Shiloh-Columbia Volunteer Fire Department, Inc.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does remise, release and forever quit-claim unto the Grantee, in fee simple, that certain lot or parcel of land situated in Columbia Township, Pender County, North Carolina and more particularly described as follows:

Being that triangular shaped parcel labeled "Nelson Squires" located on the north side of Malpass Corner Road and shown on that map entitled "Boundary Survey for John James Malpass, Jr. and Dudley Ivey Malpass" prepared by Benjamin C. Brown, N.C.R.L.S., dated August 1992 and recorded in Map Book 28, Page 15 of the Pender County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple free and discharged from all right, title, claim or interest of the said Grantor or anyone claiming by, through or under Grantor.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers, the day and year first above written.

Dudley Ivey Malpass (SEAL)
Dudley Ivey Malpass

Carole M. Malpass (SEAL)
Carole M. Malpass

STATE OF NORTH CAROLINA
COUNTY OF New Hanover

I, Sharon Moore, a Notary Public in and for the aforesaid County and State, do hereby certify that Dudley Ivey Malpass and Carole M. Malpass personally appeared before me this day and acknowledged to me that he/she voluntarily signed the foregoing document for the purpose stated therein.

Witness my hand and notarial seal this the 10 day of May, 2015.

Sharon Moore
Notary Public

My Commission Expires: May 27, 2016



Joann Mays Malpass (SEAL)
Joann Mays Malpass

STATE OF NORTH CAROLINA
COUNTY OF New Hanover

I, Michael Filipe, a Notary Public in and for the aforesaid County and State, do hereby certify that Joann Mays Malpass personally appeared before me this day and acknowledged to me that he/she voluntarily signed the foregoing document for the purpose stated therein.

Witness my hand and notarial seal this the 15th day of May, 2015.

[Signature]
Notary Public

My Commission Expires: 11/13/2016



_____(SEAL)
John James Malpass III

_____(SEAL)

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public in and for the aforesaid County and State, do hereby certify that John James Malpass III and _____ personally appeared before me this day and acknowledged to me that he/she voluntarily signed the foregoing document for the purpose stated therein.

Witness my hand and notarial seal this the _____ day of _____, 2015.

Notary Public

My Commission Expires: _____

Michael L. Malpass

Michael L. Malpass

(SEAL)

STATE OF NORTH CAROLINA

COUNTY OF ~~NEW HANOVER~~

Maylin A. Williams

Notary Public in and for the aforesaid County and State, do hereby certify that Michael L. Malpass personally appeared before me this day and acknowledged to me that he/she voluntarily signed the foregoing document for the purpose stated therein.

Witness my hand and notarial seal this the 13th day of MAY, 2015.

Maylin A. Williams
Notary Public

My Commission Expires: DEC. 13 2016



Ethel S. Squires by Attorney in Fact
Barbara Squires (SEAL)
Ethel S. Squires by Attorney in Fact Barbara Squires

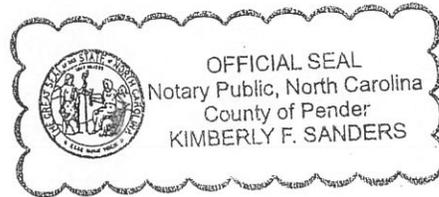
STATE OF NORTH CAROLINA
COUNTY OF Pender

I, *Kimberly F. Sanders* Notary Public, do hereby certify that Barbara Squires, as Attorney in Fact for Ethel S. Squires, personally appeared before me this day and being duly sworn, says that she executed the foregoing and annexed instrument for and in behalf of Ethel S. Squires, and that her authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded in the Office of the Register of Deeds of Pender County, North Carolina in Book 4031, Page 331, and that this instrument was executed under and by virtue of the authority given by said instrument granting her power of attorney; that said Barbara Squires acknowledged the due execution of the forgoing and annexed instrument for the purposes therein expressed for and in behalf of the said Ethel S. Squires.

Witness my hand and notarial seal, this 11th day of May, 2015.

Kimberly F. Sanders
Notary Public

My Commission Expires: 3/15/15



PENDER COUNTY BOARD OF EDUCATION
a North Carolina Municipal Corporation and Body Politic

BY: _____ (SEAL)
Karen Rouse, Chairperson

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public for _____ County, State of North Carolina, certify that Karen Rouse personally came before me this day and acknowledged that she is Chairperson of the Pender County Board of Education, and that she as Chairperson, being authorized to do so, voluntarily executed the foregoing on behalf of the Board.

This the ____ day of _____, 2015.

Notary Public

My Commission Expires: _____

FAKIM'S COREL 8 FILES\KIM\DEEDS 2015\QCD.MALPASS CORNER.DOCX



Scale: 1:400



PIN: 2287-45-8702-0000
 NAME: PENDER CO BOARD OF EDUCATION
 ADDR: 925 PENDERLEA HWY
 CITY: BURGAW
 STATE: NC
 ZIP: 28425
 PROPERTY ADDRESS: MALPASS CORNER RD
 PROPERTY DESCRIPTION: N/S 1120 SCHOOL ON
 F09/51 2
 DATE: 12/29/1988
 SALE PRICE: \$0.00

PLAT: NOPLAT
 ACCOUNT: 25903.000000
 TOWNSHIP: 108
 TNSH DESC: COLUMBIA
 ACRES: 18.39
 LAND VALUE: \$340,951.00
 BUILDING VALUE: \$0.00
 TOTAL VALUE: \$340,951.00
 DEFERRED VALUE: \$0.00
 SUBDIVISION: Null
 ZONE: RA
 TAX CODES: G01 F26 R40