



REQUEST FOR BOARD ACTION

ITEM NO. 12

DATE OF MEETING: November 9, 2015

REQUESTED BY: Trey Thurman, County Attorney

SHORT TITLE: Resolution to Transfer Deed for South Topsail Elementary School, Parcel ID 3283-83-2003-0000 to the Pender County Board of Education.

BACKGROUND: The Board of Education cannot receive a refund of State sales tax. In order to recover the sales tax paid for equipment and materials during previous school bond construction projects the BOE transferred title to the school properties on which construction was taking place. The County agreed to convey the properties back to the BOE at their request. The BOE needs to renew the wastewater treatment system permit with DENR and to facilitate that process has requested that the County convey the real property on which South Topsail Elementary School is located. The purpose for which the transfer was made has been accomplished and the transfer back to the BOE is appropriate at this time.

SPECIFIC ACTION REQUESTED: To approve a resolution authorizing the conveyance of a deed for the real property on which South Topsail Elementary is located to the Pender County BOE.

RESOLUTION

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

the Board hereby approves a resolution authorizing the conveyance of a deed for the real property on which South Topsail Elementary is located to the Pender County BOE. The County 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 _____ Keith _____

J. David Williams, Jr., Chairman 11/09/15
Date

ATTEST 11/09/15
Date

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.: 3283-83-2003-0000

Return to: _____

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

Brief Desc. for the Index

40.25 ac Hoover Rd.

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

NORTH CAROLINA GENERAL WARRANTY DEED

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

GRANTOR

Pender County, a body politic

P.O. Box 366

Burgaw, Nc 28425

GRANTEE

Pender County Board of Education

925 Penderlea Hwy

Burgaw, NC 28425

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 grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Topsail Township, Pender County, North Carolina and more particularly described as follows:

Being those certain two tracts of land as more particularly described on Exhibits A and B attached hereto and incorporated herein reference.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1195, Page 99 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.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

1. Restrictions of record.
2. Ad valorem taxes for the year 2015.
3. Routine utility easements and highway rights of way.

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.

Pender County, a body politic and political
Subdivision of the state of North Carolina

By: _____ (SEAL)

Name:

Title: Chairman

Board of County Commissioners

ATTEST:

Secretary to the Board of County Commissioner

{SEAL}

STATE OF NORTH CAROLINA

COUNTY OF PENDER

I, the undersigned, a Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that she is Secretary for Pender County, a body politic and political subdivision of the state of North Carolina, and that by authority duly given and as the act of the Board of Commissioners for Pender County, the foregoing instrument was signed in its name by its Chairman, sealed with its county seal and attested by him/her as its Secretary. Witness my hand and official stamp or seal, this ___/___/___.

My commission expires: ___/___/___ _____ Notary Public

EXHIBIT "A"

TRACT 1: Pender County Schools 32.44 acre tract portion of the Albert O. Lea, Sr. Estate

BEGINNING at a point in the west line of Hoover Road (S.R. 1569 a 60 foot right of way) said point being in the run of Brickyard Branch, said point also being located North 10 degrees 20 minutes 30 seconds West 3213.39 feet and South 79 degrees 39 minutes 30 seconds West 30.0 feet the centerline intersection of Hoover Road and the Seaboard Coastline Railroad right of way as shown on that map entitled "Exhibit B, Division, Map of Survey for Albert O. Lea, Sr. Estate" as recorded in Map Book 19 at Page 98 of the Pender County Registry; Running thence, from said beginning point

1. North 59 degrees 18 minutes 25 seconds West 900.0 feet to a point; thence,
2. North 27 degrees 12 minutes 44 seconds West 1099.55 feet to a point in the south line of a 60 foot right of way deeded to Jesse Floyd Lea, Jr. as recorded in Deed Book 598, Page 120 of said Registry; thence, along said south line
3. North 52 degrees 28 minutes East 1004.22 feet to a point in the south line of said 60 foot right of way; thence, along said south line
4. South 45 degrees 33 minutes 40 seconds East 569.43 feet to a point in the west line of Hoover Road; thence, along said west line
5. South 17 degrees 37 minutes West 306.56 feet to a point; thence, along a curve to the east to a point located
6. South 03 degrees 38 minutes 15 seconds West 330.86 feet from the preceding point; thence,
7. South 10 degrees 20 minutes 30 seconds East 1044.96 feet to the point of beginning.

Containing 32.44 acres more or less, and being a portion of Tract 2B as shown on the aforesaid map recorded in Map Book 19, Page 98 of said Registry.

EXHIBIT "B"

TRACT 2: Pender County Schools 7.81 acre tract Portion of the Albert O. Lea, Sr. Estate

BEGINNING at a point located North 59 degrees 18 minutes 25 seconds West 900.0 feet from a point in the west line of Hoover Road (S.R. 1569 a 60 foot right of way) in the run of Brickyard Branch which is located North 10 degrees 20 minutes 30 seconds West 3213.39 feet and South 79 degrees 39 minutes 30 seconds West 30.0 feet from the center line intersection of Hoover Road and the Seaboard Coastline Railroad right of way as shown on that map entitled "Exhibit B, Division, Map of Survey for Albert O. Lea, Sr. Estate" as recorded in Map Book 19 Page 98 of the Pender County Registry; running thence, from said beginning point

1. North 59 degrees 18 minutes 25 seconds West 1164.87 feet to a point in the south line of a 60 foot right of way deeded to Jesse Floyd Lea, Jr. as recorded in Book 598, Page 120 of said Registry; thence, along said south line
2. North 52 degrees 28 minutes East 629.10 feet to a point; thence, leaving said south line
3. South 27 degrees 12 minutes 44 seconds East 1099.55 feet to the point of beginning.

Containing 7.81 acres more or less, and being a portion of Tract 2B, as shown on the aforesaid map recorded in Map Book 19, Page 98 of said Registry.

This property is conveyed to the same party to whom the adjacent 32.44 acre tract is conveyed this date with the intention of the parties that the two tracts combined into a single tract of land having an area of 40.25 acres.