



## REQUEST FOR BOARD ACTION

ITEM NO. 17

**DATE OF MEETING:** January 4, 2016

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

**SHORT TITLE:** Resolution by the Board of Directors of the Rocky Point/Topsail Water and Sewer District Accepting the Deed of Dedication for the Conveyance of Title to the Water Distribution System Properly Installed to Serve the Following Project;

- Twisted Oak

**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 these infrastructure improvements will occur and the District will become responsible for the permanent maintenance of these improvements. Staff is recommending acceptance of the respective project infrastructure improvements listed below;

- Twisted Oak: 441 LF 2" watermain on Twisted Oak Court and related water appurtenances.

All of the above 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 Rocky Point/Topsail Water and Sewer District is requested to adopt a resolution accepting the Deed of Dedication and Affidavit for the Water Distribution improvements installed to serve Twisted Oak.

**RESOLUTION**

**NOW, THEREFORE BE IT RESOLVED** by the Board of Directors for the Rocky Point/Topsail Water and Sewer District:

a resolution accepting the Deed of Dedication and Affidavit for the Water Distribution improvements installed to serve Twisted Oak.

The District Manager/Chairman shall have authority to execute any/all documents necessary to implement this resolution.

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECONDED \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS \_\_\_\_\_

YEA VOTES: Brown \_\_\_ McCoy \_\_\_ Keith \_\_\_ Piepmeyer \_\_\_ Williams \_\_\_

\_\_\_\_\_  
George Brown, Chairman      01/04/16  
Date

\_\_\_\_\_  
ATTEST      01/04/16  
Date

**DEED OF DEDICATION**

STATE OF NORTH CAROLINA

COUNTY OF PENDER

THIS DEED OF DEDICATION, made and entered into this the 13 day of November, 2015, by and between Mad Crab, 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 Mad Crab, LLC is the owner of a tract or parcel located in Topsail Township, Pender County, North Carolina, known as Twisted Oak;

And whereas Owner has caused to be installed water distribution lines under and along the road rights-of-way hereinafter described and referenced;

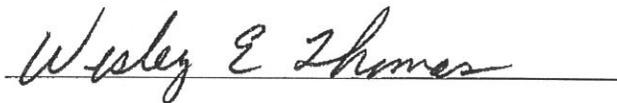
And whereas Owner wishes to obtain water from Grantee for the property and to make water from Grantee's system available to individual owners;

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;

And Owner does hereby covenant that it is seized of said water 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 Owner has caused this instrument to be duly executed, the day and year first above written.

A handwritten signature in cursive script, reading "Wesley E. Thomas", is written over a horizontal line.

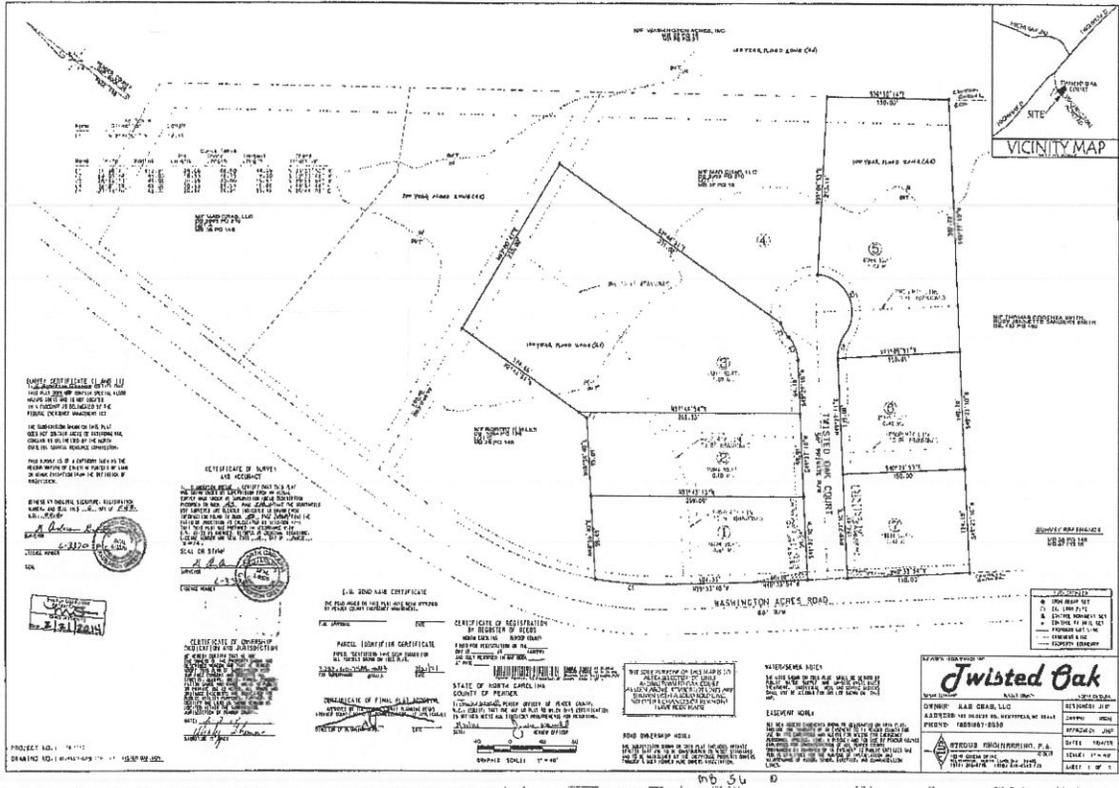
Mad Crab LLC, Owner

Twisted Oak Water Distribution System, North Carolina being as follows:

+/- 441 LF of 2 inch PVC waterline on Twisted Oak Court

Including all associated appurtenances

See Attached Map



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 ways 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 systems and for connecting the same to the individual lots developed or to be developed lying adjacent to said streets and cul-de-sacs and rights 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.

STATE OF NORTH CAROLINA

COUNTY OF PENDER

I, a Notary Public of the County and State aforesaid, do hereby certify that Wesley Thomas personally came before me this day and acknowledged that he is the owner of the water system and the property on which it is constructed.

Witness my hand and official seal, this the 13 day of Nov, 2015.

Kellie E. Norris

Signature of Notary Public



Kellie E Norris

Printed or Typed Name of Notary Public

My Commission Expires: 3/5/2019

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

(LEAVE 3 INCH MARGIN)

**AFFIDAVIT**

STATE OF NORTH CAROLINA

COUNTY OF PENDER

Mad Crab LLC, a North Carolina property owner, with a residence in Pender County, North Carolina, hereinafter referred to as Affiant, being first duly sworn, hereby deposes and says under oath as follows:

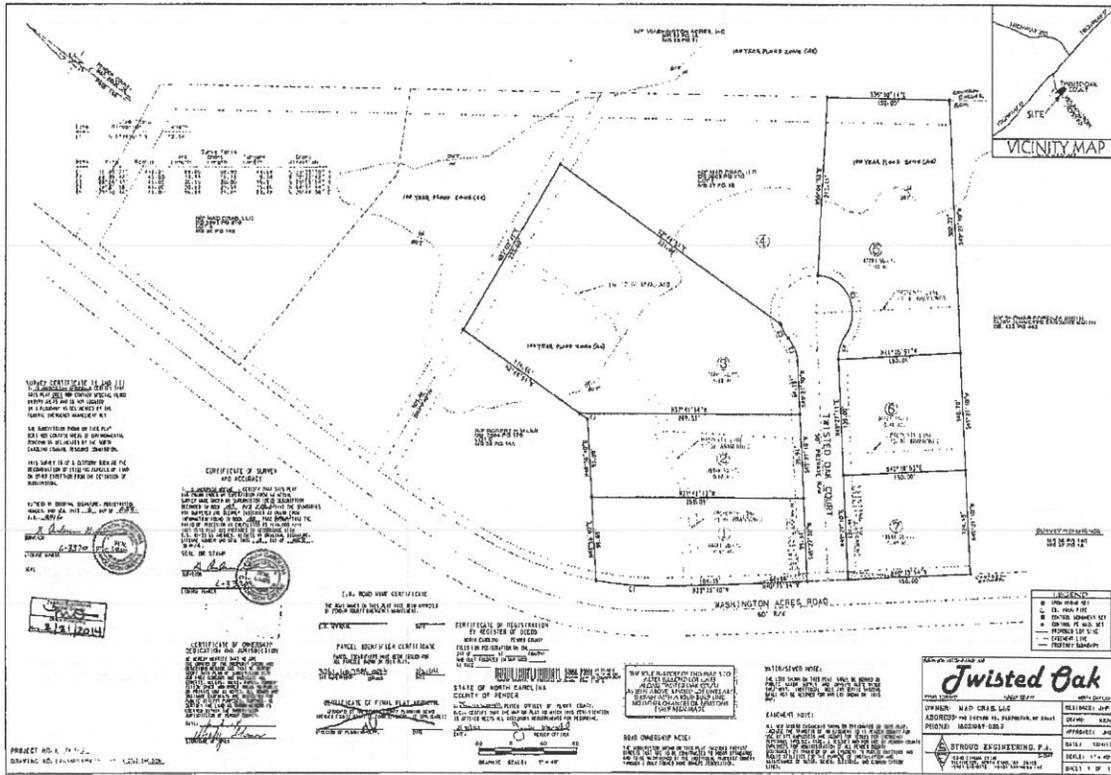
1. That he is the owner of certain property located in Topsail Township, Pender County, North Carolina, known as Twisted Oaks Subdivision, containing lots numbering 1 thru 7, as more particularly described in a Deed of Dedication in favor of Pender County of even date wherewith.
2. That he has caused to be installed water distribution lines under and along the road right-of-ways property hereinafter described and referenced;

The Twisted Oaks Water Distribution System, North Carolina being as follows:

+/- 441 LF of 2 inch PVC waterline on Twisted Oak Court

Including all associated appurtenances

See Attached Map



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 authorized owner this 13 day of Nov., 2015.

*Wesley E Thomas*

Mad Crab LLC, Owner

STATE OF NORTH CAROLINA

COUNTY OF PENDER

I, a Notary Public of the County and State aforesaid, do hereby certify that Wesley Thomas personally came before me this day and acknowledged that he is Owner of Twisted Oaks, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the 13 day of Nov, 2015.



Kellie E. Norris

Signature of Notary Public

Kellie E Norris

Printed or Typed Name of Notary Public

My Commission Expires: 3/5/2019