



REQUEST FOR BOARD ACTION

ITEM NO. 29

DATE OF MEETING: March 21, 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;

- The Reserve on Island Creek – Phase 1

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;

- The Reserve on Island Creek – Phase 1: 630 LF 6” watermain on Mississippi Drive, 540 LF 2” watermain on Huckleberry Way East, 860 LF 6” watermain on Huckleberry Way West, 450 LF 2” watermain on Pap’s Point, 2 fire hydrants, valves, 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 The Reserve on Island Creek.

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 The Reserve on Island Creek – Phase 1.

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 R. Brown, Chairman Date 03/21/16

ATTEST 03/21/16
Date

Prepared by:
Lanier, Fountain & Ceruzzi
114 Old Bridge Street
Jacksonville, NC 28540

DEED OF DEDICATION

STATE OF NORTH CAROLINA

COUNTY OF PENDER

THIS DEED OF DEDICATION, made and entered into this the 30th day of September, 2015, by and between IC3 PARTNERS, LLC, a North Carolina limited liability company, 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 IC3 Partners, LLC is the owner of a tract or parcel located in Topsail Township, Pender County, North Carolina, known as The Reserve on Island Creek;

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;

PARKER & ASSOCIATES, INC.

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;

Water Distribution System, North Carolina

Being all of the Lots of The Reserve on Island Creek, Topsail Township, Pender County, North Carolina as shown on survey plat of same prepared by Parker & Associates, Inc., dated July 28, 2015, recorded in Map Book 59, Page 129-130, Pender County Registry.

TO HAVE AND TO HOLD said water lines and equipment above described together with the privileges and appurtenances thereto belonging to Grantee forever.

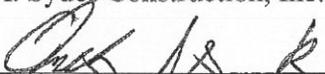
Together with non-exclusive easements over, along and upon the entire area of the streets and cul-de-sacs [and right of way] depicted on the maps and serving the areas referenced above for purposes of entry into the subdivision for maintenance, repair and upkeep of the water distribution systems and for connecting the same to the individual lots developed or to be developed lying adjacent to said streets and cul-de-sacs [and right 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.

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 Grantor [Owner] has caused this instrument to be duly executed, the day and year first above written.

IC3 PARTNERS, LLC

By: A. Sydes Construction, Inc., Member Manager

By:  (SEAL)

Name: Anthony Sydes

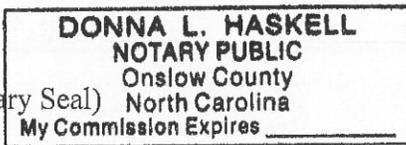
Title: President

STATE OF NORTH CAROLINA

COUNTY OF Onslow

I, a Notary Public of the County and State aforesaid, do hereby certify that Anthony Sydes, President of A. Sydes Construction, Inc., personally came before me this day and acknowledged that he is Member/Manager of IC3 Partners, LLC, a North Carolina limited liability company, being authorized to do so, executed the foregoing on behalf of the company.

Witness my hand and official seal, this the 30th day of September, 2015.



(Notary Seal)

Donna L. Haskell
Notary Public

Donna L. Haskell
Printed or Typed Name of Notary Public

My Commission Expires: 4/6/2016

ACCEPTANCE OF DEED

This Deed of Dedication and accompanying Affidavit for IC3 Partners, LLC was accepted by the Pender County Board of Commissioners on the _____ day of _____, 20__.

Pender County Board of Commissioners

(Chairman)

Melissa Pedersen
Deputy Clerk to the Board

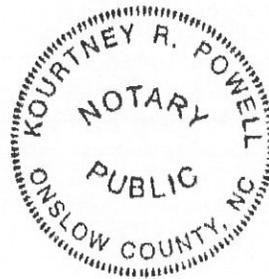
NORTH CAROLINA

ONslow COUNTY

I, Kourtney R. Powell, a Notary Public for the State of NC, County of Onslow,
do hereby certify that Anthony W. Sydes personally appeared before me this day and
acknowledge the due execution of the forgoing instrument.

Witness my hand and official seal,

Kourtney R. Powell
Kourtney R. Powell



This 29th day of September, 2015

My commission expires June 7, 2020



Doc No: 20007574
Recorded: 02/25/2016 03:24:09 PM
Fee Amt: \$26.00 Page 1 of 2

Pender County North Carolina
Sharon Lear Willoughby, Register of Deeds
BK 4615 PG 293 - 294 (2)

AFFIDAVIT

STATE OF NORTH CAROLINA

COUNTY OF PENDER

IC3 Partners, LLC, a North Carolina LLC, with an office and place of business in Onslow 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 property located in Topsail Township, Pender County, North Carolina, known as The Reserve on Island Creek Subdivision, containing lots numbering 1-6; 33-46; and 67-73, as more particularly described in a Deed of Dedication in favor of Pender County of even date wherewith.
2. That it has caused to be installed water distribution lines under and along the road right-of-ways property hereinafter described and referenced;

Being all of the Lots of The Reserve on Island Creek, Topsail Township, Pender County, North Carolina as shown on survey plat of same prepared by Parker & Associates, Inc., dated July 28, 2015, recorded in Map Book 58, Page 129-130, Pender County Registry.

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

PARKER & ASSOCIATES, INC. ✓

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 officer(s) this 30th day of September, 2015.

IC3 PARTNERS, LLC

By: A. Sydes Construction, Inc., Member/Manager

By: *Anthony Sydes* (SEAL)
Name: Anthony Sydes
Title: President

STATE OF NORTH CAROLINA

COUNTY OF Onslow

I, a Notary Public of the County and State aforesaid, do hereby certify that Anthony Sydes, President of A. Sydes Construction, Inc. personally came before me this day and acknowledged that he is Member/Manager of IC3 Partners, LLC, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the 30th day of September, 2015.

Donna L. Haskell
Signature of Notary Public

(Notary Seal)

Donna L. Haskell
Printed or Typed Name of Notary Public

My Commission Expires: 4-6-2016

