



REQUEST FOR BOARD ACTION

ITEM NO. 26

DATE OF MEETING: June 6, 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;

- Circle K Stores, Inc. - Hampstead

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;

- Circle K Stores, Inc.– Hampstead: 280 LF 8” watermain on US Hwy 17, 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 Circle K Stores, Inc. - Hampstead.

DEED OF DEDICATION

STATE OF NORTH CAROLINA

COUNTY OF PENDER

THIS DEED OF DEDICATION, made and entered into this the 3 day of May, 2016, by and between Circle K Stores, Inc., 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 Circle K Stores, Inc. is/are the owner(s) of a tract or parcel located in Topsail Township, Pender County, North Carolina, known as Circle K/Hampstead;

And whereas Owner has caused to be installed water distribution line(s) under and along the US Hwy 17 road rights-of-way hereinafter described and referenced;

And whereas Owner wishes to obtain water from Grantee for the property and has agreed to extend the public water distribution line(s);

And whereas, in order to obtain water for said property, 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 line(s) and making water available to said property, does hereby convey to Grantee, its lawful successors and assigns, the following described property; Water Distribution System, North Carolina

Circle K/Hampstead Utility Record Drawing – Attach Map as Exhibit A

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

Together with non-exclusive easement(s) over, along and upon the entire area of the water distribution line(s) depicted on the maps and serving the areas referenced above for purposes of entry into the property for maintenance, repair and upkeep of the water distribution line(s) for connecting properties to be developed lying adjacent to said water distribution line(s) reserving unto Owners, its successors and assigns, equal rights of easement and easement over, in, along, the water distribution line(s) for purposes of installing and maintaining the water distribution system.

And Owner does hereby covenant that it is seized of said water line(s) 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.



(Name of Owner)

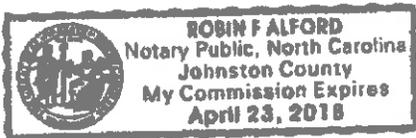
By: Darrell J. Davis, SVP

(Name and Title of Officer signing)

STATE OF North Carolina
COUNTY OF Wake

I, a Notary Public of the County and State aforesaid, do hereby certify that Darrell J. Davis, personally came before me this day and acknowledged that he (or she) is Sr. Vice President (title of corporate officer/Member or Manager of LLC) of Circle K Stores, Inc. (name of corporation/LLC), being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the 3 day of May, 2016.



(Notary Seal)

Robin F. Alford
Signature of Notary Public
Robin F. Alford
Printed or Typed Name of Notary Public

My Commission Expires: April 23, 2018

ACCEPTANCE OF DEED

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

Pender County Board of Commissioners

(Chairman)

Melissa Pedersen
Clerk to the Board

AFFIDAVIT

STATE OF NORTH CAROLINA

COUNTY OF WAKE

Circle K Stores, Inc. a North Carolina (corporation or LLC), with an office and place of business in Wake County, North Carolina, hereinafter referred to as Affiant, being first duly sworn, hereby deposes and says under oath as follows:

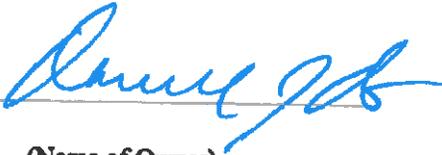
1. That it is the owner of certain property located in Topsail Township, Pender County, North Carolina, known as Kangaroo Express/Hampstead, as more particularly described in a Deed of Dedication in favor of Pender County of even date wherewith.
2. That it has caused to be installed water distribution line(s) under and along the road right-of-ways property hereinafter described and referenced;

Circle K/Hampstead Utility Record Drawing – Attach Map as Exhibit A

3. All the work which has been performed in the construction and installation of said water distribution line(s) 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 property which would in any way jeopardize title of Affiant to the property nor are there any legal actions pending against Affiant or any contractor arising out of any work performed within said

4. property or the water line(s) installed therein which would in any way jeopardize title to 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 3 day of May, 2016.


(Name of Owner)

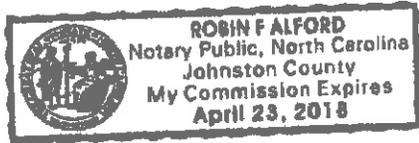
By: Darrell J. Davis, SVP
(Name and Title of Officer Signing)

STATE OF North Carolina

COUNTY OF Wake

I, a Notary Public of the County and State aforesaid, do hereby certify that Darrell J. Davis personally came before me this day and acknowledged that he (or she) is Sr. Vice President (title of corporate officer) of Circle K Stores, Inc (name of corporation), being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the 3 day of May, 2016.



(Notary Seal)

Robin F. Alford
Signature of Notary Public

Robin F. Alford

Printed or Typed Name of Notary Public

My Commission Expires: April 23, 2018