

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: July 7, 2008

SUBJECT: Transfer of Ownership to Hendersonville Utilities
Jackson Park Sewer Extension

ATTACHMENTS: Yes

1. Letter from City of Hendersonville Water and Sewer
2. Warranty Deed of Easement

SUMMARY OF REQUEST:

As described in the attached letter, Staff recommends the Board approve the Warranty Deed of Easement to transfer ownership and maintenance of the recently completed sewer extension in Jackson Park. In addition to transferring ownership and maintenance expenses, the agreement will allow the City to extend sewer service to neighboring properties to the Park. Lastly, the sewer extension project was completed within schedule and \$25,000 under the \$190,000 budget.

BOARD ACTION REQUESTED:

The Board is requested to authorize the County Engineer to execute the Warranty Deed of Easement to transfer ownership and maintenance of the Jackson Park Sewer Extension to City of Hendersonville.

Suggested Motion:

I move the Board authorize the County Engineer to execute the Warranty Deed of Easement to transfer ownership and maintenance of the Jackson Park Sewer Extension to the City of Hendersonville.

CITY COUNCIL:

GREG NEWMAN
Mayor
BARBARA VOLK
Mayor Pro-Tem
WILLIAM O'CAIN
JEFF COLLIS
STEVE CARAKER

CITY OF HENDERSONVILLE

"The City of Four Seasons"

WATER AND SEWER DEPARTMENT
Lee Smith, Utilities Director

OFFICERS:

W. BOWMAN FERGUSON
City Manager
SAMUEL H. FRITSCHNER
City Attorney
TAMMIE K. DRAKE
City Clerk

June 3, 2008

Henderson County
Marcus Jones, PE, Director
Engineering & Facilities Services
213 First Avenue East
Hendersonville, NC 28739

RE: TRANSFER OF OWNERSHIP
SEWER UTILITY EXTENSION
Jackson Park Sewer Improvements
FILE NUMBER S120508

Dear Mr. Jones:

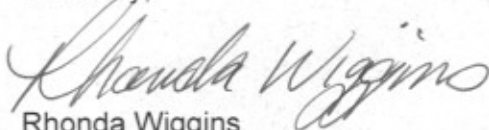
Attached is the original deed form for transferring ownership and maintenance responsibilities to the City of Hendersonville for the sewer system presently serving the above referenced project. Please write in the date that you sign the document and return the original document my office.

This utility deed will be recorded with the Henderson County Register and you will receive an acceptance letter along with a copy of the recorded deed.

In the notary acknowledgement section, please sign your name on the line provided in front of a notary exactly as written. Please ensure that the notary has completed all information. The notary acknowledgement should include the county and state the notary is registered in, the commission expiration, seal and signature. Please be sure that the notary prints this information legibly and within the margins provided. **If necessary, I will provide notary services to you at no charge.**

If you have any questions, comments or concerns regarding this correspondence please contact this office at (828) 233-3206.

Sincerely,



Rhonda Wiggins
Project Coordinator, Utility Extensions
rwiggins@cityofhendersonville.org

Excise tax: \$0.00

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

WARRANTY DEED OF EASEMENT

Prepared by: Rhonda H. Wiggins

This Deed made this _____ day of _____, in the year of our Lord, two thousand and eight between Henderson County, organized and existing under and by virtue of the laws of the State of North Carolina with its principal office located at 213 First Avenue East, Hendersonville of the County of Henderson and the State of North Carolina, of the first part, the City of Hendersonville, 305 Williams Street of the County of Henderson, State of North Carolina, of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of one dollar and other good and valuable consideration, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has Bargained and Sold, Conveyed and Confirmed, and by these presents does Bargain and Sell and Convey and Confirm, unto the said party of the second part, heirs and assigns forever, all the following described piece or parcel of land and being in the County of Henderson, and State of North Carolina, and known and designated as follows,

Being all of the sewer system(s) currently serving Jackson Park (Improvements) PIN #9578-18-4956 as recorded in the Henderson County, North Carolina Registry, in Deed Book 000512 and Page 00095 as the sewer system(s) presently exists, including all the right, title and interest of the grantor in and to the pipes, and other appurtenances utilized in the operation and maintenance of said water system(s).

There is further conveyed any easements and rights-of-way necessary as required for purposes of laying additional lines, pipes and conduits, and as a means of ingress and egress to repair and maintain the entire system(s).

It is further agreed that the Grantors do hereby warrant said system(s) to be free of defects in materials and workmanship for a period of one (1) year from the date of acceptance by the Grantee and will perform any and all necessary maintenance to said system(s) during that period of time.

TO HAVE AND TO HOLD THE SAME, Together with all hereditaments and appurtenances thereunto in any wise appearing, unto the said part of the second part heirs and assigns forever.

And the said party of the first part does covenant the said party of the second part heirs and assigns, as follows: FIRST, That the said part is the owner and lawfully seized of said land and premises. SECOND, That it has good right and full power to convey the same. THIRD, That the same are free from all encumbrances whatsoever. And, FOURTH, That the said part of the second part heirs and assigns, shall quietly enjoy and possess the same, and that the said party of the first part, the successors and assign, will forever warrant and defend the title to the same against all lawful claims.

IN TESTIMONY WHEREOF, said party of the first part has caused these presents to be signed in its name by the President (Vice President), and its corporate seal to be hereto affixed and attested by its Secretary (or Assistant Secretary) the day and year first above written.

By: _____
Marcus Jones, PE, Director, Engineering & Facilities Services, Henderson County

STATE OF _____ COUNTY OF _____.

I, _____, a Notary Public of said County and State, do hereby certify that Marcus Jones personally appeared before me this day and acknowledged that he is Director of Engineering & Facilities Services for Henderson County, and further acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal, this _____ day of _____, 2008.

My commission expires

Notary Public Signature

Seal must be within this box>>

