

**DRAFT**

5/8/08

To: Boc  
Steve  
Selena  
Aam

MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

CANE CREEK WATER & SEWER DISTRICT  
MARCH 6, 2008

The Cane Creek Water & Sewer District Board met for a regular meeting at 9:00 a.m. in the Commissioner's Conference Room of the Henderson County Office Building.

Present were: Chairman Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Larry Young, Commissioner Chuck McGrady, Commissioner Mark Williams, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

Also present were: Deputy Clerk Terry Wilson, Finance Director J. Carey McLelland, Engineering and Facility Services Director Marcus Jones, Soil and Water Conservation Director Jonathon, Fire Marshal Rocky Hyder, Tax Assessor Stan Duncan and Research/Budget Analyst Amy Brantley.

**CALL TO ORDER**

Chairman Moyer called the meeting to order.

*Commissioner Messer made the motion for the Board to convene as Cane Creek Water & Sewer District. All voted in favor and the motion carried.*

**SEWER EXTENSION ORDINANCE REVISION**

County Attorney Russ Burrell stated that the Board had received an amendment to the ordinance that deals with Cane Creek and the Sewer in general. It is a one paragraph addition. In very specific cases such as where there is a pump station or a forced main constructed by or on behalf of a necessary public use facility, Cane Creek may take ownership of the pump station or forced main. A necessary public use facility is defined as a fire station used by a voluntary fire department in Henderson County, or any building owned by or occupied on a long term basis by any unit or department of federal, North Carolina, or Henderson County Government.

County Manager Steve Wyatt explained that this enables the Commissioners to address the issue of the Fletcher Fire Department in the most cost effective manner. This would enable us to do that project for less than \$25,000. It is a very narrow variation from policy for public purpose and safety. It will be owned and maintained by the sewer district. It will give the Board the flexibility to save approximately \$100,000 on that project.

*Commissioner Young made the motion that the Board amend the Sewer Extension Ordinance. All voted in favor and the motion carried.*

Steve Wyatt stated that under the previous plan to provide sewer there was an issue of an acquirement of easement from Houser Investment Inc. Mr. Houser had asked that that the easement be returned as it will no longer be used.

*Commissioner McGrady made the motion that the Board surrender the easement back to Houser Investment Inc. All voted in favor and the motion carried.*

**MINUTES**

December 19, 2007

2

Draft minutes were presented for the Board's review and consent approval of the following meetings: December 19, 2007

*Commissioner McGrady made the motion that the Board approve the minutes for CCWSD for December 19, 2007. All voted in favor and the motion carried.*

**Adjourn**

*Commissioner McGrady made the motion to adjourn as the Cane Creek Water & Sewer District Board. All voted in favor and the motion carried.*

Attest:

\_\_\_\_\_  
Teresa L. Wilson, Deputy Clerk to the Board

\_\_\_\_\_  
William L. Moyer, Chairman

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

AMENDMENT TO ORDINANCE

THIS AMENDMENT is undertaken by the Henderson County Board of Commissioners acting as itself and as the governing board of the Cane Creek Water and Sewer District (collectively "the Board").

WHEREAS, the Board has determined that the policies of Henderson County and the Cane Creek Water and Sewer District should be amended to allow for the District to take ownership of wastewater pump stations and force mains in rare cases, namely those which are required and constructed by a "Necessary Public Use Facility".

NOW, THEREFORE, the Board hereby ordains that a new subparagraph entitled "C." is added to 152A-43 of the Code, as follows:

C. Notwithstanding the provisions of A., above, CCWSD may take ownership of wastewater pump station and force mains that are constructed by or on behalf of a "Necessary Public Use Facility." For the purposes of this subsection, a "Necessary Public Use Facility" is defined as a fire station used by a volunteer fire department in Henderson County, or any building owned by or occupied on a long-term basis by any unit or department of Federal, North Carolina, or Henderson County government.

Adopted upon unanimous vote after motion duly made, this the 6<sup>th</sup> day of March, 2008.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
WILLIAM L. MOYER, Chairman

Attest:

\_\_\_\_\_  
Secretary

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

The Grantor makes no warranty, express or implied, as to title to the property hereinabove described

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed and delivered

CANE CREEK WATER AND SEWER DISTRICT

By: \_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
Secretary

State of North Carolina - County of Henderson

I, the undersigned Notary Public of the County and State aforesaid, certify that William Moyer personally came before me this day and acknowledged that he is the Chairman of Cane Creek Water and Sewer District, a body corporate and politic, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of March, 2008.

My Commission Expires \_\_\_\_\_  
Notary Public

The foregoing Certificate(s) of \_\_\_\_\_ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof

By \_\_\_\_\_ Register of Deeds for \_\_\_\_\_ County  
Deputy/Assistant - Register of Deeds

**NORTH CAROLINA NON-WARRANTY DEED**

Excise Tax: \$0.00  
Parcel Identifier No. \_\_\_\_\_ Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
By \_\_\_\_\_

Mail/Box to \_\_\_\_\_

This instrument was prepared by: Charles Russell Burrell

Brief description for the Index \_\_\_\_\_

THIS DEED made this \_\_\_\_\_ day of March, 2008, by and between

GRANTOR \_\_\_\_\_ GRANTEE \_\_\_\_\_

CANE CREEK WATER AND SEWER DISTRICT, a body corporate and politic in Henderson County, North Carolina, established pursuant to Article 6, Chapter 162A of the North Carolina General Statutes  
HOUSER INVESTMENTS, INC.  
a North Carolina Corporation

Enter in appropriate block for each party, name, address, and, if appropriate, character of entity, e.g. corporation or partnership.  
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 the Henderson County, North Carolina and more particularly described as follows:

BEING the identical property described in that Sewer Easement recorded in Book 1346, at Page 462, of the Henderson County, North Carolina, Registry, which is incorporated herein by reference.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1346, Page 462, Henderson County Registry