

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: 18 February 2009

SUBJECT: Approval of Easements for Water and Sewer for Schools

ATTACHMENT(S): Easements to Hendersonville for 1) Hillandale water/sewer on-site); 2) Hillandale sewer (off-site); and 3) Mills River water

SUMMARY OF REQUEST:

In order to provide water and sewer contemplated in on-going projects, the City of Hendersonville has required easement grants to them for water and sewer at Hillandale and Mills River. The attached documents were drafted by Board of Education counsel, and have been approved by the City of Hendersonville.

County staff will be present and prepared if requested to give further information on this matter.

BOARD ACTION REQUESTED:

Approval of the easements.

If the Board is so inclined, the following motion is suggested:

I move that the Board grant the easements sought by the City of Hendersonville in this agenda item.

Excise tax: \$0.00

Prepared by: Rhonda H. Wiggins

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

WARRANTY DEED OF EASEMENT

This Warranty Deed of Easement made this _____ day of January, in the year of our Lord, two thousand and nine, is by the Henderson County Board of Public Education, lessee, and The County of Henderson, North Carolina, owner/lessor, collectively party of the first part, and the City of Hendersonville, 305 Williams Street of the County of Henderson, State of North Carolina, party 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, the following easements located in the Township of Blue Ridge Fire, County of Henderson, and State of North Carolina, and known and designated as follows,

Being all of the water/sewer system(s) currently serving Hillandale Elementary On Site, with such property being described in the deed recorded in the Henderson County, North Carolina Registry, in Deed Book 001356 and Page 00227, as the water/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 party 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, except for easements, deeds of trust, and other encumbrances of record. 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 and attested in its name by its authorized officers, as of the day and year first above written.

Signatures/Acknowledgments:

COUNTY OF HENDERSON,
NORTH CAROLINA

(Seal)

By: _____

Attest:

By: _____

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, _____, a Notary Public of the County and State aforesaid, certify that _____, personally appeared before me this day and acknowledged that he/she is _____ of HENDERSON COUNTY, NORTH CAROLINA, a body politic and corporate organized and existing under the laws of the State of North Carolina, by authority duly given and as the act of said County, the foregoing instrument was signed in its name by its _____, sealed with the County's seal, and attested by him/her as its _____.

WITNESS my hand and seal, this the ____ day of _____, 20__.

Notary Public

My Commission expires:

(Official Seal)

THE HENDERSON COUNTY BOARD OF
PUBLIC EDUCATION

(Seal)

By: _____

Attest:

By: _____

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COUNTY OF HENDERSON

I, _____, a Notary Public of the County and State aforesaid, certify that _____, personally appeared before me this day and acknowledged that he/she is _____ of THE HENDERSON COUNTY BOARD OF PUBLIC EDUCATION, a county school administrative unit organized and existing under the laws of the State of North Carolina, by authority duly given and as the act of said Board, the foregoing instrument was signed in its name by its _____, sealed with its corporate seal, and attested by him/her as its _____.

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Being all of the sewer system(s) currently serving Hillandale Elementary Off Site, with such property being described in the deed recorded in the Henderson County, North Carolina Registry, in Deed Book 001356 and Page 00227, 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).

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Being all of the water system(s) currently serving Mills River Elementary, with such property being described in the deed recorded in the Henderson County, North Carolina Registry, in Deed Book 001356 and Page 00227, as the water 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).

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