

BRIEFING
DRAFT

**FORSYTH COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: APRIL 12, 2018 AGENDA ITEM NUMBER: 8

**SUBJECT: RESOLUTION AUTHORIZING THE GRANT AND EXECUTION OF AN EASEMENT
ACROSS PORTIONS OF TANGLEWOOD BUSINESS PARK PROPERTY, LOT 1, TO
FACILITATE THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A
PERMANENT SEWER LINE**

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:

ATTACHMENTS: YES NO

SIGNATURE: _____ DATE: _____
COUNTY MANAGER

**RESOLUTION AUTHORIZING THE GRANT AND EXECUTION
OF AN EASEMENT ACROSS PORTIONS OF TANGLEWOOD BUSINESS
PARK PROPERTY, LOT 1, TO FACILITATE THE CONSTRUCTION,
OPERATION, AND MAINTENANCE OF A PERMANENT SEWER LINE**

WHEREAS, Southwest Athletics, Inc., has requested an easement across portions of Tanglewood Business Park property, Lot 1, as more particularly described in the attached document, for the purpose of constructing, operating, and maintaining a permanent sewer line; and

WHEREAS, the proposed permanent sewer line easement would contain _____ across portions of Tanglewood Business Park property, as more particularly described in the attached document; and

WHEREAS, the consideration for the requested easement is included in the consideration offered by the County to purchase the 1,925 square foot piece of property adjacent to Tanglewood Business Park from Southwest Athletics, Inc.; and

WHEREAS, Forsyth County is authorized pursuant to the provisions of N.C.G.S. 153A-176 and 160A-273 to grant easements under these circumstances; and County staff has determined that the proposed consideration and other terms negotiated between the parties are reasonable.

NOW, THEREFORE, BE IT RESOLVED that the Forsyth County Board of Commissioners hereby authorizes the grant of a permanent sewer line easement across portions of Tanglewood Business Park property to Southwest Athletics, Inc. as described in the attached documents.

BE IT FURTHER RESOLVED that the Forsyth County Board of Commissioners hereby approves the proposed consideration for the requested easement.

BE IT FURTHER RESOLVED by the Forsyth County Board of Commissioners that the Chairman or County Manager and Clerk to the Board are hereby authorized to execute, on behalf of Forsyth County, an Easement document and any other necessary documents to grant the proposed permanent sewer line easement to Southwest Athletics, Inc., subject to a pre-audit certificate thereon by the County Chief Financial Officer, if applicable, and approval as to form and legality by the County Attorney.

Adopted this the 12th day of April 2018.

NORTH CAROLINA)
)
FORSYTH COUNTY)

EASEMENT

Drawn by and
Return to: Eric T. Spose, Esq.
Allman Spry Davis Leggett & Crumpler, P.A.
P.O. Drawer 5129
Winston Salem, NC 27113-5129

THIS EASEMENT is made this _____ day of _____, 2018 by and between **COUNTY OF FORSYTH**, a political subdivision of the State of North Carolina having an address of 201 N. Chestnut Street, Winston-Salem, NC 27101 (hereinafter the "Grantor"), and **SOUTHWEST ATHLETICS, INC. f/k/a Southwest Forsyth Little League, Inc.**, a North Carolina nonprofit corporation having an address of 3801 Dillon Industrial Drive, Clemmons, NC 27012 (hereinafter the "Grantee").

W I T N E S S E T H:

WHEREAS, Grantor owns that certain tract of land in Forsyth County, consisting of approximately 14.8498 acres of land, having a street address of 7545 Topsider Drive, Clemmons, NC 27012 more particularly shown at Plat Book 67, Page 76, Forsyth County Registry, and identified as Tax Parcel 5881-79-7650.00, in the property tax records of Forsyth County as presently constituted (the "Grantor Property");

WHEREAS, Grantee owns that certain tract of land in Forsyth County, consisting of approximately 10.74 acres of land, having a street address of 7505 Topsider Drive, Clemmons, NC 27012 more particularly described at Deed Book 3059, Page 3284, Forsyth County Registry, and identified as Tax Parcel 5882-80-7241.00, in the property tax records of Forsyth County as presently constituted (the "Grantee Property");

WHEREAS, Grantee desires to obtain, and Grantor desires to grant to Grantee, an easement over and across a portion of the Grantor Property for the purposes of installation, use, repair, maintenance, and replacement of underground sewer utility facilities benefitting Grantee Property, by the Grantee, and Grantee's heirs, successors and assigns.

NOW THEREFORE in consideration of the mutual promises contained herein and other valuable consideration paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged by the Grantor, Grantor does hereby give, grant, and convey unto Grantee and Grantee's heirs, successors and assigns, a permanent and perpetual nonexclusive easement over and across the portion of the Grantor

Property which is more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "Easement Area"), for the purposes of installation, use, repair, maintenance, and replacement of underground sewer utility facilities benefitting the Grantee Property.

TO HAVE AND TO HOLD the aforesaid easement and all privileges and appurtenances thereunto belonging to the Grantee, and Grantee's heirs, successors and assigns, forever. Grantee shall have the right from time to time to cut or remove all trees, vegetation, or other obstructions within the Easement Area that in the opinion of the Grantee, its successors or assigns, may interfere with or impair the use and enjoyment of the easement hereby granted.

The easement hereby granted is appurtenant to the Grantee's Property and shall run with the land. Grantor retains the right to use and enjoy the Easement Area so long as Grantor's use does not materially interfere with the rights granted to Grantee herein.

Grantor covenants that Grantor is seized of the Grantor Property in fee simple and has the right to convey the easement hereby granted, subject to all easements, restrictions, and other encumbrances of record.

IN WITNESS WHEREOF, Grantor has hereunto caused this instrument to be executed by its duly authorized representative as of the date first written above.

GRANTOR

COUNTY OF FORSYTH

A political subdivision of the State of North Carolina

By: _____ (SEAL)
Jack Dudley Watts, Jr., County Manager

STATE OF NORTH CAROLINA)
)
COUNTY OF FORSYTH)

I, _____, a Notary Public of Forsyth County, NC, do hereby certify that Carla D. Holt personally came before me this day, and acknowledged that she is the Clerk to the Board of Commissioners of Forsyth County, a political subdivision of the State of North Carolina, and that by authority duly given and as the act of Forsyth County, the foregoing instrument was signed in its name by its County Manager, sealed with its corporate seal, and attested by her, as its Clerk to the Board.

WITNESS my hand and official seal, this the ____ day of _____, 2018.

Notary Public: _____

My commission expires: _____

EXHIBIT A
EASEMENT AREA

Addendum B

The County agrees to provide public sewer access to the property boundary of parcel 5882-80-7241.00 as part of, and in conjunction with, the construction of the Idols Road Regional Pump Station. The County agrees to grant Southwest Athletics, Inc. f/k/a Southwest Forsyth Little League, Inc. a temporary construction easement across a portion of its property for the purpose of installation of underground sewer facilities and a permanent easement across a portion of its property for the purpose of use, repair, maintenance, and replacement of underground sewer utility facilities. The County agrees to construct necessary infrastructure to provide sewer utility access to the boundary of parcel 5882-80-7241.00 upon the request of Southwest Athletics, Inc. at a time when either Southwest Athletics, Inc. decides to install sewer infrastructure on parcel 5882-80-7241.00 to serve their facilities or upon the sale of parcel 5882-80.7241.00 to a private third-party who requests sewer access.