

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: AUGUST 31, 2015 AGENDA ITEM NUMBER: 9

SUBJECT: RESOLUTION ACCEPTING CONVEYANCE OF REAL PROPERTY FROM THE TOWN OF KERNERSVILLE FOR CONSTRUCTION OF A KERNERSVILLE BRANCH PUBLIC LIBRARY

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

See attached

ATTACHMENTS: YES NO

SIGNATURE: *J. Dudley Watts, Jr.* DATE: August 25, 2015
COUNTY MANAGER

**RESOLUTION ACCEPTING CONVEYANCE OF REAL PROPERTY FROM THE
TOWN OF KERNERSVILLE FOR CONSTRUCTION OF A
KERNERSVILLE BRANCH PUBLIC LIBRARY**

WHEREAS, on December 22, 2014, Forsyth County and the Town of Kernersville entered into an interlocal agreement in which the Town agreed to locate and convey to Forsyth County at no cost to the County a three (3) acre site for construction and operation of a Kernersville Branch Public Library to be named the "Paddison Memorial Library" using voter-approved Library bond funds; and

WHEREAS, under the provisions of the said interlocal agreement, the Town agrees to convey fee simple interest in the property free and clear of any liens or encumbrances, and the County agrees to construct a public library on the site; and

WHEREAS, the County and the Town further agree that if the County ceases to use the site for the operation of a library, general county administrative offices, educational, cultural, and recreational purposes, or other agreed upon governmental uses, then ownership of the site will revert to the Town; and

WHEREAS, pursuant to the terms of the interlocal agreement between Forsyth County and the Town of Kernersville, the County conducted a due diligence examination of the property and determined it to be adequate and, thereafter, on June 17, 2015 the Town executed and recorded a deed to Forsyth County; and

WHEREAS, the County and the Town acknowledge that a change in the property zoning will be needed to permit the uses proposed by the interlocal agreement and the Town is required to initiate necessary zoning procedures to allow the property to be used as a library, general County administrative offices, and for educational, cultural, and recreational purposes;

NOW, THEREFORE, BE IT RESOLVED that the Forsyth County Board of Commissioners hereby accepts the conveyance to the County by the Town of Kernersville of three (3) acres located on Harmon Lane in Kernersville, N.C. and more fully described in the Deed recorded in Book 3236 on Pages 1269-1271 on the records of the Forsyth County Register of Deeds, subject to approval of the necessary change in the property zoning to permit the uses listed herein.

Adopted this 31st day of August 2015.



2015022240 00062
FORSYTH CO, NC FEE \$26.00

GOVERNMENT
PRESENTED & RECORDED:
06-17-2015 11:28:38 AM
C. NORMAN HOLLEMAN
REGISTER OF DEEDS
BY: S L POINDEXTER
DPT
BK: RE 3236
PG: 1269-1271

Wolf Box 6 NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: Government

Parcel Identifiers:

Mail/Box to: Wolfe Box #6

This instrument was prepared by: John G. Wolfe, III

Brief description for the Index:

THIS DEED made this 17th day of June, 2015, by and between

GRANTOR

TOWN OF KERNERSVILLE, a
North Carolina Municipal Corporation
134 East Mountain Street
Kernersville NC 27284

GRANTEE

FORSYTH COUNTY, a political
subdivision of the State of North Carolina
210 N. Chestnut Street
Winston-Salem NC 27101

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 determinable, all that certain lot, parcel of land in the Town of Kernersville, Forsyth County, North Carolina described hereinbelow for so long as Forsyth County uses the tract for the construction and operation of a library, for general County government administrative offices, for education, cultural, or recreational uses, or for such other use on which the Town of Kernersville and Forsyth County agree, and when the property ceases to be used for one of

these purposes, the property shall revert to the Town of Kernersville. This tract is more particularly described as follows (the "Property"):

Being known and designated as Tract Two, as shown on the map entitled MINOR SUBDIVISION AND BLOCK SURVEY FOR THE TOWN OF KERNERSVILLE which map is recorded in Plat Book 63, Page 119 in the office of the Register of Deeds of Forsyth County, North Carolina, reference to which is hereby made for a more particular description.

This conveyance is also made subject to the provisions of an Agreement made and entered between the Town of Kernersville and Forsyth County dated December 2, 2014 and attached hereto as Exhibit "A"

The Property conveyed is also subject to that Declaration of Restrictive Covenants recorded at Book 1660, Page 2074, Forsyth County Registry, as amended by First Amendment to Declaration Of Restrictive Covenants recorded at Book 1881, Page 574, and by Second Amendment to Declaration of Restrictive Covenants recorded at Book 1948, Page 1757, and by Third Amendment to Declaration of Restrictive Covenants recorded at Book 2101, Page 22, and by Fourth Amendment to Declaration of Restrictive Covenants recorded at Book 2740, Page 3120, by Fifth Amendment to Declaration of Restrictive Covenants recorded at Book 2804, Page 2006, by Sixth Amendment to Declaration of Restrictive Covenants recorded at Book 2808, Page 2766, and by Seventh Amendment to Declaration of Restrictive Covenants recorded at Book 2888, Page 3205, and by the Eighth Amendment to Declaration of Restrictive Covenants recorded at Book 3236, Page 1222.

The Property hereinabove described was acquired by Grantor by instrument recorded in Book 3236 Page 1236.

All or a portion of the property herein conveyed does not include the primary residence of a Grantor.

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.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

2015 ad valorem taxes and taxes for subsequent years and restrictions and easements of record

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its corporate name by its duly authorized officer the day and year first above written.

TOWN OF KERNERSVILLE



(Seal)

By: Dawn H. Morgan
Dawn H. Morgan, Mayor

ATTEST:

Dale F. Martin
Dale F. Martin, Town Clerk

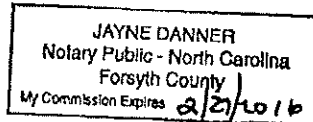
STATE OF NORTH CAROLINA - Forsyth County

I do hereby certify that Dawn H. Morgan, Mayor of the Town of Kernersville, personally appeared before me this day, acknowledging to me that she voluntarily signed the foregoing document for the purpose stated therein and in the capacity named, and that Dale F. Martin, Town Clerk for the Town of Kernersville personally appeared before me this day to attest the execution of the foregoing instrument.

Witness my hand and notarial seal this the 17th day of June, 2015.

Jayne Danner Notary Public

My commission expires Feb 27, 2016.



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