



EAST MOORE WATER DISTRICT BOARD OF DIRECTORS

SPECIAL MEETING

TUESDAY, APRIL 16, 2019, 5:15 P.M.

COMMISSIONERS' MEETING ROOM, HISTORIC COURTHOUSE

CALL TO ORDER

ITEMS OF BUSINESS:

- I. Request for Approval of 03/19/2019 EMWD Special Meeting Minutes
- II. Request for Approval of Deed of Dedication for Brookwood Subdivision Phase 1A

ADJOURNMENT

EAST MOORE WATER DISTRICT BOARD OF DIRECTORS

SPECIAL MEETING

TUESDAY, MARCH 19, 2019, 4:00 PM

The East Moore Water District Board of Directors convened for a Special Meeting at 4:00pm, Tuesday, March 19, 2019, in the Moore County Board of Commissioners Meeting Room on the second floor of the Historic Courthouse in Carthage, North Carolina.

Directors Present: Chairman Frank Quis, Vice Chairman Catherine Graham, Otis Ritter, Jerry Daeke, Louis Gregory

Chairman Quis called the meeting to order at 4:04 p.m.

Items of Business:

Request for of Approval of 10/16/2018 EMWD Special Meeting Minutes

Upon motion made by Director Daeke, seconded by Director Ritter, the Board voted 5-0 to approve the January 22, 2019, special meeting minutes of the East Moore Water District Board of Directors.

Request for Approval of Revised EMWD Water and Wastewater System Development Ordinance

Public Works Director Randy Gould presented recommended revisions to the Water and Wastewater System Development Ordinance. The revision would include the delineation of when the commitment of flow is made to the Developer as prescribed by state law. Chairman Quis inquired regarding the ability of the system to handle developments, particularly considering the size of the lines. Mr. Gould indicated that committing the flow was a very critical step and he also commented regarding the County's water modeling program that would show whether the system could take on the development. Upon motion made by Director Graham, seconded by Director Ritter, the Board voted 5-0 to approve the revised Water and Wastewater System Development Ordinance as a County ordinance effective immediately. The ordinance is hereby incorporated as a part of these minutes by attachment as Appendix A.

ADJOURNMENT

There being no further business, Chairman Quis adjourned the March 19, 2019, special meeting of the East Moore Water District Board of Directors at 4:09 p.m.

Francis R. Quis, Jr., Chairman

Laura M. Williams, Clerk to the Board

Agenda Item:
Meeting Date: 4/16/19

MEMORANDUM TO EMWD BOARD OF DIRECTORS:

FROM: Randy Gould, Public Works Director
DATE: April 3, 2019
SUBJECT: Deed of Dedication for Brookwood Subdivision Phase 1A
PRESENTER: Randy Gould, PE

REQUEST:

Make a motion to accept the Deed of Dedication for Brookwood Subdivision Phase 1A on Star Ridge Road.

BACKGROUND:

The utilities construction for Brookwood Subdivision Phase 1A is completed and ready for operation and acceptance by the EMWD.

IMPLEMENTATION PLAN:

Accept the deed of dedication for the utilities and begin operation of the system.

FINANCIAL IMPACT STATEMENT:

Any acceptance of ownership that places additional financial burden on the East Moore Water District (EMWD) will be covered by the utility ratepayers.

RECOMMENDATION SUMMARY:

Make a motion to accept the Deed of Dedication for Brookwood Subdivision Phase 1A.

SUPPORTING ATTACHMENTS:

Deed of Dedication and Easement

distribution system and/or sewer collection systems and all necessary easements to Grantee through an instrument acceptable to Grantee; and

NOW, THEREFORE, Grantor, in consideration of Grantee accepting said water and/or sewer collection systems and making water and/or sewer service available to the Property, does hereby convey to Grantee, its lawful successors and assigns, the following described property:

All water and/or sewer pipelines, equipment, and apparatuses installed or caused to be installed by the Grantor for a water distribution and/or sewer collection system that are constructed beneath or within the public right-of-way beginning at or near the existing hydrant near the address of 589 Star Ridge Road, running South West (direction) to a point at or near the Brookwood Subdivision entrance, Weatherford Lane, all of which is located in Carthage, NC. The pipeline, equipment and apparatuses connect with the Grantee's existing equipment at or near existing hydrant near address 589 Star Ridge Road. The length of the pipeline is approximately 600 linear feet.

All water and/or sewer mains, equipment, and apparatuses used in the water distribution system and/or sewer collection system that is/are constructed upon the Property (the "Facilities"), which is/are more fully depicted in the plat recorded at Plat Cabinet 18, Slide 38, and which is hereby incorporated by reference as if fully set forth herein.

A perpetual and exclusive easement that is 60 feet in total width, 60 feet in width on both and all sides of the constructed and installed equipment and water and/or sewer mains as the same are located over, upon and under the real property more further described in the plats recorded at Plat Cabinet 18, Slide 38 (the "Easement Area").

TO HAVE AND TO HOLD said property and easement above described together with the privileges and appurtenances thereto belonging to Grantee forever.

Grantor warrants that the personal property is properly located beneath or within the right-of-way of roads maintained by the State of North Carolina. Additionally, the

Grantor warrants that the installation has been approved and is in compliance with the encroachment agreement entered into between the State of North Carolina, the Grantor, and the Grantee, dated November 27, 2018.

The Grantee shall have the right to construct, install, reconstruct, operate, maintain, inspect, repair, relocate, modify, and remove water distribution and/or wastewater collection pipeline, apparatus, and equipment within the Easement Area. The easement granted to the Grantee includes the following rights: 1) ingress and egress over the Easement Area and over adjoining portions of the Property (using lanes, driveways, and paved areas where practical, as determined by the Grantee); 2) to relocate the Facilities and Easement Area on the Property to conform to any future highway or street relocation, widening, or improvement; 3) to keep clear from the Easement Area, now or at any time in the future, trees, shrubs, undergrowth, buildings, structures (e.g. docks or retaining walls), and obstructions (e.g. fences or paved areas); and 4) all other rights and privileges reasonably necessary or convenient for the Grantee's safe, reliable, and efficient installation, operation, and maintenance of the Facilities and for the enjoyment and use of the Easement Area for the purposes described herein. Grantee will not be responsible for the costs, repair, or replacement of plants, buildings, structures, or obstructions located within the Easement Area, including those that may occur as a result of the Grantee's use of the easement.

Grantor will not place shrubs, structures (e.g. docks or retaining walls), or obstructions (e.g. fences or paved areas) within the easement area without the express written consent of the Grantee. Grantor will not place trees or buildings within the easement area.

Furthermore, Grantor does hereby covenant that it is seized of said real property and personal property described above in fee simple and has the right to convey the same in fee simple, that the same are free and clear of encumbrances, and that it will warrant and defend the title to the same against all persons whomsoever.

Grantor agrees and understands that Grantee conditionally accepts the personal property and easement being dedicated by Grantor. Grantor is responsible for maintaining the personal property for one year beginning _____, 20____. Grantee will have until _____, 20____, to inspect the personal property and easement for any needed repairs. Grantor will be provided with a list of items that must be resolved prior to the Grantee's final acceptance of the personal property and easement. If Grantor fails to resolve the items as required by Grantee, then Grantee may, in its sole discretion, revoke this Deed of Dedication and Easement.

[Intentionally left blank. Signatures on the following page.]

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed as of the day and year first written above.

GRANTOR

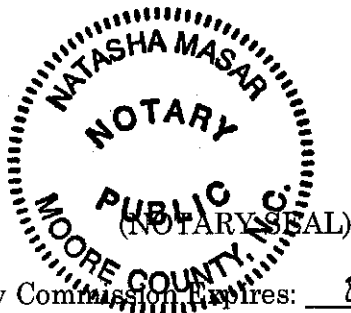
J. W. Caddell, President
By: James W. Caddell (Print)

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I, a Notary Public of the County and State aforesaid, do hereby certify that James W. Caddell personally came before me this day, and I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a _____; and he/she has acknowledged that he/she is the President of Tri South Builders Inc., a North Carolina Corporation, and that he/she, as President, being authorized to do so, executed the foregoing on behalf of Tri South Builders, Inc.

Witness my hand and official seal, this 4th day of April, 2019.



Natasha Masar
Signature of Notary Public
Natasha Masar
Printed Name of Notary Public

My Commission Expires: 8/28/20

ACCEPTANCE OF DEED

This Deed of Dedication and accompanying Affidavit was accepted by the Moore County Board of Commissioners on the ___ day of _____, 20__.

COUNTY OF MOORE

ATTEST:

Francis R. Quis, Jr, Chair
Moore County Board of Commissioners

Laura M. Williams
Clerk to the Board

STATE OF NORTH CAROLINA

AFFIDAVIT

COUNTY OF MOORE

Tri South Builders, Inc., a North Carolina Corporation, with an office and place of business located at PO Box 805 Carthage NC 28327 and conducting business in Moore County, North Carolina (the "Affiant), being first duly sworn, hereby deposes and says under oath as follows:

1. That it is the owner of certain property located in McNeill Township, Moore County, North Carolina, known as "Brookwood Subdivision Phase 1A," containing lots numbered 1 through 17, as more particularly described in a Deed of Dedication in favor of the East Moore Water District of even date herewith.
2. That it has caused to be installed water and/or sewer mains under and along the road right-of-ways for the property hereinafter described and referenced:

All water and/or sewer pipelines, equipment, and apparatuses installed or caused to be installed by the Grantor for a water distribution and/or sewer collection system that are constructed beneath or within the public right-of-way beginning at or near the existing hydrant near the address of 589 Star Ridge Road, running South West to a point at or near the Brookwood Subdivision entrance, Weatherford Lane, all of which is located in Carthage, NC. The pipeline, equipment and apparatuses connect with the Grantee's existing equipment at or near existing hydrant near address 589 Star Ridge Road. The length of the pipeline is approximately 600 linear feet.

All water and/or sewer mains, equipment, and apparatuses used in the water distribution system and/or sewer collection system that is/are constructed upon the Property (the "Facilities"), which is/are more fully depicted in the plat recorded at Plat Cabinet 18, Slide 38, and which is hereby incorporated by reference as if fully set forth herein

All water and/or sewer mains, equipment, and apparatuses used in the water distribution system and/or sewer collection system that is/are constructed upon the Property (the "Facilities"), which is/are more fully depicted in the plat recorded at Plat Cabinet 18, Slide 38,

and which is hereby incorporated by reference as if fully set forth herein

3. All the work which has been performed in the construction and installation of said water and/or sewer mains described in paragraph 2, above, has been fully paid for and there are now no liens of any kind, including any lien for labor or material, against the subdivision property, which would in any way jeopardize title of Affiant to the property in said subdivision nor are there any legal actions pending against Affiant or any contractor arising out of any work performed in said subdivision or the water and/or sewer mains installed therein which would in any way jeopardize title to the subdivision or the water and/or sewer mains located therein.

IN WITNESS WHEREOF, the Affiant has caused this instrument to be duly executed by its authorized officer, this the 4th day of April, 2019.

GRANTOR

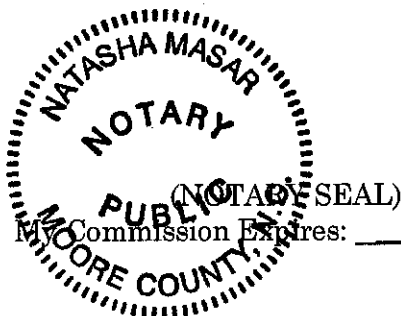
J. W. Caddell *President*
By: James W. Caddell (Print)

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I, a Notary Public of the County and State aforesaid, do hereby certify that James W. Caddell personally came before me this day, and I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a _____; and he/she has acknowledged that he/she is the President of Tri South Builders, Inc., a North Carolina Corporation, and that he/she, as President, being authorized to do so, executed the foregoing on behalf of Tri South Builders, Inc.

Witness my hand and official seal, this 4th day of April, 2019.



Natasha Masar
Signature of Notary Public
Natasha Masar
Printed Name of Notary Public