Resolution of the Jackson County Board of Commissioners to Authorize Quitclaim Deed to Resolve Boundary Line

WHEREAS, the County of Jackson, hereinafter “County” owns a 12.50 acre tract of land described in Deed Book 1074, Page 554, Jackson County Public Registry (“Property”) and is serving as a security interest for the financing agreement for the improvements made to Smoky Mountain High School (“SMHS”); and

WHEREAS, the Jackson County Board of Education currently has a leasehold and reversionary interest in the Property; and

WHEREAS, the Property shares a common property boundary line with the real property described in Deed Book 1904, Page 128, Jackson County Public Registry, the location of John V. Edwards, DDS PA, a dental practice, located along 1609 East Main Street (“Dental Property”); and

WHEREAS, John V. Edwards holds title to the property in a North Carolina limited liability company by the name of 1609 East Main Street, LLC; and

WHEREAS, Dr. Edwards has expressed a desire to County to make future improvements to the Dental Property. As a result thereof, Dr. Edwards commissioned a survey for the Dental Property (“Survey”). A copy of the Survey is attached hereto as Exhibit A; and

WHEREAS, the Survey revealed two items:
(a) There is an apparent gap between what is believed to be the Property’s western property boundary line and the Dental Property’s eastern property boundary line (“Gap Area”); and
(b) A portion of a small building on the Dental Property encroaches in the Gap Area; and

WHEREAS, based on a review of other surveys, including the survey used by County for the financing agreement for SMHS, neither the Jackson County Board of Education nor County has ever acknowledged that it owned the property in the Gap Area and instead has operated as if the Property’s western boundary line is the more eastern, triangular shaped boundary line as shown on the survey; and

WHEREAS, County does not claim to own, nor has it ever used the property in the Gap Area; and

WHEREAS, Dr. Edwards has expressed a desire to have clear title to the Gap Area and establish an agreed upon property boundary for the Property and the Dental Property; and
WHEREAS, the Jackson County Board of Education adopted a Resolution on November 27, 2018 agreeing that the Gap Area should belong to the Dental Property and that the boundary line for the Property and the Dental Property should be the triangular boundary line east of the Gap Area and authorized County to issue a Quitclaim deed evidencing the same.

NOW THEREFORE, be it resolved that the Jackson County Board of Commissioners hereby agree that the Gap Area should belong to the Dental Property and that the boundary line for the Property and the Dental Property should be the triangular boundary line east of the Gap Area and authorizes the Chairman to sign a Quitclaim deed to 1609 East Main Street, LLC, the North Carolina limited liability company that owns the property serving Dr. Edward’s dental practice to resolve the boundary line between the Property and the Dental Property.

Adopted this the 20th day of February 2019.

JACKSON COUNTY BOARD OF COMMISSIONERS

By: ____________________________

BRIAN THOMAS MCMAHAN, Chairman

Attest:

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ANGELA M. WINCHESTER, Clerk to the Board