



**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 20<sup>th</sup> day of February 2019.

JACKSON COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
BRIAN THOMAS MCMAHAN, Chairman

Attest:

\_\_\_\_\_  
ANGELA M. WINCHESTER, Clerk to the Board

# Exhibit A

## NOTES:

- THIS SURVEY IS BASED ON DEED AND EXISTING DOCUMENTATION AS SHOWN.
- PARCELS MAY BE SUBJECT TO EASEMENTS, EIGHTION WAIVES, RESTRICTIONS AND RESTRICTIONS WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED.
- THE CERTIFICATION SHOWN HEREON IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM FROM ENCUMBRANCES.
- THIS SURVEY WAS PREPARED WITHOUT REFERENCE TO ABSTRACT TITLE AND ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.
- ALL DISTANCES ARE HORIZONTAL UNLESS OTHERWISE NOTED.
- COPYRIGHT ©, JOEL JOHNSON LAND SURVEYING. ALL RIGHTS RESERVED. REPRODUCTION OR USE OF THE CONTENTS OF THIS DOCUMENT, ADDITIONS OR DELETIONS TO THIS DOCUMENT, IN WHOLE OR IN PART, WITHOUT WRITTEN CONSENT OF THE LAND SURVEYOR IS PROHIBITED. ONLY COPIES FROM THE ORIGINAL OF THIS DOCUMENT, MAILED WITH AN ORIGINAL SIGNATURE AND SEAL OF THE SURVEYOR SHALL BE CONSIDERED TO BE VALID TRUE COPIES. TRAVELERS ADJUSTED BY COMPASS METHOD TO 1:30.000.
- PROPERTY HAS NOT BEEN INSPECTED FOR WETLANDS OR FLOOD HAZARDS.
- ALL ADJACENT PROPERTY INFORMATION WAS TAKEN FROM CURRENT LAND RECORDS INFORMATION AS OF DATE OF SURVEY BUT IT SHOULD BE NOTED THAT ALL PUBLIC LAND RECORDS INFORMATION MAY NOT BE CURRENT OR UP TO DATE.

CERTIFICATE OF APPROVAL FOR RECORDING  
 I CERTIFY THAT THE PLAT SHOWN HEREON COMPLIES WITH THE WATERSHED PROTECTION ORDINANCE AND IS APPROVED FOR RECORDING IN THE REGISTER OF DEEDS OFFICE.

WATERSHED ADMINISTRATOR - DATE  
 NOTICE: THIS PROPERTY IS NOT LOCATED IN A PUBLIC WATER SUPPLY WATERSHED AND MAY BE RECORDED IN THE REGISTER OF DEEDS OFFICE.

STATE OF NORTH CAROLINA  
 COUNTY OF JACKSON

FILED FOR REGISTRATION AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ IN THIS  
 THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018 AND  
 RECORDED IN PLAT CAB. \_\_\_\_\_ AT SLIDE \_\_\_\_\_

REGISTER OF DEEDS -

STATE OF NORTH CAROLINA  
 COUNTY OF JACKSON

I, \_\_\_\_\_ REVIEW OFFICER OF JACKSON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER - DATE

I, R. JOEL JOHNSON, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (JACKSON CO. BY 1904, 16, 18); THAT THE BOUNDARIES NOT SURVEYED ARE GENERALLY INDICATED AS DRAWN FROM INFORMATION AS SHOWN ON PLAT; THAT THE MATH OF PRECISION IS CALCULATED TO 1:30.000; THAT THIS PLAT MEETS THE REQUIREMENTS FOR A CLASS SURVEY; THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECONSTRUCTION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SURVEYING PER SECTION 1711(a); THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 41-20 AS AMENDED, WITNESSED BY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 7th DAY OF JANUARY, A.D., 2019

This document originally issued and sealed by  
 R. Joel Johnson, PLS L-3882, 01-07-2019  
 This media shall not be considered a certified document.

R. JOEL JOHNSON REGISTRATION NUMBER L-3882

## CERTIFICATE OF APPROVAL FOR RECORDING

I CERTIFY THAT THE PLAT SHOWN HEREON COMPLIES WITH THE SUBDIVISION AND DOWNSHAFT AND HELDISE DEVELOPMENT ORDINANCE AND IS APPROVED FOR RECORDING IN THE REGISTER OF DEEDS OFFICE.

Planning Director or Designee - DATE

STATE OF NORTH CAROLINA  
 COUNTY OF JACKSON

FILED FOR REGISTRATION AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ IN THIS  
 THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018 AND  
 RECORDED IN PLAT CAB. \_\_\_\_\_ AT SLIDE \_\_\_\_\_

REGISTER OF DEEDS -

STATE OF NORTH CAROLINA  
 COUNTY OF JACKSON

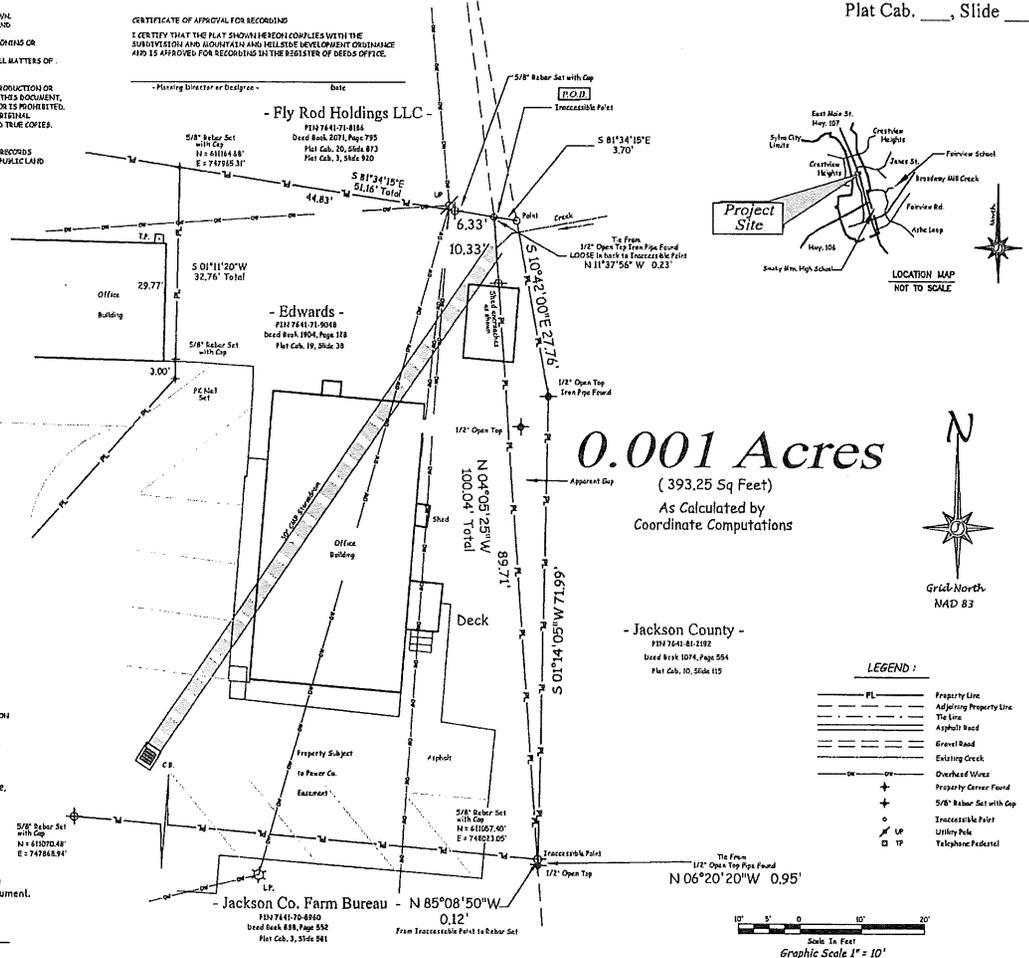
I, \_\_\_\_\_ REVIEW OFFICER OF JACKSON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER - DATE

I, R. JOEL JOHNSON, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (JACKSON CO. BY 1904, 16, 18); THAT THE BOUNDARIES NOT SURVEYED ARE GENERALLY INDICATED AS DRAWN FROM INFORMATION AS SHOWN ON PLAT; THAT THE MATH OF PRECISION IS CALCULATED TO 1:30.000; THAT THIS PLAT MEETS THE REQUIREMENTS FOR A CLASS SURVEY; THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECONSTRUCTION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SURVEYING PER SECTION 1711(a); THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 41-20 AS AMENDED, WITNESSED BY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 7th DAY OF JANUARY, A.D., 2019

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THE ELECTRONIC FILES PROVIDED BY Jones Land Surveying TO THE CLIENT ARE FOR COORDINATION PURPOSES ONLY. THE CLIENT AGREES NOT TO USE THESE DRAWINGS AND DATA, IN WHOLE OR IN PART, FOR ANY PURPOSE OTHER THAN THE REFERENCED PROJECT. THE SURVEYOR'S ELECTRONIC MEDIA ARE FURNISHED WITHOUT WARRANTY OR COMPATIBILITY WITH THE CLIENT'S SOFTWARE OR HARDWARE, AND THE SURVEYOR'S SOLE RESPONSIBILITY FOR THE ELECTRONIC MEDIA IS TO FURNISH A REPLACEMENT FOR DEFECTIVE DISKS WITHIN THIRTY (30) DAYS AFTER DELIVERY TO THE CLIENT.

USE OF THESE MATERIALS FOR MODIFICATION, EXTENSION OR EXPANSION OF THIS PROJECT OR ANY OTHER PROJECT, UNLESS UNDER THE DIRECTION OF THE SURVEYOR SHALL BE WITHOUT LIABILITY TO THE SURVEYOR AND THE SURVEYOR'S CONSULTANTS.

BECAUSE DATA STORED IN ELECTRONIC MEDIA FORM CAN BE ALTERED, EITHER INTERNATIONALLY BY TRANSMISSION, MAGNETIC FRICTION, ENVIRONMENTAL FACTORS, OR BY OTHER MEANS, IT IS AGREED THAT THE CLIENT SHALL INDEMNIFY, DEFEND, SAVE HARMLESS THE SURVEYOR, THE SURVEYOR'S CONSULTANTS, AND THE OFFICERS AND EMPLOYEES OF ANY OF THEM FROM AND AGAINST ANY AND ALL CLAIMS, DAMAGES, LOSSES AND COSTS, INCLUDING, BUT NOT LIMITED TO COSTS OF DEFENSE, ARISING OUT OF CHANGES OR MODIFICATIONS TO THE DATA IN ELECTRONIC MEDIA FORM IN THE CLIENT'S POSSESSION OR RELEASED TO OTHERS BY THE CLIENT AND FOR ANY USE OF THE ELECTRONIC MEDIA AND PRINTED HARD COPY DRAWINGS AND SPECIFICATIONS OUTSIDE THE LICENSE GRANTED BY THE PROVISIONS.

SHOULD THE CLIENT DISAGREE WITH STATEMENTS CONTAINED HEREIN, PLEASE ADVISE US BY WRITING WITHIN TEN (10) DAYS AFTER RECEIPT OF THE DATA ON THIS DISCLAIMER STANDS AS WRITTEN.

Field Crew	Johans	Drawing Scale	1" = 10'
Field Book	2018-03	FSN	7841-31-8116
Draft File	1808AC	Title Source	1904-112
Dwg. File	11-008-QUIT-GT-A1A	Survey Date	N/A
Project Number	11-008	Plot Date	January 7, 2019

Prepared By: **Joel Johnson Land Surveying, Inc.**  
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 Sylva, North Carolina 28779  
 Tel: 828-534-8488  
 E-mail: jjohnson@jllsland.com  
 jllsland.com

Location: East Main Street  
 Sylva, NC 28779  
 Sylva City Township  
 Jackson County, North Carolina

Showing: A 0.001 Acre Parcel between Jack Eds County and John Edwards  
 Plat of Survey for: **John Edwards**