

**NORTH CAROLINA
SPECIAL WARRANTY DEED**

**This instrument prepared by: (return to)
Diane E. Sherrill, NC Bar # 19274
The Law Firm of Diane E. Sherrill, P.L.L.C.
P.O. Box 365, Sylva, NC 28779
(828) 586-4051**

This deed has been prepared without search or opinion by the preparer as to the status of the title for the land and premises described herein or as to the adequacy of survey from which the description is taken, if any, except and unless a separate written title opinion is rendered or title insurance is obtained.

Probate/Recording Fee: \$26.00

Excise/Revenue Tax: \$-0-

PIN NO./Identifying Information/Address/Description:

**Portion of PIN #7603-28-3776 ; Tract B 0.73 acres +/-; Tract C 3.46 acres +/-
271 Clearwood Drive, Whittier, NC 28789**

This property does not include the primary residence of the Grantor. (N.C. Gen. Stat. §105-317.2).

**THIS NORTH CAROLINA SPECIAL WARRANTY DEED
made this ____ day of _____, 2019, by and between:**

**COUNTY OF JACKSON, a body public and politic and a subdivision
of the State of North Carolina,**

GRANTOR

Mailing Address: 401 Grindstaff Cove Road, Sylva, NC 28779

**TUCKASEIGEE WATER & SEWER AUTHORITY, a North Carolina body public and politic
created and established under the provisions of the North Carolina Water & Sewer Authorities
Act, chapter 162A, Article I of the General Statutes of North Carolina,**

GRANTEE

Mailing Address: 1246 West Main Street, Sylva, NC 28779

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.

WHEREAS, Grantor is supportive of Grantee's purchase of the Whittier Sanitary District Sewer System and recognizes that in order to operate the system, Grantee must become the owner of the Waste Water Treatment Plant constructed on Grantor's property; and

WHEREAS, the Waste Water Treatment Plant for the Whittier Sanitary District Sewer System is located on the property owned by Grantor and further described below; and

WHEREAS, at its regular meeting of June 18, 2019, the Jackson County Board of Commissioners duly considered and approved the conveyance of the tract described below pursuant to North Carolina General Statute §160A-274 and authorized the Chairman to sign the deed on behalf of the Grantor to the Grantee.

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 and in fee simple all of the interest of the Grantor, in and to those certain lots, tracts or parcels of land situated in the Qualla Township, Jackson County, North Carolina, and more particularly described as follows

BEING ALL OF TRACT B, containing 0.73 acres as calculated by coordinate computations, and **TRACT C**, containing 3.46 acres, as calculated by coordinate computations, and as shown as "Tracts B and C as proposed to Tuckasegee Water and Sewer Authority" on a plat of survey prepared for Jackson County by Joel Johnson Land Surveying, Inc. R. Joel Johnson, L-3882, dated November 7, 2008, revised March 23, 2009 and March 4, 2014, March 15, 2017 and February 19, 2019, as recorded in Plat Cabinet _____, Slide _____, Jackson County Registry.

TOGETHER WITH right of way and easement to be used jointly with the Grantor, its successors and assigns thirty (30) feet in width in, to, along, over and across the access road running from Clearwood Drive, NC State Road 1566, in a western direction over, through and across the remaining lands of the Grantor to the above described and conveyed **TRACT B**, containing 0.73 acres, and unobstructed rights for ingress, egress and regress to the above described and conveyed **TRACT B**, containing 0.73 acres and **TRACT C** containing 3.46 acres, and as shown on the above-referenced plat of survey.

TOGETHER WITH the 20' wide sewer easement as shown on the above-referenced plat of survey and with unobstructed rights of ingress, egress and regress over, through and across the remaining lands of the Grantor for the purpose of installation, operation, maintenance, repair, and service of sewer pipelines and related sewer system equipment and apparatus as related to such sewer easement.

SUBJECT TO an existing memorandum of understanding with the Eastern Band of Cherokee Indians for an archeological area within the confines of **TRACT B**, the 0.73 acre tract or parcel of land.

SUBJECT TO the right of way of Great Smoky Mountains Railroad to its full legal extent.

SUBJECT TO the rights of others in and to the continuous and uninterrupted flow of the Tuckasegee River.

SUBJECT TO right of way and easement to Nantahala Power and Light Company recorded in Book 876, Page 183.

This property does not include the primary residence of the Grantor. (N.C. Gen. Stat. §105-317.2).

TO HAVE AND TO HOLD the aforesaid lots, tracts or parcels of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple. And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and that Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions herein stated.

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

(COUNTY SEAL)

**COUNTY OF JACKSON, a body politic and
a subdivision of the State of North Carolina**

By: _____(SEAL)

**Brian Thomas McMahan, Chairman
Board of Commissioners**

ATTEST:

By: _____(SEAL)

Angela M. Winchester, Clerk to the Board of Commissioners

**STATE OF NORTH CAROLINA
COUNTY OF JACKSON**

I, the undersigned Notary Public of the County of _____ and State aforesaid, have personal knowledge of the identify of **Angela M. Winchester**, and hereby certify that said **Angela M. Winchester, Clerk to the Board of Commissioners of the County of Jackson**, personally appeared before me this day and acknowledged that she is Clerk to the Board of Commissioners of the County of Jackson, and that Brian Thomas McMahan is the Chairman of the Board of Commissioners of the County of Jackson, and that by authority duly given and as the act of the County of Jackson, the foregoing instrument was signed in its name by said Chairperson, sealed with its official seal, and voluntarily attested to by herself as Clerk to the Board of Commissioners of the County of Jackson, as the act and deed of the County of Jackson, all by its authority duly given by its governing body. Witness my hand and Notarial stamp or seal this ____ day of _____, 2019.

(NOTARY STAMP OR SEAL)

Signature of Notary Public

Printed Name of Notary Public

My commission expires: _____

NORTH CAROLINA QUIT CLAIM DEED

**This instrument prepared by: (return to)
Diane E. Sherrill, NC Bar # 19274
The Law Firm of Diane E. Sherrill, P.L.L.C.
P.O. Box 365, Sylva, NC 28779
(828) 586-4051**

This deed has been prepared without search or opinion by the preparer as to the status of the title for the land and premises described herein or as to the adequacy of survey from which the description is taken, if any, except and unless a separate written title opinion is rendered or title insurance is obtained.

Probate/Recording Fee: \$26.00

Excise/Revenue Tax: \$-0-

PIN NO./Identifying Information/Address/Description:

Improvements Only, 271 Clearwood Drive, Whittier, NC 28789

This property does not include the primary residence of the Grantor. (N.C. Gen. Stat. §105-317.2).

THIS NORTH CAROLINA QUIT CLAIM DEED made this ____ day of May, 2019, by and between:

**COUNTY OF JACKSON, a body public and politic and a subdivision
of the State of North Carolina,
GRANTOR**

Mailing Address: 401 Grindstaff Cove Road, Sylva, NC 28779

**TUCKASEIGEE WATER & SEWER AUTHORITY, a North Carolina body public and politic
created and established under the provisions of the North Carolina Water & Sewer Authorities
Act, chapter 162A, Article I of the General Statutes of North Carolina,**

GRANTEE

Mailing Address: 1246 West Main Street, Sylva, NC 28779

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 of the sum of One Dollar

(\$1.00) it in hand paid, the receipt of which is hereby acknowledged, has remised and released and by these presents does remise, release, convey, and forever quitclaim unto the Grantee, its, successors, and assigns, all right, title, claim and interest of the Grantor in and to the following waste water treatment plant, pump station, and all sewer related improvements situate on the following lots, tracts or parcels of land situated in the Qualla Township, Jackson County, North Carolina, and more particularly described as follows:

The sewer pump station located on TRACT B, containing 0.73 acres as calculated by coordinate computations and as shown on a plat of survey prepared for Jackson County by Joel Johnson Land Surveying, Inc. R. Joel Johnson, L-3882, dated November 7, 2008, revised March 23, 2009 and March 4, 2014, March 15, 2017 and February 19, 2019, as recorded in Plat Cabinet _____, Slide _____, Jackson County Registry.

The wastewater treatment plant located on TRACT C, containing 3.46 acres, as calculated by coordinate computations and as shown on a plat of survey prepared for Jackson County by Joel Johnson Land Surveying, Inc. R. Joel Johnson, L-3882, dated November 7, 2008, revised March 23, 2009 and March 4, 2014, March 15, 2017 and February 19, 2019, as recorded in Plat Cabinet _____, Slide _____, Jackson County Registry.

TRACT B and TRACT C having been conveyed to Tuckasegee Water & Sewer Authority by Special Warranty Deed of even date herewith, and as shown on the above-referenced plat of survey.

All sewer pipelines, sanitary manholes and all apparatus and equipment previously utilized by the Whittier Sanitary District as a part of its wastewater collection and treatment system to provide a public sewer system to its customers and constituting improvements situated on TRACT B and TRACT C as above-referenced and further such improvements as situated on TRACT A, containing 27.82 acres, as calculated by coordinate computations, appearing on the above-referenced plat of survey or as may appear upon an inspection of the lands and premises.

THIS QUITCLAIM DEED IS FOR IMPROVEMENTS ONLY INASMUCH AS THE SAME MAY BE AFFIXED TO THE LOTS, TRACTS OR PARCELS OF LAND AS ABOVE-REFERENCED AND DOES NOT PURPORT TO CONVEY ANY OTHER INTEREST OF THE GRANTOR IN THE UNDERLYING LOTS, TRACTS OR PARCELS OF LAND.

ANY INTEREST IN THE LOTS TRACTS OR PARCELS OF LAND, INCLUDING EASEMENTS, FOR RIGHTS OF INGRESS, EGRESS AND REGRESS AS APPLICABLE HAVE BEEN OR WILL BE CONVEYED IN A SPECIAL WARRANTY DEED OF EVEN DATE HEREWITH FROM THE GRANTOR TO THE GRANTEE.

TO HAVE AND TO HOLD the above described improvements upon the lots, tracts or parcels of land above-referenced and all privileges thereunto belonging to it, the said Grantee, and its successors and assigns free and discharged from all right, title, claim, or interest of the said Grantors or anyone claiming by, through or under it.

SIGNATURE(S) AND ACKNOWLEDGMENT(S) APPEAR ON FOLLOWING PAGE(S)

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

**COUNTY OF JACKSON, a body politic and
a subdivision of the State of North Carolina**

(COUNTY SEAL)

By: _____(SEAL)

**Brian Thomas McMahan, Chairman
Board of Commissioners**

ATTEST:

By: _____(SEAL)

Angela M. Winchester, Clerk to the Board of Commissioners

**STATE OF NORTH CAROLINA
COUNTY OF JACKSON**

I, the undersigned Notary Public of the County of _____ and State aforesaid, have personal knowledge of the identify of **Angela M. Winchester**, and hereby certify that said **Angela M. Winchester, Clerk to the Board of Commissioners of the County of Jackson**, personally appeared before me this day and acknowledged that she is Clerk to the Board of Commissioners of the County of Jackson, and that Brian Thomas McMahan is the Chairpman of the Board of Commissioners of the County of Jackson, and that by authority duly given and as the act of the County of Jackson, the foregoing instrument was signed in its name by said Chairperson, sealed with its official seal, and voluntarily attested to by herself as Clerk to the Board of Commissioners of the County of Jackson, as the act and deed of the County of Jackson, all by its authority duly given by its governing body. Witness my hand and Notarial stamp or seal this ____ day of _____, 2019.

(NOTARY STAMP OR SEAL)

Signature of Notary Public

Printed Name of Notary Public

My commission expires: _____



RESOLUTION TRANSFERRING PROPERTY

WHEREAS, the County of Jackson owns property described as a portion of PIN #7603-28-3776 Tract B containing 0.73 acres and Tract C containing 3.46 acres, 271 Clearwood Drive, Whittier, NC; and

WHEREAS, the property is currently used for the Waste Water Treatment Plan for the Whittier Sanitary District Sewer System; and

WHEREAS, the County has agreed to deed the property to Tuckasegee Water and Sewer Authority and the property shall continue to be used for a public use and purpose and will benefit the citizens of Jackson County; and

WHEREAS, North Carolina General Statute §160A-274 authorizes a governmental unit in this state to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration; and

WHEREAS, the County of Jackson has determined that it is in the best interest of the County to convey Tracts B and C, 271 Clearwood Drive, Whittier, NC to the Tuckasegee Water and Sewer Authority; and

THEREFORE, JACKSON COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:
The Board of Commissioners hereby conveys to Tuckasegee Water and Sewer Authority fee simple title to the property described as a portion of PIN #7603-28-3776 Tract B containing 0.73 acres and Tract C containing 3.46 acres, 271 Clearwood Drive, Whittier, NC, for the consideration of keeping the property for a public use and purpose and directs the Chairman of the Jackson County Board of Commissioners to execute all documents necessary to convey the property in the manner authorized by this Resolution.

Adopted the 18th day of June, 2019.

JACKSON COUNTY BOARD OF COMMISSIONERS

By: _____
BRIAN THOMAS MCMAHAN, Chairman

Attest:

ANGELA M. WINCHESTER, Clerk to the Board



1246 West Main Street
Sylva, NC 28779

MEMORANDUM

FROM: Dan Harbaugh *DH*
Executive Director

TO: Don Adams, Jackson County Manager

DATE: 5 February, 2019

REF: February 12, 2019 Jackson County Commissioners Work Session
Whittier Sanitary District- Sewer System
Waste Water Treatment Plant Site
Request for Transfer of Ownership

As per discussions between TWSA and Jackson County staff, the proposed transfer of ownership of the Whittier Sanitary District Sewer System to Tuckaseegee Water and Sewer Authority (TWSA) is making progress and is anticipated to be ready for final approvals in March 2019. As part of that process we've been verifying the status of the assets that are proposed to be transferred, and have been working "Due Diligence" to clear up any questions or concerns on property ownership, easements or right of ways.

One issue which has been identified to be resolved is the ownership of Waste Water Treatment Plant (WWTP) site. This plant was constructed on land owned by Jackson County as depicted on the attached maps. Ownership of the land underlying the WWTP was intended to be transferred by Jackson County to TWSA as demonstrated by a plat prepared by surveyor Joel Johnson dated November 2008. The survey indicates that the intent was for the dedication of the easements shown and two tracts of land to Tuckaseegee Water and Sewer Authority. The two tracts are shown as:

Tract B- Archeological Site- 0.73 Acres.

Tract C- Wastewater Treatment Plant Site- 3.46 Acres.

REQUEST: TWSA requests that the Jackson County Commissioners consider taking action to approve this transfer of land ownership, contingent upon the finalization of the pending ownership transfer of the Whittier Sanitary District Sewer System to Tuckaseegee Water and Sewer Authority. This is requested so clear title to the WWTP Site is in place.

WDS WWTP SITE LAND ISSUE



August 17, 2018



