



Town of Holly Springs

Town Council Meeting Agenda Form

Town Clerk's Office Use:	
Agenda Item #:	11b
Attachment #:	12

Meeting Date: August 7, 2018

Agenda Placement: New Business

(Special Recognitions (awards, proclamations), Requests & Communications (reports, information presentations), Public Hearings, Consent Agenda, Unfinished Business, New Business, Closed Session or Agenda Addition)

Subject Title: Honeycutt Sewer Condemnation Resolution 18-33

Presenter Name(s): John Schifano

SUBJECT HIGHLIGHTS:

This is a condemnation resolution affecting a small portion of the property currently listed at 1432 Avent Ferry Rd. The condemnation is for the installation of a force main for sewer to bring the sewer line from the Honeycutt regional pump station to the waste water treatment plant. After negotiations, the involved party has indicated they are not in favor of granting the Town any required easement.

Advisory board recommendation, if applicable:

Staff recommendation, if applicable:

n/a

Total Number of Motions: 1

Action(s) requested or suggested motion(s):

Motion to adopt the Honeycutt Sewer Condemnation Resolution 18-33 as indicated herein in accordance with Chapter 40A of the North Carolina General Statutes.

Staff Review

Are there exhibits for this agenda item? **Yes**

List them in order they should appear in packet: **Honeycutt Sewer Condemnation Resolution 18-33**

Department head initials and comments, if applicable: []

Finance director initials and comments, if applicable: []

Town attorney initials and comments, if applicable: []

Town manager initials and / or comments: **dw by jp**

Town clerk initials: jp



THE TOWN OF

Holly Springs

Resolution No.: 18-33
Date Adopted: Aug. 7, 2018

**A RESOLUTION OF THE TOWN COUNCIL OF HOLLY SPRINGS, NORTH CAROLINA
AUTHORIZING CONDEMNATION PURSUANT TO CHAPTER 40A OF THE NORTH
CAROLINA GENERAL STATUTES AND SESSION LAW 2005-57 (HOUSE BILL 393) TO
ACQUIRE CERTAIN PROPERTY OF THOSE PERSONS LISTED ON THE ATTACHED
EXHIBIT "A"**

WHEREAS, the governing body of the Town of Holly Springs hereby determines that it is necessary and in the public interest to acquire certain property owned by those persons listed on Exhibit "A" for the following public purpose: Extension of gravity sewer and/or force main easement to construct, install, improve, remove, replace, inspect, repair, maintain and use a system of pipelines or mains for the purpose of conveying potable water, sanitary sewer, or re-use water, together with all appurtenant facilities and equipment necessary or convenient thereto, in, upon, and across the property;

WHEREAS, the proper officials or representatives of the Town of Holly Springs have been unable to acquire the needed interest in this property by negotiated conveyance;

WHEREAS, the Town is authorized pursuant to N.C. Gen Stat §40A to acquire such interests in property for the public purpose heretofore stated;


NOW, THEREFORE BE IT RESOLVED by the governing body of the Town of Holly Springs that:

1. The Town of Holly Springs shall acquire by condemnation, for the purposes stated above, the property and interest described on "Exhibit A"; and,
2. The attorneys representing the Town of Holly Springs are directed to initiate the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

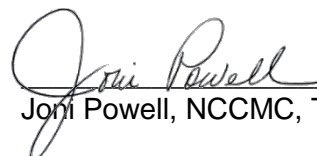
Adopted this, the 7th day of August, 2018.

Attest:

Adopted this, the 7th day of August, 2018.


Dick Sears, Mayor

ATTEST:


Joni Powell, NCCMC, Town Clerk



Office of the Mayor

EXHIBIT A

DESCRIPTION OF ENTIRE AREA TO BE EFFECTED AND NAME OF CURRENT LANDOWNER

That approximate 39.34 acre tract, more or less, as labeled "Remainder of DB 630 Pg 76" as shown on a plat recorded at Book of maps 2003, Page 2250, Wake County Registry, and owned by GRAHAM H. WOOD, JR., LILLIAN W. COLLINS, CELINTIA W. WILSON and CHARLIE I. WOOD.

EXHIBIT B

AREA TO BE TAKEN IN A UTILITY EASEMENT

Commencing at an existing Iron Pipe Located at the intersection of Avent Ferry Road and Cass Holt Road. Said Iron Pipe also having an Nc Grid Nad 83 Coordinate of N. 684979.88 E.2043981.56. Thence North 05°12'37" West a distance of 82.03 feet to the Point of Beginning; thence North 10°57'26" West a distance of 27.31 feet to a point; thence South 88°49'08" East a distance of 19.36 feet to a point; thence North 75°00'33" East a distance of 87.45 feet to a point; thence North 73°53'27" East a distance of 56.92 feet to a point; thence North 71°33'24" East a distance of 127.53 feet to a point; thence South 66°11'59" West a distance of 43.73 feet to a point; thence South 66°42'42" West a distance of 49.63 feet to a point; thence South 67°24'06" West a distance of 49.22 feet to a point; thence South 69°24'07" West a distance of 49.34 feet to a point; thence South 69°35'48" West a distance of 25.46 feet to a point; thence South 74°15'25" West a distance of 51.48 feet to a point; thence South 69°37'01" West a distance of 25.24 feet to the Point of Beginning,
Having an area of 3579 square feet, or 0.08 acres.

AREA TO BE TAKEN IN A TEMPORARY CONSTRUCTION EASEMENT

TEMPORARY CONSTRUCTION EASEMENT GRAHAM H. WOOD

Commencing at an existing Iron Pipe Located at the intersection of Avent Ferry Road and Cass Holt Road. Said Iron Pipe also having an Nc Grid Nad 83 Coordinate of N. 684979.88 E.2043981.56. Thence North 05°12'37" West a distance of 82.03 feet to the Point of Beginning; thence South 69°37'01" West a distance of 10.14 feet to a point; thence North 10°57'26" West a distance of 41.35 feet to a point; thence South 88°49'08" East a distance of 30.32 feet to a point; thence North 75°00'33" East a distance of 85.93 feet to a point; thence North 73°53'27" East a distance of 56.62 feet to a point; thence North 71°33'24" East a distance of 137.32 feet to a point; thence South 18°26'36" East a distance of 9.05 feet to a point; thence South 65°57'58" West a distance of 3.95 feet to a point; thence South 66°11'59" West a distance of 6.09 feet to a point; thence South 71°33'24" West a distance of 127.53 feet to a point; thence South 73°53'27" West a distance of 56.92 feet to a point; thence South 75°00'33" West a distance of 87.45 feet to a point; thence North 88°49'08" West a distance of 19.36 feet to a point; thence South 10°57'26" East a distance of 27.31 feet the Point of Beginning,
Having an area of 3396 square feet, 0.08 acres

DESCRIPTION OF RIGHTS TAKEN

Public Utility Easement

a perpetual right, privilege, and easement, now and hereafter, to construct, install, improve, remove, replace, inspect, repair, maintain and use a system of pipelines or mains for the purpose of conveying potable water, sanitary sewer, or re-use water, together with all appurtenant facilities and equipment necessary or convenient thereto (including above ground and in-ground), in, upon, and across the property of the Grantors, which easement is more

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particularly described in the legal description, together with the right of ingress and egress across the land of the Grantor(s) at such times and in such a manner as required by the Grantee to maintain said lines in accordance with the standards set forth by the Grantee, as amended from time to time.

Further Conveyed: Temporary Construction Easement

a right, privilege, and easement, for a period of 365 days from the start of initial construction by the Town or its agents, for a temporary construction easement allowing for egress and ingress, removal of vegetation, sloping, grading, digging and earthwork, and all other activities incident to construction in the easement area, said easement area as described in the legal description.