

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: May 9, 2019 AGENDA ITEM NUMBER: _____

SUBJECT: RESOLUTION AUTHORIZING THE GRANT AND EXECUTION OF A SEWER EASEMENT & RELATED MAINTENANCE AGREEMENT TO LEFEVER HOLDINGS, LLC OVER AND ALONG A PORTION OF COUNTY OWNED PROPERTY LOCATED WITHIN TRIAD PARK KERNERSVILLE, N.C. AND ACCEPTANCE OF .01 ACRES OF REAL PROPERTY FROM LEFEVER HOLDINGS, LLC (PARKS AND RECREATION DEPARTMENT)

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:

LeFever Holding LLC (Grantee) desires to connect to the City's sewer service. The Grantee has explored this easement with the Parks and Recreation Department- the Parks staff have stated that this easement will not affect current or future park operations. The Grantee has agreed to sign a release and maintenance agreement which specifies that the Grantee is responsible for the future care and maintenance of the easement. In consideration for the easement, LeFever Holdings LLC will deed to the County a small piece of property located within Triad Park that was not transferred during a past sale. This item will also require the approval of Guilford County.

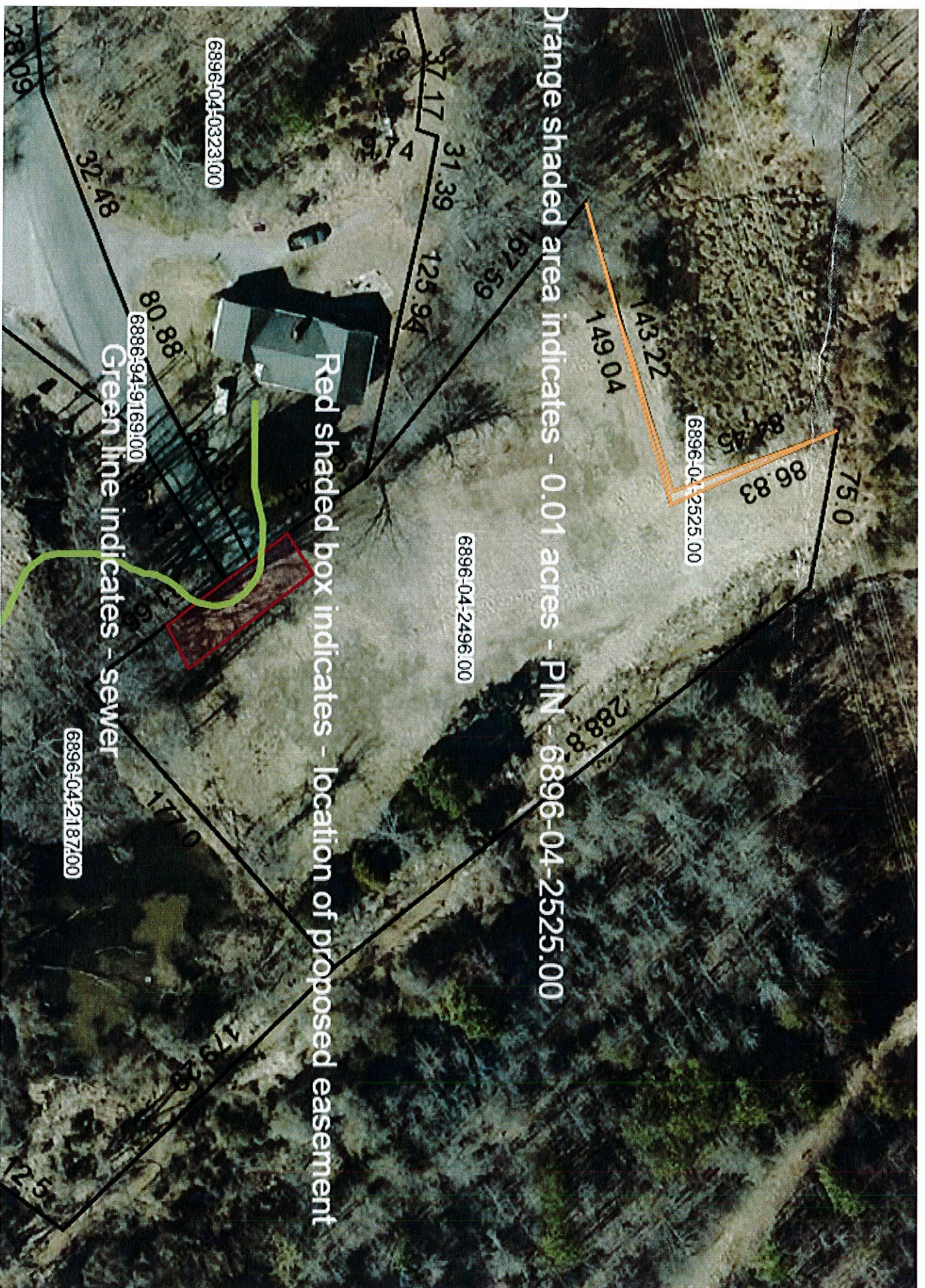
ATTACHMENTS: ☒ YES ☐ NO

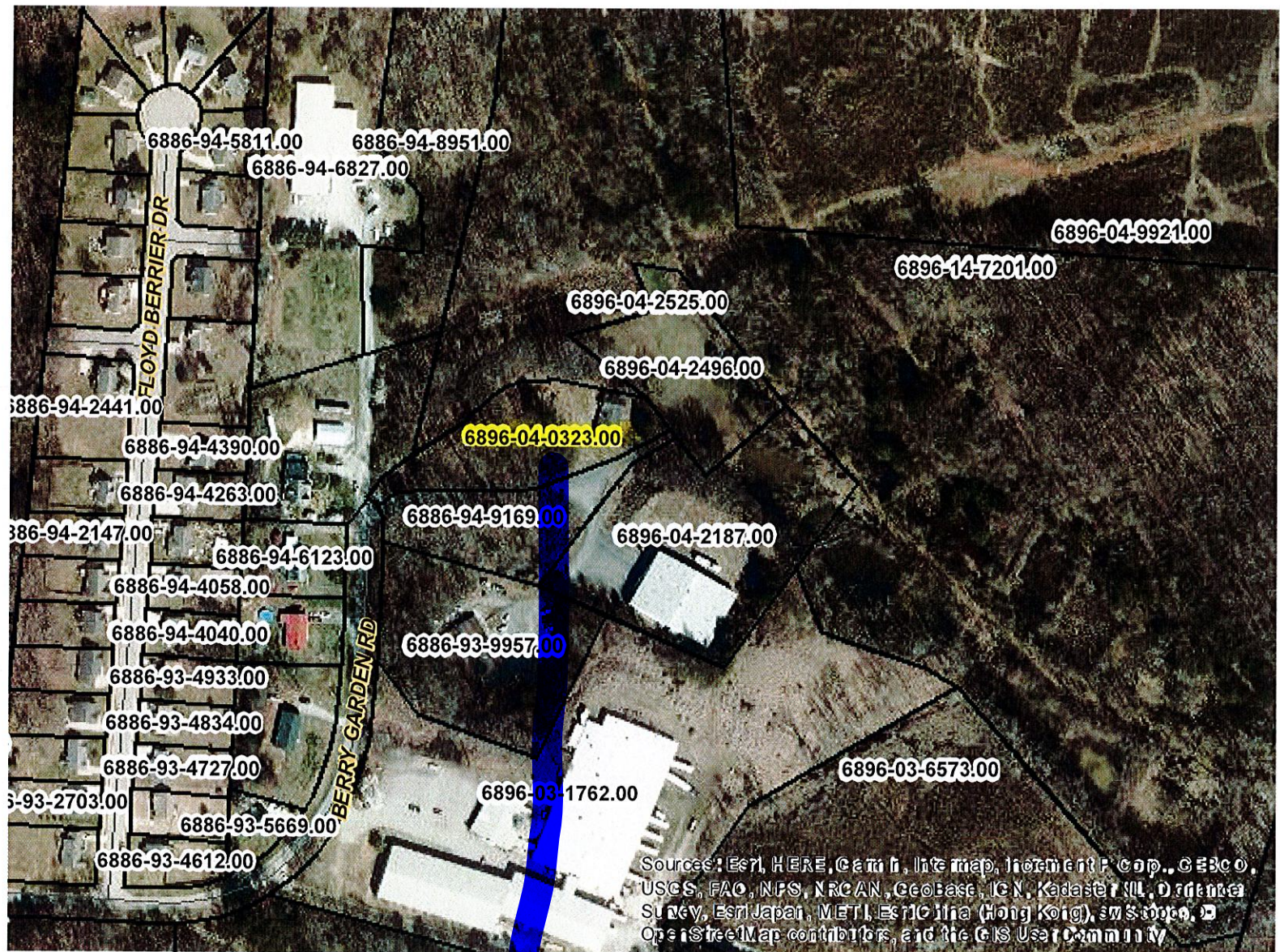
SIGNATURE: _____ DATE: _____
COUNTY MANAGER

Orange shaded area indicates - 0.01 acres - PIN - 6896-04-2525.00

Red shaded box indicates - location of proposed easement

Green line indicates - sewer





LaFever Holdings,
LLC Property

**RESOLUTION AUTHORIZING THE GRANT AND EXECUTION OF A SEWER
EASEMENT & RELATED RELEASE & MAINTENANCE AGREEMENT TO
LEFEVER HOLDINGS, LLC OVER AND ALONG A PORTION OF COUNTY OWNED
PROPERTY LOCATED WITHIN TRIAD PARK KERNERSVILLE, N.C. AND
ACCEPTANCE OF .01 ACRES OF REAL PROPERTY FROM LEFEVER HOLDINGS,
LLC (PARKS AND RECREATION DEPARTMENT)**

WHEREAS, LeFever Holdings, LLC requests an easement over and along a portion of Forsyth County owned property located within Triad Park in Kernersville, N.C. for the purposes of installation, use, repair, maintenance, and replacement of sewer facilities; and

WHEREAS, LeFever Holdings, LLC will submit to Forsyth County a survey containing a legal description of the proposed easement location, which will be mutually agreed upon, prior to execution of the easement; and

WHEREAS, LeFever Holdings, LLC has agreed to sign a Release and Maintenance Agreement, a copy of which is attached hereto, which specifies that the Grantee is responsible for the future care and maintenance of the easement and related sewer facilities; and

WHEREAS, LeFever Holdings, LLC will convey to Forsyth County 0.01 acres of property located at Berry Garden Road Kernersville, N.C., known informally as Parcel Identification Number 6896-04-2525.00, for \$1.00 as payment for the easement; and

WHEREAS, Forsyth County staff recommends the grant and execution of a sewer easement to LeFever Holdings, LLC for the purposes of installation, use, repair, maintenance, and replacement of sewer facilities to LeFever Holdings, LLC for the cost of \$1.00 and accepting as additional compensation property located at Berry Garden Road Kernersville, N.C., known informally as Parcel Identification Number 6896-04-2525.00, for \$1.00; and

WHEREAS, Forsyth County is authorized pursuant to the provisions of N.C.G.S. 153A-176 and 160A-273 to grant easements under these circumstances; and County staff has determined that the proposed consideration and other terms negotiated between the parties are reasonable.

NOW, THEREFORE, BE IT RESOLVED that the Forsyth County Board of Commissioners hereby authorizes the grant of an easement over and along a portion of Forsyth County owned property located within Triad Park in Kernersville, N.C. to LeFever Holdings LLC for the purposes of installation, use, repair, maintenance, and replacement of sewer facilities for the cost of \$1.00 and the execution of the attached Release and Maintenance Agreement.

BE IT FURTHER RESOLVED that the location of the easement will be mutually agreed to prior to the execution of the easement and that all costs related to the easement transaction will be the sole responsibility of LeFever Holdings, LLC.

BE IT FURTHER RESOLVED that LeFever Holdings, LLC will transfer 0.01 acres of property located at Berry Garden Road Kernersville, N.C., known informally as Parcel Identification Number 6896-04-2525.00 at a cost of \$1.00 to Forsyth County as further compensation for the above-described easement.

BE IT FURTHER RESOLVED by the Forsyth County Board of Commissioners that the Chairman or County Manager and Clerk to the Board are hereby authorized to execute, on behalf of Forsyth County, any and all necessary documents to grant the above-described easement to LeFever Holdings, LLC, and accept .01 acres of real property known as Parcel Identification Number 6896-04-2525.00 from LeFever Holdings, LLC subject to a pre-audit certificate thereon by the County Chief Financial Officer, if applicable, and approval as to form and legality by the County Attorney.

Adopted this the 9th day of May 2019.