

MAYOR
Michael L. Alvarez

MAYOR PRO TEM
David L. Cohn



TOWN COUNCIL
Robert W. Allen
Christopher M. King
Darlene T. Luther
David K. Waddell

Indian Trail Town Council
Special Meeting
November 2, 2013
Civic Building
9:00 a.m.

1. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

2. BUSINESS ITEMS

- a. Council consideration of approval of Bill of Sale for Sanitary Sewage Collection/Outfall Lines located within Sanitary Sewer Easement(s) and/or Road Right-of-Way(s) previously Granted to Union County and/or Allowed through Encroachment(s) by Third Party(s)
- b. Council consideration of approval of Bill of Sale for Water Lin(s) located within Water Line Easement(s) and/or Road Right-of-way (s) previously granted to Union County and/or Allowed through Encroachment(s) by Third Party(s) new Park Committee structure
- c. Council consideration of approval of Sanitary Sewer Line Easement and Bill of Sale for Sanitary Sewage Collection/Outfall Line.
- d. Council consideration of approval of Surety Bond.

3. CLOSED SESSION

action

4. ADJOURN

action

To speak concerning an item on the Agenda, please print your name and address on the sign up sheet on the table prior to the meeting. Each speaker will be limited to 3 minutes.

AS A COURTESY, PLEASE TURN CELL PHONES OFF WHILE MEETING IS IN PROGRESS

The Town of Indian Trail is committed to providing all citizens with the opportunity to participate fully in the public meeting process. Any person with a disability who needs an auxiliary aid or service in order to participate in this meeting may contact the Town Clerk at least 48 hours prior to the meeting. The e-mail address is townclerk@admin.indiantrail.org; the phone number is 704-821-2541



Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Scott J. Kaufhold, P.E., Director of Engineering and Public Works

COUNCIL DATE: November 2, 2013

SUBJECT: Union County Water and Sewer Extension Bill of Sale

General Information:

Prior to acceptance of the water and sewer infrastructure and as a prerequisite to activation of water and sewer service, Union County Public Works (UCPW) requires a transfer of title for all real property and infrastructure that is to be dedicated to UCPW.

UCPW also requires a Warranty/Repair Guarantee in the form of a surety in an amount equal to ten percent (10%) of the cost/value of the water and sewer improvements to be accepted by UCPW. The Town's cost is estimated at \$178,000.00. The required surety, in the amount of \$17,800.00, will be held by UCPW for one (1) year from date of acceptance.

Required Actions:

1. Council Approval of Bill of Sale Documents
2. Council Approval of Surety Requirement

Attachments:

1. Three (3) Bill of Sale Documents

Drafted by & Return to: **Union County Public Works**, 500 North Main Street, Suite 500, Monroe, NC 28112-4730
Affecting Tax Parcel(s):

**Bill of Sale for Sanitary Sewage Collection / Outfall Line(s) Located
Within Sanitary Sewer Easement(s) and/or Road Right-of-Way(s)
Previously Granted to Union County and/or Allowed Through
Encroachment(s) By Third Party(s)**

DATE:

GRANTOR: TOWN OF INDIAN TRAIL

GRANTEE: UNION COUNTY, a political subdivision of North Carolina
Address: C/O Public Works Department
500 North Main Street, Suite 500
Monroe, NC 28112-4730

The designation Grantor as used herein shall include said party, its heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

Union County has previously obtained Sanitary Sewer Easement(s) (the "Easement") by Third Party(s) pursuant to instrument(s) recorded in Plat Cabinet(s) **L**, File(s) **900** respectively, of the Union County Register of Deeds and/or executed Encroachment Agreement(s) with The Town of Indian Trail to allow the installation of sanitary sewer collection line(s) within Road Right-of-Way(s) pursuant to Encroachment Agreement(s) No(s). **SP-2013-020**, Date(s) _____ respectively, on file with The Town of Indian Trail and Union County. Pursuant to an agreement between Grantor and Grantee, Grantor has constructed Sanitary Sewage Collection/ Outfall Line(s) within the area of the Easement(s) and/or Road Right-of-Way(s), consisting of sewage lines, pipes, taps, appliances, manholes, force mains, pump stations, and other fixtures, equipment and improvements for the collection and transporting of sewage (the "Sanitary Sewage Collection/ Outfall Line"). In consideration of \$1 and other valuable consideration, receipt acknowledged, Grantor hereby grants and conveys to Grantee and its assigns the Sanitary Sewage Collection/ Outfall Line located within said Easement(s) and/or Road Right-of-Way(s).

This agreement shall be binding upon the parties hereto, their heirs, administrators, executors, successors, assigns and agents.

TO HAVE AND TO HOLD the aforesaid Sanitary Sewage Collection/ Outfall Line and all privileges and appurtenances thereto belonging to the Grantee. Grantor covenants with Grantee, that Grantor is seized of the premises in fee simple, has the right to grant and convey the aforesaid Sanitary Sewage Collection/ Outfall Line, unencumbered, and Grantor will warrant and defend the title thereto against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal the day and year first above written.

If corporate bill of sale, Grantor has caused this instrument to be signed in its corporate name by its duly authorized officers, the day and year above written.

Town Of Indian Trail (SEAL)
Municipality (Individuals)

By: _____ (SEAL)
Joseph A. Fivas, Town Manager (Individuals)

(Individuals) (SEAL)

WITNESS TO ALL INDIVIDUAL SIGNATURES ON FRONT PAGE: _____,

(Note: Partners of a partnership and officers of a corporation must acknowledge their signatures in presence of a Notary Public; witness to their signatures is not acceptable) (Witness)

STATE OF NORTH CAROLINA – UNION COUNTY

ACKNOWLEDGEMENT FOR WITNESS

I, _____, a Notary Public of Union County, North Carolina, certify that _____ personally appeared before me this day and being duly sworn, stated that in his/her presence _____ signed the foregoing instrument acknowledged the execution thereof. Witness my hand and official stamp or seal, this _____ day of _____, 20____.

My commission expires: _____

SEAL-STAMP

Notary Public

SEAL-STAMP

ACKNOWLEDGMENT FOR INDIVIDUALS (use only black ink)
NORTH CAROLINA, _____ COUNTY. I, a Notary Public of the County and State aforesaid, certify that _____ Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____, 20____.

(My commission expires)

(NOTARY PUBLIC)

SEAL-STAMP

ACKNOWLEDGMENT FOR INDIVIDUALS (use only black ink)
NORTH CAROLINA, _____ COUNTY. I, a Notary Public of the County and State aforesaid, certify that _____ Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____, 20____.

(My commission expires)

(NOTARY PUBLIC)

SEAL-STAMP

ACKNOWLEDGMENT FOR INDIVIDUALS / LLC (Partners of Partnership)

(use only black ink)

NORTH CAROLINA, _____ COUNTY. I, a Notary

Public of the County and State aforesaid, certify that _____

A General Partner of, _____ personally
appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my
hand and official stamp or seal, this _____ day of _____, 20____.

(My commission expires)

(NOTARY PUBLIC)

SEAL-STAMP

ACKNOWLEDGMENT FOR INDIVIDUALS / LLC (Partners of Partnership)

(use only black ink)

NORTH CAROLINA, _____ COUNTY. I, a Notary

Public of the County and State aforesaid, certify that _____

A General Partner of, _____ personally
appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my
hand and official stamp or seal, this _____ day of _____, 20____.

(My commission expires)

(NOTARY PUBLIC)

SEAL-STAMP

MUNICIPAL CORPORATE ACKNOWLEDGEMENT

(use only black ink)

State of NORTH CAROLINA, UNION COUNTY.

I, the undersigned Notary Public of the County and State aforesaid, certify that
Joseph A. Fivas personally appeared before me this day and acknowledged that he is Town Manager of
the Town of Indian Trail a North Carolina corporation, and that by authority duly given and as the act of
such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my
hand and official stamp or seal, this _____ day of _____,
20____.

(My commission expires)

Notary Public

Drafted by & Return to: **Union County Public Works, 500 North Main Street, Suite 500, Monroe NC 28112-4730**
Affecting Tax Parcel(s):

**Bill of Sale for Water Line(s) Located Within Water
Line Easement(s) and/or Road Right-of-Way(s)
Previously Granted to Union County and/or Allowed Through
Encroachment(s) by Third Party(s)**

DATE:

GRANTOR: TOWN OF INDIAN TRAIL

GRANTEE: UNION COUNTY, a political subdivision of North Carolina
Address: C/O Public Works Department
500 North Main Street, Suite 500
Monroe, NC 28112-4730

The designation Grantor as used herein shall include said party, its heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

Union County has previously obtain a Water Line Easement (the "Easement") by Third Party(s) pursuant to Instrument(s) recorded in Plat Cabinet(s) L File **900** respectively, of the Union County Register of Deeds and/or executed Encroachment Agreement(s) with The Town of Indian Trail to allow the installation of water line(s) within Road Right-of-Way(s) pursuant to Encroachment Agreement(s) No(s) **SP-2013-020**, Date(s) _____ respectively, on file with The Town of Indian Trail and Union County. Pursuant to an agreement between Grantor and Grantee, Grantor has constructed a Water Distribution Line within the area of the Easement(s) and/or Road Right-of-Way(s), consisting of water distribution lines, pipes, pumps, valves, taps and other fixtures, equipment and improvements for the distribution of water (the "Water Distribution Line"). In consideration of \$1 and other valuable consideration, receipt acknowledged, Grantor hereby grants and conveys to Grantee and its assigns the Water Distribution Line located within said Easement(s) and/or Road Right-of-Way(s).

This agreement shall be binding upon the parties hereto, their heirs, administrators, executors, successors, assigns and agents.

TO HAVE AND TO HOLD the aforesaid Water Distribution Line and all privileges and appurtenances thereto belonging to the Grantee. Grantor covenants with Grantee, that Grantor is seized of the premises in fee simple, has the right to grant and convey the aforesaid Water Distribution Line, unencumbered, and Grantor will warrant and defend the title thereto against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal the day and year first above written.

If corporate bill of sale, Grantor has caused this instrument to be signed in its corporate name by its duly authorized officers, the day and year above written.

Town Of Indian Trail
Municipality

_____(SEAL)
(Individuals)

By: Joseph A. Fivas, Town Manager

_____(SEAL)
(Individuals)

_____(SEAL)
(Individuals)

WITNESS TO ALL INDIVIDUAL SIGNATURES ON FRONT PAGE: _____,

(Note: Partners of a partnership and officers of a corporation must acknowledge their signatures in presence of Notary Public; witness to their signatures is not acceptable) (Witness)

STATE OF NORTH CAROLINA – UNION COUNTY

ACKNOWLEDGEMENT FOR WITNESS

I, _____, a Notary Public of Union County, North Carolina, certify that _____ personally appeared before me this day and being duly sworn, stated that in his/her presence _____ signed the foregoing instrument acknowledged the execution thereof. Witness my hand and official stamp or seal, this _____ day of _____, 20_____.

SEAL-STAMP

My commission expires: _____

Notary Public

SEAL-STAMP

ACKNOWLEDGMENT FOR INDIVIDUALS (use only black ink)
NORTH CAROLINA, _____ COUNTY. I, a Notary Public of the County and State aforesaid, certify that _____ Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____, 20_____.

(My commission expires)

(NOTARY PUBLIC)

SEAL-STAMP

ACKNOWLEDGMENT FOR INDIVIDUALS (use only black ink)
NORTH CAROLINA, _____ COUNTY. I, a Notary

Public of the County and State aforesaid, certify that _____
Grantor, personally appeared before me this day and acknowledged the execution of the foregoing
instrument. Witness my hand and official stamp or seal, this _____ day of _____,
20____.

(My commission expires)

(NOTARY PUBLIC)

SEAL-STAMP

ACKNOWLEDGMENT FOR INDIVIDUALS / LLC (Partners of Partnership)

(use only black ink)

NORTH CAROLINA, _____ COUNTY. I, a Notary

Public of the County and State aforesaid, certify that _____

A General Partner of, _____ personally
appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my
hand and official stamp or seal, this _____ day of _____, 20____.

(My commission expires)

(NOTARY PUBLIC)

SEAL-STAMP

ACKNOWLEDGMENT FOR INDIVIDUALS / LLC (Partners of Partnership)

(use only black ink)

NORTH CAROLINA, _____ COUNTY. I, a Notary

Public of the County and State aforesaid, certify that _____

A General Partner of, _____ personally
appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my
hand and official stamp or seal, this _____ day of _____, 20____.

(My commission expires)

(NOTARY PUBLIC)

SEAL-STAMP

MUNICIPAL CORPORATE ACKNOWLEDGEMENT

(use only black ink)

State of NORTH CAROLINA, UNION COUNTY.

I, the undersigned Notary Public of the County and State aforesaid, certify that
Joseph A. Fivas personally appeared before me this day and acknowledged that he is Town Manager of
the Town of Indian Trail a North Carolina corporation, and that by authority duly given and as the act of
such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my
hand and official stamp or seal, this _____ day of _____,
20____.

(My commission expires)

Notary Public

Drafted by & Return to: **Union County Public Works, 500 North Main Street, Suite 500, Monroe, NC 28112-4730**
Affecting Tax Parcel(s): **07-105-011**

Sanitary Sewer Line Easement and Bill of Sale For Sanitary Sewage Collection/ Outfall Line

DATE:

GRANTOR: **TOWN OF INDIAN TRAIL**

GRANTEE: UNION COUNTY, a political subdivision of North Carolina
Address: C/O Public Works Department
500 North Main Street, Suite 500
Monroe, NC 28112-4730

The designation Grantor as used herein shall include said party, its heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

In consideration of \$1 and other valuable consideration, receipt acknowledged, Grantor hereby grants and conveys to Grantee a perpetual right, privilege and easement, appurtenant to and running with the land and for the following defined purpose and as hereinafter described, together with all sewage lines, pipes, taps, appliances, manholes, force mains, pump stations, and other fixtures, equipment and improvements for the collection and transporting of sewage located within said easement (the "Sanitary Sewage Collection/ Outfall Line").

Grantee, its employees, agents, contractors, subcontractors and assigns shall have the right, privilege, and easement to enter upon the land for purposes of inspecting, maintaining, excavating, repairing, replacing, improving, enlarging, making alterations, and operating in, upon, across, under and through the land in a proper manner, the Sanitary Sewage Collection/ Outfall Line, together with the right to transport sewage through the same, together with right to install lines, taps, appliances, manholes, force main, pump station, and other apparatus pertaining to operating and maintaining the Sanitary Sewage Collection/ Outfall Line.

The easement granted applies only to surface and below ground. A permanent sanitary sewage line utility easement is granted as shown on Exhibit(s) _____ attached, or as shown on plat(s) recorded in Plat Cabinet(s) **L**, File(s) **900** respectively, of the Union County Registry. In addition, a permanent sanitary sewage line utility easement is granted for all sanitary sewer lines installed within the Road Right-of-Ways, whether public or private, shown on the plats(s) referenced above, all incorporated herein by reference for more particular descriptions.

Grantee agrees to leave the land in as good condition as before construction, maintenance, inspection and repairs, except for necessary removal of any trees, shrubs, and other plant growth. Grantor shall have continued use of the surface area included within the easement area, but agrees not to interfere with Grantee's use and easement and privileges and responsibilities associated therewith, nor to construct or permit construction or placement of any type structure or make use of the easement area in any

manner that will result in interference, interruption, or impediment of Grantee's easement and use, and Grantors will not cause any damage to Grantee's Sanitary Sewage Collection/ Outfall Line located within the easement area.

This agreement shall be binding upon the parties hereto, their heirs, administrators, executors, successors and assigns and agents.

TO HAVE AND TO HOLD the aforesaid permanent easement and Sanitary Sewage Collection/ Outfall Line and all privileges and appurtenances thereto belonging to the Grantee. Grantor covenants with Grantee, that Grantors is seized of the premises in fee simple, has the right to grant and convey the aforesaid easement, unencumbered, and Grantor will warrant and defend the title thereto against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantors has hereunto set its hand and seal the day and year first above written. If corporate easement and bill of sale, Grantor has caused this instrument to be signed in its corporate name by its duly authorized officers, the day and year above written.

_____ (SEAL)
Town of Indian Trail
Municipality (Individuals)

By: _____ (SEAL)
Joseph A. Fivas, Town Manager (Individuals)

_____ (SEAL)
(Individuals)

WITNESS TO ALL INDIVIDUAL SIGNATURES ON FRONT PAGE: _____, (Witness)

(Note: Partners of a partnership and officers of a corporation must acknowledge their signatures in presence of a Notary Public; witness to their signatures is not acceptable)

STATE OF NORTH CAROLINA – UNION COUNTY

ACKNOWLEDGEMENT FOR WITNESS

I, _____, a Notary Public of Union County, North Carolina, certify that _____ personally appeared before me this day and being duly sworn, stated that in his/her presence _____ signed the foregoing instrument acknowledged the execution thereof. Witness my hand and official stamp or seal, this _____ day of _____, 20____.

My commission expires: _____

SEAL-STAMP

Notary Public

SEAL-STAMP

ACKNOWLEDGMENT FOR INDIVIDUALS (use only black ink)
NORTH CAROLINA, _____ COUNTY. I, a Notary Public of the County and State aforesaid, certify that _____ Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____, 20____.

(My commission expires)

(NOTARY PUBLIC)

SEAL-STAMP

ACKNOWLEDGMENT FOR INDIVIDUALS

(use only black ink)

NORTH CAROLINA, _____ COUNTY. I, a Notary

Public of the County and State aforesaid, certify that _____
Grantor, personally appeared before me this day and acknowledged the execution of the foregoing
instrument. Witness my hand and official stamp or seal, this _____ day of _____,
20____.

(My commission expires)

(NOTARY PUBLIC)

SEAL-STAMP

ACKNOWLEDGMENT FOR INDIVIDUALS / LLC (Partners of Partnership)

(use only black ink)

NORTH CAROLINA, _____ COUNTY. I, a Notary

Public of the County and State aforesaid, certify that _____
A General Partner of, _____ personally
appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my
hand and official stamp or seal, this _____ day of _____, 20____.

(My commission expires)

(NOTARY PUBLIC)

SEAL-STAMP

ACKNOWLEDGMENT FOR INDIVIDUALS / LLC (Partners of Partnership)

(use only black ink)

NORTH CAROLINA, _____ COUNTY. I, a Notary

Public of the County and State aforesaid, certify that _____
A General Partner of, _____ personally
appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my
hand and official stamp or seal, this _____ day of _____, 20____.

(My commission expires)

(NOTARY PUBLIC)

SEAL-STAMP

MUNICIPAL CORPORATE ACKNOWLEDGEMENT

(use only black ink)

State of NORTH CAROLINA, UNION COUNTY.

I, the undersigned Notary Public of the County and State aforesaid, certify that
_____ personally appeared before me this day and
acknowledged that he is Town Manager. of the Town of Indian Trail a North Carolina municipality,
and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its
name on its behalf as its act and deed. Witness my hand and official stamp or seal, this _____ day
of _____, 20____.

(My commission expires)

Notary Public