

FORSYTH COUNTY
BOARD OF COMMISSIONERS

**BRIEFING
DRAFT**

MEETING DATE: APRIL 12, 2018

AGENDA ITEM NUMBER: 7

SUBJECT: RESOLUTION AUTHORIZING THE GRANT AND EXECUTION OF AN ACCESS EASEMENT TO SOUTHWEST ATHLETICS, INC. ACROSS PORTIONS OF 7505 TOPSIDER DRIVE, CLEMMONS, N.C., FOR VEHICULAR AND PEDESTRIAN INGRESS, EGRESS, AND REGRESS

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:

ATTACHMENTS:

YES

NO

SIGNATURE: _____

COUNTY MANAGER

DATE: _____

**RESOLUTION AUTHORIZING THE GRANT AND EXECUTION
OF AN ACCESS EASEMENT TO SOUTHWEST ATHLETICS, INC. ACROSS
PORTIONS OF 7505 TOPSIDER DRIVE, CLEMMONS, N.C. FOR VEHICULAR
AND PEDESTRIAN INGRESS, EGRESS, AND REGRESS**

WHEREAS, Southwest Athletics, Inc., has requested an access easement across portions of 7505 Topsider Drive, Clemmons, N.C. as more particularly described in the attached document, for the purpose of vehicular and pedestrian ingress, egress, and regress; and

WHEREAS, the proposed access easement would contain _____ across portions of 7505 Topsider Drive, Clemmons, N.C., as more particularly described in the attached document; and

WHEREAS, the consideration for the requested easement is included in the consideration offered by the County to purchase the 1,925 square foot piece of property adjacent to Tanglewood Business Park from Southwest Athletics, Inc.; 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 access easement across portions of 7505 Topsider Drive, Clemmons, N.C. to Southwest Athletics, Inc. as described in the attached documents for vehicular and pedestrian ingress, egress, and regress.

BE IT FURTHER RESOLVED that the Forsyth County Board of Commissioners hereby approves the proposed consideration for the requested access 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, an access Easement document and any other necessary documents to grant the proposed vehicular and pedestrian ingress, egress, and regress easement to Southwest Athletics, Inc., 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 12th day of April 2018.

NORTH CAROLINA)
)
FORSYTH COUNTY)

EASEMENT

Drawn by and
Return to: Eric T. Spose, Esq.
Allman Spry Davis Leggett & Crumpler, P.A.
P.O. Drawer 5129
Winston Salem, NC 27113-5129

THIS EASEMENT is made this ____ day of _____, 2018 by and between **COUNTY OF FORSYTH**, a political subdivision of the State of North Carolina having an address of 201 N. Chestnut Street, Winston-Salem, NC 27101 (hereinafter the “Grantor”), and **SOUTHWEST ATHLETICS, INC. f/k/a Southwest Forsyth Little League, Inc.**, a North Carolina nonprofit corporation having an address of 3801 Dillon Industrial Drive, Clemmons, NC 27012 (hereinafter the “Grantee”).

W I T N E S S E T H:

WHEREAS, Grantor owns that certain tract of land in Forsyth County, consisting of approximately 14.8498 acres of land, having a street address of 7545 Topsider Drive, Clemmons, NC 27012 more particularly shown at Plat Book 67, Page 76, Forsyth County Registry, and identified as Tax Parcel 5881-79-7650.00, in the property tax records of Forsyth County as presently constituted (the “Grantor Property”);

WHEREAS, Grantee owns that certain tract of land in Forsyth County, consisting of approximately 10.74 acres of land, having a street address of 7505 Topsider Drive, Clemmons, NC 27012 more particularly described at Deed Book 3059, Page 3284, Forsyth County Registry, and identified as Tax Parcel 5882-80-7241.00, in the property tax records of Forsyth County as presently constituted (the “Grantee Property”); and

WHEREAS, Grantee desires to obtain, and Grantor desires to grant to Grantee, an easement over and across a portion of the Grantor Property for the purposes of vehicular and pedestrian ingress, egress, and regress.

NOW THEREFORE in consideration of the mutual promises contained herein and other valuable consideration paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged by the Grantor, Grantor does hereby give, grant, and convey unto Grantee and Grantee’s heirs, successors and assigns, a permanent and perpetual nonexclusive easement over and across the portion of the Grantor

EXHIBIT A
EASEMENT AREA