

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: APRIL 27, 2015 AGENDA ITEM NUMBER: 7

SUBJECT: RESOLUTION ACCEPTING, ON BEHALF OF FORSYTH COUNTY, REAL PROPERTY DEEDED TO GUILFORD AND FORSYTH COUNTIES BY LEFEVER PROPERTIES OF KERNERSVILLE, L.L.C. AS AN ADDITION TO TRIAD PARK (FORSYTH COUNTY PARKS AND RECREATION DEPARTMENT)

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

See attached

ATTACHMENTS: YES NO

SIGNATURE: *J. Dudley Watts, Jr.* DATE: April 22, 2015
COUNTY MANAGER

**RESOLUTION ACCEPTING, ON BEHALF OF FORSYTH COUNTY,
REAL PROPERTY DEEDED TO GUILFORD AND FORSYTH COUNTIES BY
LEFEVER PROPERTIES OF KERNERSVILLE, L.L.C.
AS AN ADDITION TO TRIAD PARK
(FORSYTH COUNTY PARKS AND RECREATION DEPARTMENT)**

WHEREAS, LeFever Properties of Kernersville, L.L.C. executed a General Warranty Deed to Guilford and Forsyth Counties as tenants in common for approximately 2.12 acres adjacent to Triad Park, located at 317 Berry Garden Road, Kernersville, N.C.; and

WHEREAS, on October 12, 2012, Progress Environmental, Inc. completed a Phase 1, Environmental Site Assessment on the subject property which revealed no evidence of recognized environmental conditions in connection with the said property; and

WHEREAS, the attorney for LeFever Properties of Kernersville, L.L.C. has provided a legal certification dated April 16, 2015 that the property being donated herein is free and clear of liens and encumbrances; and

WHEREAS, the Director of the Forsyth County Parks and Recreation Department recommends that the proposed conveyance of the property be accepted, because the property can be used for trails inside the Park.

NOW, THEREFORE, BE IT RESOLVED that in reliance on the Phase 1, Environmental Site Assessment, which revealed no evidence of recognized environmental conditions, and the legal certification that the property being donated herein is free and clear of liens and encumbrances, the Forsyth County Board of Commissioners hereby accepts, on behalf of Forsyth County, the conveyance by LeFever Properties of Kernersville, L.L.C., of 2.12 acres, adjacent to Triad Park, located at 317 Berry Garden Road, Kernersville, N.C., deeded to Guilford and Forsyth Counties as tenants in common, as an addition to Triad Park.

BE IT FURTHER RESOLVED that the Chairman or County Manager and Clerk to the Board are hereby authorized to record the North Carolina General Warranty Deed and execute any necessary documents, on behalf of Forsyth County, to accept the real property further identified herein, which was conveyed by LeFever Properties of Kernersville, L.L.C., subject to the adoption of a Resolution by Guilford County accepting the conveyance, a pre-audit certificate thereon by the Chief Financial Officer, where applicable, and approval as to form and legality by the County Attorney.

Adopted this 27th day of April 2015.

WOLFE & ASSOCIATES

ATTORNEYS AND COUNSELLORS AT LAW

John G. Wolfe, III John H. Bain W. Andrew Kelly

April 16, 2015

TO WHOM IT MAY CONCERN

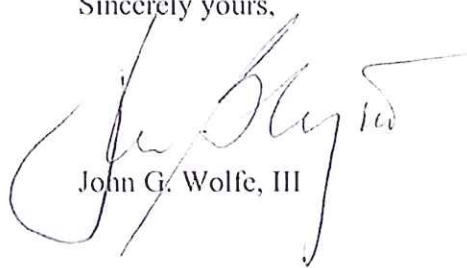
Re: LeFever Properties of Kernersville, L.L.C.

Gentlemen:

This is to advise that I represent LeFever Properties of Kernersville, L.L.C.

That property being known as "All of Lot Two of that plat recorded March 25, 2014 in Plat Book 62, Page 36 of the Forsyth County Registry denoted as "Recombination Plat for LeFever Properties of Kernersville, L.L.C.", as referenced in the attached Deed of Conveyance, is free and clear of liens and encumbrances.

Sincerely yours,



John G. Wolfe, III

JGW:mpc

Attachment – Deed of Conveyance

**Also licensed in California*

Do not write above this line

DRAFTED BY: John G. Wolfe, III No title search requested nor performed	Tax Block-Lot: 5409 109F	Parcel ID:6886-94-8951.00
Mail after recording to: John G. Wolfe, III	Mail Future Tax Bills to:	
John G. Wolfe, III & Associates, P.L.L.C.		
101 South Main Street		
Kernersville, NC 27284	Excise Tax: Gift	

NORTH CAROLINA GENERAL WARRANTY DEED

This DEED made this 3rd day of October, 2014, by and between

GRANTOR	GRANTEE
LeFever Properties of Kernersville, L.L.C. a North Carolina Limited Liability Company 4546 Kernersville Road Kernersville, NC 27284	Guilford County And Forsyth County, political subdivisions of the State of North Carolina as tenants in common each owning a one-half undivided interest 200 W. Market Street Greensboro, NC 27401

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:

The Grantor, in consideration of (\$10.00 & OVC) Ten Dollars and Other 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 in fee simple, all that certain lot or parcel of land in Forsyth County, North Carolina, more particularly described as follows:

All of Lot Two of that plat recorded March 25, 2014 in Plat Book 62, Page 36 of the Forsyth County Registry denoted as "Recombination Plat for Lefever Properties of Kernersville, L.L.C."

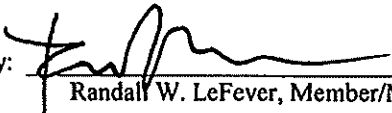
Property Address: approximately 2.12 acres, 317 Berry Garden Road, Kernersville NC 27284
For Back Reference: See Deed Book 3134, Page 2073; further see Evelyn B. Brown Estate, Forsyth County Clerk of Court's Office, File 12 E 607. Also see Deed Book 2009, Page 1061, Forsyth County Registry.

All of the property herein conveyed does not include the primary residence of Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple. And, the Grantor covenants with the Grantee that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable, and is free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

LEFEVER PROPERTIES OF KERNERSVILLE, L.L.C.

By:  (Seal)
Randall W. LeFever, Member/Manager

STATE OF NORTH CAROLINA - Forsyth County

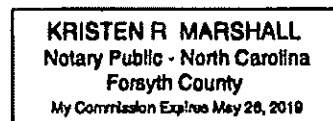
I, Kristen R. Marshall, a Notary Public of Forsyth County, NC, do hereby certify that **Randall W. LeFever, Member/Manager of LEFEVER PROPERTIES OF KERNERSVILLE, L.L.C.**, personally came before me this day, acknowledging to me that he executed the foregoing instrument in the capacity indicated and for the purposes stated therein.

Witness my hand and notarial seal this the 3rd day of October, 2014.


Notary Public

Kristen R. Marshall
Printed name of Notary Public

My commission expires: May 26, 2019



WOLFE ASSOCIATES

ATTORNEYS AND COUNSELLORS AT LAW

John G. Wolfe, III John H. Bain W. Andrew Kelly

December 2, 2014

Christopher S. Weavil, CGM (*weavilcs@forsyth.cc*)
Assistant Director of Park Operations
Forsyth County Parks & Recreation
201 North Chestnut Street
Winston-Salem NC 27101

Dear Chris:

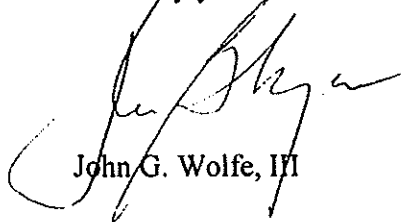
Enclosed please find copy of Deed that has been prepared for recordation in Forsyth and Guilford Counties conveying the described property to the Counties for Triad Park.

I understand that you will present this to the Forsyth County Commissioners for acceptance approval, and will then have the same delivered to the Guilford County Commissioners for their acceptance.

We would like to have this transaction completed as soon as possible. I would appreciate you keeping me up to date as to the status. Please call me with any questions you might have.

With best regards.

Sincerely yours,



John G. Wolfe, III

JGW:mpc

Enclosure

Also licensed in California



PHASE I ENVIRONMENTAL SITE ASSESSMENT

**POTENTIAL PROPERTY DONATION SITE
311 BERRY GARDEN ROAD
KERNERSVILLE, FORSYTH COUNTY, NORTH CAROLINA**

PROGRESS PROJECT NO. 1012132.001

FOR

**FORSYTH COUNTY PARKS AND RECREATION DEPARTMENT
201 NORTH CHESTNUT STREET
WINSTON-SALEM, NORTH CAROLINA**

OCTOBER 12, 2012

Phase I Environmental Site Assessment – Potential Property Donation Site
311 Berry Garden Road
Kernersville, Forsyth County, North Carolina
Progress Project 1012132.001
October 12, 2012

ENVIRONMENTAL PROFESSIONAL STATEMENT

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in § 312.10 of 40 CFR 312. I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.



10/12/12

Joseph S. Lawson III
Director of Natural Resources

Date

EXECUTIVE SUMMARY

The Potential Property Donation Site is located at 311 Berry Garden Road in Kernersville, Forsyth County, North Carolina. The site is further described by the Forsyth County, NC Geo-Data Explorer as PIN 6886-94-7563.00 consisting of 4.89 acres developed with a 2,884 sq. ft. single-family residence constructed in 1950. A legal description of the property was not provided to Progress. According to information provided to Progress by the Forsyth County Parks and Recreation Department, only a portion of the property (approximately 2.5 acres of undeveloped land) comprising the eastern portion of the parcel has been designated for donation. It is our understanding that the donated property will be incorporated into Triad Park. The environmental assessment was conducted in substantial accordance with ASTM E-1527-05 and EPA Standards and Practices for All Appropriate Inquiries. The environmental assessment was conducted under the supervision or responsible charge of an individual that qualifies as an environmental professional, as defined in 40 CFR §312.10.

At the time of the site reconnaissance associated with this report, the site was primarily wooded and undeveloped. The site consists of approximately 2.5 acres of wooded land located east of Blue Ridge Fish Wholesale. Progress observed two structures apparently designed for the propagation of aquatic plants along the western site boundary and adjacent to the Blue Ridge Fish Wholesale building. A utility right-of-way forms the southern site boundary. Note that miscellaneous debris was scattered superficially throughout the site including discarded bottles and other containers, pallets (or remnants of potential sheds/structures), furniture, tires, and electronics. In addition, the remnants of an apparent silt fence are located along the western site boundary.

Progress did not observe containers of petroleum or hazardous substances greater than five gallons on the subject site. However, Progress observed an apparent discarded automotive gasoline tank near the eastern property boundary. The tank did not appear to be on the subject property. The tank appeared to be empty at the time of the site visit and Progress did not note evidence of staining or stressed vegetation in the vicinity of the tank. Progress observed discarded motor oil containers and a gasoline can (less than five gallons) on the subject site. The containers were empty at the time of the site visit. Progress did not note evidence of staining or stressed vegetation in the vicinity of the containers. Progress observed miscellaneous buried debris along the western site boundary. Visible debris included lumber, tires, metal, concrete, asphalt, plastic pipe, and an apparent lawn mower deck.

The site is located in an area of Kernersville characterized by a mix of commercial and residential development. The site is bounded to the north by wooded land beyond which is residential development along Kensal Green Drive. The site is bounded to the east by wooded land associated with Triad Park with limited commercial/residential development to the southeast. The site is bounded to the south by a utility right-of-way beyond which is wooded land as well as residential and commercial development. The site is bounded to the west by Blue Ridge Fish Wholesale (and its associated access road) with residential development along Floyd Berrier Drive and beyond. Blue Ridge Fish Wholesale provides supplies for pet stores and nurseries including fish, reptiles, aquarium plants, pond plants, and dry goods.

Based on an interview with the current property owner and a review of historic records the southern portion of the subject site was developed with ponds for aquacultural purposes in the late 1960s. Prior to development for aquacultural purposes the site was a mix of wooded and agricultural land.

Phase I Environmental Site Assessment – Potential Property Donation Site
 311 Berry Garden Road
 Kernersville, Forsyth County, North Carolina
 Progress Project 1012132.001
 October 12, 2012

A regulatory records search report of ASTM standard and supplemental databases was prepared for the site by FirstSearch. The subject site was not identified on the various regulatory databases searched by FirstSearch. Several off-site facilities were identified on the various regulatory databases searched by FirstSearch, however, based on the distance and/or topographic orientation to the site, releases at these facilities would not likely have the potential to adversely impact the subject site.

Sixteen (16) facilities were reported by FirstSearch as unmappable in the federal and state databases. These facilities are considered unmappable because the facility information in the database is insufficient and does not report accurate facility location information. Progress did not observe evidence of these orphan facilities on the subject site or on properties within 500 feet of the site. Based on the distance to the site, a release at these facilities would not be expected to impact the site.

Progress identified data gaps during the completion of this Phase I ESA. A summary of the data gaps and whether the data gaps have affected our ability to identify RECs is included below:

Data Gaps	Significant	Non-Significant
Aerial photographs of the site and surrounding properties from the 1938-1950 timeframe were not reasonably ascertainable for review		X
Sanborn Fire Insurance Maps are not available for the subject site		X
Directory listings for 311 Berry Garden Road unavailable prior to 1980		X

Progress performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-05 of the Potential Property Donation Site located at 311 Berry Garden Road in Kernersville, Forsyth County, North Carolina. Any exceptions to, or deletions from, this practice are described in Section 2.3 of this report.

As documented and qualified by this report, this assessment has revealed no evidence of RECs in connection with the property except for the following:

On-Site

- The presence of buried debris at the site and the potential for non-construction debris to be buried at the site.

Off-Site

- Progress did not identify off-site RECs with respect to the subject site.

*Phase I Environmental Site Assessment – Potential Property Donation Site
311 Berry Garden Road
Kernersville, Forsyth County, North Carolina
Progress Project 1012132.001
October 12, 2012*

9.0 CONCLUSIONS

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