CA086086

To Permanent Rules of Order of the Board of County Commissioners of Shelby County, Tennessee

SHELBY COUNTY BOARD OF COMMISSIONERS
AGENDA ROUTE SHEET

Referred to Commission Committee (name) _____

For Commission Action on (date) APRIL 14, 2008

DESCRIPTION OF ITEM:

A RESOLUTION APPROVING THE CONVEYANCE OF A PARCEL OF COUNTY OWNED DELINQUENT TAX PROPERTY 37,200 SQUARE FEET (0.8540 ACRES) IN SIZE, LOCATED ON THE NORTHEAST CORNER OF SANTA VALLEY ST. AND U.S. HIGHWAY 64 TO THE CITY OF BARTLETT, WITHOUT MONETARY CONSIDERATION; AND TO AUTHORIZE THE MAYOR TO EXECUTE A QUIT CLAIM DEED CONVEYING SAID PARCEL OF LAND TO THE CITY OF BARTLETT FOR USE IN CONJUNCTION WITH ITS FLETCHER CREEK GREENBELT/PARK SYSTEM.

Sponsored by: Commissioner Henri Brooks

CHECK ALL THAT APPLY BELOW:

__X__ This Action does NOT require expenditure of funds.

_____ This Item requires/approves expenditure of funds as follows (complete all that apply):

County General Funds: $_____ ; County CIP Funds- $_____

State Grant Funds: $_____; State Gas Tax Funds: $_____

Federal Grant Funds: $_____

Other funds (Specify source and amount): $_____

Other pass-thru funds (Specify source and amount): $ _____

Originating Department: Shelby County Real Estate

APPROVAL:

Dept. Head:	Tom Moss (901) 545-4440 (Type your name & phone #.)	(Initials)	3/31/2008 (Date)
Elected Official:	(Type your name & phone #.)	(Initials)	(Date)
Division Director:	(Type your name & phone #.)	CMB (Initials)	3/31/08 (Date)
CIP – A&F Director:	(Type your name & phone #.)	(Initials)	(Date)
Finance Dept.:	Mike Swift 545-4269 (Type your name & phone #.)	MAS (Initials)	4/2/08 (Date)
County Attorney:	Fred E. Jones Jr. 545-4611 (Type your name & phone #.)	(Initials)	4-1-08 (Date)
CAO/Mayor:	James F. Huntzicker 545-4514 (Type your name & phone #.)	(Initials)	4/2/08 (Date)

SUMMARY SHEET

I. Description of Item

A Resolution approving the conveyance of an unimproved parcel of County owned Delinquent Tax Property, 37,200 square feet (0.8540 acres) in size, to the City of Bartlett, without monetary consideration; this parcel is located on the northeast corner of Santa Valley St. and U.S. Highway 64 (Stage Rd.) immediately adjacent to the northwest side of Fletcher Creek within the City of Bartlett; this is an unbuildable lot; it was acquired by the County in Tax Sale No. 0205 in 2006 for outstanding taxes, penalties and interest in the amount of $ 78,657.27; The City of Bartlett has formally requested the County to donate this parcel to the City of Bartlett to be used in conjunction with its Fletcher Creek Greenbelt/park system; Under Tennessee State Law, T.C.A. §67-5-2509(d), the County may donate County owned Delinquent Tax Property to another Governmental Entity if the property is to be used for a public purpose.

II. Source and Amount of Funding

N/A

III. Contract Items

Quit Claim Deed

IV. Additional Information Relevant to Approval of this Item

N/A

Item #_____

Prepared by: Gloria Kelly
Real Estate Services

Commissioner _____

Approved by: _____
County Attorney

A RESOLUTION APPROVING THE CONVEYANCE OF A PARCEL OF LAND, 37,200 SQUARE FEET (0.8540 ACRES) IN SIZE, LOCATED ON THE NORTH EAST CORNER OF SANTA VALLEY AND STATE HIGHWAY 15 TO THE CITY OF BARTLETT, WITHOUT MONETARY CONSIDERATION, AND TO AUTHORIZE THE MAYOR TO EXECUTE A QUIT CLAIM DEED CONVEYING SAID PARCEL OF LAND TO THE CITY OF BARTLETT FOR THE PUBLIC PURPOSE OF ENHANCING THE CITY OF BARTLETT'S GREENBELT/PARK SYSTEM.

Sponsored by: Commissioner Henri Brooks

WHEREAS, Shelby County acquired a parcel of land, 37,200 square feet (0.8540 acres) in size, located on the northeast corner of Santa Valley and State Highway 15 and further identified as Tax Parcel Number B015700318; and

WHEREAS, The conveyance of said parcel from County of Shelby to the City of Bartlett would facilitate the utilization of the public purpose of the enhancement of the greenbelt/park system; and

WHEREAS, T.C.A. §67-5-2509(d) allows Shelby County to transfer real property acquired in a tax sale to any other governmental entity without monetary consideration, so long as the property will be used for a public use and purpose; and

WHEREAS, The City of Bartlett has requested Shelby County to convey unto it, without monetary consideration, the said parcel of land being more particularly described in the attached Quit Claim Deed, which is hereby incorporated by reference; and

WHEREAS, It is deemed to be in the best interest of Shelby County to convey said parcel of land, 37,200 square feet (0.8540 acres) in size, to the City of Bartlett, without monetary consideration, to better enable the City of Bartlett to use the same in conjunction with its greenbelt/park system facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the aforementioned real property conveyance to the City of Bartlett, without monetary consideration, be and the same are hereby approved; and that the Mayor be and he is authorized to execute the attached Quit Claim Deed Document affecting the same.

_____
A C Wharton, Jr., County Mayor

Date: _____

ATTEST:

_____
Clerk of County Commission

ADOPTED

QUIT CLAIM DEED

THIS INDENTURE, made and entered into this _____day of _____, 2008, by and between the **County of Shelby, a Political Subdivision of the State of Tennessee**, (hereinafter referred to as "**Grantor**"), and the **City of Bartlett, a Municipal Corporation of the State of Tennessee** (hereinafter referred to as "**Grantee**").

WITNESSETH: That for and in consideration of TEN AND NO/100 DOLLARS ($10.00), cash in hand paid and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, **Grantor** has bargained and sold and does hereby bargain, sell, remise, release, convey and forever quitclaim unto **Grantee** all of its right, title and interest in and to the following described real estate, situated and being in the City of Bartlett, County of Shelby, State of Tennessee, to-wit:

> **COMMENCING at a point in the north line of U.S. Highway 64, said point being the projected east line of Santa Valley Blvd.; thence north a distance of 31.24' to the point of beginning; thence north along said east line a distance of 125.99'; thence east a distance of 100.00 feet to a point; thence South a distance of 152.09'[to a point in the north line of U.S. Highway 64; thence westward along a curve to the right (Rad = 2801.59') to a point of curvature; thence along a curve to the right (Rad = 30'-distance of 48.34' to the point of beginning containing 0.35 acres, more or less.**
>
> **The total land contained in the above described parcels is 37,200 square feet or 0.8540 acres, more or less.**

This conveyance is being made for the public purpose of enhancing the Fletcher Creek Greenbelt/park system of the City of Bartlett. **Grantor** makes no claim or warranty relative to the environmental condition of the hereinabove described property being conveyed.

This conveyance is subject to acceptance by **Grantee**, which acceptance being expressly acknowledged herein by the approval of the proper Officials as evidenced by their signatures herein below.

IN WITNESS WHEREOF, **Grantor** has caused this instrument to be executed by the affixing thereto of the signature of the Mayor of the County of Shelby, the said Mayor being authorized so to do pursuant to Section 4.03-16 of Chapter 260 of the Private Acts of 1974 in accordance with the approval of the Shelby County Board of Commissioners, on the ____ day of _____, 2006, in Resolution #_____.

Grantee: City of Bartlett

BY: _____
A. Keith McDonald, City Mayor

Approved as to Form:

BY: _____
City Attorney

Grantor: County of Shelby

BY: _____
A C Wharton, Jr., County Mayor

BY: _____
Paul Matilla, Trustee

Approved as to Form:

BY: _____
Assistant County Attorney/
Contract Administrator

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned, a Notary Public within and for said State and Cour duly commissioned and qualified. personally appeared **A C WHARTON, JR., Mayor the County** of Shelby, with whom I am personally acquainted, and who upon o acknowledged himself to be the **Mayor of the County of Shelby**, the within nam bargainor, one of the counties of the State of Tennessee, and that he as such **Mayo** said county, being authorized so to do, executed the foregoing instrument for purposes therein contained, by signing the name of Shelby County by himself as s **Mayor** of said County of Shelby.

WITNESS my hand and Notarial Seal, at office in Memphis, in the Cou aforesaid, this ____ day of _____, 2008.

MY COMMISSION EXPIRES: _____
Notary Public

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned, a Notary Public within and for said State and Cou duly commissioned and qualified, personally appeared **PAUL MATILLA, Interim Tru of the County of Shelby**, with whom I am personally acquainted, and who upon acknowledged himself to be the **Trustee of the County of Shelby**, and that he as **Trustee**, being authorized so to do, executed the foregoing instrument for the purp therein contained.

WITNESS my hand and Notarial Seal, at office in Memphis, in the Co aforesaid, this ____ day of _____, 2008.

MY COMMISSION EXPIRES: _____
Notary Public

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned, a Notary Public within and for said State and Cou duly commissioned and qualified, personally appeared **A. Keith McDonald**, with who am personally acquainted, and who upon oath acknowledged himself to be the **Mayo the City of Bartlett**, the within named bargainor, and that he as such **Mayor**, be authorized so to do, executed the foregoing instrument for the purposes the contained, by signing the name of the **City of Bartlett,** by himself as such **Mayor**.

WITNESS my hand and Notarial Seal, at office in Memphis, in the Cou aforesaid, this ____ day of _____, 2008.

MY COMMISSION EXPIRES: _____ Nota

Public

(FOR RECORDING DATA ONLY)

Property Address:
Highway 64, (Vacant Land)

Tax Parcel No:
B01 570 00318

Mail Tax Bills to: (Person or Agency
responsible for payment of taxes)
Exempt - Government

Owners Name and Address:
City of Bartlett
6400 Stage Road
Bartlett, TN 38134

This instrument prepared by:
Shelby County Government
Real Estate Services
584 Adams Ave.
Memphis, TN 38103
Phone No. (901) 545-4900