CAO87179

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 LAND, 10,663 SQUARE FEET (0.244 ACRES) IN SIZE, LOCATED ON THE NORTH SIDE OF WESTBROOK ROAD AT ITS WEST DEAD-END, 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 ITS ONGOING MAINTENANCE OF SEWER LINE FACILITIES LOCATED THEREIN.

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:

	(Type your name & phone #.)	(Initials)	(Date)
Dept. Head:	Tom Moss (901) 545-4440	gfen	3/14/08
Elected Official:			
Division Director:	[illegible]	CMR	3/14/08
CIP – A&F Director:			
Finance Dept.:	Mike Swift 545-4269	MA	3/19/08
County Attorney:	Fred E Jones, Jr. 545-4611	FJ	3-19-08
CAO/Mayor:	James F. Huntzicker 545-4514	[illegible]	3/31/08

3/19/08

SUMMARY SHEET

I. Description of Item

A Resolution approving the conveyance of an unimproved parcel of County owned land (Right-of-way), 10,663 square feet (0.244 acres) in size, to the City of Bartlett, without monetary consideration; this parcel is located on the north side Westbrook Rd. at its west dead-end within the City of Bartlett; this parcel of land was purchased by the County in 1995, prior to its annexation by the City of Bartlett, in settlement of a claim for alleged damages incurred by the landowner in conjunction with the County's installation of a then new sanitary sewer line to serve the Horton Subdivision; this strip of land is the right-of-way for this sanitary sewer line and potential roadway right-of-way for the future westward extension of Westbrook Rd.; the City of Bartlett has formally requested the County to donate this parcel of land to the City of Bartlett to be used in conjunction with its ongoing maintenance of sewer line located therein; because this strip of land was assigned a tax parcel number and not shown as right-of-way by the Shelby County Assessor's Office, title thereto did not automatically transfer to the City of Bartlett with its annexation of this area thus requiring the formal transfer of this parcel to the City of Bartlett.

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, 10,663 SQUARE FEET (0.244 ACRES) IN SIZE, LOCATED ON THE NORTH SIDE OF WESTBROOK ROAD AT ITS WEST DEAD-END, 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 ITS ONGOING MAINTENANCE OF SEWER LINE FACILITIES LOCATED THEREIN.

Sponsored by: Commissioner Henri Brooks

WHEREAS, On May 10, 1995, Shelby County acquired a parcel of land, 10,663 square feet (0.224 acres) in size, located on the north side of Westbrook Road at its west dead-end, by Quit Claim Deed of Record as described in the Register's Office of Shelby County, Tennessee, in the Register's Official Record Book under Instrument Number FE 2597 and further identified as Tax Parcel Number B0149 000882; and

WHEREAS, Said parcel of land was acquired for the purpose of providing fee owned right-of-way for new sewer line facilities to serve Horton Subdivision; and

WHEREAS, The City of Bartlett has subsequently annexed Horton Subdivision taking on the maintenance responsibility for the sewer line facilities located within said parcel; 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, 10,663 square feet (0.244 acres) in size, to the City of Bartlett, without monetary consideration, to better enable the City of Bartlett to fulfill its responsibility in maintaining the sewer line facilities located therein.

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 effecting 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 **Shelby County, Tennessee, 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 this day bargained and sold and does hereby bargain, sell, remise, release, convey and forever quitclaim unto **Grantee**, its successors and assigns, 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:

Beginning at a point being the southwest property corner of the Lockett property as described in deed of record as instrument #S9-8961, said point being the intersection point of the south property line of the Lockett property with the east right-of-way line of the CSX Railroad, formerly the L & N Railroad, thence in a northeastwardly direction along the CSX Railroad right-of-way, also being the Lockett west property Line, 68 feet, more or less, to a point being 50 feet North of the Lockett south property line; thence running eastwardly, parallel to the Lockett south property line, 25 feet more or less to a point; thence in a southeastwardly direction 23 feet, more or less, to a point 34 feet north of the Lockett south property line; thence eastwardly, parallel to the Lockett south property line, 223 feet, more or less, to a point on the Lockett east property line; thence southwardly, along the east property line, 34 feet to a point, said point being the Lockett southeast property corner; thence westwardly, along the Lockett south property line 310 feet, more or less, to the point of beginning.

Containing 10,663 square feet or 0.244 acres, more or less.

Being the same real property conveyed to SHELBY COUNTY, a Political Subdivision of the State of Tennessee, by Quit Claim Deed of Record as described in the Register's Office of Shelby County, Tennessee, in the Register's Official Record Book under Instrument Number FE 2597.

Tax Parcel No. B0149 00882

Grantor makes no claim or warranty relative to the environmental condition of the above described property. This conveyance is made without warranties of any kind, whatsoever.

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

IN WITNESS WHEREOF, the undersigned **Grantor** has caused this instrument to be executed by the affixing thereto of the signature of the Mayor of Shelby County, Tennessee, the said Mayor being authorized so to do pursuant to Section 4.03-18 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 _____, 2008, in Resolution # _____.

Grantee:

CITY OF BARTLETT, TENNESSEE

By: _____
A. Keith McDonald, City Mayor

Approved as to Form:

By: _____
City Attorney

Grantor:

SHELBY COUNTY, TENNESSEE

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

Approved as to Form:

By: _____
Contract Administrator/
Assistant County Attorney

Other County Approvals:

By: _____
Manager, Real Estate Services

STATE OF TENNESSEE
COUNTY OF SHELBY

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

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

_____
Notary Public

MY COMMISSION EXPIRES:

_____

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned, a Notary Public within and for said State and County, duly commissioned and qualified, personally appeared **A. KEITH McDONALD, Mayor of the City of Bartlett**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the **Mayor of City of Bartlett**, the within named bargainor, one of the municipal corporations of the State of Tennessee, and that he as such **Mayor** of said Town, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the **City of Bartlett** by himself as such **Mayor** of said municipal corporation.

WITNESS my hand and Notarial Seal, at office in the City of Bartlett, in the County aforesaid, this ____ day of _____, 2008.

_____
Notary Public

MY COMMISSION EXPIRES:

_____

(FOR RECORDING DATA ONLY)

Property Address:
Vacant Land

Tax Parcel No:
B0149 00882

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
SCRE File No. CP07-006
584 Adams Avenue
Memphis, TN 38103
Phone No. (901) 545-4323