CA086108

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 6,011 SQUARE FEET (0.138 ACRES) IN SIZE, LOCATED ON THE SOUTH SIDE OF PONTOTOC ST. AND EAST OF ORLEANS ST., BACK TO THE CITY OF MEMPHIS, WITHOUT MONETARY CONSIDERATION; AND TO AUTHORIZE THE MAYOR TO EXECUTE A QUIT CLAIM DEED CONVEYING SAID PARCEL OF LAND BACK TO THE CITY OF MEMPHIS FOR PROPER DISPOSAL.

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		3/31/2008
Elected Official:			
Division Director:		CMB	3/31/08
CIP – A&F Director:			
Finance Dept.:	Mike Swift 545-4269	MAF	4/1/08
County Attorney:	Fred E Jones Jr. 545-461		4-1-08
CAO/Mayor:	James F. Huntzicker 545-4514		4/2/08

SUMMARY SHEET

I. Description of Item

A Resolution approving the conveyance of an unimproved parcel of County owned land 6,011 square feet (0.138 acres) in size, back to the City of Memphis, without monetary consideration; this parcel is located on the south side of Pontotoc St. and east of Orleans St., addressed as 529 Pontotoc St. within the City of Memphis; this parcel of land was acquired by the City of Memphis in Municipal Tax Sale No. IV and subsequently donated to the County in 1993 for the County's use in developing low income housing by the St. Patrick's Neighborhood Housing Development Corporation; Because the parcel was not used for the purported purpose, The City of Memphis has formally requested the County to transfer this parcel back to the City of Memphis for its proper disposal in accordance with Tennessee State Law governing the disposal of Delinquent Tax Property acquired in a municipal Tax Sale.

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 6,011 SQUARE FEET (0.138 ACRES) IN SIZE, LOCATED ON THE SOUTH SIDE OF PONTOTOC ST. AND EAST OF ORLEANS ST., BACK TO THE CITY OF MEMPHIS, WITHOUT MONETARY CONSIDERATION; AND TO AUTHORIZE THE MAYOR TO EXECUTE A QUIT CLAIM DEED CONVEYING SAID PARCEL OF LAND BACK TO THE CITY OF MEMPHIS FOR PROPER DISPOSAL.

Sponsored by: Commissioner Henri Brooks

WHEREAS, In 1993, Shelby County acquired, by donation from the City of Memphis, an unimproved parcel of land 6,011 square feet (0.138 acres) in size, located on the south side of Pontotoc St. and east of Orleans St., addressed as 529 Pontotoc St., and further identified as Tax Parcel Number 007016 0004; and

WHEREAS, This parcel of land was originally acquired by the City of Memphis in Municipal Tax Sale No. IV and subsequently donated to Shelby County for the County's public use and purpose in developing low income housing by the St. Patrick's Neighborhood Housing Development Corporation; and

WHEREAS, The County has not used this parcel for the intended public purpose and has no further need for the property; and

WHEREAS, The City of Memphis has now requested Shelby County to convey this parcel back to the City of Memphis without monetary consideration, for its proper disposal of said parcel of land in accordance with Tennessee State Law governing the disposal of Delinquent Tax Property acquired in a municipal Tax Sale; and

WHEREAS, It is deemed to be in the best interest of Shelby County to convey said parcel of land 6,011 square feet (0.138 acres) in size, being more particularly described in the attached Quit Claim Deed, which is hereby incorporated by reference, back to the City of Memphis, without monetary consideration, to enable the City of Memphis to properly dispose of said parcel of land.

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 Memphis, 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 Memphis, 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 Memphis, County of Shelby, State of Tennessee, to-wit:

A tract of land acquired by the County Commission of Shelby County as described in Chancery Court Case #9417-1 R.D., Exhibit #274, County Tax Sale # IV, identified as Ward 007, Block 016, Parcel 004 and as described in Deed recorded as Instrument No. J4-7887, in the Shelby County Register's Office, Tennessee being more particularly described as:

The East 11 feet of Lot No. 4 and the West 39 feet of Lot No. 5 of E. A. Shepherd's Subdivision of Lot No. 7 of Wheaton Subdivision of Block 59 South Memphis, as per plat of record in Plat book 1, Page 29 of the Register's Office of Shelby County, Tennessee, and being more particularly described as follows:

Beginning in the south line of Pontotoc Avenue 2299 feet east of Orleans Street; thence east of the south line of Pontotoc Avenue 50 feet; thence south parallel with Orleans Street 121 feet to an alley; thence west with the north line of said alley 50 feet; thence north parallel with Orleans Street 121 feet to the beginning.

As being the same property as conveyed to the grantor herein by warranty deed of record in Book 793, Page 56, in the Register's Office of Shelby County, Tennessee.

This conveyance is being made for the disposal of property to the City of Memphis. **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 4.03-18 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 Memphis

BY: _____
Dr. Willie W. Herenton, City Mayor

Approved as to Form:

BY: _____
City Attorney

Other City Approvals:

BY: _____
Director of General Services

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

Other County Approvals:

BY: _____
County Real Estate Manager

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 the County of Shelby**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the **Mayor of the County of Shelby**, 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 by himself as such **Mayor** of said County of Shelby.

WITNESS my hand and Notarial Seal, at office in Memphis, in the County 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 County, duly commissioned and qualified, personally appeared **PAUL MATILLA, Interim Trustee of the County of Shelby**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the **Trustee of the County of Shelby**, and that he as such **Trustee**, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

WITNESS my hand and Notarial Seal, at office in Memphis, in the County 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 County, duly commissioned and qualified, personally appeared **Dr. Willie W. Herenton**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the **Mayor of the City of Memphis,** the within named bargainor, and that he as such **Mayor**, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the **City of Memphis,** by himself as such **Mayor**.

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

MY COMMISSION EXPIRES:

_____
Notary Public

(FOR RECORDING DATA ONLY)

Property Address:
529 Pontotoc St.
(Vacant Land)

Tax Parcel No:
007 016 00004

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

Owners Name and Address:
City of Memphis
125 Main Street
Memphis, TN 38103

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