

Agenda Item VI. D.

Meeting Date: April 18, 2017

Office: County Attorney

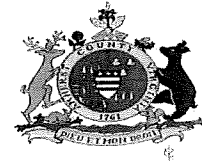
Issue: **Resolution 2017-0015-R**

Board Action: The Board is being asked to adopt Resolution 2017-0015-R.

Attachment: Resolution 2017-0015-R

Summary: A resolution, expressing the acceptance by the Amherst County Board of Supervisors, on behalf of Amherst County, of the fee simple interest in the real property at tax map number 96A4 A 121, containing the Amherst County Administration Building.

Recommendation: That the Board adopt Resolution 2017-0015-R.



Amherst County Board of Supervisors
County Resolution No. 2017-0015-R

For consideration on April 18, 2017

A RESOLUTION, NO. 2017-0015-R

A resolution, expressing the acceptance by the Amherst County Board of Supervisors, on behalf of Amherst County, of the fee simple interest in the real property at tax map number 96A4 A 121, containing the Amherst County Administration Building.

Approved as to form by the County Attorney

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA:

I. That the Board of Supervisors of Amherst County hereby expresses its acceptance, on behalf of Amherst County, of the fee simple interest in the real property at tax map number 96A4 A 121, as follows:

WHEREAS, the Amherst County School Board (the "School Board") holds fee simple title to Tax Map 96A4 A 121 (the "Property"), which is located at 153 Washington Street in the Town of Amherst and contains the Amherst County Administration Building, among other improvements; and

WHEREAS, the County of Amherst, Virginia (the "County") proposes to (i) finance a landfill construction project (the "Landfill Project") and the costs of issuance related thereto through the issuance by the Economic Development Authority of Amherst County, Virginia (the "Authority") of the Authority's Lease Revenue Bond (Landfill Project), Series 2017A (the "Series 2017A Bond"), and (ii) refund the Authority's \$5,350,000 Public Facility Lease Revenue Bond, Series 2007 and \$2,373,000 Public Facility Lease Revenue Bond, Series 2008 (collectively, the "Prior Bonds") and pay the costs of issuance related thereto through the issuance by the Authority of its Lease Revenue Refunding Bond (County Government Projects), Series 2017B (the "Series 2017B Bond" and, together with the Series 2017A Bond, the "Bonds"); and

WHEREAS, the County has requested that the School Board transfer its interest in the Property to the County so that the County can use the Property as collateral for the above-referenced Landfill Project financing and refunding the Prior Bonds; and

WHEREAS, the School Board has approved, at a meeting on April 5, 2017, in consideration of and regard for the County's best interests, a resolution providing for such transfer to facilitate the County's financing the Landfill Project and refunding the Prior Bonds, which resolution is attached hereto as Exhibit A; and

WHEREAS, the Amherst County Attorney is drafting the deed for transfer of the Property (the "Deed"), which Deed will be reviewed and approved as to form by counsel for the School Board prior to being placed before the School Board Chairman for signature; and

WHEREAS, the Amherst County Board of Supervisors ("Board") is desirous of accepting the Property, for the purposes of securing the financing and refunding; and

WHEREAS, a copy of the draft Deed is attached hereto as Exhibit B; and

WHEREAS, the Board wishes to direct its Chair to sign the Deed as Grantee.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE
COUNTY OF AMHERST, VIRGINIA:**

That the Board does hereby accept on behalf of Amherst County the interests in real property from the Grantor subject to the terms of the Deed, and authorizes and directs Claudia D. Tucker, in her capacity as Chair of the Board, to execute the Deed.

II. That this resolution shall be in force and effect upon adoption.

Adopted this 18th day of April, 2017.

Claudia D. Tucker, Chair
Amherst County Board of Supervisors

ATTEST:

Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes ____

Nays ____

Abstentions ____

VIRGINIA: At the regular meeting of the Amherst County School Board held at Virginia School Boards Association in Charlottesville, Virginia on the fifth day of April 2017 at 10:00 a.m., with the following Board members present, the following resolution was passed:

PRESENT: Michael Henderson, Chairman
Priscilla Liggon, Vice Chairman
Jennifer Cumby
Francisco Mayo
Randy Summers
Craig Terwilliger
Abby Thompson

ABSENT: None

Upon motion by Mrs. Liggon, seconded by Mr. Terwilliger, the Board approved the following resolution:

AYES: Henderson, Liggon, Cumby, Mayo, Terwilliger, Thompson

NAYS: Summers

WHEREAS, the Amherst County School Board (the "School Board") holds fee simple title to Tax Map 96A4 A 121 (the "Property"), which is located at 153 Washington Street in the Town of Amherst and contains the Amherst County Administration Building, among other improvements; and

WHEREAS, the County of Amherst, Virginia (the "County") proposes to (i) finance a landfill construction project (the "Landfill Project") and the costs of issuance related thereto through the issuance by the Economic Development Authority of Amherst County, Virginia (the "Authority") of the Authority's Lease Revenue Bond (Landfill Project), Series 2017A (the "Series 2017A Bond"), and (ii) refund the Authority's \$5,350,000 Public Facility Lease Revenue Bond, Series 2007 and \$2,373,000 Public Facility Lease Revenue Bond, Series 2008 (collectively, the "Prior Bonds") and pay the costs of issuance related thereto through the issuance by the Authority of its Lease Revenue Refunding Bond (County Government Projects), Series 2017B (the "Series 2017B Bond" and, together with the Series 2017A Bond, the "Bonds"); and

WHEREAS, the County has requested that the School Board transfer its interest in the Property to the County so that the County can use the Property as collateral for the above-referenced Landfill Project financing and refunding the Prior Bonds; and

WHEREAS, the School Board wishes, in consideration of and regard for the County's best interests, to transfer the Property to the County to facilitate the County's financing the Landfill Project and refunding the Prior Bonds; and

WHEREAS, the Amherst County Attorney is drafting the deed for transfer of the Property (the "Deed"), which Deed will be reviewed and approved as to form by counsel for the School Board prior to being placed before the School Board Chairman for signature.

Resolution 2017-0015-R
Exhibit A

NOW, THEREFORE, BE IT RESOLVED BY THE SCHOOL BOARD OF THE COUNTY OF AMHERST, VIRGINIA:

That the Amherst County School Board does hereby consent to and approve of the conveyance of its interest in the Property to Amherst County subject to the terms of the Deed, and W. Michael Henderson, in his capacity as Chairman of the Board, is hereby authorized and directed to execute and deliver the Deed to the Amherst County Board of Supervisors on behalf of the Amherst County School Board.

A Teste

A handwritten signature in cursive script, appearing to read "W. Michael Henderson", written in dark ink.

W. Michael Henderson, Chairman
Amherst County School Board

This Deed of Gift was prepared by
Ellen Bowyer, County Attorney
County of Amherst
P.O. Box 390

Consideration: Gift
Assessed Value: N/A

Amherst, Virginia 24521
Tax Map No. 96A4 A 121

Title Insurance: Existence is unknown to preparer.

This deed is exempt from recordation taxes imposed by § 58.1-802 of the Code of Virginia, 1950 (as amended), pursuant to § 58.1-811 (A) (3).

Accepted pursuant to Virginia Code § 15.2-1803 by Resolution 2017-0015-R.

THIS DEED OF GIFT, made and entered into this 18th day of April, 2017, by and between
AMHERST COUNTY SCHOOL BOARD, party of the first part, **GRANTOR**; and the
BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA, party of the
second part, **GRANTEE**;

WITNESSETH

NOW THEREFORE, for no monetary or other consideration, as a gift only, the party of
the first part does hereby GIVE, GRANT, and CONVEY with Special Warranty of Title unto the
said **BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA** in fee
simple absolute, the following described real estate, together with its privileges and appurtenances,
to-wit:

Two certain town lots known and designated as Nos. 30 and 31, and described in a
plat of Town lots between Amherst Court House and the Depot, recorded in the
County Clerk's office of Amherst County in D. B. PP, p. 334; they being the same
lots which were by deed of the 15th day of August, 1887 conveyed by Henry
Loving, Executor of John Thompson, Jr., deceased, to Thos. A. Barbour, John C.
Mundy and Hugh J. Watts, trustees of the Public Schools for Amherst Court House
District and their successors, see D. B. RR, p. 264 in Amherst County Clerk's
Office.

and

Block 10 as mentioned in plot recorded in deed Book UU, page 68; also all of said
Church Street lying between the County lot and said Block 10; also, so much of

First Street and Norfolk Avenue as lies between said Block 10 and said First Street as narrowed to 30 feet and said Norfolk Avenue as narrowed to 40 feet, as well as the strip of land lying opposite Blocks 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, and the lots within said Blocks, cut off by the narrowing of said Church Street, Norfolk Avenue, First and Second streets, as appears in said plot recorded in Deed Book UU, page 68.

This conveyance is made expressly subject to the restrictions, conditions, rights-of-way, and easements, if any, contained in the instruments constituting the chain of title to the property conveyed herein, and to matters visible upon inspection.

This Deed is exempt from the recordation taxes imposed by Virginia Code §§ 58.1-801 and 58.1-803, pursuant to Virginia Code § 58.1-811. This Deed of Gift is made in accordance with Virginia Code § 58.1-811.D. of the Code of Virginia, as amended.

This conveyance is made by the Chairman of the Amherst County School Board pursuant to a duly adopted resolution made by said Board, with said resolution being recorded contemporaneously herewith.

The Chair of the Board of Supervisors of Amherst County has affixed her signature hereto on behalf of the Board of Supervisors, thereby accepting the deed on behalf of the County of Amherst, Virginia, her having been authorized to so act on behalf of said County by Resolution 2017-0015-R, duly adopted by the Board of Supervisors of said County at the meeting held on April 18, 2017, which acceptance is evidenced by the execution of this deed by the said Chair, in accordance with Virginia Code §15.2-1803.

In compliance with Virginia Code § 15.2-1803, this deed is in the form approved by Ellen Bowyer, Amherst County Attorney.

WITNESS the following signatures and seals:

_____(SEAL)
W. Michael Henderson
Chairman of the Amherst County School Board

STATE OF VIRGINIA
COUNTY OF AMHERST, to-wit:

I, _____, a Notary Public in and for the State and County
aforesaid, do hereby certify that **W. Michael Henderson, Chairman of Amherst County School
Board** did personally appear before me and did execute and acknowledge his signature to the
foregoing Deed of Gift and Easement bearing date on the ____ day of _____, 2017.

Given under my hand this ____ day of _____, 2017.

My commission expires: _____

Registration No.: _____
Notary Public

_____(SEAL)
Claudia D. Tucker
Chair of the Amherst County Board of Supervisors

STATE OF VIRGINIA
COUNTY OF AMHERST, to-wit:

I, _____, a Notary Public in and for the State and County
aforesaid, do hereby certify that **Claudia D. Tucker, Chair of the Amherst County Board of
Supervisors** did personally appear before me and did execute and acknowledge her signature to
the foregoing Deed of Gift and Easement bearing date on the ____ day of _____, 2017.

Given under my hand this ____ day of _____, 2017.

My commission expires: _____

Registration No.: _____
Notary Public

Approved as to form:

Ellen Bowyer
Amherst County Attorney