

Agenda Item VI. D.

Meeting Date: September 19, 2017

Department: County Attorney

Topic: **Accepting the conveyance of Pleasant View School**

Board Action: The Board is being asked to adopt Resolution 2017-0025-R.

Attachment: Resolution 2017-0025-R, Exhibit A, and Exhibit B

Summary: This is a resolution expressing the acceptance by the Board of Supervisors of the fee simple interest in the real property at tax map number 76-A-53, containing the Pleasant View Elementary School.

Recommended Motion: I move that the Board adopt Resolution 2017-0025-R.



Amherst County Board of Supervisors
County Resolution No. 2017-0025-R

For consideration on September 19, 2017

A RESOLUTION, NO. 2017-0025-R

A resolution, expressing the acceptance by the Board of Supervisors of the County of Amherst, Virginia, on behalf of Amherst County, of the fee simple interest in the real property at tax map number 76-A-53, containing the Pleasant View Elementary School.

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 the County of Amherst, Virginia, hereby expresses its acceptance, on behalf of Amherst County, of the fee simple interest in the real property at tax map number 76-A-53, as follows:

WHEREAS, the Amherst County School Board (the "School Board") holds fee simple title to Tax Map 76-A-53 (the "Property"), which is located at 229 Dancing Creek Rd, Monroe, Virginia, and contains the Pleasant View Elementary School building, among other improvements; and

WHEREAS, the School Board declared that they have no use for the Property, making such Property surplus property within the meaning of §22.1-129 of the Code of Virginia, 1950, as amended and approved the transfer of the Property by deed to Amherst County, Virginia; and

WHEREAS, the School Board did approve, at a meeting on June 8, 2017, in consideration of and regard for the County's best interests, a resolution providing for such transfer, which resolution is attached hereto as Exhibit A; and

WHEREAS, the Amherst County Attorney did draft the deed for transfer of the Property (the "Deed"), which Deed has been 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 Board of Supervisors of the County of Amherst, Virginia, (the "Board") is desirous of accepting the Property; and

WHEREAS, a copy of the Deed is attached hereto as Exhibit B.

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 the County Administrator provide the Deed for recordation in the Circuit Court Clerk's Office.

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

Adopted this 19th day of September, 2017.

Claudia D. Tucker, Chair
Board of Supervisors of the County of Amherst, Virginia

ATTEST:

Dean C. Rodgers, Clerk
Board of Supervisors of the County of Amherst, Virginia

Ayes _____ **Nays** _____ **Abstentions** _____

VIRGINIA: At a regular meeting of the Amherst County School Board held in the School Administration Building, Amherst, Virginia on June 8, 2017, at 6:00.

PRESENT: W. Michael Henderson, Chairman
Priscilla M. Liggon, Vice Chairman
Jennifer E. Cumby
Randy V. Summers
Francisco D. Mayo
Abby J. Thompson

ABSENT: Craig S. Terwilliger

RESOLUTION

WHEREAS, the Amherst County School Board has no use for the property known as the Pleasant View Elementary School at 229 Dancing Creek Road, Monroe, Virginia, making such property surplus property within the meaning of §22.1.129 of the Code of Virginia, 1950, as amended, and wishes to convey such property to the Amherst County Board of Supervisors, June 30, 2017.

NOW THEREFORE BE IT RESOLVED, that the Amherst County School Board hereby declares the Pleasant View Elementary School in Monroe, Virginia to be surplus within the meaning of §22.1-129 of the Code of Virginia, 1950, as amended and hereby approves the transfer of the property by Deed to the Amherst County Board of Supervisors, and duly authorizes W. Michael Henderson, its chairman, to execute a Deed conveying such property to the Amherst County Board of Supervisors, such deed to include a more specific legal description as prepared by the County Attorney and approved by the School Board Attorney.



Teresa Crouch, Clerk
Amherst County School Board

SPECIAL WARRANTY DEED

Prepared by:

Michael W.S. Lockaby
County Attorney
VSB #74136
Guynn & Waddell, P.C.
415 S. College Ave.
Salem, Virginia 24153

Return to:

Dean C. Rodgers
County Administrator
County of Amherst
153 Washington Street
P.O. Box 390
Amherst, Virginia 24521

Tax Map No. 76-A-53
Title Insurance: None
Consideration: None

This conveyance is exempt from recordation taxes pursuant to § 58.1-811 (A)(3) and § 58.1-811 (D) of the Code of Virginia, 1950, as amended. This Deed is exempt from the payment of Clerk's fees pursuant to § 17.1-279 (E) of the Code of Virginia (1950), as amended.

THIS DEED is made and entered into this 8th day of June, 2017, by and between the COUNTY SCHOOL BOARD OF AMHERST COUNTY VIRGINIA, a political subdivision of the Commonwealth of Virginia, to be indexed as Grantor, and AMHERST COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia, to be indexed as Grantee. For the premises hereof, the Grantor and Grantee state:

WHEREAS, the Grantor has operated for many years a school, known as the Pleasant View Elementary School, on the certain property more particularly described herein; and

WHEREAS, the Grantor has closed the Pleasant View Elementary School, and determined, by resolution duly adopted on June 8, 2017, in accordance with subsection (A) of Section 22.1-129 of the Code of Virginia, 1950, as amended, that said property is surplus, and not needed any longer for school board purposes, and offered it to the Grantee; and

WHEREAS, the Grantee has, by resolution adopted by its Board of Supervisors on September 19, 2017, accepted said offer:

NOW THEREFORE, in consideration of the premises hereof, which are expressly incorporated by reference herein, together with \$10, cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby grant, convey, and demise unto the Grantee, with Special Warranty of title, all that real property described as:

ALL THAT PROPERTY conveyed to the County School Board of Amherst County, Virginia, by A.O. Lamb and E.E. Lamb, by deed dated October 20, 1947, and of record among the land records of Amherst County, Virginia, at Deed Book 135, page 237; and being more particularly described on a plat drawn by T.W. Saunders, L.S., of even date therewith, and of record among the land records of Amherst County, Virginia, at Deed Book 135, page 239.

SUBJECT TO all other matters of record or which would be disclosed by a careful inspection and survey thereof.

The Grantor covenants and agrees that it will execute such further assurances of the real property conveyed in this Deed as may be necessary or required to transfer good title to the Grantee, including, but not limited to, the execution of plats, maps, and deeds of confirmation that will properly and absolutely convey any other property listed or referred to in this Deed and assuring all such property described in this Deed.

THIS DEED WAS PREPARED WITHOUT BENEFIT OF A FULL TITLE SEARCH. THE ATTORNEY PREPARING THIS DEED MAKES NO REPRESENTATION AS TO THE STATE OF TITLE OF THE PROPERTY CONVEYED HEREIN.

IN WITNESS WHEREOF, this Deed has been executed on behalf of the County School Board of Amherst County, Virginia, by W. Michael Henderson, its chairman, and on behalf of Amherst County, Virginia, by Dean C. Rodgers, its County Administrator pursuant to authority duly conferred and authorized by resolutions of the School Board of Amherst County, Virginia, and the Board of Supervisors of Amherst County, Virginia.

Signatures on Following Pages.

GRANTOR:

COUNTY SCHOOL BOARD OF AMHERST
COUNTY, VIRGINIA:

W. Michael Henderson

W. Michael Henderson
Chairman

COMMONWEALTH OF VIRGINIA)

COUNTY OF AMHERST) To wit:

The foregoing instrument was acknowledged before me, the undersigned notary public, in my jurisdiction aforesaid, on this 25th day of July, 2017, by W. Michael Henderson, Chairman, on behalf of the County School Board of Amherst County, Virginia.

(NOTARY SEAL)

Jeresa C Crouch

Notary Public

My commission expires: January 31, 2020

Notary Registration No.: 103064

APPROVED AS TO LEGAL FORM:

Michael H. H. H.

Division Counsel

GRANTEE:

AMHERST COUNTY, VIRGINIA

Accepted pursuant to Section 15.2-1803 of the Code of Virginia, 1950, as amended:

Dean C. Rodgers

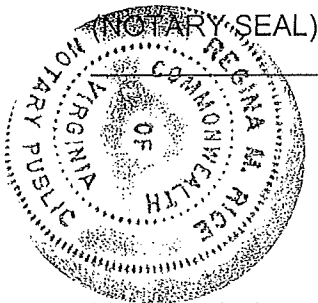
Dean C. Rodgers

County Administrator

COMMONWEALTH OF VIRGINIA)

COUNTY OF AMHERST) To wit:

The foregoing instrument was acknowledged before me, the undersigned notary public, in my jurisdiction aforesaid, on this 31st day of August, 2017, by Dean C. Rodgers, County Administrator, on behalf of Amherst County, Virginia.



Regina M. Rice
Notary Public

My commission expires: November 30, 2018.

Notary Registration No.: 205667

APPROVED AS TO LEGAL FORM:

Michael W. Lorkay
County Attorney