



MEMORANDUM

To: Mayor and Members of the City Council

From: Rich Olson, City Manager

Date: November 9, 2016

Re: Consideration – Purchase of Property Adjacent to Old Oak Grove Cemetery

BACKGROUND:

The City of Elizabeth City maintains eight cemeteries within the City limits and has been doing so since the 1950's and 1960's. The City received a deed to Old Oak Grove Cemetery on December 1, 1964 from the Nash family. In the mid-1990's, City crews started maintaining a piece of property, which is 100 feet by 560 feet that lies just south of the Nash property. The title research that the City has done on this property indicates that the property was owned by S. J. Walson. The City has only been maintaining some of the property formerly owned by S. J. Walson. The remaining property has been maintained by the adjoining property owner - the Barnes Family. (See attached survey dated October 4, 2016)

Harold Barnes has made a claim of adverse possession in an effort to clean up a number of issues with the Barnes Family property. Staff has negotiated a package deal, which will resolve the disputed property, an old sewer easement dispute and the purchase of an additional 25 feet of property, owned by Peartree Development LLC, which is controlled by Harold Barnes. (See attached aerial depicting property lines.)

ANALYSIS:

City staff has negotiated a total price of \$18,400.30 to settle all outstanding issues including the purchase of 25 feet from Peartree Development LLC, settlement of any and all issues associated with the sewer easement and the deeding of the S. J. Walson property. The additional 25 feet of property will be used to create a waste area where excess dirt will be dumped from the digging of graves. At the present time, the dirt is disposed of in the swamp. (See attached aerial showing proposed 25 foot property purchase with the area shown for a concrete pad.)

Peartree Development has not paid property taxes on their property since 2012. The total tax liability is \$15,400.13. The outstanding City property taxes are \$8,469.24. This amount includes two Special Assessments, one being the cost

to tear down an old single family dwelling in the amount of \$2,403 and a second weed abatement in the amount of \$131.40. Once the amount of property taxes the City will receive is factored in, the net cost of the property is \$9,930.89.

Mr. Barnes will provide the City a Quick Claim Deed on the Walson property and a Warranty Deed on the 25 feet of property to be purchased from Peartree Development LLC. The City Attorney would draft an agreement, which would waive any fees for the sewer easement. The City budgeted \$11,000 in fiscal year 2016-2017 to install 1,052 linear feet of fence around Old Oak Grove Cemetery. Prior to this work being done, staff believes that the southern property line of the cemetery needs to be delineated.

Staff is requesting that the \$11,000 budgeted for the fencing be redirected to pay for part of the cost of acquiring the property from Peartree Development LLC. The remaining \$7,400.30 will need to be taken from Fund Balance Appropriated.

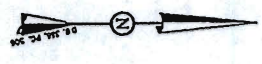
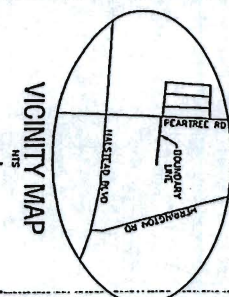
FINANCIAL:

The Finance Committee discussed this matter during their meeting of November 9, 2016. Upon motion made by Mayor Peel, seconded by Councilman Donnelly, the committee recommended approval by the City Council.

STAFF RECOMMENDATION:

By motion, authorize the purchase of 25 feet of property from Peartree Development, LLC to increase the size of the Old Oak Grove Cemetery; and further, accept a Quick Claim Deed for the S.J. Walson property from Peartree Development LLC; and further, authorize the City Attorney to draft a Settlement Agreement on an outstanding sewer easement dispute. (The total cost to the City is \$18,400.30.)

RCO/vdw



NORTH CAROLINA, PASQUOTANK COUNTY
 REVIEW OFFICE OF PASQUOTANK COUNTY
 CENTER THAT THE USE OF PLAT TO WHICH THIS CONSTRUCTION IS ATTACHED WETS THE
 STATIONARY REQUIREMENTS FOR RECORDING
 REVIEW OFFICE
 ELIZABETH CITY PLANNING DEPARTMENT
 DATE

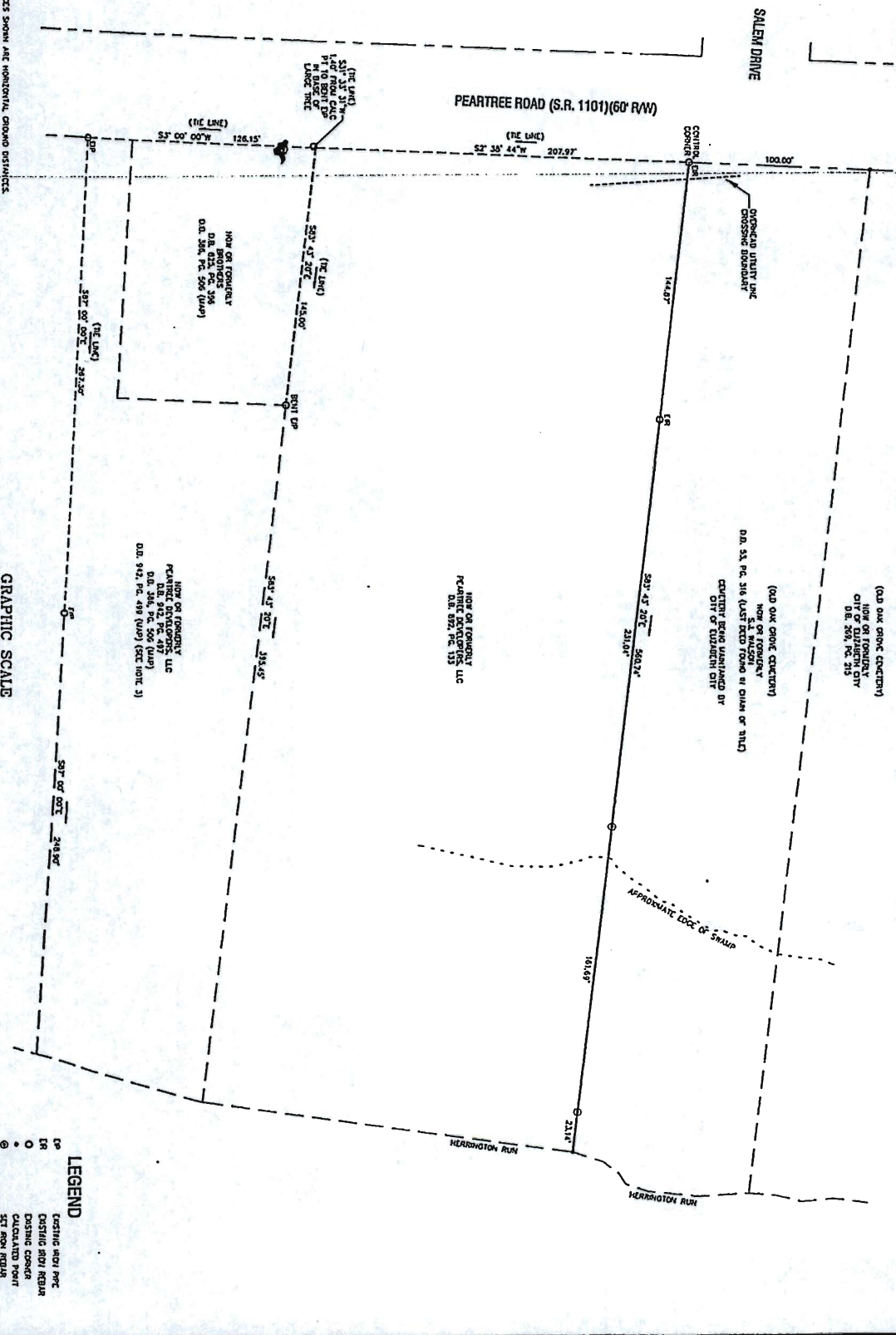
(OLD OAK GROVE CEMETERY)
 NOW OF TOWNSHIP
 CITY OF ELIZABETH CITY
 O.R. 504, P.C. 215

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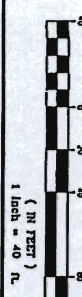
(OLD OAK GROVE CEMETERY)
 S. L. WALSON
 D.O. 53, P.C. 316 (LAST RECD FOUND IN CHAIN OF TITLE)
 CEMETERY BEING MAINTAINED BY
 CITY OF ELIZABETH CITY

I, THOMAS W. HODGETT, P.S.-5052, C.E.T.S.,
 (P.L.) do hereby certify that this map was drawn under my supervision from an actual
 survey made under my supervision from the corner descriptions recorded in D.O. 329, P.C. 216, D.O. 53,
 and of previous calculations is 1110.00'. This map was prepared in accordance with the
 AS SUPPLEMENT, WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 4TH DAY OF OCTOBER,
 2016.

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- NOTES
- 1) ALL DISTANCES SHOWN ARE HORIZONTAL, GROUND DISTANCES.
 - 2) THE PURPOSE OF THIS SURVEY WAS TO ESTABLISH THE SOUTHERN BOUNDARY LINE OF THE OLD OAK GROVE CEMETERY.
 - 3) DURING THE FIELD SURVEY THE SURVEY RECORDS IN D.O. 514, P.C. 489 WAS FOUND TO BE SHARPLY IN THE FIELD WHILE BEING AS CORRECTING.
 - 4) EXISTING UNDEVELOPED FOUND IN THE FIELD WHILE BEING AS CORRECTING.



LEGEND

CP	EXISTING MONY POINT
ER	EXISTING MONY REBAR
○	EXISTING CORNER
●	CALCULATED POINT
---	BOUNDARY LINE
---	PROPERTY EXTENSION
---	MONY OF WAY LINE
---	PROPERTY TO BE LINED
---	APPROXIMATE EDGE OF SWAMP

BOUNDARY LINE SURVEY
 FOR
 CITY OF ELIZABETH CITY & PEARTREE DEVELOPERS, LLC.
 CITY OF ELIZABETH CITY
 PASQUOTANK COUNTY, NORTH CAROLINA
 BEING THE SOUTHERN BOUNDARY LINE OF OLD OAK GROVE CEMETERY
 OCTOBER 4, 2016

A.E.T. HYMAN
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 Camden, NC 27921 License C-4161
 (252) 338-2913 - (252) 338-5552 Fax

1
 DRAWING #: 15-56
 DRAWN BY: HODGETT
 CHECKED BY: HODGETT
 APPROVED BY: HODGETT
 DATE: 10/04/2016
 SHEET # 1 OF 1
 SCALE: 1" = 40'
 PROJECT #: 15-56



1 inch = 75 feet

Legend

- 25 ft boundary line
- Concrete Pad

Side

Front

REAR