

Item Title: Partial Release of Deed of Trust for 305 Wrenn Street in Apex

Specific Action Requested:

That the Board of Commissioners:

- 1. Consent to Margaret Wyatt's voluntary sale of a portion of her property located at 305 Wrenn Street (approximately 0.014 acres) to the Town of Apex; and**
- 2. Release said portion of the property conveyed to the Town of Apex from the Wake County Deed of Trust recorded in Deed Book 13726, Page 2411, Wake County Registry; and**
- 3. Authorizes the Chair to execute a Partial Release of Deed of Trust (along with any other supporting documentation), subject to the terms and conditions acceptable to the County Attorney.**

Item Summary:

Purpose: The Board of Commissioners must approve of Wake County's property transactions.

Background: In 2008, Wake County made a rehabilitation loan to Margaret Wyatt using federal CDBG funds in the amount of \$49,230. The property is located at 305 Wrenn Street in Apex, NC (see attached aerial map). As part of the loan rehabilitation program, Wake County is the named beneficiary in the attached deed of trust recorded in the Wake County Registry, Deed book 13726 Page 2411. The Wake County loan is in 1st position with this loan and the 0% interest is deferred.

The assistance was initially structured as a loan (deferred or amortized) so that funds can be recouped when the property is no longer occupied by the original homeowner. Those recouped funds are used to assist additional homeowners. There is no CDBG requirement that funds used for home repairs be repaid by the homeowner.

Board Goal: This action supports routine County operations.

Fiscal Impact: There is no fiscal impact to the County associated with the execution of the partial release of deed of trust.

Additional Information:

Since 1992, Wake County has managed a homeowner rehabilitation program for qualified homeowners. This program provides assistance to low income families needing repairs to their homes and is fully funded through the Federal Community Development Block Grant (CDBG) funds received annually from the US Department of Housing and Urban Development (HUD). The program is designed to keep people in their homes and prevent

them from becoming homeless or going prematurely to an assisted living facility. There is no CDBG requirement that funds used for home repairs be repaid by the homeowner.

In 2018 the Town of Apex contacted the Wyatt family regarding a proposed pedestrian improvement project. Apex is proposing to build a sidewalk between James Street and Downtown across the subject property. Additional right of way and easements will be needed from adjacent property owners along the construction corridor so that sidewalk and drainage improvements may be installed properly.

On August 27, 2018 Margaret Wyatt received a formal offer in the amount of \$8,700 from the Town of Apex to purchase 0.014 acres of right of way, 0.013 acres of slope easement, and 0.018 acre of temporary construction easements. The attached offer letter outlines the particulars of this offer. The Wyatt family has independently negotiated with the Town of Apex and agreed to Apex's \$8,700 offer for right of way and easement interest needed to complete the project. The Apex offer is supported by an appraisal of the property and is also attached. The map insert below shows the Wyatt property and location of the proposed right-of-way (in Red) along with the slope easement and temporary construction easement.

In late September 2018 the Wyatt family contacted Wake County regarding this project and the Apex offer. Due to the Wake County deed of trust on the property, a partial release from the County's deed of trust is needed for the 0.014 acres of right of way being acquired by Apex from the Wyatt property. The partial release of the Deed of Trust is attached along with the associated Exhibit A.

The proposed project plans have been reviewed by County staff from the Facilities Design & Construction and Housing Departments. Staff has concluded this conveyance will have no long-term impacts on the property or the deferred loan and the County's ability to recoup funds. Staff recommends approval of the specific actions requested, subject to the terms and conditions acceptable to the County Attorney.

Attachments:

1. Aerial Map
2. Deed of Trust DB 13726 PG 2411
3. Apex Offer Letter
4. Appraisal
5. Partial Release of Deed of Trust
6. Exhibit A