

**RESOLUTION APPROVING CONVEYANCE OF PROPERTY TO A
NONPROFIT ORGANIZATION PURSUANT TO G.S. 160A-279**

WHEREAS Wake County owns that certain parcel of land with Wake County Pin No. 1703361837 and located at 506 Cutler Street, Raleigh, NC 27603 (“Property”); and

WHEREAS North Carolina General Statute § 160A-279 authorizes a city or county to convey real or personal property by private sale to a nonprofit corporation if the city or county is authorized by law to appropriate money to the corporation; and

WHEREAS North Carolina General Statute § 160A-267 authorizes a city or county to expend funds for the specific undertaking for which the property is to be conveyed to the nonprofit; and

WHEREAS the Wake County has negotiated with the Fellowship Home of Raleigh to convey the Property described above to Fellowship Home, in order that it may continue to use the Property as a recovery center for the purpose of treating substance abuse and alcoholism in Wake County.

THEREFORE, THE WAKE COUNTY BOARD OF COMMISSIONERS
RESOLVES THAT:

1. The Chairman of the Wake County Board of Commissioners is authorized to execute all documents necessary to convey fee simple defeasible title to that certain parcel of land with Wake County Pin Number 1703361837 and located at 506 Cutler Street, Raleigh, NC 27603, more particularly described on Exhibit ‘A’ Attached Hereto.

2. The consideration for the conveyance is the following set of conditions, covenants, and restrictions, which shall be incorporated in the deed given by the city/county to Fellowship Home:

- i. Covenant of Restriction on Use & Future Conveyance: Pursuant to N.C.G.S. 160A-279, the Property herein conveyed may only be used and must continuously be used for the sole purpose of providing substance use and alcohol treatment services to the public. The covenants, reservations and restrictions set forth herein shall be deemed covenants running with the land and, shall pass to and be binding upon the Grantee, its successors and assigns in title and all subsequent grantees or operations of the Property. Every contract, deed or other instrument hereafter executed, covering or conveying the Property or any portion thereof shall conclusively be held to have been executed, delivered, and accepted subject to such covenants, reservations, and restrictions, regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed, or other instruments. If a portion or portions of the Property are conveyed, prior approval must be

obtained by Wake County, and all such covenants, reservations and restrictions shall run to each portion of the Property unless otherwise terminated or released. The Grantor shall be listed as a Loss Payee on any insurance coverage for the property.

- ii. Reverter Clause in Favor of the Grantor: In the event the Property is not actively used by Grantee, or any authorized successor in interest of Grantee, for the stated public purpose in section (i), above, all right, title, and interest in the Property shall revert to Grantor.

3. The County Clerk shall publish a notice summarizing the contents of this resolution, and the property may be sold at any time after 10 days after publication of the notice.

Adopted this the ____ day of _____, 2024.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed and delivered.

WAKE COUNTY, NORTH CAROLINA

(Corporate Seal)

By:

Name: Shinica Thomas, Chair
Wake County Board of Commissioners

ATTESTED TO:

Yvonne Gilyard
Clerk to the Wake County Board of Commissioners

NORTH CAROLINA, WAKE COUNTY

I, a Notary Public of the County and State aforesaid, certify that Shinica Thomas, personally appeared before me this day and acknowledged that she is the Clerk of the Wake County Board of Commissioners, and that by authority duly given, the foregoing instrument was signed in its name by its Chair of the Wake County Board of Commissioners, sealed with its corporate seal and attested by Yvonne Gilyard as its Clerk.

Witness my hand and official stamp or seal, this ____ day of _____, 2024.

NOTARY PUBLIC

Printed Name

My Commission Expires: _____

EXHIBIT 'A'
PROPERTY DESCRIPTION

TRACT NO. 1:

Beginning at a point in the Western line of Cutler Street at a point distant thereon 55.1 feet in a southeastern direction from the Southwestern intersection of Cutler Street and Cabarrus Street and runs thence along the Southern line of Lot No. 141 in a Western direction 128.8 feet to a point in the Eastern line of an alley; runs thence along the line of said alley in a Southeastern direction 55 feet to a point, the Northwestern corner of Lot No. 139; runs thence along the Northern line of Lot No. 138, in an Eastern direction 131 feet to a point in the Western line of Cutler Street; runs thence along the said line of Cutler Street in a Northwestern direction

55.2 feet to the point of beginning, and being Lot No. 140 of Boylan Heights according to a map recorded in Book of Maps 1885, at page 114, Register of Deeds' office for Wake County,

N. C. Being the same land conveyed to Miss Jessie Morgan by Wake County, by deed recorded in Book 868, at Page 289, Wake County Registry, and also being the same land conveyed to Dorson B. Foster and wife, Vyrta Smith Foster, by Charles H. Henderson, unmarried, in Book 912, page 637, Wake County Registry, and also see deed from James T. Henderson, et al, to Dorson B. Foster and wife, dated March 9, 1945, and recorded in Book 918, Page 603, Wake County Registry.

TRACT NO. 2:

Bounded by a line BEGINNING in the Westerly boundary line of Cutler Street at a point 110.3 feet Southwardly from the Southerly boundary line of West Cabarrus Street; running thence in a Westerly direction, along the Southern boundary line of Lot No. 140 as shown by the map above referred to, 131 feet to an iron stake in the Easterly boundary line of an alley; running thence along the Easterly boundary line of said alley 55 feet in a Southerly direction to an iron stake; running thence in an Easterly direction, along the Northerly boundary line of Lot No. 138 as shown by said map, 133.6 feet to the Westerly boundary line of said Cutler Street; running thence in a Northerly direction along the Westerly boundary line of said Cutler Street, as it runs on a slight curve, 55 feet to the point of beginning, marked or formerly marked by an iron stake. This is the same lot of land which was conveyed to Mrs. Ruth C. Reynolds, a widow, by D. B. Foster and wife, Vyrta Smith Foster, by a deed bearing date of October 19, 1943; and is the same

lot of land which was conveyed to D. B. Foster by James E. Thiem and wife by a deed which is recorded in Book 406, at Page 99, Wake County Registry; which deed from said Thiem to said Foster is hereby referred to, with the description therein, for the purpose of a more perfect description and is hereby made a part of this description, being Lot No. 139 in the Boylan Heights subdivision as shown by a map made by Kelsey & Guild, which map is recorded in Book of Maps 1885, Page 114, Wake County Registry, and also being the same property conveyed to Dorson B. Foster and wife, Vyrta Smith Foster, by Mrs. Ruth C. Reynolds, widow, said deed dated October 20, 1943, and recorded in Book 898, Page 220, Wake County Registry; and being the same lot of land conveyed to Robert Morris Foster by deed bearing date of February 17, 1954, recorded in Book 1128, Page 641, of the Wake County Registry, said conveyance being subject to a life estate of Mrs. Vyrta Smith Foster, widowed, who died November 5, 1960.