

Item Title: Authorization to Quit Claim title of Cemetery Property back to Wakefield Missionary Baptist Church, Inc. in Zebulon, NC

Specific Action Requested:

That the Board of Commissioners authorizes the Chair to execute a Quit Claim Deed (and any other documentation advised by the Wake County Attorney's Office) to Wakefield Missionary Baptist Church, Inc.

Item Summary:

Purpose: The Board of Commissioners must approve all real estate title transfers.

Background: In certain situations, Wake County becomes the responsible party when the ownership of a property becomes "unknown." County staff recently discovered the Wakefield Missionary Baptist Church cemetery property has been listed in the Wake County tax records as "unknown." Wakefield Missionary Baptist Church (the Church) has asked that this title issue be corrected.

Board Goal: This action supports routine County business.

Fiscal Impact: There is no financial impact to Wake County.

Additional Information:

A title issue came to the attention of County staff when the Town of Zebulon sent a zoning notice to all neighbors of an open field (shown in the following aerial map). The open field is being developed and needs to be rezoned. Since the adjacent property (shown in red on the following map) was listed in Wake County GIS information as "Unknown," the County Attorney's Office received Zebulon's rezoning notice. GIS records show that the Church owns the property north and south of the cemetery parcel. Since learning of this situation, the Church has asked for help clearing up their title.

FDC staff visited the site and verified that the subject property is indeed a cemetery that is being maintained by the Church. Preliminary title searches indicate that the cemetery belongs to the adjacent church. The earliest record found goes back to 1896. However, the ancient property descriptions lack the clarity found in today's standard legal description. Records seem to indicate that in the process of the church slightly changing their name and creating a new church entity (Wakefield Missionary Baptist Church, Inc.), the subject cemetery property was not included in the survey recorded at that time. Public records indicate that the omission of this cemetery lot was not intentional.

To help correct this title issue, the Board of Commissioners would need to authorize the Chair to execute a quit claim deed from the County to the current legal entity of the Church. A Quit Claim Deed has been drafted and a copy of that document is attached.

The Church has agreed to pay the recording fee for the Quit Claim Deed. There are no other financial impacts for the County or the Church.



This transaction benefits the County by clearing up property records for all citizens and removes the implication that Wake County has any control or ownership responsibility for this property.

County staff from the County Attorney's Office, Tax Administration and FDC have reviewed the proposed transaction and support taking this action.

Attachments:

1. Current Tax Information on the Subject Property
2. Proposed Quit Claim Deed (DRAFT)