

**Item Title:** Approve a Quit Claim Deed to the Town of Fuquay-Varina for the former Fuquay-Varina Library Building

**Specific Action Requested:**

**That the Board of Commissioners authorizes the Chair to execute a Quit Claim Deed (and any other supporting documentation) for the former Fuquay-Varina Library Property located at 133 S. Fuquay Avenue, Fuquay-Varina, NC, to the Town of Fuquay-Varina, subject to terms and conditions acceptable to the County Attorney.**

**Item Summary:**

**Purpose:** The Board of Commissioners must approve all County real property transfers.

**Background:** In 1988, Wake County acquired the former Fuquay-Varina Library from the Town. The purchase price was \$370,000, which was the town's cost to construct the building. The Town has come to own all the adjacent parcels on that block. At that time, the Town and County agreed if Wake ever decided to move its Library operation to another location, the Town would be able to "repossess" the property in order to maintain control of the southern portion of that block. As such, the 1988 deed contained a clause allowing the Town to reenter and take possession of the property should Wake move the Fuquay-Varina library. Town staff has requested transfer of title back to the Town given that the property is no longer used as a library.

**Board Goal:** This action supports routine County operations.

**Fiscal Impact:** The County will no longer be responsible for the future maintenance costs related to this property.

**Additional Information:**

In 1988, Wake County acquired the former Fuquay-Varina Library from the Town. The Town owned (or has come to own) all the adjacent parcels on that block (see the map on the next page). At that time, the Town and County agreed if Wake ever decided to move its Library operation to another location, the Town would be able to "repossess" the property in order to maintain control of the southern portion of that block. As such, the 1988 deed contained a clause allowing the Town to reenter and take possession of the property should Wake move the Fuquay-Varina library. Town staff has requested transfer of title back to the Town given that the property is no longer used as a library.

Wake staff has worked with Town staff since 2015 to secure and permit the new Fuquay-Varina Community Library site, located at 271 Bramblehill Drive in Fuquay-Varina. Now

that the new facility has opened, County staff is prepared to transfer control of the former facility back to the Town.

The County Attorney's staff has recently worked with the Town's attorney to determine the best way to transfer title of the property back to the Town. The "reverter" language contained in the deed to Wake County was unusual in that it did not specifically say that the title of the property automatically reverted to the Town – even though that was the intent of the parties at the time. The respective attorneys believe the cleanest and most effective way to transfer a clear title would be for the County to execute a Quit Claim (or Non-Warranty) Deed back to the Town. In addition to the County Attorney's staff, other County staff from Library Administration, General Services Administration and Facilities, Design & Construction support this recommendation.



**Attachments:**

1. 1988 Deed into Wake County
2. Proposed Quit Claim Deed to the Town