

Excise Tax: N/A

Parcel Identifier No. 1754-49-2629

Prepared By: Betty L. Parker, WCPSS Real Estate Services (without title examination)

Return To: WCPSS Real Estate Services, 1551 Rock Quarry Road, Raleigh, NC 27610

Brief Description: Release of PIN 1754-49-2629

STATE OF NORTH CAROLINA

COUNTY OF WAKE

AMENDMENT #1 TO THE JOINT USE AGREEMENTS FOR THE DESIGNATED AREAS OF KNIGHTDALE HIGH SCHOOL, FORESTVILLE ELEMENTARY SCHOOL AND ADJOINING TOWN OF KNIGHTDALE PROPERTIES

This AMENDMENT #1 ("Amendment") is entered into by and between the Town of Knightdale, a Municipal Corporation of the State of North Carolina (hereinafter referred to as "Town"), the Wake County Board of Education, a body corporate (hereinafter referred to as "Board"), and Wake County, a body politic and corporate of the State of North Carolina (hereinafter "County")..

RECITALS

WHEREAS, Town, Board and County executed a Joint Use Agreement For Forestville Road Elementary School and Knightdale High School dated April 5, 2004, for development and shared use of a school/community park pursuant to a Master Plan dated January 29, 2002, which Master Plan was referenced in an attachment thereto (hereafter "JUA/Board"); and

WHEREAS, on June 28, 2004, the JUA/Board was recorded in Book 10895, Pages 339-386, in the Office of the Register of Deeds of Wake County, North Carolina; and

WHEREAS, Town and Board also entered into a Joint Use Agreement For Knightdale Community Park Licensed Ares 5, 9 and 10 High School dated April 5, 2004, for development and shared use of a school/community park pursuant to a Master Plan dated January 29, 2002, which plan was referenced in an attachment thereto (hereafter "JUA/Town"); and

WHEREAS, Town, Board and County have worked together pursuant to JUA/Board and JUA/Town (hereinafter collectively referred to as "the JUAs") in the development of a joint school/park recreational facilities for recreational use by residents of the community; and

WHEREAS, Town and Board have successfully operated facilities included in the original master plan as agreed upon and approved by all Parties in the original JUAs; and

WHEREAS, Town Licensed Area 9 (hereinafter "TLA 9") is described and depicted within the JUAs, and is more particularly described as that parcel owned by Town and lying and being in St. Matthews Township, Knightdale, North Carolina, containing ±15.46 acres, located at the northwest quadrant of the intersection of Lawson Ridge Road and Forestville Road, having been assigned Wake County PIN 1754-49-2629 and REID 0314120; and

WHEREAS, pursuant to the terms of the JUAs and the Master Plan referenced therein, TLA 9 was planned to be the location of a future community center, pool, parking area, drive access, multipurpose field and playground area; and

WHEREAS, pursuant to the terms of the JUAs, the Town agreed that once the planned improvements were constructed by the Town upon TLA 9, should the Board and/or County desire to share use of one or more of the planned facilities, that the Town would grant a license and give access to the Board and/or County for joint use utilizing a specified joint use agreement form; and

WHEREAS; since entering the JUAs, the Town had not constructed any of the planned improvements upon TLA 9, but has located similar amenities in other Town-owned locations to serve the community; and

WHEREAS, as the proposed amenities are no longer planned for construction on TLA 9, the Town desires that TLA 9 be released from the obligations and restrictions of the JUAs; and

WHEREAS, the Town desires to consider the sale of Town Licensed Area 9 together with adjacent Town property for a proposed mixed use development that the Town considers to be in the best interest of the Town and citizens in the area, in furtherance of which release of TLA 9 is necessary and appropriate; and

WHEREAS, Town, Board and County recognize that a future mixed use development on TLA 9 and adjoining Town property will be beneficial in its provision a residential neighborhood adjacent to Forestville Road Elementary School and Knightdale High School with improved traffic measures and amenities to support safe pedestrian and bike access for students; and

WHEREAS, this Amendment to the Agreement is entered into pursuant to North Carolina General Statutes, Article 20, Part 1 of Chapter 160A.

NOW, THEREFORE, in consideration of the mutual goals and promises contained herein, and the mutual benefits to result there from, the Parties agree to the following:

1. The recitals hereinabove are incorporated into and shall constitute a part of this Amendment.
2. TLA 9 is hereby released and is free and discharged from all obligations and restrictions contained and described in the JUAs.
3. Except as specifically amended hereby, the JUAs referenced hereinabove shall remain in full force and effect and are hereby ratified and affirmed.
4. This Amendment may be executed in several counterparts, each of which shall be deemed and original, and all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, Town, Board and County have each approved this Amendment and have caused it to be signed for the purposes therein expressed.


WAKE COUNTY BOARD OF EDUCATION

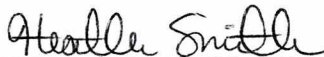
By: _____
James D. Martin, Chair

Attest: _____
Cathy Q. Moore, Secretary

Date of Execution: _____

TOWN OF KNIGHTDALE

By:  _____
James Roberson, Mayor

Attest:  _____
Heather Smith, Town Clerk

Date of Execution: 11-20-19

WAKE COUNTY BOARD OF COMMISSIONERS

BY: _____
Jessica N. Holmes, Chair, Board of Commissioners

Attest: _____
Denise Hogan, Clerk, Board of Commissioners

Date of Execution: _____