

RESOLUTION NO. 179

RESOLUTION OF THE BOARD OF MAYOR AND ALDERMEN OF THE
TOWN OF MOUNT CARMEL, TENNESSEE CONDITIONALLY
ACCEPTING DEED FROM VOLUNTEER RUITAN CLUB

WHEREAS, The Volunteer Ruitan Club has expressed its desire to convey to the Town of
Mount Carmel, Tennessee, property owned by it within the corporate limits
which is more particularly described as follows, to-wit:

TRACT NO. 1

BEGINNING at a point in the southerly sideline of Carter's Valley Road, said point being the easterly intersection of a 30 foot right-of-way which leads to Kinkead Cemetery and the property herein conveyed; thence south 485 feet along the sideline of said 30 foot right-of-way to a point in the edge of Kinkead cemetery; thence west 20 feet; thence a new division line north 485 feet, said division line being parallel to the easterly sideline of the existing right-of-way to Kinkead Cemetery, to a point in the southerly sideline of Carter's Valley Road; thence along the southerly sideline of Carter's Valley Road west 20 feet to the point of BEGINNING and being a 20 x 485 rectangular shaped tract of land and being the same property conveyed to Volunteer Ruitan Club by deed dated August 18, 1986 of record in the Register's Office for Hawkins County, Tennessee in Deed Book 300, Page 573 to all of which reference is hereby expressly made.

TRACT NO. 2

BEGINNING on an iron pin in the easterly margin of the 30 foot right-of-way to Kinkead Cemetery and corner for Clarence McCracken; thence with the said 30 foot right-of-way, S. 14° 55' W. 152.34 feet to an iron pin; thence S. 20° 56' E. 346.00 feet to an iron pin; thence S. 83° 15' W. 354.97 feet to an iron pin in the line of Marshall Estates Subdivision; thence with the line of Marshall Estates Subdivision, S. 30° 58' E. 480.50 feet to an iron pin; thence N. 59° 06' E. 669.65 feet to an iron pin; thence N. 15° 21' W. 152.72 feet to an iron pin; thence N. 04° 27' W. 278.08 feet to an iron pin; thence N. 24° 11' W. 336.10 feet to an iron pin in the line of Clarence McCracken; thence with the line of Clarence McCracken, S. 66° 45' W. 384.32 feet to the point of

beginning containing 10.8184 acres, more or less, and being the same property conveyed to Volunteer Ruitan Club by deed dated May 1, 1985 of record in the Register's Office for Hawkins County, Tennessee in Deed Book 219, Page 517 to all of which reference is hereby expressly made

WHEREAS, The membership of Volunteer Ruitan Club has voted to convey the above-noted property to the Town of Mount Carmel upon two conditions, namely: (1) The Volunteer Ruitan Club ceases to exist (2) upon such first condition having been met, such property would be named and known as the "Kincaid Recreation and Community Center"; and

WHEREAS, There are no present indications or plans for the Volunteer Ruitan to cease to exist; and

WHEREAS, The Board of Mayor and Aldermen of the Town of Mount Carmel, Tennessee, is willing to accept the gift of the above-described property in the event that the Volunteer Ruitan Club ceases to exist, agrees to name the property the "Kincaid Recreation and Community Center" in the event at the property is given to the Town of Mount Carmel, Tennessee, but reserves the decision on whether to accept the property at the time the Volunteer Ruitan Club ceases to exist based upon whether or not the property is encumbered, upon whether or not the Town of Mount Carmel, Tennessee, would have to satisfy said encumbrance or encumbrances, and upon what other liabilities, if any, come with ownership of said property; and

WHEREAS, The Volunteer Ruitan Club proposes to execute a warranty deed to the Town of Mount Carmel, Tennessee, for the above-described property and deliver same to the Town of Mount Carmel, Tennessee based upon the agreement of the Town

of Mount Carmel, Tennessee, to forbear from recording same unless and until the Volunteer Ruitan Club shall cease to exist; and

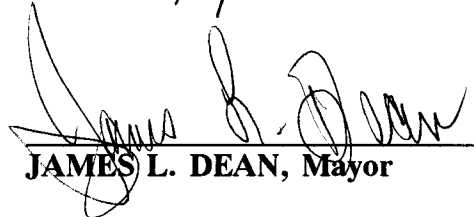
NOW, THEREFORE, BE IT RESOLVED, by the Board of Mayor and Aldermen of the Town of Mount Carmel, Tennessee, as follows:

- Section 1. The City Attorney is directed to prepare a Warranty Deed from the Volunteer Ruitan Club to the Town of Mount Carmel, Tennessee, conveying the property above-described to the Town of Mount Carmel, Tennessee;
- Section 2. Once executed and delivered by the Volunteer Ruitan Club, the deed above-described shall be delivered to the City Recorder;
- Section 3. The Town of Mount Carmel, Tennessee, conditionally accepts the gift of the above-described property should the Volunteer Ruitan Club cease to exist;
- Section 4. The Town of Mount Carmel, Tennessee, agrees to keep in its possession the above-noted executed Warranty Deed and forbear recording the same until the above-noted contingency has been met, that is the Volunteer Ruitan Club ceases to exist;
- Section 5. The City Recorder is directed to record the above-noted deed at such time as the Volunteer Ruitan Club ceases to exist with the Register of Deeds for Hawkins County, at Rogersville, Tennessee, should the property be unencumbered at such time;
- Section 6. Should the above-property be encumbered at such time as the Volunteer Ruitan Club ceases to exist, the Recorder is to report all such encumbrances to the Board

of Mayor and Aldermen to determine whether or not said property will be accepted;

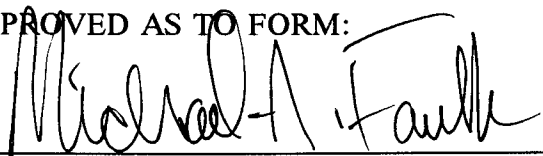
Section 7. This Resolution shall take effect upon its passage the public welfare requiring it.

Duly passed and approved this 22 day of April, 1999.


JAMES L. DEAN, Mayor

ATTEST:


NANCY F. CARTER, Recorder

APPROVED AS TO FORM:

LAW OFFICE OF MICHAEL A. FAULK

FIRST READING	AYES	NAYS	OTHER
WAYNE ALLEY	✓		
HENRY BAILEY	✓		
EUGENE CHRISTIAN	✓		
JAMES DEAN, MAYOR			
GARY LAWSON	absent		
THOMAS WHEELER	✓		
CARL WOLFE	✓		
TOTALS			

PASSED FIRST READING: 4-22-99

Warranty Deed

THIS DEED, made and entered into this the _____ day of May, 1999, by and between **VOLUNTEER RURITAN CLUB** herein "Grantor", and **TOWN OF MOUNT CARMEL, TENNESSEE**, herein "Grantee";

W I T N E S S E T H

THAT FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor has this day bargained and sold and by these presents does hereby grant, transfer and convey unto Grantee, its successors and assigns, all of its right, title and interest, in a certain tract or parcel of land situated in the Seventh (7th) Civil District of Hawkins County, Tennessee, and being more particularly described as follows:

TRACT NO. 1

BEGINNING at a point in the southerly sideline of Carter's Valley Road, said point being the easterly intersection of a 30 foot right-of-way which leads to Kinkead Cemetery and the property herein conveyed; thence south 485 feet along the sideline of said 30 foot right-of-way to a point in the edge of Kinkead cemetery; thence west 20 feet; thence a new division line north 485 feet, said division line being parallel to the easterly sideline of the existing right-of-way to Kinkead Cemetery, to a point in the southerly sideline of Carter's Valley Road; thence along the southerly sideline of Carter's Valley Road west 20 feet to the point of BEGINNING and being a 20 x 485 rectangular shaped tract of land and being the same property conveyed to Volunteer Ruritan Club by deed dated August 18, 1986 of record in the Register's Office for Hawkins County, Tennessee in Deed Book 300, Page 573 to all of which reference is hereby expressly made.

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TAX I.D. NO: _____

This Instrument Prepared By:
THE LAW OFFICE OF MICHAEL A. FAULK
107 E. Main Boulevard
Post Office Box 2080
Church Hill, Tennessee 37642
(423) 357-8088

TO HAVE AND TO HOLD unto Grantee, its successors and assigns, in fee simple forever. Grantor covenants with the Grantee, its successors and assigns, that it is lawfully seized and possessed of said property; that it has a good and lawful right to convey and sell the same as herein conveyed; that said property is free, clear and unencumbered, except as herein set forth, and that it will forever warrant and defend the title to said property against the good and lawful claims and demands of all persons whomsoever.

This conveyance is expressly made subject to any and all restrictions, reservations, covenants, and conditions contained in former deeds and other instruments of record as may now be binding on said property, and to any easements apparent from an inspection of said property.

WITNESS the signature of Grantor this the day and year first above written.

DOUG RINGLEY, President

STATE OF TENNESSEE
COUNTY OF HAWKINS

Personally appeared before me, the undersigned authority, a Notary Public in and for the State and County aforesaid, **DOUG RINGLEY**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and upon oath, acknowledged himself to be the President of **Volunteer Ruritan Club, Inc.**, the within named party, a corporation, and that he as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained, assigning the name of the corporation by himself as President.

WITNESS my hand and official seal at office in the aforesaid State and County, this the ____ day of _____, 1999.

NOTARY PUBLIC

My commission expires: _____

Taxpayers and property owners: _____

STATE OF TENNESSEE
COUNTY OF HAWKINS

I (we) hereby swear or affirm that the actual consideration for this transfer or value of the property transferred, whichever is the greater, is \$_____, which amount is equal to or greater than the amount which the property transferred would command at a fair voluntary sale.

AFFIANT

SUBSCRIBED and SWORN to before me this ____ day of _____, 19__ .

NOTARY/REGISTER

My Commission Expires: _____

The preparer of this deed makes no representation as to the status of the title to the property herein described.
This deed has been prepared solely from information furnished to the preparer.
FAILURE TO PROPERLY RECORD THIS INSTRUMENT MAY JEOPARDIZE YOUR RIGHTS IN THIS PROPERTY.