



Doc ID: 033099300004 Type: CRP
Recorded: 12/12/2019 at 03:05:59 PM
Fee Amt: \$976.00 Page 1 of 4
Revenue Tax: \$950.00
Workflow# 0000576404-0002
Buncombe County, NC
Drew Reisinger Register of Deeds
BK 5843 PG 313-316

CA

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$ 950.00

Parcel Identifier No. 9648-18-2778, and a portion 9655-24-3942

Verified by _____ County on the ____ day of _____, 20____

By: _____

✓ Mail/Box to: Dan Hitchcock, Esq. of Hilderbran Hitchcock PA (Box #1)

This instrument was prepared by: Jannice Ashley, a licensed NC attorney. Delinquent taxes, if any, to be paid by the closing attorney, Hilderbran Hitchcock PA, to the county tax collector upon disbursement of closing proceeds.

Brief description for the Index: 360 Hilliard Avenue & 9999 Merritt Park Lane

THIS DEED made **December 11th, 2019**, by and between

GRANTOR

GRANTEE

THE CITY OF ASHEVILLE, a North Carolina municipal corporation

PO Box 7148
Asheville, NC 28801

HILLIARD PARK APARTMENTS, LLC, a North Carolina limited liability company

320 Dahlonega Street
Cumming, GA 30040

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Asheville, Buncombe County, North Carolina and more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO "A"

The property described on the attached Exhibit A is all of the property acquired by Grantor by deeds recorded in Book 1131, Page 436 and Book 1524, Page 123, and a portion of Book 124, Page 2, Buncombe County, North Carolina Registry.

All or a portion of the property herein conveyed does **not** include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book 204 at Page 72.

Asheville City Council, by Resolution No. 19-143, approved of the sale and conveyance of the property described herein on June 11, 2019.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple subject to the following conditions.

As further consideration for this conveyance and pursuant to the Purchase and Sale and Development Agreement Contract by and between the City of Asheville ("City") and Hilliard Park Apartments, LLC ("Grantee"), dated and entered into on December 11, 2019 at Section 1, Grantee has agreed to construct affordable housing on this property and its adjoining parcel and to enter into, concurrently with this Deed conveyance, a Declaration of Affordable Housing Deed Restriction committing to providing this affordable housing for a period of 50 years, which affordable housing deed restriction is being recorded contemporaneously herewith and recorded prior to any deed of trust being recorded by Grantee.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions:

- (i) zoning ordinances affecting the Property, (ii) items listed on Exhibit B attached hereto, and (iii) the affordable deed restriction referenced above.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its corporate name by its Manager by authority of the City Council of the City of Asheville, as of the day and year first above written.

City of Asheville, a Municipal Corporation

By: Debra Campbell
Debra Campbell, City Manager

Attest:

Magdalena Burleson
 Magdalena Burleson, City Clerk

STATE OF NORTH CAROLINA

COUNTY OF Buncombe

I, Notary Public of the County and State aforesaid certify that **Magdalen Burleson** personally came before me this day and acknowledged that she is City Clerk of the City of Asheville, a municipal corporation, and that by authority duly given and as the official act of the corporation, the foregoing instrument was signed in its name by **Debra Campbell**, its City Manager and attested by herself as its City Clerk.

Witness my hand and notarial seal this 11 day of Dec, 2019.

Notary Public: Kenneth B. Merritt

Type or print Name: Kenneth B. Merritt

My Commission Expires: 1-28-2024

NOTARY SEAL HERE:

KENNETH B. MERRITT NOTARY PUBLIC Buncombe County North Carolina My Commission Expires 1/28/2024

EXHIBIT A TO GENERAL WARRANTY DEED

**Grantor: City of Asheville
Grantee: Hilliard Park Apartments, LLC**

Legal Description of Property

BEING all of that 1.82 +/- acre tract of land shown as Parcel "A" on the plat recorded in Plat Book 204 at Page 72 of the Buncombe County Public Registry, reference to which said plat is hereby made for a more particular description of said property.

SUBJECT TO an easement reserved by Grantor herein of variable width shown as "Bacoate Lane" on the plat recorded Plat Book 204 at Page 72 of the Buncombe County Public Registry, for ingress, egress, and regress from Hilliard Avenue to the adjoining property owned by the City of Asheville being a portion of the property described in Book 124, Page 2 and in Book 3911, Page 347.

EXHIBIT B TO GENERAL WARRANTY DEED

Grantor: City of Asheville
Grantee: Hilliard Park Apartments, LLC

Title Exceptions

1. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variation, or other adverse circumstance affecting the title disclosed by plats recorded in Plat Book 4, Page 2; Plat Book 50, Page 172; Plat Book 154, Page 191; Plat Book 181, Page 28; Plat Book 183, Page 138; and Plat Book 204 at Page 72, all of the Buncombe County Public Registry.
2. Sewer Easement recorded in Book 5285, Page 400, and shown on plat recorded in Plat Book 181, Page 28, all of the Buncombe County Public Registry.
3. Sewer Easement recorded in Book 5333, Page 1399, and shown on plat recorded in Plat Book 183, Page 138 of the Buncombe County Public Registry.
4. Title to any portion of the Land lying within the right(s) of way of Hilliard Avenue, Clingman Avenue, and Merritt Park Lane, and rights of others entitled in and to the use thereof.

