



CITY OF CREEDMOOR

P.O. BOX 765
111 MASONIC STREET
CREEDMOOR, NC 27522
WWW.CITYOFCREEDMOOR.ORG
(919) 528-3332

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Elaine F. Marshall
North Carolina Secretary of State
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COMMISSIONERS
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DEL MIMS
LARRY ROBINSON
THOMAS C. JACKSON
HERMAN B. WILKERSON

STATE OF NORTH CAROLINA
COUNTY OF GRANVILLE
CITY OF CREEDMOOR

Resolution No. 2015-R-04

RESOLUTION SIGNIFYING THE DETERMINATION BY THE CITY OF CREEDMOOR TO JOIN THE SOUTH GRANVILLE WATER AND SEWER AUTHORITY PURSUANT TO NORTH CAROLINA G.S. § 162A-4

WHEREAS, the South Granville Water and Sewer Authority was formed under Chapter 162A Article 1 of the North Carolina General Statutes by Articles of Incorporation dated January 20, 2005 and the original organizing political subdivision was Granville County; and

WHEREAS, pursuant to the Asset Purchase Agreement entered into between the City of Creedmoor and SGWASA dated May 16, 2014, the City of Creedmoor agreed to transfer the assets comprising its water distribution and sewer collection system to SGWASA effective March 30, 2015 or as soon thereafter as the transfer can be completed and thereafter, the City is entitled to become and be considered a member of SGWASA for all purposes including having full voting rights, and it is necessary for such purpose that this resolution be adopted by the City of Creedmoor; and

WHEREAS, the City of Creedmoor has previously given its legal Notice of Public Hearing of its intent to consider this resolution to join the South Granville Water and Sewer Authority (hereinafter SGWASA) by publication in the Butner Creedmoor News on the 19th date of March, 2015; and

WHEREAS, at its creation, SGWASA had two representatives from the City of Creedmoor on the original SGWASA Board, to wit: Kent Ray, 407 Lake Road, Creedmoor, NC and Tim Karan, 2763 Garland Court, Creedmoor, NC and the City has maintained representatives on the SGWASA Board up until the present time with Creedmoor Commissioners Herman Wilkerson and Jimmy Minor currently serving in that capacity; and

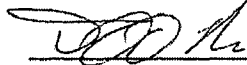
WHEREAS, that as of April 1, 2015, SGWASA will provide all water and sewer services directly to the citizens and residents of Creedmoor and, given said relationship between SGWASA and the citizens of Creedmoor, it is beneficial and in furtherance of the City's interest to formally join SGWASA.


NOW THEREFORE, THE BOARD OF COMMISSIONERS OF THE CITY OF CREEDMOOR DO RESOLVE AS FOLLOWS:

The City of Creedmoor hereby determines that it desires to join SGWASA as a member pursuant to the provisions of Chapter 162A, Article 1 and requests SGWASA to consent to this request to join.

Let a copy of this Resolution together with proof of publication of hearing and evidence of the consents required by 162A-4(c) be filed with the Office of the Secretary of State of North Carolina.

Adopted by the Creedmoor Board of Commissioners this the 6th day of April, 2015.


Darryl D. Moss, Mayor

Attest:

Robin E. Reif, City Clerk

Ayes: 5 Nocs: 0



RESOLUTION CONSENTING TO THE TOWN OF BUTNER, THE TOWN OF STEM, AND THE CITY OF CREEDMOOR JOINING THE SOUTH GRANVILLE WATER AND SEWER AUTHORITY

WHEREAS, Granville County is the organizing political subdivision of the South Granville Water and Sewer Authority (“SGWASA”);

WHEREAS, the water and sewer customers located within the Town of Butner, the Town of Stem, and the City of Creedmoor (collectively, the “Municipalities”) are all served by SGWASA’s water system and sewer system (the “System”) and parts of the System are located within each of the Municipalities and the System is located entirely within Granville County;

WHEREAS, the Municipalities each have joined SGWASA as a matter of right under N.C. Gen. Stat. §162A-4(a) with the consent of SGWASA;

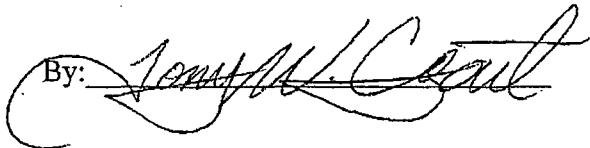
WHEREAS, N.C. Gen. Stat. §162A-4(a) states that “[a] certified copy of each such resolution signifying the desire of a political subdivision to withdraw from or to join an existing authority, together with proof of publication of the notice of hearing on each such resolution and, in cases where such resolution provides for the political subdivision joining the authority, certified copies of the resolution of the governing bodies creating the authority consenting to such joining shall be filed with the Secretary of State of North Carolina”; and

WHEREAS, Granville County wishes to adopt this resolution to evidence, to the extent necessary, Granville County’s consent to the Municipalities joining SGWASA.

NOW, THEREFORE, let it be resolved as follows:

1. That the Granville County Board of Commissioners hereby adopts this resolution consenting to the Municipalities joining SGWASA.
2. That the County Attorney is instructed to take all such actions necessary and proper to file this resolution with the North Carolina Secretary of State to the extent the filing of the same is required by law.

Upon motion duly made by David T. Smith and seconded by Zelodis Jay, the foregoing Resolution was unanimously adopted, this the 18th day of May, 2015.

By: 

Tony W. Cozart, Chairman

Granville County Board of Commissioners


Attest:



Debra A. Weary, Clerk



CERTIFIED TRUE COPY


General Counsel
South Granville Water & Sewer Authority

{A0114923.DOC}

SOUTH GRANVILLE WATER AND SEWER AUTHORITY

RESOLUTION OF MEMBERS OF THE SOUTH GRANVILLE WATER AND SEWER AUTHORITY TO ACCEPT THE CITY OF CREEDMOOR AS A MEMBER PURSUANT TO N.C. GEN. STAT. §162A-4

WHEREAS, the South Granville Water and Sewer Authority (“SGWASA” or the “Authority”), is a water and sewer authority organized under and by virtue of Article 1, Chapter 162A of the North Carolina General Statutes;

WHEREAS, Granville County as the incorporator of SGWASA appointed members to the SGWASA board as recommended by the Town of Stem, the City of Creedmoor, and the Butner Advisory Council;

WHEREAS, the Town of Butner and the Town of Stem joined the Authority as evidenced by that certain resolution dated November 10, 2008 entitled “Resolution of Members of the South Granville Water and Sewer Authority to Accept the Towns of Butner and Stem as Members Pursuant to N.C.G.S. §162-A-4”, a copy of which has been duly filed with the North Carolina Secretary of State;

WHEREAS, pursuant to the Asset Purchase Agreement entered into by and between SGWASA and the City of Creedmoor dated May 16, 2014 (the “APA”), the City of Creedmoor transferred the assets comprising its water distribution and sewer collection system (the “Assets”) to SGWASA effective March 28, 2015;

WHEREAS, following the transfer of the Assets to SGWASA, water and sewer customers located within Creedmoor’s corporate limits receive water and sewer services directly from SGWASA and SGWASA owns the water and sewer assets located with Creedmoor’s corporate limits serving those customers;

WHEREAS, pursuant to N.C. Gen. Stat. §162A-4(a), “any political subdivision not having joined the original organization shall have the right upon reasonable terms and conditions, whether the authority shall consent thereto or not, to join the authority if the authority’s water system or sewer system, or any part thereof is situated within the boundaries of the political subdivision or of the county within which the political subdivision is located”; and

WHEREAS, the City of Creedmoor has signified its desire to join SGWASA by passing a resolution adopted after a public hearing in accordance with the provisions of N.C. Gen. Stat. §162A-4(c).

NOW, THEREFORE, let it be resolved as follows:

1. That SGWASA is a duly incorporated body politic and corporate of the State of North Carolina organized in accordance with provisions of Article 1, Chapter 162A of the North Carolina General Statutes.

2. That the City of Creedmoor is a municipality located within the boundaries of Granville County and a portion of SGWASA's water system and sewer system is located within the corporate boundaries of the City of Creedmoor and all of SGWASA's water system and sewer system are located within Granville County.

3. That pursuant to N.C. Gen. Stat. §162A-4(a), the City of Creedmoor has the right upon reasonable terms and conditions to join SGWASA.

4. That following the notice required by statute, the City of Creedmoor held a public hearing on April 6, 2015 and, following the public hearing, adopted a resolution in the manner prescribed by N.C. Gen. Stat. §162A-4(b) signifying its intent to join SGWASA.

5. That SGWASA finds that reasonable terms and conditions have been satisfied by the City of Creedmoor in that the City of Creedmoor transferred all of its water and sewer assets to SGWASA pursuant to the terms of the APA and all municipal water and sewer services in the City of Creedmoor are provided directly by SGWASA.

6. That, based upon the reasonable terms and conditions specified herein, the SGWASA Board hereby consents to the City of Creedmoor joining SGWASA as provided in N.C. Gen. Stat. §162A-4.

7. That the SGWASA attorney is instructed to take all such steps as are necessary and proper under the North Carolina General Statutes including, but not limited to, N.C. Gen. Stat. §162A-4(c), to have the appropriate documents filed with the North Carolina Secretary of State in order to effect the joinder of the City of Creedmoor with the Authority.

Upon motion duly made by Board Member Dave Currin and seconded by Board Member Edgar Smoak, the foregoing Resolution was unanimously adopted, this the 12th day of May, 2015.

By: Thomas W. Lane
Thomas W. Lane, Chairman of the
SGWASA Board

Attest:

Beverly Beal
Beverly Beal, Secretary

CERTIFIED TRUE COPY

James C. Wynn, Jr.
General Counsel
South Granville Water & Sewer Authority

**NOTICE OF PUBLIC HEARING ON
PROPOSED RESOLUTION OF THE
CITY OF CREEDMOOR TO JOIN THE
SOUTH GRANVILLE WATER AND
SEWER AUTHORITY PURSUANT TO
NORTH CAROLINA G.S. § A4 162A-4**

Please take notice that on Monday, April 6, 2015, at the regular meeting of the Board of Commissioners of the City of Creedmoor, in the Commissioner's Room at the Creedmoor City Hall, located at 111 Masonic Street, Creedmoor, North Carolina, 27522, at 5:30 p.m. or as soon thereafter as the matter can be heard, the Board of Commissioners of the City of Creedmoor will hold a public hearing to receive public comments concerning the City of Creedmoor's intention to formally join the South Granville Water and Sewer Authority ("SGWASA" or the "Authority").

The substance of the proposed resolution is to state the City's desire to join the existing Authority in conjunction with the City's sale of its water distribution and sewer collection system to SGWASA pursuant to the terms of the Asset Purchase Agreement dated May 16, 2014. Subsequent to March 31, 2015, the Authority will provide water and sewer services to customers formerly served by the City of Creedmoor.

All interested parties should attend the public hearing and comment.

11/3/10/c

AFFIDAVIT OF PRINTER'S PROOF

**NORTH CAROLINA
GRANVILLE COUNTY**

I, Penny G. Carpenter, Advertising Manager, of The Butner-Creedmoor News, a weekly newspaper published in the City of Creedmoor, County of Granville, and State of North Carolina, do solemnly swear that a Legal Action entitled:

"Notice of Public Hearing on
Proposed Resolution of the City of
Creedmoor to join the South Granville
Water and Sewer Authority"

a true copy of which is made a part of this affidavit, did appear in the said The Butner-Creedmoor News in the following consecutive issues: 3/19/15

Penny G. Carpenter
Advertising Manager

Sworn to and subscribed before me this 19th
day of MARCH 2015

Jessie B. Guidic
Notary Public

My commission expires 5-18-2018

CERTIFIED TRUE COPY

James C. Wynn, Jr.
General Counsel
South Granville Water + Sewer Authority