

A RESOLUTION ACCEPTING A CONTRIBUTION
FROM PATRICIA THOMAS PHILLIPS AND
APPROVING A CONSENT JUDGMENT

WHEREAS, Chatham County acquired by eminent domain a certain lot or parcel of land owned by Patricia Thomas Phillips on S.R. 1346 in Albright Township, Chatham County, on January 9, 1995 for purposes of a solid waste collection and disposal system site for Chatham County by the filing of a Complaint, Declaration of Taking and Notice of Award and the issuance of Summons; and

WHEREAS, the parties have agreed to certain terms and conditions to resolve said civil action as more particularly set forth in the Consent Judgment attached hereto; and

WHEREAS, Patricia Thomas Phillips and her husband, Lewis S. Phillips, Jr., have offered to give, grant, and donate to Chatham County the just compensation due Patricia Thomas Phillips as a result of the acquisition of a portion of her lands; and

WHEREAS, the amount of said just compensation, as agreed between the parties, due to Patricia Thomas Phillips is the sum of \$7,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY as follows:

1. The contribution by Patricia Thomas Phillips of her right to just compensation in the amount of \$7,000.00 be, and it hereby is, approved and accepted on behalf of the public.

2. The terms of the Consent Judgment attached in civil action enumerated 95 CVS 6 between the County of Chatham and Patricia Thomas Phillips and husband, Lewis S. Phillips, Jr. be, and they hereby are, ratified and approved. The County attorney be, and he hereby is, authorized to execute the same on behalf of the County together with IRS Form 8283 acknowledging receipt of said gift.

This 6th day of November, 1995.

County of Chatham

By: Wynne R. Holland
Chairman

ATTEST:

Deborah R. Spivey
Clerk

STATE OF NORTH CAROLINA
COUNTY OF CHATHAM

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE No. 95 CVS 6

COUNTY OF CHATHAM,)
Plaintiff)
)
vs.)
)
PATRICIA THOMAS PHILLIPS)
and husband, LEWIS S.)
PHILLIPS, JR.,)
Defendant)

CONSENT JUDGMENT

THIS MATTER, coming on to be heard before the undersigned Resident Superior Court Judge for Judicial District 15B and it appearing to the Court all matters in controversy between the parties have been resolved as hereinafter set forth, and that by affixing their respective signatures hereto they hereby consent to this Court making the following stipulated findings of fact, and consent to be bound by the rendition of the final decree as herein set forth;

FINDING OF FACT:

1. All parties are properly before the Court and the Court has jurisdiction of the parties and the subject matter involved herein.
2. This action was duly instituted on the 9th day of January, 1995, by the issuance of Summons and filing of a Complaint, Declaration of Taking, and a Notice of Deposit, along with a deposit of \$6,000.00, the sum estimated by the Plaintiff to be just compensation for the taking of the property of the Defendants.
3. Summons, together with a copy of the Complaint, Declaration of Taking and Notice of Deposit were duly served upon each of the Defendants as they appear of record.

4. All persons having or claiming to have any interest in the condemned land are parties hereto and are duly before the Court.

5. The parties have now settled all matters in controversy between them, and as agreed by the parties, the sum of \$20,000.00, which includes any claim by the Defendants to interest, is the full and adequate value of, and represents just compensation for, the taking of the Defendant's property as hereinafter set forth:

a. \$7,000.00 is the value of the land taken by the Plaintiff which Defendants hereby give, grant and donate to the Plaintiff; and

b. \$13,000.00 is the amount of severance damages to the Defendant Patricia Thomas Phillips, remaining lands resulting from the Plaintiff's taking.

Based upon the foregoing, the Court makes the following:

CONCLUSIONS OF LAW

1. Plaintiff was entitled to acquire and did acquire on the 9th day of January, 1995, the property of the Defendants as described herein.

2. These proceedings as it appears from the pleadings are regular in every respect and no just cause has been shown against granting the prayer for relief contained in the Complaint, Declaration and Notice of Deposit.

3. Except as expressly set forth herein, the Defendants are not entitled to any further relief from the Plaintiff as a result of the taking.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED and DECREED that:

1. The Plaintiff County of Chatham on the 9th day of January, 1995, by the filing of the Complaint, Declaration of Taking, and Notice of Deposit, herein has condemned and shall

be permanently vested with the property, interest or estate, described as follows:

A fee simple interest in and to all that certain lot or parcel of land containing 2 acres, more or less, according to the plat entitled, "Survey for Chatham County," dated November 30, 1994 and prepared by Michael A. Cain, RLS, recorded in Plat Slide Number 95-137 of the Chatham County Registry, reference to which is hereby made for a more particular description.

2. The County of Chatham shall pay into the Court the additional sum of \$7,000.00.

3. The total sum of \$13,000.00, deposited herein by the Plaintiff, shall, by agreement between the parties, be disbursed by the Clerk of Superior Court of Chatham County to the Defendant Patricia Thomas Phillips as full compensation for severance damages to her remaining lands.

4. A copy of this Judgment shall be certified under seal of the Clerk of Superior Court to the Register of Deeds of Chatham County who shall record this Judgment.

5. The Plaintiff County of Chatham shall pay the costs of this action.

This ____ day of _____, 1995.

RESIDENT SUPERIOR COURT JUDGE

WE CONSENT:

COUNTY OF CHATHAM

By: _____
COUNTY ATTORNEY

PATRICIA THOMAS PHILLIPS,
DEFENDANT

LEWIS S. PHILLIPS, JR.,
DEFENDANT

ATTORNEY FOR DEFENDANTS

*Original filed with
Clerk to Superior Court*