

PRINCE, MASSAGEE & ALEXANDER, PLLC

LAWYERS

240 THIRD AVENUE WEST
HENDERSONVILLE, NC 28739

L.B. PRINCE (1898-1982)
BOYD B. MASSAGEE, JR (1932-2014)
B. B. MASSAGEE, III - RETIRED
SHARON B. ALEXANDER
RICHARD J. TANKER
THERESA M. WEBER
SARAH R. MASSAGEE
LUCY K. MASSAGEE

TELEPHONE
828/692-2595

FAX
828/693-0177

E-MAIL
lucy@pmawnc.com

December 1, 2023

The City of Hendersonville
c/o Mr. Tom Wooten
Director of Public Works

Also via email to twooten@hvlnc.gov

Re: Certificate of Dedication and Maintenance
The Cottages at Cypress Run Homeowners Association, Inc.

Dear Mr. Wooten:

Please be advised that my office represents Rick Moore, President and Director of The Cottages at Cypress Run Homeowners Association, Inc.

Mr. Moore formally requests that the City of Hendersonville accept the road rights-of-way referred to in the attached Resolution and Certificate of Dedication and Maintenance. These road rights-of-way are further described in the attached deed, filed in Book 4112, Page 208 of the Henderson County Registry. Copies of the plats referred to in said deed are enclosed herein for your reference.

Should the City require anything further in regard to this request, please contact our office at your convenience. Thank you for your help in this matter.

With best wishes, I am

Yours very truly,

PRINCE, MASSAGEE & ALEXANDER, PLLC



Lucy K. Massagee

LKM/hos
enc.

STATE OF NORTH CAROLINA

CERTIFICATE OF DEDICATION AND MAINTENANCE

COUNTY OF HENDERSON

The undersigned certifies that he is the President of The Cottages at Cypress Run Homeowners Association, Inc., North Carolina not-for-profit corporation, that and he has been authorized to execute this Certificate pursuant to specific authority granted by resolution of all directors of The Cottages at Cypress Run Homeowners Association, Inc., a copy of which is attached hereto.

The Cottages at Cypress Run Homeowners Association, Inc., through its undersigned President, hereby certifies that the roads referred to in that deed recorded in Book 4112, Page 208 (consisting of the 50-foot right of way of Leyland Circle), as the same are shown on the plats referred to therein, are owned by The Cottages at Cypress Run Homeowners Association, Inc. and are free of any encumbrances or liens.

The Cottages at Cypress Run Homeowners Association, Inc., by and through the undersigned, freely and voluntarily dedicates to the City of Hendersonville, a North Carolina municipal corporation, said roads referred to in that deed recorded in Book 4112, Page 208 (consisting of the 50-foot right of way of Leyland Circle), as the same are shown on the plats referred to therein, to public use. The Cottages at Cypress Run Homeowners Association, Inc. further assumes full responsibility for the maintenance of said improvements, which arrangements shall remain in effect until such time as said improvements are accepted for maintenance by the appropriate public body.

This the 1st day of December, 2023.

The Cottages at Cypress Run Homeowners Association, Inc.

By:


Rick Moore, President

RESOLUTION

WHEREAS, the undersigned, Rick Moore (also known as Ricky L. Moore and as Rick L. Moore), the President of The Cottages at Cypress Run Homeowners Association, Inc., a North Carolina not-for-profit corporation, hereby affirms and resolves to accept the proposal requesting that the City of Hendersonville, a North Carolina municipal corporation, accept maintenance responsibility for and ownership of the roads referred to in that deed recorded in Book 4112, Page 208 (consisting of the 50-foot right of way of Leyland Circle), as the same are shown on the plats referred to therein, which are located in The Cottages at Cypress Run Subdivision (also known as "Cypress Run").

WHEREAS, the undersigned Rick Moore, the President and Director of The Cottages at Cypress Run Homeowners Association, Inc., a North Carolina not-for-profit corporation, hereby affirms and resolves that Rick Moore, as President of The Cottages at Cypress Run Homeowners Association, Inc. has full authority on behalf of The Cottages at Cypress Run Homeowners Association, Inc. to dedicate, transfer and convey maintenance responsibilities and ownership of the roads referred to in that deed recorded in Book 4112, Page 208 (consisting of the 50-foot right of way of Leyland Circle), as the same are shown on the plats referred to therein, as he may determine to be appropriate.

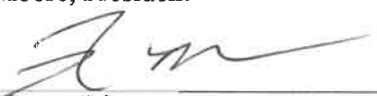
IT IS RESOLVED that Rick Moore, President of The Cottages at Cypress Run Homeowners Association, Inc. shall be and is directed to proceed with submission of all necessary documentation, including but not limited to a Certificate of Dedication and Maintenance to the City of Hendersonville.

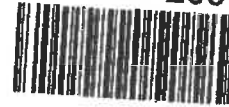
This the 1st day of December, 2023.

THE COTTAGES AT CYPRESS RUN HOMEOWNERS ASSOCIATION, INC.

by:


Rick Moore, President


Rick Moore, Director



This document presented and filed:
12/01/2023 04:54:02 PM

SRS

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: \$0.00

→ PMA
Doc Stamps \$0

Prepared by: L. K. Massagee
Deed Preparation Only

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

DEED

THIS DEED is made and entered into this 1st day of December, 2023, by and between The Cottages at Cypress Run, LLC (herein referred to as the "party of the first part" and having a mailing address of 103 McDowell Road, Mills River, N.C. 28759) and The Cottages at Cypress Run Homeowners Association, Inc., a North Carolina non-profit corporation (herein referred to as the "party of the second part" and having a mailing address of 103 McDowell Road, Mills River, NC 28759);

WITNESSETH:

Pursuant to the Declaration of Restrictive Covenants of The Cottages At Cypress Run, recorded in Book 3453, Page 153, as amended by the Amendment To Declaration Of Restrictive Covenants Of The Cottages At Cypress Run, recorded in Book 3458, Page 676, and the Amendment To Declarations Of Restrictive Covenants Of The Cottages At Cypress Run, recorded in Book 3757, Page 116, all of the Henderson County Registry, the party of the first part shall, and by these presents does convey in fee simple unto said party of the second part, its successors and assigns, all right, title and interest of the party of the first part in and to the following:

Tract One: Being all of the "Remaining Portion of Tract A" lying south of the "0.08 Acre Open Space", Lot 21, Lot 22, Lot 23, Lot 24, Lot 25, Lot 26, Lot 27, and Lot 28, all as designated on plat recorded in Plat Slide 13185, Henderson County Registry, and further lying south of the "0.12 Acre Open Space-Revised", Lot 29R, Lot 30R, and Lot 31R, all as depicted on that plat recorded in Plat Slide 12897, Henderson County Registry, and further lying south of Lot 32, Lot 33, Lot 34, Lot 35, Lot 36 and Lot 37, all as depicted on that plat recorded in Plat Slide 12674, Henderson County Registry, and further lying east of the said Lot 37 as depicted on that plat recorded in Plat Slide 13185, Henderson County Registry.

Tract Two: Being all of the "0.40 Acre Open Space" lying north of Leyland Circle and east of Lot 1, as depicted on that plat recorded in Plat Slide 12246, Henderson County Registry.

Tract Three: Being all of the "0.08 Acre Open Space" adjacent to and between Lot 20 and Lot 21, as depicted on that plat recorded in Plat Slide 13185, Henderson County Registry.

Tract Four: Being all of the "Open Space-Revised 0.12 Acre" designated on that plat recorded in Plat Slide 12897, Henderson County Registry.

Also including all roads, easements, and common areas depicted on plats recorded in Plat Slide 12246, Plat Slide 12674 (as amended by plat recorded in Plat Slide 12897), and Plat Slide 13185, Henderson County Registry.

TO HAVE AND TO HOLD the aforesaid, together with all privileges and appurtenances thereunto belonging, to the said party of the second part, its successors and assigns, in fee simple forever.

The real property herein conveyed does not constitute the primary residence of the grantor.

IN TESTIMONY WHEREOF the party of the first part, The Cottages at Cypress Run, LLC, has hereunto caused this deed to be executed in its name by its undersigned manager, the day and year first above written.

THE COTTAGES AT CYPRESS RUN, LLC

by:


Rick Moore, Member/Manager

STATE OF NORTH CAROLINA

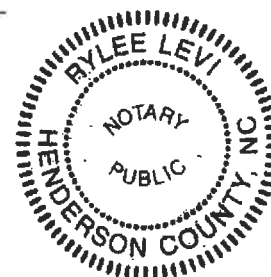
COUNTY OF HENDERSON

I, a Notary Public of the County and State aforesaid, certify that Rick Moore, Member/Manager of The Cottages at Cypress Run, LLC personally appeared before me this day and acknowledged his voluntary execution of the foregoing instrument on behalf of Moore & Son Site Contractors, Inc., for the purposes stated herein. Witness my hand and official stamp or seal, this 1 day of December, 2023.

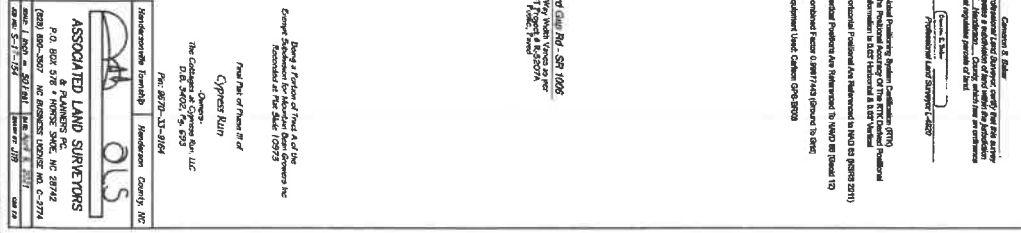
My Commission Expires:

7-17-2028


Notary Public



The composite image consists of three parts. At the top left is a circular seal of the U.S. Coast Guard, featuring an eagle with wings spread, perched on a shield with stars and stripes, and the words "U.S. COAST GUARD" and "UNITED STATES OF AMERICA". Below the seal is a photograph of a person in a small boat, possibly a fishing boat, on the water. To the right of the photograph is a map of the North York area, showing a coastline with a star marking a location and the text "North York" and "Map".



State of North Carolina, County of Henderson
 Clerk of Superior Court
 This is to certify that the within and foregoing plat of land, containing 100.00 acres, more or less, is a true and correct copy of the original plat on file in the office of the Clerk of Superior Court, County of Henderson, North Carolina, and is a true and correct copy of the original plat on file in the office of the Clerk of Superior Court, County of Henderson, North Carolina.

Witness my hand and the seal of the Clerk of Superior Court, County of Henderson, North Carolina, this 1st day of May, 2020.

 Clerk of Superior Court, County of Henderson, North Carolina

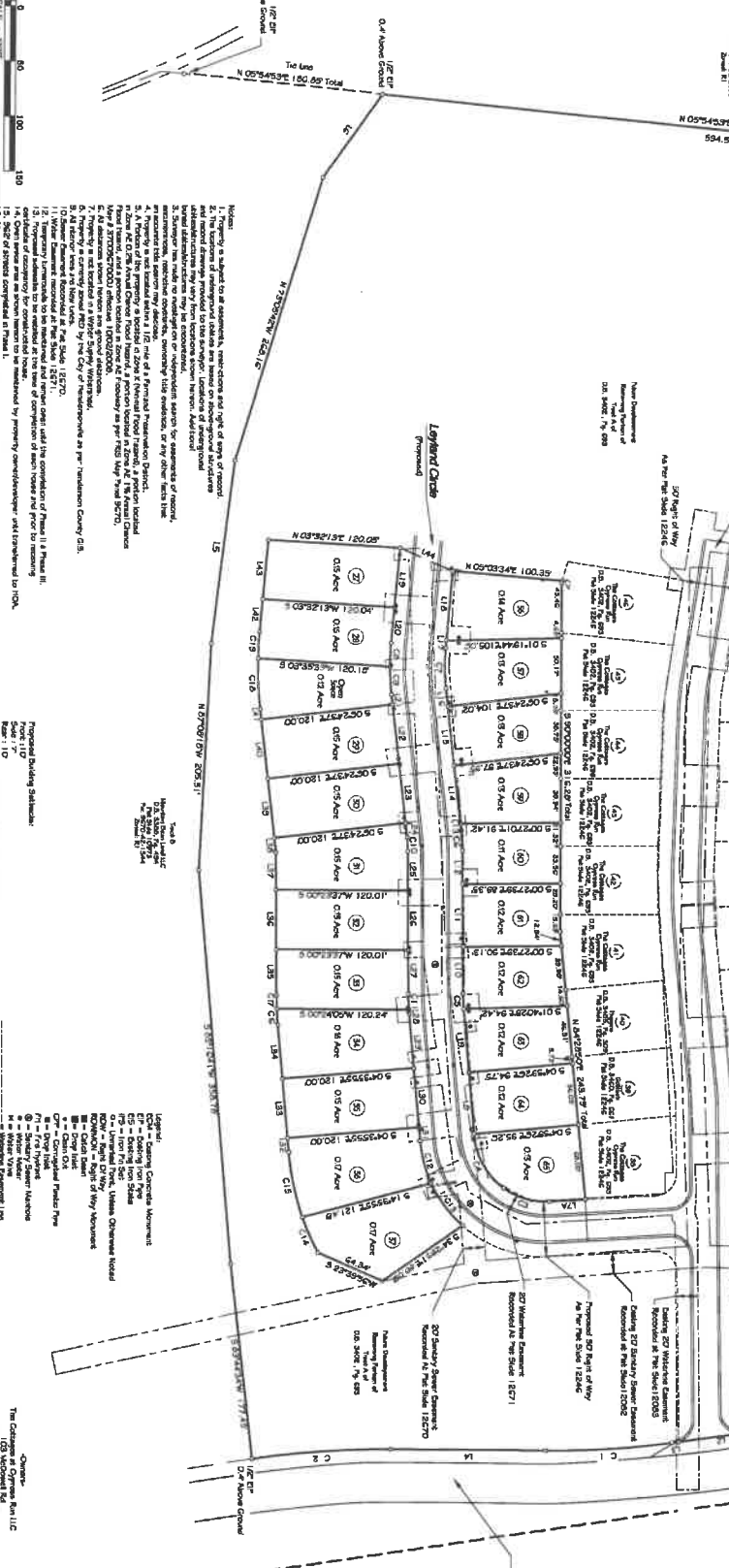
BR 2020 PG 12874 - 12874 (1) DOCA 93147
 This Document Recorded: 08/13/2020 01:24:05 PM
 Henderson County, North Carolina
 William Lee King, Register of Deeds

Course	Station	Length	Dist. to	Dist. from
C1	52.00	1.00	1.00	0.00
C2	52.00	1.00	1.00	1.00
C3	52.00	1.00	1.00	2.00
C4	52.00	1.00	1.00	3.00
C5	52.00	1.00	1.00	4.00
C6	52.00	1.00	1.00	5.00
C7	52.00	1.00	1.00	6.00
C8	52.00	1.00	1.00	7.00
C9	52.00	1.00	1.00	8.00
C10	52.00	1.00	1.00	9.00
C11	52.00	1.00	1.00	10.00
C12	52.00	1.00	1.00	11.00
C13	52.00	1.00	1.00	12.00
C14	52.00	1.00	1.00	13.00
C15	52.00	1.00	1.00	14.00
C16	52.00	1.00	1.00	15.00
C17	52.00	1.00	1.00	16.00
C18	52.00	1.00	1.00	17.00
C19	52.00	1.00	1.00	18.00
C20	52.00	1.00	1.00	19.00
C21	52.00	1.00	1.00	20.00
C22	52.00	1.00	1.00	21.00
C23	52.00	1.00	1.00	22.00
C24	52.00	1.00	1.00	23.00
C25	52.00	1.00	1.00	24.00
C26	52.00	1.00	1.00	25.00
C27	52.00	1.00	1.00	26.00
C28	52.00	1.00	1.00	27.00
C29	52.00	1.00	1.00	28.00
C30	52.00	1.00	1.00	29.00
C31	52.00	1.00	1.00	30.00
C32	52.00	1.00	1.00	31.00
C33	52.00	1.00	1.00	32.00
C34	52.00	1.00	1.00	33.00
C35	52.00	1.00	1.00	34.00
C36	52.00	1.00	1.00	35.00
C37	52.00	1.00	1.00	36.00
C38	52.00	1.00	1.00	37.00
C39	52.00	1.00	1.00	38.00
C40	52.00	1.00	1.00	39.00
C41	52.00	1.00	1.00	40.00
C42	52.00	1.00	1.00	41.00
C43	52.00	1.00	1.00	42.00
C44	52.00	1.00	1.00	43.00
C45	52.00	1.00	1.00	44.00
C46	52.00	1.00	1.00	45.00
C47	52.00	1.00	1.00	46.00
C48	52.00	1.00	1.00	47.00
C49	52.00	1.00	1.00	48.00
C50	52.00	1.00	1.00	49.00
C51	52.00	1.00	1.00	50.00
C52	52.00	1.00	1.00	51.00
C53	52.00	1.00	1.00	52.00
C54	52.00	1.00	1.00	53.00
C55	52.00	1.00	1.00	54.00
C56	52.00	1.00	1.00	55.00
C57	52.00	1.00	1.00	56.00
C58	52.00	1.00	1.00	57.00
C59	52.00	1.00	1.00	58.00
C60	52.00	1.00	1.00	59.00
C61	52.00	1.00	1.00	60.00
C62	52.00	1.00	1.00	61.00
C63	52.00	1.00	1.00	62.00
C64	52.00	1.00	1.00	63.00
C65	52.00	1.00	1.00	64.00
C66	52.00	1.00	1.00	65.00
C67	52.00	1.00	1.00	66.00
C68	52.00	1.00	1.00	67.00
C69	52.00	1.00	1.00	68.00
C70	52.00	1.00	1.00	69.00
C71	52.00	1.00	1.00	70.00
C72	52.00	1.00	1.00	71.00
C73	52.00	1.00	1.00	72.00
C74	52.00	1.00	1.00	73.00
C75	52.00	1.00	1.00	74.00
C76	52.00	1.00	1.00	75.00
C77	52.00	1.00	1.00	76.00
C78	52.00	1.00	1.00	77.00
C79	52.00	1.00	1.00	78.00
C80	52.00	1.00	1.00	79.00
C81	52.00	1.00	1.00	80.00
C82	52.00	1.00	1.00	81.00
C83	52.00	1.00	1.00	82.00
C84	52.00	1.00	1.00	83.00
C85	52.00	1.00	1.00	84.00
C86	52.00	1.00	1.00	85.00
C87	52.00	1.00	1.00	86.00
C88	52.00	1.00	1.00	87.00
C89	52.00	1.00	1.00	88.00
C90	52.00	1.00	1.00	89.00
C91	52.00	1.00	1.00	90.00
C92	52.00	1.00	1.00	91.00
C93	52.00	1.00	1.00	92.00
C94	52.00	1.00	1.00	93.00
C95	52.00	1.00	1.00	94.00
C96	52.00	1.00	1.00	95.00
C97	52.00	1.00	1.00	96.00
C98	52.00	1.00	1.00	97.00
C99	52.00	1.00	1.00	98.00
C100	52.00	1.00	1.00	99.00
C101	52.00	1.00	1.00	100.00

Course	Station	Length	Dist. to	Dist. from
C1	52.00	1.00	1.00	0.00
C2	52.00	1.00	1.00	1.00
C3	52.00	1.00	1.00	2.00
C4	52.00	1.00	1.00	3.00
C5	52.00	1.00	1.00	4.00
C6	52.00	1.00	1.00	5.00
C7	52.00	1.00	1.00	6.00
C8	52.00	1.00	1.00	7.00
C9	52.00	1.00	1.00	8.00
C10	52.00	1.00	1.00	9.00
C11	52.00	1.00	1.00	10.00
C12	52.00	1.00	1.00	11.00
C13	52.00	1.00	1.00	12.00
C14	52.00	1.00	1.00	13.00
C15	52.00	1.00	1.00	14.00
C16	52.00	1.00	1.00	15.00
C17	52.00	1.00	1.00	16.00
C18	52.00	1.00	1.00	17.00
C19	52.00	1.00	1.00	18.00
C20	52.00	1.00	1.00	19.00
C21	52.00	1.00	1.00	20.00
C22	52.00	1.00	1.00	21.00
C23	52.00	1.00	1.00	22.00
C24	52.00	1.00	1.00	23.00
C25	52.00	1.00	1.00	24.00
C26	52.00	1.00	1.00	25.00
C27	52.00	1.00	1.00	26.00
C28	52.00	1.00	1.00	27.00
C29	52.00	1.00	1.00	28.00
C30	52.00	1.00	1.00	29.00
C31	52.00	1.00	1.00	30.00
C32	52.00	1.00	1.00	31.00
C33	52.00	1.00	1.00	32.00
C34	52.00	1.00	1.00	33.00
C35	52.00	1.00	1.00	34.00
C36	52.00	1.00	1.00	35.00
C37	52.00	1.00	1.00	36.00
C38	52.00	1.00	1.00	37.00
C39	52.00	1.00	1.00	38.00
C40	52.00	1.00	1.00	39.00
C41	52.00	1.00	1.00	40.00
C42	52.00	1.00	1.00	41.00
C43	52.00	1.00	1.00	42.00
C44	52.00	1.00	1.00	43.00
C45	52.00	1.00	1.00	44.00
C46	52.00	1.00	1.00	45.00
C47	52.00	1.00	1.00	46.00
C48	52.00	1.00	1.00	47.00
C49	52.00	1.00	1.00	48.00
C50	52.00	1.00	1.00	49.00
C51	52.00	1.00	1.00	50.00
C52	52.00	1.00	1.00	51.00
C53	52.00	1.00	1.00	52.00
C54	52.00	1.00	1.00	53.00
C55	52.00	1.00	1.00	54.00
C56	52.00	1.00	1.00	55.00
C57	52.00	1.00	1.00	56.00
C58	52.00	1.00	1.00	57.00
C59	52.00	1.00	1.00	58.00
C60	52.00	1.00	1.00	59.00
C61	52.00	1.00	1.00	60.00
C62	52.00	1.00	1.00	61.00
C63	52.00	1.00	1.00	62.00
C64	52.00	1.00	1.00	63.00
C65	52.00	1.00	1.00	64.00
C66	52.00	1.00	1.00	65.00
C67	52.00	1.00	1.00	66.00
C68	52.00	1.00	1.00	67.00
C69	52.00	1.00	1.00	68.00
C70	52.00	1.00	1.00	69.00
C71	52.00	1.00	1.00	70.00
C72	52.00	1.00	1.00	71.00
C73	52.00	1.00	1.00	72.00
C74	52.00	1.00	1.00	73.00
C75	52.00	1.00	1.00	74.00
C76	52.00	1.00	1.00	75.00
C77	52.00	1.00	1.00	76.00
C78	52.00	1.00	1.00	77.00
C79	52.00	1.00	1.00	78.00
C80	52.00	1.00	1.00	79.00
C81	52.00	1.00	1.00	80.00
C82	52.00	1.00	1.00	81.00
C83	52.00	1.00	1.00	82.00
C84	52.00	1.00	1.00	83.00
C85	52.00	1.00	1.00	84.00
C86	52.00	1.00	1.00	85.00
C87	52.00	1.00	1.00	86.00
C88	52.00	1.00	1.00	87.00
C89	52.00	1.00	1.00	88.00
C90	52.00	1.00	1.00	89.00
C91	52.00	1.00	1.00	90.00
C92	52.00	1.00	1.00	91.00
C93	52.00	1.00	1.00	92.00
C94	52.00	1.00	1.00	93.00
C95	52.00	1.00	1.00	94.00
C96	52.00	1.00	1.00	95.00
C97	52.00	1.00	1.00	96.00
C98	52.00	1.00	1.00	97.00
C99	52.00	1.00	1.00	98.00
C100	52.00	1.00	1.00	99.00
C101	52.00	1.00	1.00	100.00



BR 2020 PG 12874 - 12874 (1) DOCA 93147
 This Document Recorded: 08/13/2020 01:24:05 PM
 Henderson County, North Carolina
 William Lee King, Register of Deeds



BR 2020 PG 12874 - 12874 (1) DOCA 93147
 This Document Recorded: 08/13/2020 01:24:05 PM
 Henderson County, North Carolina
 William Lee King, Register of Deeds

