



Town of Shallotte
ACTION AGENDA ITEM
2025

TO: Board of Aldermen

FROM: Debra White

ACTION ITEM #:

MEETING DATE: 06/26/2025

DATE SUBMITTED: 6/23/25

ISSUE/ACTION REQUESTED: Summers Walk Phase 1 Sewer, collection lines and related equipment. **PUBLIC HEARING:** ☐ YES ☐ NO

BACKGROUND/PURPOSE OF REQUEST: DFC Summers Walk, LLC has installed sewer collection lines, and related equipment located at the Summers Walk Phase 1 development. This development is within Town limits; and DFC Summers Walk, LLC is requesting a Resolution for a Deed of Dedication dedicating the sewer utilities of Summers Walk Phase 1 subdivision to be approved and accepted by the Town.

FISCAL IMPACT:

BUDGET AMENDMENT REQUIRED:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
CAPITAL PROJECT ORDINANCE REQUIRED:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
PRE-AUDIT CERTIFICATION REQUIRED:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
REVIEWED BY DIRECTOR OF FISCAL OPERATIONS	<input type="checkbox"/> YES	<input type="checkbox"/> NO

CONTRACTS/AGREEMENTS:

REVIEWED BY TOWN ATTORNEY: ☐ YES ☐ NO ☐ N/A

ADVISORY BOARD RECOMMENDATION:

TOWN ADMINISTRATOR'S RECOMMENDATION:

FINANCE RECOMMENDATION:

ATTACHMENTS:

1. Deed Dedication
2. Affidavit
3. Warranty Agreement
4. List of Asset
5. Resolution

ACTION OF THE BOARD OF ALDERMEN

APPROVED: ☐

DENIED: ☐

**DEFERRED
UNTIL:** _____

ATTEST:

CLERK TO THE BOARD

SIGNATURE

OTHER:

DEED OF DEDICATION

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

THIS DEED OF DEDICATION, made and entered into this the ____ day of ____, 2025, by and between DFC SUMMERS WALK LLC, a Florida limited liability company, party of the first part, hereinafter referred to as "Developer", and THE TOWN OF SHALLOTTE, a governmental entity created and existing under the laws of the State of North Carolina and which is duly created and existing under the laws of the State of North Carolina, party of the second part, hereinafter referred to as Grantee;

WITNESSETH:

THAT WHEREAS, Developer is the owner of a tract or parcel located in Shallotte Township, Brunswick County, North Carolina, known as Summers Walk Subdivision, Phase 1A as depicted on the map of same recorded in Map Cabinet 162, Page 15 and Summers Walk Subdivision, Phase 1 as depicted on the map of same recorded in Map Cabinet 164, Pages 49-54, both of the Brunswick County Registry (the "Property");

WHEREAS, Developer has caused to be installed a system of wastewater lines, equipment, and facilities under and along the road rights-of-way hereinafter described and referenced;

Prepared by Ward and Smith, P.A., 127 Racine Drive, University Corporate Center (28403), Post Office Box 7068, Wilmington, NC 28406-7068
Please return to Ward and Smith, P.A., 127 Racine Drive, University Corporate Center (28403), Post Office Box 7068, Wilmington, NC 28406-7068
Attention: Justin M. Lewis

No opinion on title is rendered by Ward and Smith, P.A., without a separate written opinion on title from Ward and Smith, P.A.

WHEREAS, Developer wishes to obtain wastewater treatment services from Grantee and to make wastewater service from Grantee's system available to individual lot owners of the Property;

WHEREAS, Grantee has adopted, through appropriate resolution, a stated policy regarding sewer systems under the terms of which, among other things, in order to obtain wastewater service for said Property, Developer must convey title to the wastewater system in the said subdivision to Grantee through an instrument of dedication acceptable to Grantee;

NOW THEREFORE, Developer, in consideration of Grantee accepting said wastewater lines and facilities and accepting the discharge of all wastewater from said subdivision, does hereby convey to Grantee, its lawful successors and assigns, the following described property;

All of the wastewater lines, equipment and facilities located under, along, and within the road, street, and cul-de-sac rights of way as shown and described on the map of "Summers Walk Phase 1A" recorded in Map Book 162, Page 15 of the Brunswick County Registry and which map includes that certain road known as "Pine Lake Drive SW" reference to which map is hereby made for a more particular description.

All of the wastewater lines, equipment and facilities located under, along, and within the road, street, and cul-de-sac rights of way as shown and described on the map of "Summers Walk Phase 1" recorded in Map Book 164, Pages 49-54 of the Brunswick County Registry and which map includes those certain roads known as "Summerwalk Road", "Summerswalk Road", "Swimming Lane", and "Gateway Lane" reference to which map is hereby made for a more particular description.

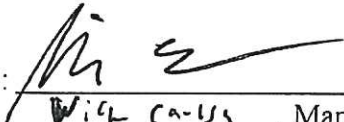
TO HAVE AND TO HOLD said wastewater lines and equipment above described together with the privileges and appurtenances thereto belonging to Grantee forever.

Together with non-exclusive easements over, along and upon the entire area of the streets and cul-de-sacs and right of way depicted on the maps of subdivision for Summers Walk and serving the areas referenced above for purposes of entry into the subdivision for maintenance, repair and upkeep of the wastewater systems and facilities and for connecting the same to the individual lots developed or to be developed lying adjacent to said streets and cul-de-sacs and rights of way reserving unto Developer, its successors and assigns, equal rights of easement and easement over, in, along, and upon said streets and cul-de-sacs for purposes of installing and maintaining such utilities as may be required for the development of said subdivision, including, but not limited to, electric, gas, telephone, cable and sewer.

And Developer does hereby covenant that it is seized of said wastewater lines, equipment and facilities described above in fee simple and has the right to convey the same in fee simple, that the same are free and clear of encumbrances, and that it will warrant and defend the title to the same against all persons whomsoever.

IN WITNESS WHEREOF, the Developer has caused this instrument to be duly executed, the day and year first above written.

DFC SUMMERS WALK LLC

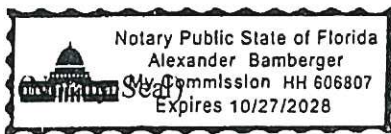
By: 
Wick Cary, Manager

STATE OF Florida

COUNTY OF St. Johns

I, a Notary Public of the County and State aforesaid, do hereby certify that
Nick Carlson personally came before me this day and acknowledged that he is
VP of DFC Summers Walk LLC being authorized to do so, executed the
foregoing on behalf of the corporation.

Witness my hand and official seal, this the 19 day of March, 2025.



A handwritten signature in black ink, appearing to read "Alexander Bamberger", written over a horizontal line.

Signature of Notary Public

Alexander Bamberger

Printed or Typed Name of Notary Public

My Commission Expires: 10/27/28

ACCEPTANCE OF DEED

This Deed of Dedication was accepted by The Town of Shallotte on the _____ day of _____, 2025.

The Town of Shallotte

_____, _____

AFFIDAVIT

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

DFC SUMMERS WALK LLC, a Florida limited liability company, with an office and place of business in Ponte Vedra, Florida, hereinafter referred to as Affiant, being first duly sworn, hereby deposes and says under oath as follows:

1. That it is the owner of certain property located in Shallotte Township, Brunswick County, North Carolina, known as Summers Walk Subdivision, containing lots numbering 1 thru 7, 105, 131 thru 138, 139, 140, 142, and 143, as more particularly described in a Deed of Dedication in favor of The Town of Shallotte of even date herewith.
2. That it has caused to be installed wastewater lines, equipment and facilities under and along the road rights-of-way property hereinafter described and referenced;


The road, street, and cul-de-sac rights of way shown as "Pine Lake Drive SW" on the map of "Summers Walk Phase 1A" recorded in Map Book 162, Page 15 of the Brunswick County Registry, reference to which map is hereby made for a more particular description; and

The road, street, and cul-de-sac rights of way shown as "Summerwalk Road", "Summerswalk Road", "Swimming Lane", and "Gateway Lane" on the map of "Summers Walk Phase 1" recorded in Map Book 164, Pages 49-54 of the Brunswick County Registry, reference to which map is hereby made for a more particular description.

3. All the work which has been performed in the construction and installation of said wastewater lines, equipment and facilities described in paragraph 2, above, has been fully paid for and there are now no liens of any kind including any lien for labor or material against the subdivision property which would in any way jeopardize title of Affiant to the property in said subdivision nor are there any legal actions pending against Affiant or any contractor arising out of any work performed in said subdivision or the wastewater lines installed therein which would in any way jeopardize title to the subdivision or the wastewater system located therein.

IN WITNESS WHEREOF, the Affiant has caused this instrument to be duly
executed by its authorized officer(s) this 17 day of March, 2025.

DFC SUMMERS WALK LLC

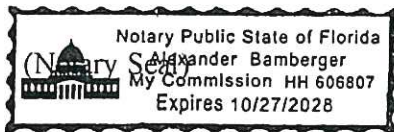
By: , Manager
Nick Carlson

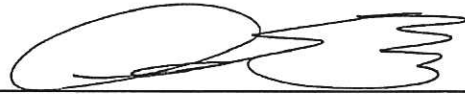
STATE OF Florida

COUNTY OF St. Johns

I, a Notary Public of the County and State aforesaid, do hereby certify that
Nick Carlson personally came before me this day and acknowledged that he is
VP of DFC Summers Walk LLC being authorized to do so, executed the
foregoing on behalf of the corporation.

Witness my hand and official seal, this the 19 day of March, 2025.




Signature of Notary Public

Alexander Bamberger
Printed or Typed Name of Notary Public

My Commission Expires: 10/27/28

WARRANTY

KNOW ALL MEN BY THESE PRESENTS, that DFC Summers Walk LLC, a Florida limited liability company, hereinafter referred to as "Owner", is held and firmly bound unto the Town of Shallotte, a governmental entity existing under the laws of the State of North Carolina as set forth herein. The Owner binds themselves, their heirs, executors, administrators, successors and assigns jointly and severally to the Town of Shallotte as set forth herein.

WHEREAS, DFC Summers Walk, LLC, the Owner, has lawfully developed and constructed a development in the Town of Shallotte, North Carolina, known and identified as Summers Walk Phase 1 and Phase 1A, and in connection therewith, has constructed certain wastewater lines, equipment and facilities in Summer Walk Phase 1 and Phase 1A, and has dedicated those facilities to the Town of Shallotte for public use and maintenance, and desires and has requested the Town of Shallotte to accept said facilities.

NOW THEREFORE, in consideration of the acceptance of said facilities by Town, Owner agrees to convey to the Town of Shallotte fee simple title to said facilities, and warrants that said facilities are constructed in a good and workmanlike manner in compliance with all plans and specifications approved by Town and are free from defects in materials and workmanship and shall remain in said condition, less normal wear and tear, for a period of one year from the date of action by Town of Shallotte Board of Aldermen accepting said facilities. Should said facilities or any portion thereof require repair or replacement within one year from the date of acceptance of said facilities for failure of workmanship, materials, or any other defects, specifically including damages resulting from any construction related activities including utility construction or building construction performed by other parties who purchased land, Owner shall make all necessary repairs or shall be liable to the Town of Shallotte for the costs to repair and replace said facilities to their original condition.

SIGNED, SEALED, AND DATED this the 16th day of June, 2025.

WITNESS:

Gustav Pankard
Witness Print Name

[Signature]
Witness Signature

OWNER:

DFC Summers Walk LLC

By: [Signature]

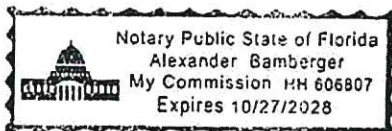
Nick Caruso VP
Printed Name and Title


STATE OF Florida

COUNTY OF St Johns

I, Alexander Bamberger, a Notary Public in and for the State and County aforesaid, do hereby certify that Nick Carlson, as Vice President of DFC Summers Walk LLC, a Florida limited liability company personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing instrument for the purposes therein set forth and in the capacity indicated.

Witness my hand and notarial seal, this the 16 day of June, 2025.




Signature of Notary Public

Alexander Bamberger
Notary's printed or typed name

My commission expires: 10/27/28

Summers Walk Phase 1 - Assets Cost List - Sewer

Cost Description	QTY	Unit	Cost	Total
Sewer Manholes	1	LS	\$ 150,850.00	\$ 150,850.00
Sewer Main Lines	1	LS	\$ 349,328.00	\$ 349,328.00
Sewer Bedding	1600	TON	\$ 75.00	\$ 120,000.00
				<u>\$ 620,178.00</u>

RESOLUTION NO.25-05

WHEREAS, DFC SUMMERS WALK LLC, a Florida limited liability company, with an office and place of business in Ponte Vedra, Florida, (hereinafter "Developer") is the owner of a tract or parcel located in Shallotte Township, Brunswick County, North Carolina, known as "Summers Walk Phase 1A" as more particularly described in North Carolina General Warranty Deed recorded in Map Book 162, Page 15 of the Brunswick County Registry, reference to which map is hereby made for a more particular description; and Map Book 164, Pages 49-54 of the Brunswick County Registry" and which is being developed as Summers Walk subdivision as shown on plat(s) which have been recorded in the office of the Register of Deeds for Brunswick County, North Carolina; and

WHEREAS, Developer has caused to be installed sewer collection lines and related equipment located within the Town; and

WHEREAS, a Deed of Dedication has been executed by Developer dedicating to the Town the following described property:

ITEM ONE

All of the wastewater lines, equipment and facilities under and along the road rights-of-way property hereinafter described and referenced;

ITEM TWO

All that certain tract or parcel of land lying and being situate in Brunswick County, North Carolina, and being shown and identified as "Pine Lake Drive SW" on the plat recorded in Map Cabinet 162, at Page 15 in the office of the Register of Deeds of Brunswick County.

ITEM THREE

All those certain tracts or parcels of land lying and being situate in Brunswick County, North Carolina, and being shown and identified as "Summerwalk Road", "Summerswalk Road", "Swimming Lane", and "Getaway Lane", all on the plat recorded in Map Cabinet 164, at Pages 49-54 in the office of the Register of Deeds of Brunswick County.

WHEREAS, the acceptance of all of said property would benefit the Town of Shallotte and is in the best interest of the citizens of the Town of Shallotte.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF SHALLOTTE as follows:

1. That the Town hereby accepts the conveyance and dedication offered by DFC SUMMERS WALK LLC as set forth above.
2. That the Town shall record the deed of dedication in the office of the Register of Deeds for Brunswick County.

ADOPTED THIS 26th DAY OF JUNE, 2025.

ATTEST:

Walt Eccard, Mayor

Natalie Goins, Town Clerk