RESOLUTION 24-2011

RESOLUTION DECLARING THAT ORGILL PARK IS NO LONGER USED AS CITY PARK AND AUTHORIZING RECONVEYANCE OF ORGILL PARK TO SHELBY COUNTY, TENNESSEE, A POLITICAL SUBDIVISION OF THE STATE OF TENNESSEE, FOR THE USE AND BENEFIT OF THE SHELBY COUNTY CONSERVATION BOARD.

WHEREAS, The City of Millington (the "City") entered into that certain Inter-Local Agreement Relating to Shelby County's Transfer of Edmund Orgill Park, Jamison Park and Millington South Park to the City of Millington dated as of October 22, 2004 and recorded as Instrument No. 04180432 in the Register's Office of Shelby County, Tennessee (the "Agreement"); and

WHEREAS, Paragraph 6 of the Agreement provides that Edmund Orgill Park shall continue to be owned by the City so long as it is utilized as a public park, and if it ever ceases to be used as a public park it shall revert back to the County; and

WHEREAS, Shelby County, Tennessee, a Political Subdivision of the State of Tennessee (the "County") conveyed Edmund Orgill Park to the City by Quit Claim deed dated as of March 2, 2009 and recorded as Instrument no. 09036134 in the Register's Office of Shelby County, Tennessee (the "County Deed"); and

WHEREAS, The County Deed contains a Reversionary Clause, which states that if Edmund Orgill Park ever ceases to be utilized as a public park, the conveyance of said Park to the City becomes void, and the rights to Edmund Orgill Park conveyed by the County Deed revert back to Shelby County, Tennessee, a Political Subdivision of the State of Tennessee, for the use and benefit of the Shelby County Conservation Board, or its lawful successor; and

WHEREAS, The City has determined that the costs of owning, maintaining and operating Edmund Orgill Park as a public park greatly exceed the City's ability to pay such costs.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, as follows:

1. The Board of Mayor and Aldermen declares that the City hereby ceases to utilize Edmund Orgill Park as a public park;

2. The Board acknowledges that upon the City's ceasing to use it as a public park, Edmund Orgill Park reverts back to the County in accordance with Paragraph 6 of the Agreement and the Reversionary Clause of the County Deed;

3. In order to confirm for the public record that Edmund Orgill Park is again owned by the County, the Board of Mayor and Aldermen authorizes Mayor Richard Hodges to execute and deliver a Quit Claim Deed and Bill of Sale conveying all the City's right, title and interest in and to Edmund Orgill Park to Shelby County, Tennessee, a Political Subdivision of the State of Tennessee, for the use and benefit of the Shelby County Conservation Board.

THIS RESOLUTION is adopted as of the 1ST day of August, 2011.

Richard L. Hodges, Mayor

Bruce Rasmussen, City Clerk and Treasurer

# QUIT CLAIM DEED

THIS INDENTURE, made and entered into this _____ day of _____, 2011, by and between **City of Millington, a Municipal Corporation of the State of Tennessee**, (hereinafter referred to as "**Grantor**"), and **Shelby County, Tennessee, a Political Subdivision of the State of Tennessee, for the use and benefit of the Shelby County Conservation Board**, (hereinafter referred to as "**Grantee**").

WITNESSETH: That for and in consideration of TEN AND NO/100 DOLLARS ($ 10.00), cash in hand paid and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, **Grantor** has this day bargained and sold and does hereby bargain, sell, remise, release, convey and forever quitclaim unto **Grantee**, its lawful successors and assigns, all of its right, title and interest in and to the following described real estate, situated and being in the City of Millington, County of Shelby, State of Tennessee, to-wit:

**EDMUND ORGILL PARK**

**Parcel I**

**Part of the Densford 298.041 acres being parts of the John McKnitt Alexander 3660 Acre Grant No. 210 and the Samuel Harris 5,000 Acre Grant No. 17 in Shelby County, Tennessee, which part being more particularly described as follows:**

**Beginning at a point in the intersection of the Mudville Road and the Center College Road, said point being 0.03 chains south of an old concrete monument; thence with said road north 86 degrees 41 minutes west 416.46 feet; thence south 85 degrees 24 minutes west 858 feet; thence north 86 degrees 56 minutes west 865.88 feet to a point 0.45 chains south of an old concrete monument; thence south 3 degrees 16 minutes west 1513.63 feet to an old axle; thence south 87 degrees 41 minutes east 2175.36 feet to a point in the center of Center College Road; thence north 1 degree 41 minutes east 1598.2 feet to the point of beginning, containing 76.398 acres of land, more or less.**

**Being the same parcel of land conveyed to CITY OF MILLINGTON, a Municipal Corporation of the State of Tennessee, by Quit Claim Deed of Record as described and designated Tract No. I – EDMUND ORGILL PARK, Parcel I, in the Register's Office of Shelby County, Tennessee, in the Register's Official Record Book under Instrument No. 09036134.**

**Tax Parcel No. M0106 00163**

**EASEMENT RESERVATIONS**

**The hereinabove described 76.398 acre tract of land is being sold subject to any and all easements of record and easements for any existing utility, storm drain and sanitary sewer facilities.**

**Parcel II**

**The Thomason 144.875 Acres, being parts of the John McKnitt Alexander 3660 Acre Grant No. 210 and the Samuel Harris 5,000 Acre Grant No. 17 in Shelby County, Tennessee, more particularly described as follows:**

**Beginning at a point 8 feet north of the present center line of Kerrville-Rosemark Road, said point being the southeast corner of the Densford 221.643 acre parcel and the southwest corner of the John Thomason tract; thence along said road south 87 degrees 41 minutes east 2125.2 feet to a point, said point being 15 feet west of and 9.5 feet north of the southernmost intersection of the center of the Kerrville-Rosemark Road with the center of the Center College Road; thence with Center College Road north 4 degrees 03 minutes east 1729.2 feet; thence north 1 degree 33 minutes east 580.8 feet; thence north 2 degrees 33 minutes east 610.5 to a point, the southeast corner of the Densford 76.398 acre parcel; thence north 87 degrees 41 minutes west along the line dividing the Densford Parcel and the Thomason Tract 2175.36 feet to an old axle, the northwest corner of the Thomason Tract; thence south 2 degrees 15 minutes west 2919.77 feet to the point of beginning, containing 144.875 acres of land, more or less.**

**Being the same parcel of land conveyed to CITY OF MILLINGTON, a Municipal Corporation of the State of Tennessee, by Quit Claim Deed of Record as described and designated Tract No. I – EDMUND ORGILL PARK, Parcel II, in the Register's Office of Shelby County, Tennessee, in the Register's Official Record Book under Instrument No. 09036134.**

**Tax Parcel No. M0106 00108**

**EASEMENT RESERVATIONS**

**The hereinabove described 144.875 acre parcel of land is being sold subject to any and all easements of record and easements for any existing utility, storm drain and sanitary sewer facilities.**

**This Quit Claim Deed has been executed and the real property described herein is being conveyed back to Shelby County, Tennessee, a Political Subdivision of the State of Tennessee, for the use and benefit of the Shelby County Conservation Board, pursuant to the reversionary provision contained in Quit Claim Deed of Record in the Register's Office of Shelby County, Tennessee, in the Register's Official Record Book under Instrument No. 09036134.**

This conveyance is subject to acceptance by **Grantee**, which acceptance being expressly acknowledged herein by the approval of the proper County Officials as evidenced by their signatures hereinbelow.

IN WITNESS WHEREOF, the undersigned **Grantor** has caused this instrument to be executed by the affixing thereto of the signature of the Mayor of the City of Millington, Tennessee, the said Mayor being authorized so to do.

## Grantee:

**SHELBY COUNTY, TENNESSEE, a Political Subdivision of the State of Tennessee, for the use and benefit of the Shelby County Conservation Board**

**BY:** _____
**Shelby County Conservation Board**
**Title:** _____

**SHELBY COUNTY, TENNESSEE, a Political Subdivision of the State**

**BY:** _____
**Mark H. Luttrell, Jr., County Mayor**

**Approved as to Legal Form:**

**BY:** _____
**Contract Administrator/**
**Assistant County Attorney**

**Other County Approvals:**

**BY:** _____
**Director of Public Works/County Engineer**

**BY:** _____
**Conservation Board Executive Director**

**BY:** _____
**Land Bank Deputy Administrator**

**BY:** _____
**County Real Estate Manager**

## Grantor:

**CITY OF MILLINGTON, TENNESSEE, a Municipal Corporation of the State of Tennessee**

**BY:** _____
**Richard L. Hodges, City Mayor**

**ATTEST:**

**BY:** _____
**Bruce Rasmussen, City Clerk/Recorder**

**Approved as to Legal Form:**

**BY:** _____
**City Attorney**

**STATE OF TENNESSEE**
**COUNTY OF SHELBY**

Before me, the undersigned, a Notary Public within and for said State and County, duly commissioned and qualified, personally appeared **RICHARD L. HODGES, Mayor of the City of Millington**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the **Mayor of the City of Millington**, the within named bargainor, one of the municipal corporations of the State of Tennessee, and that he as such **Mayor** of said City, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the **City of Millington** by himself as such **Mayor** of said municipal corporation.

WITNESS my hand and Notarial Seal, at office in the City of Millington, in the County aforesaid, this 5th day of August, 2011.

Laura R. DeLuca
**Notary Public**

LAURA R. DeLUCA
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF SHELBY

**MY COMMISSION EXPIRES:**

July 16, 2014

**STATE OF TENNESSEE**
**COUNTY OF SHELBY**

Before me, the undersigned, a Notary Public within and for said State and County, duly commissioned and qualified, personally appeared _____, with whom I am personally acquainted, and who upon oath acknowledged himself/herself to be the **Chairman of the Shelby County Conservation Board**, the within named bargainor, and that he/she as such **Chairman**, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the **Shelby County Conservation Board** by himself/herself as such **Chairman**.

WITNESS my hand and Notarial Seal, at office in the City of Memphis, in the County aforesaid, this ____ day of _____, 2011.

_____
**Notary Public**

**MY COMMISSION EXPIRES:**

_____

**STATE OF TENNESSEE**
**COUNTY OF SHELBY**

Before me, the undersigned, a Notary Public within and for said State and County, duly commissioned and qualified, personally appeared **MARK H. LUTTRELL, JR., Mayor of Shelby County, Tennessee**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the **Mayor of Shelby County, Tennessee**, the within named bargainor, one of the counties of the State of Tennessee, and that he as such **Mayor** of said county, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of **Shelby County, Tennessee**, by himself as such **Mayor** of said **Shelby County, Tennessee**.

WITNESS my hand and Notarial Seal, at office in the City of Memphis, in the County aforesaid, this ____ day of _____, 2011.

_____
**Notary Public**

**MY COMMISSION EXPIRES:**

_____

## (FOR RECORDING DATA ONLY)

Property Address:
**Edmund Orgill Park – 8933 Center College Road**

Tax Parcel Nos:
**M0106 00163, M0106 00108**

Mail Tax Bills to: (Person or Agency responsible for payment of taxes)
**Exempt - Government**

Owners Name and Address:
**Shelby County Government**
**584 Adams Avenue**
**Memphis, TN 38103**

This instrument prepared by:
**Shelby County Government**
**Real Estate Services**
**584 Adams Avenue**
**Memphis, TN 38103**
**Phone No. (901) 545-3498**