**RESO 2026-033**

# RESOLUTION APPROVING CONVEYANCE OF REAL PROPERTY LOCATED AT 609 ADAMS STREET TO THE ROANOKE DEVELOPMENT CENTER, INC. A NONPROFIT ORGANIZATION PURSUANT TO G.S. 160A-279

**WHEREAS**, Washington County owns a parcel of real property located at 609 Adams Street consisting of approximately 1.43+/- acres as more particularly described by deed recorded in Book 338, Page 073 of the Washington County Register of Deeds Office (hereinafter referred to as the "RDC Property") with a current Tax PIN of: 6767.12-76-6291; and

**WHEREAS**, NCGS § 153A-248(a) authorizes a county to make certain appropriations or undertake and/or to contract and appropriate funds to private organizations in order to carry out certain programs for the assistance, training, and care of persons with intellectual or other developmental disabilities including specific authority granted under the following relevant subsections:

(1) *"A licensed facility for individuals with intellectual or other developmental disabilities, whether publicly or privately owned, to assist in maintaining and developing facilities and treatment, if the board of commissioners determines that the care offered by the facility is available to residents of the county. The facility need not be located within the county."*; and

(2) *"A sheltered workshop or other private, nonprofit, charitable organization offering work or training activities to individuals with physical disabilities or intellectual or other developmental disabilities and may otherwise assist the organization."*

**WHEREAS**, NCGS § 160A-279 authorizes a city or county to convey real or personal property by private sale to a nonprofit corporation if the city or county is authorized by law to appropriate money to the corporation; and

**WHEREAS**, the Roanoke Development Center, Inc., (the "RDC, Inc.") is a nonprofit corporation created in or about 1974 which is properly registered with the Secretary of State of North Carolina and who's Articles of Incorporation set forth its purpose as: "*fund raising, real and personal property ownership, personnel employing, teaching and training, and all other activities relative to establishing and perpetuating a care and development center or centers for those persons who qualify as developmentally disabled individuals*"; and

**WHEREAS**, RDC, Inc. is licensed by the State of North Carolina as a Mental Health Facility (MHL-094-002) including 27G.1200 Psychosocial Rehabilitation facilities for individuals with severe and persistent mental illness and 27G.2300 Adult Developmental Vocational Programs for Individuals with Developmental Disabilities; and

**WHEREAS**, RDC, Inc. originally acquired the undeveloped RDC Property from the Washington County Board of Education and Washington County in 1991; and

**WHEREAS**, the RDC Property was subsequently conveyed to another nonprofit entity for similar purposes before it was reacquired by Washington County in 1992 and 1993 as part of an arrangement under which Washington County was required to hold title to the property in order to comply with the terms of certain local appropriations, grants, and/or financing instruments used to help finance the construction of the building and other improvements on the RDC Property; and

**WHEREAS**, part of that arrangement appears to have involved a fifteen (15) year lease-back of the improved RDC Property to RDC Inc. in an amount designed to enable Washington County to utilize the rental income from that lease to fully offset and pay back its own financial obligations undertaken through a $250,000 mortgage on the RDC Property it authorized around 1993 presumably to assist in the RDC Property's development; and

**WHEREAS**, that lease appears to have ended around January 31st, 2008 without any intention of its renewal, but also without addressing the potential return of the RDC Property itself to RDC, Inc., given that its development was complete and there appears to be no reason for the County to technically need to continue holding title to the RDC Property; and

**WHEREAS**, Washington County and RDC, Inc. both believe that returning the RDC Property subject to certain conditions and restrictions that it continue to be utilized for its originally intended and lawful purposes is in the best interest of both organizations.

**NOW THEREFORE, THE WASHINGTON COUNTY BOARD OF COMMISSIONERS HEREBY RESOLVES AS FOLLOWS:**

1. The conveyance to the Roanoke Development Center, Inc., of the RDC Property together with all appurtenances and interests therein, is hereby authorized subject to the following terms and conditions:

    a. The conveyance shall be made by quitclaim/non-warranty deed as a fee simple determinable interest subject to the following conditions, covenants, and restrictions, which shall be incorporated into the deed and serve as adequate consideration for this conveyance:

        **Restriction on Use; Automatic Reversion.**
        The Property is conveyed to Grantee for so long as the Property is used primarily to provide training, education, rehabilitation, residential care, or related supportive services to individuals with intellectual or other developmental disabilities, including residents of Washington County, together with uses reasonably incidental to those services ("Permitted Use").

        If the Property ceases to be used for the Permitted Use for twelve (12) consecutive months, unless the Washington County Board of Commissioners approves an extension in writing before that period expires, the estate conveyed to Grantee shall automatically terminate, and title to the Property, together with all improvements thereon, shall immediately revert to and vest in Washington County without necessity of reentry or further conveyance.

This conveyance creates a fee simple determinable, and Washington County expressly retains a possibility of reverter. The foregoing limitation shall bind Grantee and its successors and assigns.

b. The Clerk to the Board shall publish a notice summarizing the contents of this resolution, and the property may be sold and conveyed at any time 10 days after publication of the notice.

c. The Board Chair or County Manager, together with the County Attorney and Clerk to the Board are hereby authorized and directed to execute and attest any and all deeds, certificates, and other documents necessary to effectuate this conveyance.

**ADOPTED** this the 2nd day of November, 2026.

John Spruill, Chair
Washington County Board of Commissioner

ATTEST:

Julie J. Bennett, MMC, NCMCC
Clerk to the Board

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