DELK 4 LAW
REAL ESTATE

June 25, 2026

Mr. Scott Hildebran
City Manager
City of Lenoir
P.O. Box 958
Lenoir, NC 28645

Re: Wexford Village Guardhouse — Title Clearance
Request for City Council Action — July 28, 2026 Meeting

Dear Mr. Hildebran:

At the request of TJ Rohr, City Attorney, I am providing the following factual summary of the Wexford Village guardhouse title clearance matter to assist City staff in preparing an action item and draft resolution for the City Council's July 28, 2026 meeting.

Subject Property: A 0.015-acre parcel within the right-of-way of Wexford Village Circle NE, Lenoir, NC, containing the structure commonly known as the Wexford Village guardhouse, surveyed and identified as "Excempt Lot '1'" on the plat prepared by David S. Clark, Surveyor, PA, dated March 17, 2026, and recorded March 23, 2026, in the Caldwell County Registry (the "Guardhouse Parcel").

Parties:

- City of Lenoir (current holder of public street easement)
- H.B. Development, Inc. (original developer; presumed holder of underlying fee in right-of-way)
- Wexford Village Homeowners' Association, Inc. (proposed grantee)

Background:

In 1999, H.B. Development, Inc. developed the Wexford Village subdivision in Lenoir. The subdivision plat was recorded on August 12, 1999, in Plat Book 18, Page 199, Caldwell County Registry. On that plat, H.B. Development dedicated to public use the streets, walks, parks, and easements shown thereon, including Wexford Village Circle. The City of Lenoir, by execution of the Certificate of Acceptance of Streets, Water and Sewer on the plat by the Director of Public Works, accepted the dedication on August 10, 1999.

The dedication was effected by plat only. No separate deed conveying fee title in the right-of-way from H.B. Development to the City of Lenoir was executed or recorded. Under North Carolina law, a dedication of streets made by plat and accepted by a municipality, without a

separate instrument of conveyance, is properly construed as conveying an easement for public street purposes, with the underlying fee remaining vested in the dedicator.

The Declaration of Covenants, Conditions and Restrictions of Wexford Village was recorded on August 18, 1999, in Book 1273, Page 1184, Caldwell County Registry, establishing the Wexford Village Homeowners' Association, Inc.

A guardhouse structure was constructed within the Wexford Village Circle right-of-way at or near the entrance of the subdivision and has been used and maintained by the Homeowners' Association since the early years of the subdivision's existence. The guardhouse is not identified as Common Area on the recorded plat and is not within the Common Area defined in the Declaration.

Current Issue:

The Homeowners' Association seeks to obtain clear record title to the Guardhouse Parcel so that it may obtain property and liability insurance covering the structure, fund maintenance and repair of the structure through annual assessments as a Common Area expense, and operate the parcel as a permanent amenity of the subdivision. The Association currently has no record interest in the parcel and is therefore unable to insure it.

Title Analysis:

Because the 1999 dedication was by plat only, the City of Lenoir is understood to hold an easement for public street purposes over the Guardhouse Parcel, and H.B. Development, Inc. is understood to hold the underlying fee. To convey clear, marketable title to the Homeowners' Association and avoid any future question regarding the parcel's chain of title, both interests must be released or conveyed to the Association.

Proposed Resolution:

To accomplish the title clearance, two instruments are being prepared:

1. A Quitclaim Deed from H.B. Development, Inc. to Wexford Village Homeowners' Association, Inc., conveying any and all right, title, and interest of H.B. Development in the Guardhouse Parcel. This instrument has been signed by Hunt Broyhill on behalf of H.B. Development, and is ready to record.

2. A Quitclaim Deed and Release of Easement from the City of Lenoir to Wexford Village Homeowners' Association, Inc., (a) releasing the City's public street easement over the Guardhouse Parcel; (b) quitclaiming any other right, title, or interest the City may hold in the parcel; and (c) reserving to the City and to the appropriate public and franchise utility providers perpetual easements for the installation, operation, maintenance, repair, and replacement of water, sanitary sewer, storm sewer, electric, street lighting, telephone,

cable, and other utilities serving Wexford Village, together with rights of ingress and egress for such purposes.

The reservation of utility easements ensures that the City retains all infrastructure access it presently exercises within the parcel and that no public service to Wexford Village will be impaired by the conveyance.

The conveyance involves no expenditure of public funds by the City and removes from the City a maintenance and liability exposure on a structure the City does not use and has never maintained.

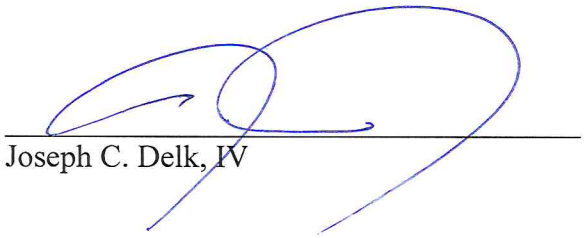
Action Requested:

Approval by City Council, by resolution, of (a) the conveyance of the Guardhouse Parcel to Wexford Village Homeowners' Association, Inc., in the manner described above; and (b) authorization of the Mayor (or City Manager, as the Council may direct) to execute the Quitclaim Deed and Release of Easement on behalf of the City.

Please let me know if you or your staff need additional information or documentation. I have a draft Quitclaim Deed and Release of Easement prepared and would be pleased to provide it to the City Attorney's office for review at any time.

Thank you for your assistance with this matter.

Sincerely,



Joseph C. Delk, IV

cc: TJ Rohr, City Attorney, City of Lenoir
Jane Prestwood, President, Wexford Village Homeowners' Association