

**AGREEMENT REGARDING FIRE AND RESCUE SERVICES TO THE
MINT HILL RURAL FIRE PROTECTION DISTRICT, INCLUDING THE
TRANSFER OF REAL AND PERSONAL PROPERTY**

**NORTH CAROLINA
MECKLENBURG COUNTY**

This is an Agreement which is made and entered into on the 11th day of June, 2020 by and between the **Town of Mint Hill**, (hereinafter "Town") a municipal corporation organized and existing in Mecklenburg County, N. C., the **County of Mecklenburg**, (hereinafter "County") a local government organized and existing in North Carolina, and the **Mint Hill Volunteer Fire Department, Inc.** (hereinafter "Fire Department") a North Carolina non-profit corporation organized and existing in Mecklenburg County, N. C.:

WITNESSETH:

WHEREAS, for several decades, the Town, the County and the Fire Department have had a contractual relationship through which the Fire Department furnished services to the Town, the County and to the citizens located within the Mint Hill Fire District, and through which the Town and the County paid money and provided other services to the Fire Department; and

WHEREAS, the Town, the County and the Fire Department now believe that it would be in the best interests of the citizens and property owners in the Mint Hill Fire District if those contracts were terminated, and if the Fire Department conveyed the main fire station to the Town, along with all its vehicles, apparatus and equipment, and if the Town began to provide fire protection; and

WHEREAS, the terms of this Agreement have been approved by the Mint Hill Board of Commissioners, the Mecklenburg County Board of Commissioners, and the Fire Department Board of Directors, and the authorized signatories of those bodies have signed it; and

WHEREAS, upon gaining the approvals of the governing bodies, the Fire Department will act quickly to obtain the required approval of the Attorney General's Office before it transfers a majority of its property outside the scope of its the normal course of business; and

WHEREAS, the Town, the County, and the Fire Department have reached an agreement expressed herein to accomplish the foregoing tasks; and,

WHEREAS, a transfer of assets of this significance by a non-profit requires the approval of the Attorney General of North Carolina and may not occur without approval by that office.

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements contained herein, and particularly in consideration of the termination of the Fire Department's obligations under the Service Agreements and Amendments thereto, the Town, the County and the Fire Department agree as follows:

1. This Agreement concerns a transfer of assets. Approval of the proposed asset transfer (the "Plan") by the Attorney General is required. If the Attorney General approves the Plan before June 30, 2020, this Agreement shall take effect on July 1, 2020. If the Plan is approved after June 30, 2020, this Agreement shall take effect on the date the Plan is approved.
2. On July 1, 2020, or on any later date the transfer of assets is approved by the Attorney General, all previous Service Agreements between the Town and the Fire Department, and all previous Service Agreements between the County and the Fire Department, and all Amendments to Service Agreements, including any terms which are or might be interpreted to survive past the termination of the Agreement and the Amendments thereto, shall be terminated. Any and all obligations of the Town or the County to the Fire Department, and any and all obligations of the Fire Department to the Town or the County which have not yet come due shall be canceled and terminated. Any obligations from one party to another which come due before the termination date shall be completed and fulfilled.
3. On July 1, 2020, or on any later date the transfer of assets is approved, by the Attorney General, the Fire Department will convey and transfer the following property to the Town:
 - a. The Fire Department will convey its main fire station located at 8313 Fairview Road, Mint Hill, North Carolina 28227 to the Town. Presently, the property is encumbered with a deed of trust. The Fire Department owes a balance of approximately \$726,000.00 to Branch Banking and Trust Company on the note secured by the deed of trust. At or before the closing of the transaction the Town will pay all the balance due on the note in cash. After the outstanding indebtedness has been paid by the Town, the property will be conveyed by warranty deed and will be free and clear of all encumbrances, except for easements, rights of way and ad valorem taxes for the year 2020.
 - b. The Fire Department will transfer ownership of all firefighting apparatus, equipment, uniforms, office furniture and fixtures to the Town. The property will be conveyed by transferring motor vehicle titles to the motor vehicles having a title, and by Bill of Sale for all property which does not have a title. Excluded from the transfer shall be: (1) all financial records as the Board of Directors would need to use such records to do annual IRS filings, and (2) any and all personal property owned by the staff members of the Fire Department.
4. Any remaining real or personal property of the Fire Department shall remain its property.
5. On July 1, 2020, or on any later date the transfer of assets is approved by the Attorney General, the Town shall assume all duties and responsibilities for providing fire and rescue services within the Town limits of Mint Hill, and the Fire Department shall have no obligation to provide any service.

6. The area outside the Town of Mint Hill which is within the Mint Hill Fire District is quite small. All of it lies in Mecklenburg County. All three Parties wish to ensure that the area continues to have fire protection. The County of Mecklenburg shall assume all duties and responsibilities for providing fire and rescue services to that area, and shall have the option of contracting with the Town of Mint Hill to serve the area, or of contracting with another non-profit fire department to serve the area, beginning on July 1, 2020.
7. Within one week of the time the transfer of assets is made, the Fire Department will file with the North Carolina Secretary of State, a document changing the name of the non-profit corporation from Mint Hill Volunteer Fire Department, Inc., to Mint Hill Fire Prevention Bureau, Inc. Mint Hill Fire Prevention Bureau, Inc. may raise funding through donations, grants, or service contracts to provide financial support for its activities and services, which may include providing financial support, or emergency service equipment for the Town Fire Department, other non-profit fire departments, or non-profit rescue squads.
8. After the transfer of assets is approved, Mint Hill Fire Prevention Bureau, Inc. will continue to own the old fire station located at 7726 Matthews-Mint Hill Road, Mint Hill, North Carolina 28227. At its option, in the future, Mint Hill Fire Prevention Bureau, Inc. may continue to rent the property, may donate it to a non-profit 501 (c)(3) corporation, or sell the property at fair market value. Neither the Town nor the County shall have any claim upon that property.
9. After July 1, 2020, Mint Hill Fire Prevention Bureau, Inc. will offer fire prevention services. The amount, term, conditions and exact purposes of fire prevention services shall be in the sole discretion of the Board of Directors of Mint Hill Fire Prevention Bureau, Inc.

IN WITNESS WHEREOF the Fire Department, pursuant to a resolution duly adopted by its Board of Directors, has caused this instrument to be duly executed in its name by the Chairperson/President of its Board of Directors and attested by its Secretary, and the County has caused this instrument to be duly executed in its name by the County Manager, pursuant to a resolution duly adopted by the County Board of Commissioners, and attested by its Clerk, and the Town has caused this instrument to be duly executed in its name by the Town Manager, pursuant to a resolution duly adopted by the Town Board of Commissioners, and attested by its Clerk.

This 11th day of June, 2020.

(ALL SIGNATURES ARE LOCATED ON THE FOLLOWING PAGE)

MECKLENBURG COUNTY

ATTEST:

County Manager

by: _____
Clerk to the County Board of Commissioners

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.



TOWN OF MINT HILL

ATTEST:

Town Manager

by: Michelle Ueller
Clerk to the Town Board of Commissioners

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

MINT HILL VOLUNTEER FIRE DEPARTMENT, INC.

ATTEST:

President/Chairperson Board of Directors

by: William R. Hawke III
Secretary of the Board of Directors