

Revenue Stamps \$ 15.00

## PERMANENT UTILITY EASEMENT

THIS INSTRUMENT DRAWN BY Alan Rothrock CHECKED BY Dennis Peebles, Jr.

RETURN TO: Carolina Land Acquisition  
104 East Vance Street  
Zebulon, North Carolina 27597

NORTH CAROLINA TIP/PARCEL NUMBER: U-6014 065  
COUNTY OF Alamance WBS ELEMENT: 47159.2.1  
TAX PARCEL 147822 ROUTE: Graham-Hopedale Road

THIS EASEMENT, made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
by and between Alamance County  
124 West Elm Street  
Graham, North Carolina 27253

hereinafter referred to as GRANTORS, and the Department of Transportation, an agency of the State of North Carolina, 1546 Mail Service Center, Raleigh, NC 27611, hereinafter referred to as the Department;

### WITNESSETH

THAT WHEREAS, the DEPARTMENT desires to construct and maintain a utility facility through and across the property of GRANTORS,

AND WHEREAS, GRANTORS, recognizing the benefits accruing to their said property through the construction and maintenance by the DEPARTMENT of roads and highways upon or in the vicinity of said property of GRANTORS,

NOW, THEREFORE, in consideration of said benefits, and further consideration of \$ 7,500.00 and other valuable considerations, GRANTORS hereby release the DEPARTMENT, its successors and assigns, from any and all claims for damages by reason of the construction and maintenance of said utility facility across and through the lands of GRANTORS, and GRANTORS hereby give, grant, bargain, sell and convey unto the DEPARTMENT, its successors, and assigns, an easement for the construction and maintenance of a utility facility across and through the property of GRANTORS located in Burlington Township, Alamance County, and being more fully described in a deed recorded in Book 1977, Page 965, Alamance County Registry, said easement being described as follows:

**Area 1:**

Point of beginning being N 88°56'2.4" E, 188.589 feet from -L- Sta 80+00 thence to a point on a bearing of S 1°32'55.0" W 11.085 feet thence to a point on a bearing of S 1°32'55.0" W 4.606 feet thence to a point on a bearing of S 88°34'12.8" E 19.623 feet thence to a point on a bearing of N 49°52'38.6" W 25.100 feet returning to the point and place of beginning. . Having an area of approximately 0.004 acres.

**Area 2:**

Point of beginning being N 83°24'21.9" E, 190.311 feet from -L- Sta 80+00 thence to a point on a bearing of S 1°32'55.0" W 5.311 feet thence to a point on a bearing of N 19°51'53.0" E 4.944 feet thence to a point on a bearing of N 66°46'7.7" W 1.672 feet returning to the point and place of beginning. Having an area of approximately 0.000 acres.

The final right of way plans showing the above described area are to be certified and recorded in the Office of the Register of Deeds for said county pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description and for greater certainty.

Said Permanent Utility Easement (PUE) in perpetuity is for the installation and maintenance of utilities, and for the purposes for which the Department of Transportation is authorized by law to subject the same. The Department of Transportation and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon and through said utility easement area(s) a utility line or lines, with all necessary pipes, poles and appurtenances, together with the right at all times to enter said utility easement area(s) for the purpose of inspecting said utility line or lines and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said utility line or lines, all trees and other obstructions inside the utility easement area(s) and to cut, fell and remove any and all trees on the premises that are or may become tall enough, in The Department of Transportation and its agents or assigns' opinion, to endanger a line or other facility within the utility easement area(s) ("Danger Trees"). The Department of Transportation and its agents or assigns shall also have the right to access the utility easement area(s) and Danger Trees at any time and from time to time by vehicles, equipment, and pedestrians, provided that such access to the utility easement area(s) and Danger Trees from outside of the utility easement area(s) shall be confined to then-existing streets, roads, and driveways to the extent they provide sufficient access. The Department of Transportation shall also have the right to construct and maintain the cut and/or fill slopes in the above-described permanent utility easement area(s), and the right to use the permanent utility easement area(s) for additional working area during the above-described project. The underlying fee owner(s) retain(s) the right to continue to use the permanent utility easement area(s) in any manner and for any purpose, including but not limited to access and parking, provided that such use does not interfere with or disturb the permanent utility easement or utility installations. The Department of Transportation's acquisition of the permanent utility easement(s), by itself, does not constitute new control of access (C/A), and the subject property shall retain existing abutter's rights (if any) and existing points of ingress and egress (if any) not affected by other takings on the subject property. Furthermore, upon completion and acceptance by the Department of Transportation of the above-described project, utilities or appurtenances within the permanent utility easement(s) shall not be added or modified to i) obstruct the subject property's access point(s), and/or ii) unreasonably interfere with the subject property's parking.

IN ADDITION, and for the aforesated consideration, the GRANTORS further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests:

None

This easement is subject to the following provisions only:

The undersigned property owners request that the DEPARTMENT enter upon our lands outside the right of way to the extent necessary for the reconnection of our driveway and we will have no further claim as a result of said reconnection.

There are no conditions to this EASEMENT not expressed herein.

To HAVE AND TO HOLD said perpetual easement for highway purposes unto the DEPARTMENT, its successors and assigns, and the GRANTORS, for themselves, their heirs, successors, executors and assigns, hereby warrant and covenant that they are the sole owners of the property; that they solely have the right to grant the easement; and that they will forever warrant and defend title to the same against the lawful claims of all persons whomsoever;

The Grantors acknowledge that the project plans for Project # 47159.2.1 have been made available to them. The Grantors further acknowledge that the consideration stated herein is full and just compensation pursuant to Article 9, Chapter 136 of the North Carolina General Statutes for the acquisition of the said interests and areas by the Department of Transportation and for any and all damages to the value of their remaining property; for any and all claims for interest and costs; for any and all damages caused by the acquisition for the construction of Department of Transportation Project # 47159.2.1, Alamance County; and for the past and future use of said areas by the Department of Transportation, its successors and assigns for all purposes for which the said Department is authorized by law to subject the same.

COUNTY: Alamance WBS ELEMENT: 47159.2.1 TIP/PARCEL NO.: U-6014 065

IN WITNESS WHEREOF, GRANTOR, pursuant to a resolution dated \_\_\_\_\_, has caused this instrument to be signed in its corporate name by its CHAIRMAN OF THE ALAMANCE COUNTY BOARD OF COMMISSIONERS, its corporate seal hereto affixed, and attested by its CLERK OF THE ALAMANCE COUNTY BOARD OF COMMISSIONERS, by order of the ALAMANCE COUNTY COMMISSIONERS, this the day and year first above written.

ALAMANCE COUNTY, NORTH CAROLINA

(CORPORATE SEAL)

BY: \_\_\_\_\_ (SEAL)  
John P. Paisley, Chairman of County Board of Commissioners

ATTEST:  
\_\_\_\_\_  
Tory Frink, Clerk of County Board of Commissioners

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY:

\_\_\_\_\_

(Official Seal)	North Carolina, _____ County
	I, _____, a Notary Public for _____ County, North Carolina, certify that _____ Tory Frink _____ personally came before me this day and acknowledged that she is the CLERK of the Alamance _____ COUNTY BOARD OF COMMISSIONERS, and that by authority duly given, the foregoing instrument was signed in its name by its CHAIRMAN of the Alamance _____ COUNTY BOARD OF COMMISSIONERS, sealed with its corporate seal, and attested by Tory Frink _____ as its CLERK.
	Witness my hand and official seal this the _____ day of _____, 20 ____.
	_____ Notary Public
	My commission expires: _____