

EXCISE TAX: \$ 0.00

INSTRUMENT PREPARED BY: TOWN ATTORNEY'S OFFICE, WITHOUT TITLE EXAMINATION

CHECKED BY: TOMMY CLINE

MAIL AFTER RECORDING TO

TOWN OF CARY

REAL ESTATE SECTION

P.O. BOX 8005

CARY, NC 27512-8005

BRIEF DESCRIPTION FOR INDEX:

PERMANENT UTILITY AND PIPELINE EASEMENT

PARCEL IDENTIFIER: 9792817975

PORTION OF US 64 EAST, CHATHAM COUNTY

STATE OF NORTH CAROLINA

**PERMANENT UTILITY AND PIPELINE  
EASEMENT AND TEMPORARY  
CONSTRUCTION EASEMENT**

CHATHAM COUNTY

THIS DEED OF PERMANENT EASEMENT FOR UTILITY AND PIPELINE PURPOSES ("Utility and Pipeline Easement" or "UPE"), made this \_\_\_\_ day of \_\_\_\_\_ 2016, by **CHATHAM COUNTY**, a political subdivision of the State of North Carolina, with a mailing address of P.O. Box 608, Pittsboro, NC 27512 Grantors, to and for the benefit of the **TOWN OF CARY**, a municipal corporation of the State of North Carolina, with a mailing address of P.O. Box 8005, Cary, NC 27512-8005, Grantee. The designation Grantors and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include the singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH:

WHEREAS, the Grantors are the owners of a certain lot or parcel of land with a site address of 290 Beaver Creek Road, Apex, NC 27523, located in Chatham County, North Carolina and more particularly described in Deed Book 631 at Page 605, Chatham County Registry ("Grantor Property"), and have agreed to convey to the Grantee, according to the terms set forth below, the permanent utility and pipeline easement interest hereafter described; and

WHEREAS, Grantee desires the permanent utility and pipeline easement.

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Grantors hereby give, grant, bargain, sell, and convey unto the Grantee, its successors and assigns, the right, privilege and permanent Utility and Pipeline Easement in, on, over, under, along, across and through a portion of Grantor Property as generally shown for illustrative purposes on Exhibit A and more particularly described as follows:

All that tract or parcel of land situated in New Hope Township, Chatham County North Carolina, more particularly described as follows:

Utility and Pipeline Easement (Variable width) Chatham County (P.I.N.: 9792-81-7975)

Beginning at a point on the southern right of way of US Highway 64 ((Variable Width Public R/W), said point located South 84°17'57" West 45,323.07 feet from NCGS Monument "A EARL SMITH" having N.C. Grid Coordinates (NAD 83) of North: 727,659.35, East: 2,043,744.74, thence from the point of beginning leaving said right of way South 00°22'01" West 68.25 feet, thence North 81°27'05" West 40.42 feet, thence North 00°22'31" East 68.25 feet to an existing iron pipe on the southern right of way of US Highway 64 (Variable Width Public R/W), thence with said right of way South 81°26'25" East 40.41 feet to the point of beginning containing 0.063 acres (2,730.07 sq. ft.) more or less according to a map entitled "Exhibit "A" Raw Water Transmission Parallel Pipeline-Project #WT-1194" property of Chatham County, prepared by Withers and Ravenel, dated 8-26-2015 (sheet 1 of 1).

This Utility and Pipeline Easement is for utility purposes including to improve, upgrade, remove, inspect, replace, repair, maintain, use and operate such pipelines, laterals, interceptors, mains, manholes, conduits, facilities and related appurtenances within the UPE are as may be necessary or convenient for the receipt, conveyance, transmission and distribution of water, reclaimed water, and/or wastewater and for access thereto.

Further Specific Terms and Conditions Applicable to the UPE:

1. Grantors shall not obstruct, encroach upon, or utilize the UPE in any way that interferes with its use by Grantee as provided hereunder. The placing or planting of trees and shrubs and the placing or installation of structures and improvements are deemed to interfere with Grantee's use, unless permitted in accordance with paragraph 3 below.
2. Grantee may remove, clear and keep removed from the UPE any structures, fill, embankments, trees, plants and other vegetation, materials, improvements and obstructions of any nature.
3. Following completion of initial installation, Grantee shall restore all disturbed areas in accordance with generally accepted engineering and landscaping practices located in the UPE as of the date hereof as a result of the exercise of the Grantee's rights hereunder. Grantor may elect to plant ground cover or grasses. Certain encroachments within the UPE may thereafter be permitted by Grantee in accordance with Grantee policies and procedures and in accordance with a valid executed Town of Cary Encroachment Agreement, provided Grantors bear all risk of damage to any such encroachment caused by Grantee exercising its rights hereunder.
4. Grantors shall retain fee simple ownership of the UPE, provided however, no use may be made of the UPE by Grantor which interferes with Grantee's rights hereunder.

THE GRANTORS FURTHER DO GRANT, SELL AND CONVEY unto the Grantee, its successors and assigns, the right, privilege and Temporary Construction Easement ("TCE") in, on, upon, over, under, across, and through Grantors Property in the location generally shown for illustrative purposes on Exhibit A and more particularly described as follows:

Temporary Construction Easement (15 Feet Wide)

Commencing at a point on the southern right of way of US Highway 64 (Variable Width Public R/W), said point located South 84°17'57" West 45,323.07 feet from NCGS Monument "A EARL SMITH" having N.C. Grid Coordinates (NAD 83) of North: 727,659.35, East: 2,043,744.74, thence South 00°22'01" West 68.25 feet to the point of beginning, thence from the point of beginning South 00°22'01" West 15.15 feet, thence North 81°27'05" West 40.42 feet, thence North 00°22'31" East 15.15 feet, thence South 81°27'05" East 40.42 feet to the point of beginning containing 0.014 acres (606.26 sq. ft.) more or less according to a map entitled "Exhibit "A" Raw Water Transmission Parallel Pipeline-Project #WT-1194" property of Chatham County, prepared by Withers and Ravenel, dated 8-26-2015 (sheet 1 of 1).

This TCE is for purposes reasonably for purposes necessary and incidental to the construction of the above described Utility and Pipeline Easement and includes but is not limited to, the stockpiling or storing of materials, the ingress and egress of the Grantee's employees, contractors, and agents, the movement and storage of vehicles and equipment, construction staging and other construction related purposes.

Other Terms and conditions of this TCE:

1. Following completion of construction of the Project, the TCE Easement will be graded and restored by Grantee, in accordance with Town of Cary's conventional engineering and landscaping methods and practices.
2. This TCE shall terminate at the earlier of completion of construction of the Project or five (5) years from the date of this Easement.
3. The Grantors shall in all respects remain the fee owners of the TCE and may make all lawful uses of such area not inconsistent with the Grantee's rights hereunder.

TO HAVE AND TO HOLD the aforesaid permanent and perpetual Utility and Pipeline Easement and all privileges and appurtenances thereunto belonging to the said Grantee forever and the aforesaid Temporary Construction Easement and all privileges and appurtenances thereunto belonging to the said Grantee for the time period stated above. Grantors do warrant and covenant that they are seized of the UPE and TCE areas in fee and have the right to grant and convey this UPE and TCE and that they will warrant and defend the said grant of easement against claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, or if corporate, have caused this instrument to be signed in its corporate name by its duly authorized officers, on the day and year first above written.

**CHATHAM COUNTY,**  
A political subdivision of the State of North Carolina

By: \_\_\_\_\_

Renee Paschal,  
County Manager

ATTEST:

Sign: \_\_\_\_\_

Print: \_\_\_\_\_, Clerk

(Affix Official Seal)

NORTH CAROLINA

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public for said county and state, do hereby certify that \_\_\_\_\_ personally came before me this day and acknowledged that he/she is \_\_\_\_\_, of Chatham County, and that by authority duly given and as an act of said County, the foregoing EASEMENT was signed in its name by its Chairman, sealed with its official seal, AND ATTESTED by him/her self as County Clerk.

Witness my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public

(Official Seal)

My commission expires: \_\_\_\_\_ 20\_\_

EXHIBIT A  
[Illustrative map of UPE and TCE]