

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: SEPTEMBER 28, 2015 AGENDA ITEM NUMBER: 6

SUBJECT: RESOLUTION AUTHORIZING THE GRANT AND EXECUTION OF A UTILITY EASEMENT TO DUKE ENERGY CAROLINAS, LLC TO FACILITATE THE INSTALLATION OF A TRANSFORMER FOR A UTILITIES PUMP STATION (STABLE ROAD/TANGLEWOOD PARK)

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

See attached

ATTACHMENTS: YES NO

SIGNATURE: *J. Dudley Watts, Jr.* DATE: September 23, 2015
COUNTY MANAGER

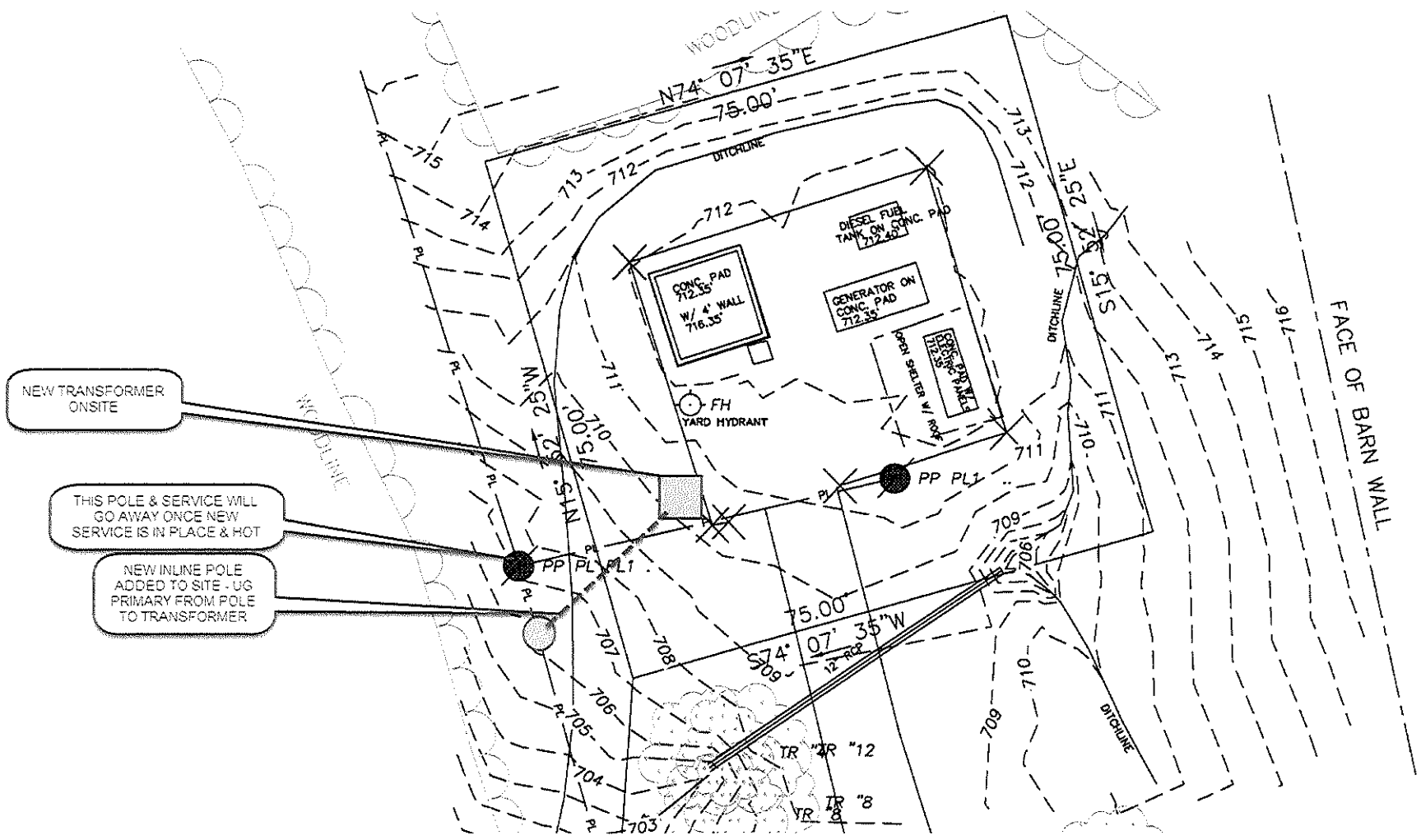
**RESOLUTION AUTHORIZING THE
GRANT AND EXECUTION OF A UTILITY
EASEMENT TO DUKE ENERGY CAROLINAS, LLC TO
FACILITATE THE INSTALLATION OF A TRANSFORMER
FOR A UTILITIES PUMP STATION
(STABLE ROAD/TANGLEWOOD PARK)**

WHEREAS, Forsyth County is authorized pursuant to the provisions of N.C.G.S. 153A-176 and 160A-273 to grant a utility easement over, through, under or across County property to Duke Energy Carolinas, LLC to permit the construction, maintenance and operation of electrical and/or communication facilities presently proposed for the purpose of transporting electricity and for communications purposes to facilitate the installation of a transformer on Stable Road at Tanglewood Park as described in the attached Easement for the Stable Road/Tanglewood Park Project;

NOW, THEREFORE, BE IT RESOLVED that the Forsyth County Board of Commissioners hereby authorizes the grant of a utility easement over, through, under or across County property, thirty (30) feet wide for the overhead portion of the facilities and twenty (20) feet wide for the underground portion of the facilities together with a ten (10) foot wide area on all sides of the centerline of the electrical and/or communication facilities to Duke Energy Carolinas, LLC to permit the construction, maintenance and operation of electrical and/or communication facilities presently proposed for the installation of a transformer on Stable Road at Tanglewood Park as described in the attached Easement for the Stable Road/Tanglewood Park Project.

BE IT FURTHER RESOLVED by the Forsyth County Board of Commissioners that the Chairman or County Manager and Clerk to the Board are hereby authorized to execute, on behalf of Forsyth County, the attached Easement and any other necessary documents to grant the above-described utility easement to Duke Energy Carolinas, LLC, subject to a pre-audit certificate thereon by the Chief Financial Officer, if applicable, and approval as to form and legality by the County Attorney.

Adopted this the 28th day of September 2015.





Tim Craver
2500 Fairfax Road
Greensboro, North Carolina 27407
o: 336-854-4735
c: 336-202-5370
timothy.craver@duke-energy.com

August 25, 2015

Forsyth County
201 North Chestnut Street
Winston-Salem, NC 27101

RECEIVED
AUG 31 2015
COUNTY MANAGER'S/
COMMISSIONERS' OFFICE

RE: Stable Road, Tanglewood Park

Please find enclosed the easement document which will authorize Duke Energy Carolinas to install facilities for the above-referenced project.

State Statutes govern certain standards that must be met in order to record legal documents at the Register of Deeds office. Please use the guidelines below when signing and notarizing the easement document. This will expedite the handling process and ensure it meets the standard recording requirements for Forsyth County in North Carolina.

- Easement must be signed and sealed before a notary.
- Names should be signed on the signature lines and listed in the notary section **exactly** as they appear.
- Name(s) should be legible and signed in blue or black ink.
- Notary stamp must be legible and stamped over the "notary seal" area on the easement.
- Signatures, notary stamps, etc. which extend into the top margin or the 1/2" margins on each side of the document will be rejected by the Register of Deeds offices. Please ensure margins are kept clear of all writing or stamps.

Please do not alter the easement document. Any changes, additions, or deletions to the language will render the easement null and void. You may email me a copy of the signed agreement, but I must receive the original in order to record it. **Please return the executed original document to my attention at the address above.**

If you have any questions, feel free to contact the engineer, **Rob Swaim at 336-917-2515**, or me at the numbers listed above. Thank you in advance for your cooperation.

Tim Craver
Associate Land Representative
Distribution Right of Way
Land Services

EASEMENT

NORTH CAROLINA
FORSYTH COUNTY

Prepared By: Tim Craver
Return To: Duke Energy Carolinas
2500 Fairfax Road
Greensboro, NC 27407
8312733

THIS EASEMENT ("Easement") is made this _____ day of _____, 20_____
("Effective Date"), from FORSYTH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF NORTH CAROLINA,
("GRANTOR," whether one or more), to Duke Energy Carolinas, LLC. ("DEC"); its successors, licensees, and assigns.

WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of ONE DOLLAR (\$1.00), the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto DEC, its successors, lessees, licensees, transferees, permittees, apportionees, and assigns, the perpetual right, privilege, and easement to go in and upon the land of GRANTOR situated in Clemmonsville Township, described as follows: PIN 5882-33-5362.00, being the property described in a deed dated February 1, 1977 from William Reynolds Lybrook, et al, to Forsyth County, recorded in Deed Book 1193, Page 1576, Forsyth County Registry, (the "Property"), LESS AND EXCEPT any prior out-conveyances, and to construct, reconstruct, operate, patrol, maintain, inspect, repair, replace, relocate, add to, modify and remove electric and/or communication facilities thereon including but not limited to, supporting structures such as poles, cables, wires, guy wires, anchors, underground conduits, enclosures/transformers, vaults and manholes, and other appurtenant apparatus and equipment (the "Facilities") within an easement area being thirty (30) feet wide for the overhead portion of said facilities and twenty (20) feet wide for the underground portion of said facilities together with an area ten (10) feet wide on all sides of the foundation of any DEC enclosure/transformer, vault or manhole (the "Easement Area"), for the purpose of transmitting and distributing electrical energy and for communication purposes. The center line of the Facilities shall be the center line of the Easement Area (see EXHIBIT A).

The right, privilege and easement shall include the following rights granted to DEC: (a) ingress and egress over the Easement Area and over adjoining portions of the Property (using lanes, driveways and paved areas where practical as determined by DEC); (b) to relocate the Facilities and Easement Area on the Property to conform to any future highway or street relocation, widening or improvement; (c) to trim and keep clear from the Easement Area, now or at any time in the future, trees, limbs, undergrowth, structures or other obstructions, and to trim or clear dead, diseased, weak or leaning trees or limbs outside of the Easement Area which, in the opinion of DEC, might interfere with or fall upon the Facilities; (d) to install guy wires and anchors extending beyond the limits of the Easement Area; and (e) all other rights and privileges reasonably necessary or convenient for DEC's safe, reliable and efficient installation, operation, and maintenance of the Facilities and for the enjoyment and use of the Easement Area for the purposes described herein.

It is understood and agreed that the general location of the easement area is shown on the sketch attached hereto as Exhibit A and recorded herewith. The final and definitive location of the easement area shall become established by and upon the final installation and erection of the facilities by DEC in substantial compliance with Exhibit A.

TO HAVE AND TO HOLD said rights, privilege, and easement unto DEC, its successors, licensees, and assigns, forever, and GRANTOR, for itself, its heirs, executors, administrators, successors, and assigns, covenants to and with DEC that GRANTOR is the lawful owner of the Property and the Easement Area in fee and has the right to convey said rights and Easement.

IN WITNESS WHEREOF, this EASEMENT has been executed by GRANTOR and is effective as of the Effective Date herein.

FORSYTH COUNTY

By: _____

J. Dudley Watts, Jr., County Manager

ATTEST:

Carla D. Holt, Clerk to the Board of Commissioners

(Affix Official Seal)

NORTH CAROLINA, _____ COUNTY

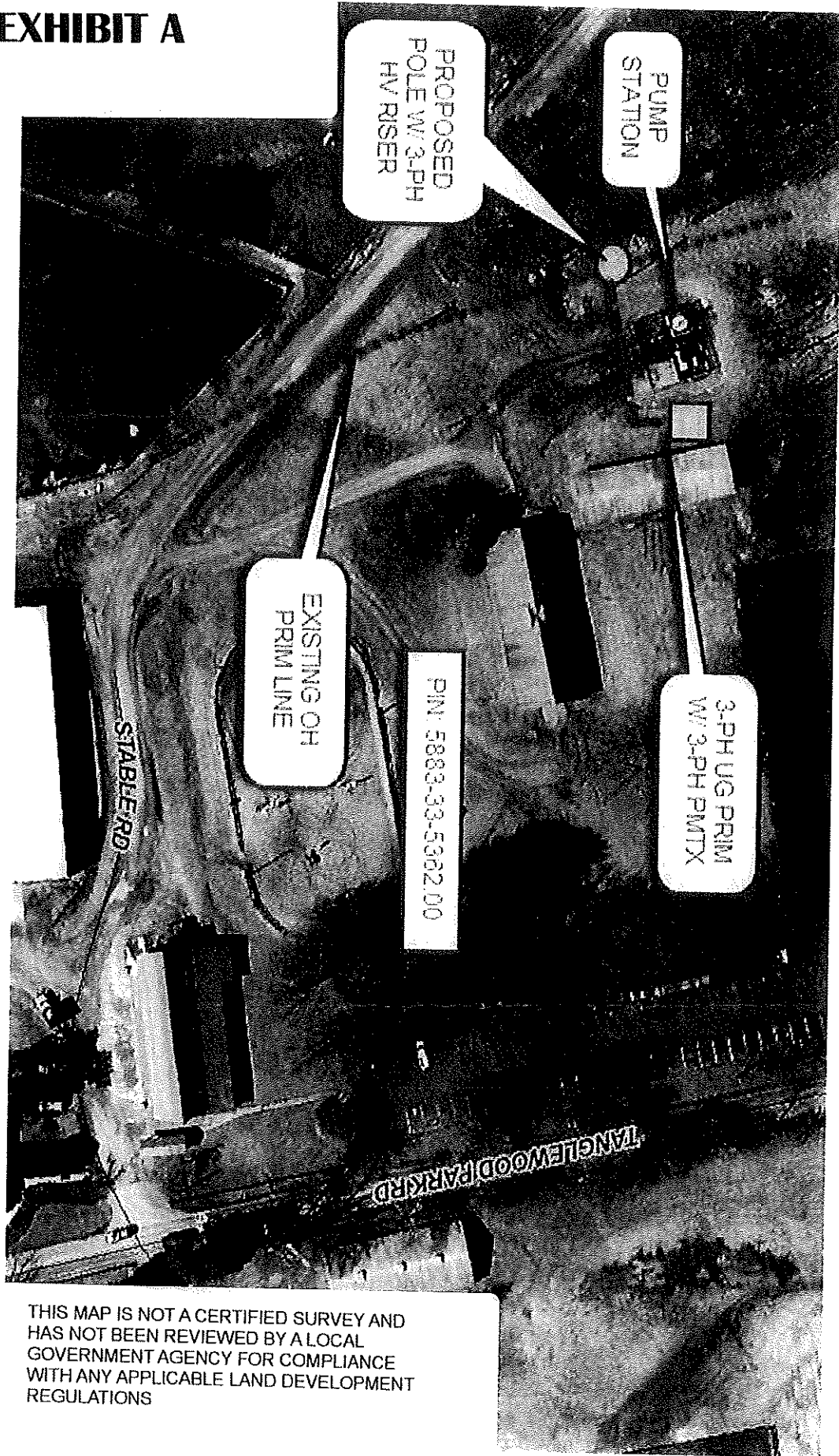
I, _____, a Notary Public of _____ County, North Carolina, certify that Carla D. Holt personally appeared before me this day and acknowledged that she is the Clerk to the Board of Commissioners of Forsyth County, and that by authority duly given and as the act of said COUNTY, the foregoing EASEMENT was signed in its name by its County Manager, sealed with its official seal, and attested by herself as its Clerk.

Witness my hand and notarial seal, this _____ day of _____, 20_____.

Notary Public

My commission expires: _____

EXHIBIT A



THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS