

FORSYTH COUNTY
BOARD OF COMMISSIONERS

**BRIEFING
DRAFT**

MEETING DATE: MARCH 27, 2017

AGENDA ITEM NUMBER: 6

**SUBJECT: RESOLUTION GRANTING AND AUTHORIZING EXECUTION OF AN EASEMENT TO
DUKE ENERGY CAROLINAS, LLC TO CONSTRUCT, OPERATE AND MAINTAIN
ELECTRICAL AND COMMUNICATION FACILITIES
(FORSYTH COUNTY PARKS AND RECREATION DEPARTMENT-TRIAD PARK)**

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:

ATTACHMENTS: YES NO

SIGNATURE: _____ DATE: _____
COUNTY MANAGER

**RESOLUTION GRANTING AND AUTHORIZING EXECUTION OF AN
EASEMENT TO DUKE ENERGY CAROLINAS, LLC TO CONSTRUCT,
OPERATE AND MAINTAIN ELECTRICAL
AND COMMUNICATION FACILITIES
(FORSYTH COUNTY PARKS AND RECREATION DEPARTMENT-TRIAD PARK)**

WHEREAS, Forsyth County is authorized pursuant to the provisions of N.C.G.S. 153A-176 and 160A-273 to grant an easement to Duke Energy Carolinas, LLC to support the construction, maintenance and operation of electrical and communication facilities presently proposed for the continued development of Triad Park as described in the attached easement agreement;

NOW, THEREFORE, BE IT RESOLVED that the Forsyth County Board of Commissioners hereby grants a 20 foot wide easement, together with an area 10 feet wide, over, through, under or across Triad Park premises that will not substantially impair or hinder the use of the right-of-way or other property owned by the County, as a way of passage, to support electrical and communication facilities presently proposed for the continued development of Triad Park as described in the attached easement agreement.

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 agreement to Duke Energy Carolinas, LLC, subject to a pre-audit certificate thereon by the County Chief Financial Officer, if applicable, and approval as to form and legality by the County Attorney.

Adopted this the 27th day of March 2017.

EASEMENT

NORTH CAROLINA
GUILFORD COUNTY

Prepared By: R. Pringle for J. Marshall
Return To: Duke Energy Carolinas
Attn: R. Pringle
1045 HWY 66 S
Kernersville, NC 27285

THIS EASEMENT ("Easement") is made this _____ day of _____, 2017 ("Effective Date"), from GUILFORD COUNTY AND FORSYTH COUNTY, POLITICAL SUBDIVISIONS OF THE STATE OF NORTH CAROLINA AS TENANTS IN COMMON, EACH OWNING A ½ UNDIVIDED INTEREST ("GRANTOR," whether one or more), to Duke Energy Carolinas, LLC, a North Carolina limited liability company ("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 Deep River Township, described as follows: PIN 6896436846; containing 346.77 acres, more or less, and being the land known as Triad Park, and bounded by County Line Road to the North, Cross Creek Road to the East, West Market Street to the South, and Willow Creek Road to the West (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, underground conduits, enclosures/transformers, vaults and manholes and other appurtenant apparatus and equipment (the "Facilities") within an easement area being twenty (20) feet wide, 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 of DEC and Incumbent Local Exchange Carriers. The centerline of the Facilities shall be the center line of the Easement Area.

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; and (d) 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.

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.

GUILFORD COUNTY
By: Jeffrey M. Phillips
Jeffrey M. Phillips
Chairman to the Board of County Commissioners

ATTEST:

Robin B Keller
Robin Keller, Clerk to the Board of County Commissioners

(Affix Official Seal)

NORTH CAROLINA, Guilford COUNTY

I, Donna S. Riner (print), a Notary Public of Rockingham County, North Carolina, certify that Robin Keller personally appeared before me this day and acknowledged that he/she is Clerk to the Board of County Commissioners of Guilford County, and that by authority duly given and as the act of said COUNTY, the foregoing EASEMENT was signed in its name by Jeffrey M. Phillips, its Chairman, sealed with its official seal, and attested by Robin Keller as its Clerk.

Witness my hand and notarial seal, this 23rd day of February, 2017.

NOTARY PUBLIC
DONNA S. RINER
ROCKINGHAM COUNTY, NC
My Commission Expires 10-8-2017

Donna S. Riner
Donna S. Riner Notary Public
My commission expires: 10-8-2017

FORSYTH COUNTY

By: _____

J. Dudley Watts, Jr., County Manager

(Affix Official Seal)

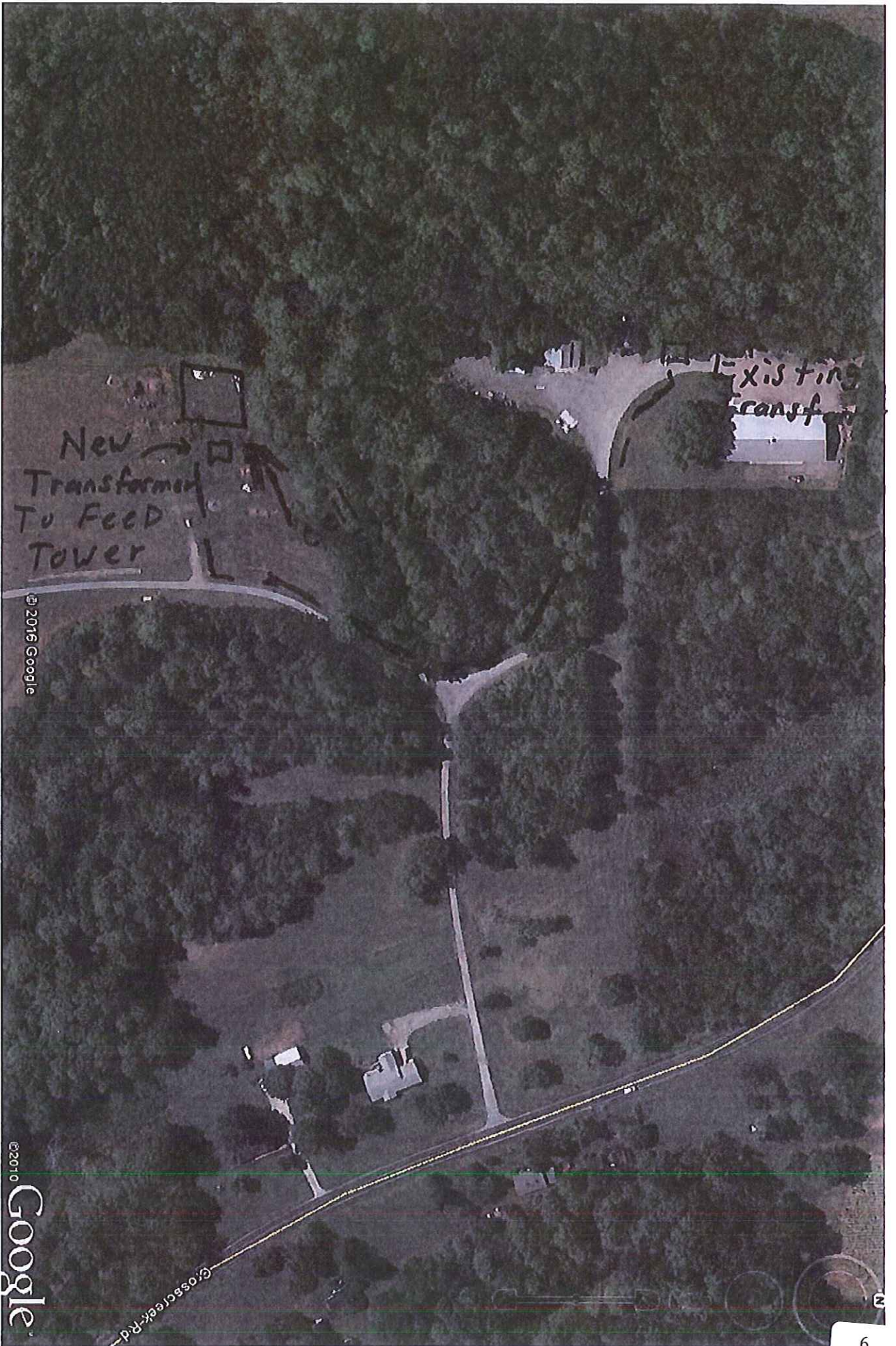
NORTH CAROLINA, _____ COUNTY

I, _____ (print), a Notary Public of _____ County, North Carolina, certify that J. Dudley Watts, Jr. personally appeared before me this day and acknowledged that he is County Manager of Forsyth County, and that by authority duly given and as the act of said COUNTY, he personally appeared before me this day and acknowledged the due execution of the foregoing EASEMENT.

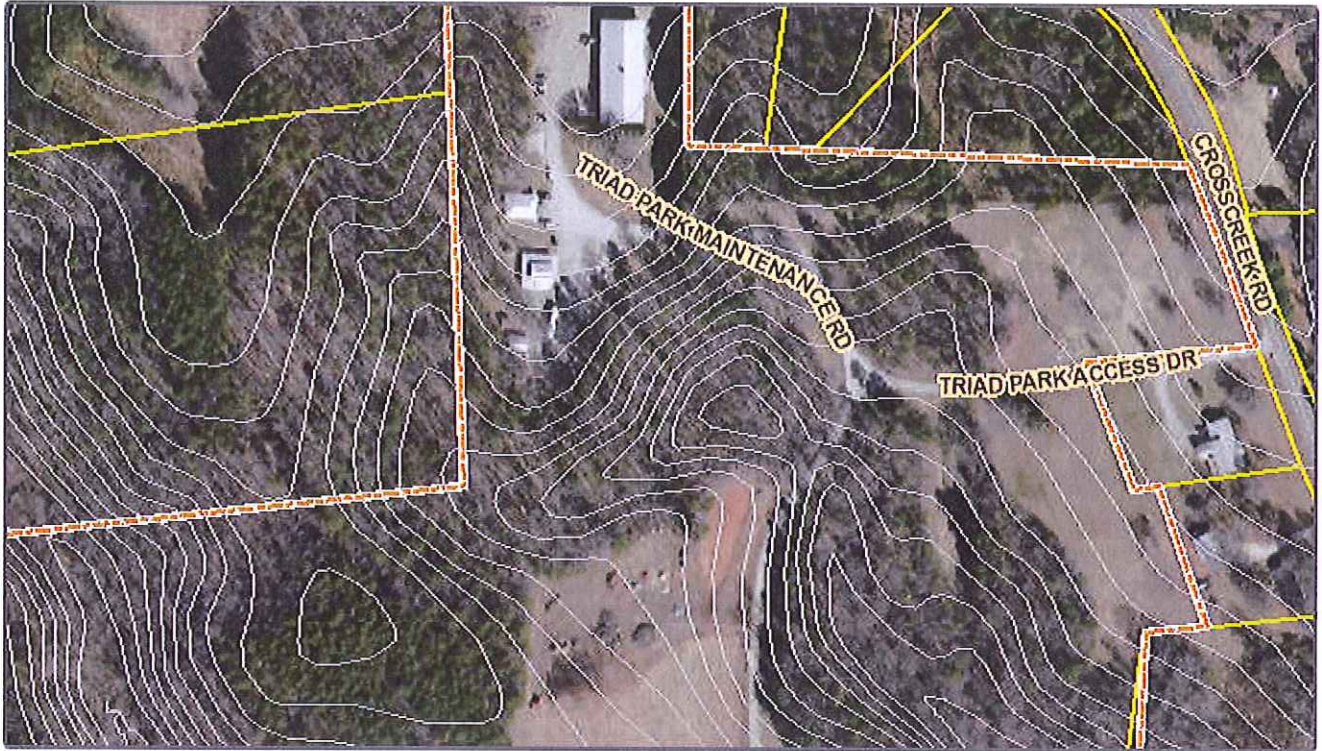
Witness my hand and notarial seal, this _____ day of _____, 2017.

Notary Public

My commission expires: _____



Guilford County, NC



Parcel Number	0146953	Total Out Building Value	\$75,000	
PIN	7839124305	Total Land Value	\$286,800	
Neighborhood Sales	Neighborhood Sales	Total Deferred Value	\$0	
Owner	GUILFORD COUNTY	Bldg Card		
Mail Address	PO BOX 3427	Appraisal Model Code		
Mail City	GREENSBORO	Deed Date	12/31/9999	
Mail State	NC	Neighborhood	7839A05	
Mail Zip	27402	Property Type	GOVERNMENT OWNED	
Property Address	5421 5499 CENTERFIELD RD	Structure Size	0	
Legal Description	SR 2120	Lot Size	34.91	
Deed	-	Year Built		
Plat	0	Bedrooms		
Condo	N/A	Bathrooms	0	
Total Assessed Value	\$0	Grade		
Total Building Value	\$0	ShortParcel ID	146953	

Disclaimer: While every effort is made to keep information provided over the internet accurate and up-to-date, Guilford County does not certify the authenticity or accuracy of such information. No warranties, express or implied, are provided for the records and/or mapping data herein, or for their use or interpretation by the User.

Map Scale
1 inch = 272 feet
 2/8/2017