



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Public Works

Board Action

File # 25-428

Commissioner Hovis - Public Works - To Authorize the County Manager, County Attorney, or Their Designees to Execute Condemnation Actions To Acquire Permanent Utility Easements for the Tryon Elementary Waterline Extension Project

STAFF CONTACT

Kim Eagle, Ph D - ARPA Director, Water/Sewer - 704-866-3102
Ray Maxwell, P E. - Executive Director of Capital Projects - 704-863-7551

BUDGET IMPACT

No additional County Funds.

BACKGROUND

In May 2021, Gaston County was awarded \$43,612,126 in federal funds to meet urgent community needs in the wake of COVID-19. On April 26, 2022, Resolution 2022-141 approved and appropriated funds for the Tryon Elementary Waterline Extension. On April 26, 2022, Resolution 2022-144 authorized the execution of a professional services contract for the design of the waterline infrastructure. On March 26, 2024, Resolution 2024-119 authorized the County to enter interlocal agreements with the City of Bessemer City and the County to set the terms and conditions under which the County will construct, and Bessemer City will own, operate and maintain the infrastructure.

Section 160A-461 of the North Carolina General Statutes authorized units of local government to enter interlocal agreements for any undertaking. Gaston County and Bessemer City desire to jointly extend City infrastructure to serve Tryon Elementary School, Tryon Park, and the Tryon Community. The Tryon Community is currently served by groundwater wells and community well systems.

County staff has made progress toward the voluntary acquisition of easements for the properties affected by the Project. All easements have been acquired except for those parcels owned by the Samuel Kiser Heirs. Staff and the heirs have reached an agreement concerning the terms and compensation for the easements, however, final signature is delayed due to outstanding personal legal proceedings. Staff will continue to work with the property owners, but if final signatures cannot be obtained soon, it will be necessary to file condemnation actions to timely obtain the property rights needed to complete the Project.

(Continued on Page 2)

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows.

NO.	DATE	M1	M2	JBalley	CBrown	CCloninger	AFralely	BHovis	TKelgher	SShehan	Vote
2025-291	08/26/2025	BH	TK	A	N	N	A	A	A	A	5 - 2

DISTRIBUTION

Laserfiche Users

A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS

Commissioner Hovis - Public Works - To Authorize the County Manager, County Attorney, or Their Designees to Execute Condemnation Actions To Acquire Permanent Utility Easements for the Tryon Elementary Waterline Extension Project
Page 2

POLICY IMPACT

This Resolution authorizes the County Manager, County Attorney, or their designees to file condemnation actions and make all necessary deposits to the Gaston County Clerk of Court, as well as obtain appraisals, title opinions, and take any other actions necessary to allow the County's acquisition of the easements so that construction may proceed. The amount deposited to the Gaston County Clerk of Court is based on an estimate of Fair Market Value prepared by Professional Land Management.

ATTACHMENTS

Easement Packages for Parcel 17, 17B and 19



GASTON COUNTY

100 W Main Ave. • Gastonia, North Carolina 28052
704.866.3000 • www.gastongov.com

Easement Acquisition Notice

July 17, 2025

Dear Heirs of Samuel S. Kiser,

Gaston County Government is interested in acquiring an easement on property you own at 1973 Tryon Courthouse Road, Parcel 201653, for a proposed water line project which may receive funding assistance from the US Department of Treasury under Corona virus State and Local Recovery Funds program

The purpose of this notice is to inform you of your rights under a federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). At this stage, your property is only under consideration for acquisition. This notice is not a contractual offer or commitment to purchase your property

If your property is selected for acquisition, under the URA, you will have the right to receive just compensation for your property. In order to determine the amount of just compensation to be offered to you, a third-party real estate professional firm (Professional Land Management) having sufficient understanding of the local real estate market was contracted to determine fair market value for the easement. The fair market estimate provided by Professional Land Management is \$1,150.00 as shown on the included Right of Way Claim Report. The value estimate was derived from a review of available property sales within the area.

For your information, Gaston County Government possesses eminent domain authority to acquire the property needed for this project, however, our goal is to attempt to negotiate amicable agreements for all property acquisitions to avoid utilizing this option unless absolutely necessary. As a result of negotiations, Gaston County is prepared to offer \$675.00 and other considerations as mutually agreed to. If negotiations fail, acquisition under eminent domain could be considered.

If you have any questions about this notice or the proposed project, please contact Ray Maxwell, Executive Director of Capital Projects, at (704) 862-7551 or (704) 913-5802, or by mail at Gaston County Office of Capital Improvements, PO Box 1578, Gastonia, NC 28053

Sincerely,

Ray Maxwell, PE
Executive Director of Capital Projects

RIGHT OF WAY CLAIM REPORT

Tryon Elementary Waterline Extension

PARCEL NO 17 COUNTY Gaston

CLAIM OF Samuel L. Kiser Heirs PLAN SHEET C214-C215

1 Land Area to be Acquired

RIGHT OF WAY	R/W		AC	X	\$	=	\$	®	
PERM Drainage Easement	PDE		AC	X	\$	=	\$	®	
PERM Utility Easement	PUE	<u>0.191</u>	AC	X	\$ <u>5,260/ac x 90%</u>	=	\$ <u>904.20</u>	®	<u>\$925.00</u>
PERM Drainage/Utility Ease	DUE		AC	X	\$	=	\$	®	
PERM Aerial Utility Easement	AUE		AC	X	\$	=	\$	®	
PERM Construction Easement	PCE		AC	X	\$	=	\$	®	
TEMP Construction Easement	TCE	<u>0.191</u>	AC	X	\$ <u>5,260/ac x 20%</u>	=	\$ <u>200.93</u>	®	<u>\$225.00</u>
LAND TOTAL								\$	<u>1,150.00</u>

2. Payment for improvement(s) to be acquired

None \$ N/A

IMPROVEMENTS TOTAL \$ N/A

GRAND TOTAL \$ 1,150.00

Comments: The current tax value for the land associated with this property is \$5,260.00/AC. There will be a 20% upward adjustment made to allow for the possibility of a submarket tax valuation for the purpose of this claim report.
Easement percentage obtained by recent appraisals performed on current NCDOT Projects.

Certificate of Preparer and Approver: I hereby certify that I am familiar with the property which is the subject of this estimate; that this estimate is based on data contained in the files of the agency and that I have no direct or indirect, present or contemplated future personal interest in this property or in any benefit from the acquisition of this property. If the total of this estimate is over \$10,000, (1) this estimate must be prepared by someone other than the negotiating agent and (2) the owner must be advised of his/her right to have their property appraised.

Preparer Signature: Joshua G. Frey Joshua G Frey Date 11/13/2024

Gaston County Approval Signature: Kim Eagle Kim Eagle Date 11/14/2024

TEMPORARY EASEMENT TOTAL \$ 225.00 PERMANENT EASEMENT TOTAL \$ 925.00

REVENUE STAMPS \$ 1
PREPARED BY GASTON COUNTY
RETURN TO: PUBLIC WORKS
325 DR MARTIN LUTHER KING JR WAY
STE. 1051
GASTONIA, NC 8052

DEED FOR PERMANENT WATER EASEMENT

**NORTH CAROLINA
GASTON COUNTY**

KNOW ALL MEN BY THESE PRESENTS, that XX, XX, and XX, Heirs of the Samuel L. Kiser Estate, hereinafter referred to as "Grantor", in consideration of the sum of One Dollar (\$1 00) and other valuable consideration, the receipt of which is hereby acknowledged, in hand paid to the Grantor by the **County of Gaston**, North Carolina, hereinafter referred to as "Grantee", does hereby convey and grant unto the "Grantee", its successors and assigns, perpetual rights, privileges and easements to go in, upon and through that certain tract or lot of land and premises described in that certain deed to

Samuel L. Kiser and wife, Patsy Sellers Kiser, Deed Date: 3/8/2002, Deed Book: 3415, Deed Page. 87-88

in the Office of the Register of Deeds for Gaston County, North Carolina, to which reference is hereby made, to construct, maintain, and operate in, upon, and through said premises in a proper manner, **drinking water** and utility systems as the Grantee may hereinafter desire to locate within said right-of-way and easement, including but not limited to water mains, storm drains, sewer mains and outfall lines, together with supporting slope and construction easements; over, in, or on that portion of the realty of the Grantor and which is more particularly described as follows.

Being a perpetual right-of-way easement in which easement and right-of-way will be installed and maintained a **water** line and related underground apparatuses. The location of the right-of-way and easements acquired shall be defined as the portion of the above-referenced deed that is inside the area maintained by the North Carolina Department of Transportation for the maintenance and general well-being of Tryon Courthouse Road, generally defined

as a 830-foot long area running northwest, defined lengthwise by the northern and southern property boundaries of the subject parcel, defined widthwise as an area 10 foot from the edge of the pavement of Tryon Courthouse Road and the edge of the corridor maintained by the Department of Transportation, not to exceed 10 feet off the edge of the pavement.

It is agreed that the cost of constructing, installing and maintaining Grantee's **water pipeline** on the aforescribed right-of-way and easements shall be borne entirely by the Grantee and that no assessment is to be levied against the remaining property of the Grantor by the Grantee by reason of such easements. The Grantee, its successors, and assigns, shall have the perpetual right-of-way and easement at all times to enter said premises for the purpose of inspecting said lines and systems and making necessary repairs and alterations thereon and additions thereto, together with the right at all times to relocate said lines and systems and to cut away and keep clear on said right-of-way and easement and the utilities located in, on, or over said right-of-way and easement, all trees and other obstructions that may in any way endanger, in the opinion of the Grantee, proper maintenance and operation of the same. The Grantor, for itself, its assigns and successors, agrees that no structure will be built, erected or maintained over said right-of-way and easements.

General maintenance of the easement area will be performed by the Department of Transportation as previously done. The Grantee acknowledges that the Department of Transportation must grant permission for construction of the **water pipeline** before commencing installation of the pipeline.

It is agreed that Grantor property shall be left in or restored to a condition as similar as possible to its original condition upon completion of construction through Grantor property. Gaston County shall level and seed any areas disturbed during construction. Any grass that is replaced shall be substantially the same type as the existing grass.

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

Being a temporary construction easement generally defined as a 830-foot long area running northwest, defined lengthwise by the northern and southern property boundaries of the subject parcel, defined widthwise as an area at the edge of the permanent easement and extending to 20 foot off the edge of the pavement.

This temporary construction easement shall expire upon completion and acceptance of the project. The underlying fee owner shall have the right to continue to use the Temporary Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the County, obstruct or materially impair the actual use of the easement area(s) by the County, its agents, assigns, and contractors.

HAVE AND HOLD said perpetual rights and easements to the Grantee, its successors and assigns, in title forever; it being agreed that the right-of-way and easements hereby granted are servient on and run with the realty now owned by the Grantor as hereinabove referred to.

IN WITNESS WHERE OF, the Grantor has hereunto set his hand and seal, this ____ day of _____, 20__

_____(SEAL)
_____, Heir of Samuel L. Kiser

_____(SEAL)
_____, Heir of Samuel L. Kiser

STATE OF NORTH CAROLINA,
COUNTY OF GASTON.

I, Steven L. Michael, a Notary Public, of Davidson County, State of North Carolina, do hereby certify that _____, Heir of Samuel L. Kiser, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal this ____ day of _____, 20__

Notary Public

Print Name: Steven L. Michael

My Commission Expires: August 22, 2029

☞ [NOTARY SEAL] (MUST BE FULLY LEGIBLE)

STATE OF NORTH CAROLINA,
COUNTY OF GASTON.

I, Steven L. Michael, a Notary Public, of Davidson County, State of North Carolina, do hereby certify that _____, Heir of Samuel L. Kiser, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal this ____ day of _____, 20__

Notary Public

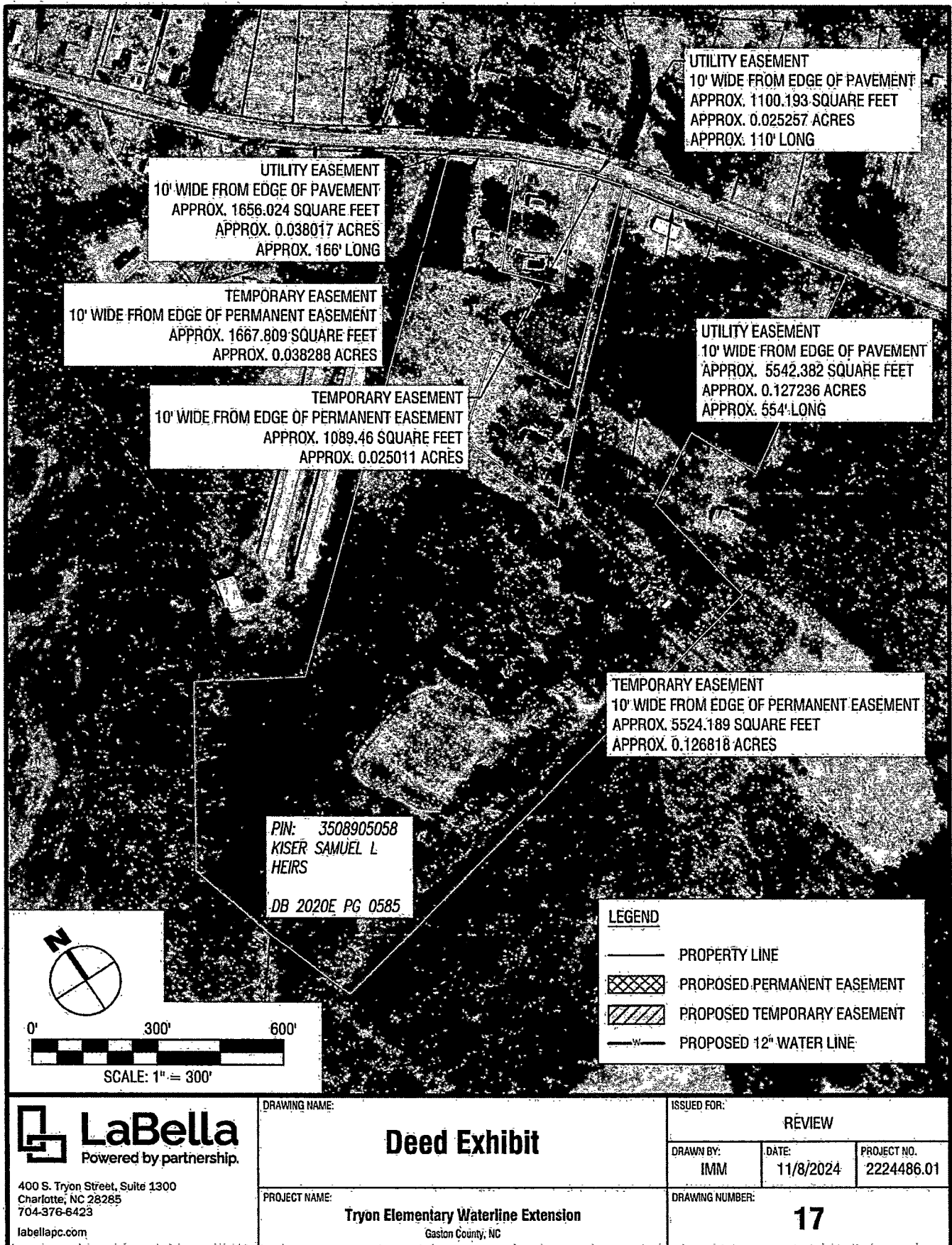
Print Name: Steven L. Michael

My Commission Expires: August 22, 2029

☞ [NOTARY SEAL] (MUST BE FULLY LEGIBLE)

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GASTON COUNTY

100 W Main Ave. • Gastonia, North Carolina 28052
704.866.3000 • www.gastongov.com

Easement Acquisition Notice

July 17, 2025

Dear Heirs of Samuel L. Kiser,

Gaston County Government is interested in acquiring an easement on property you own at 2015 Tryon Courthouse Rd, Parcel 314140, for a proposed water line project which may receive funding assistance from the US Department of Treasury under Corona virus State and Local Recovery Funds program.

The purpose of this notice is to inform you of your rights under a federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). At this stage, your property is only under consideration for acquisition. This notice is not a contractual offer or commitment to purchase your property

If your property is selected for acquisition, under the URA, you will have the right to receive just compensation for your property. In order to determine the amount of just compensation to be offered to you, a third-party real estate professional firm (Professional Land Management) having sufficient understanding of the local real estate market was contracted to determine fair market value for the easement. The fair market estimate provided by Professional Land Management is \$125.00 as shown on the included Right of Way Claim Report. The value estimate was derived from a review of available property sales within the area.

For your information, Gaston County Government possesses eminent domain authority to acquire the property needed for this project, however, our goal is to attempt to negotiate amicable agreements for all property acquisitions to avoid utilizing this option unless absolutely necessary. As a result of negotiations, Gaston County is prepared to offer \$125.00 and other considerations as mutually agreed to. If negotiations fail, acquisition under eminent domain could be considered.

If you have any questions about this notice or the proposed project, please contact Ray Maxwell, Executive Director of Capital Projects, at (704) 862-7551 or (704) 913-5802, or by mail at Gaston County Office of Capital Improvements, PO Box 1578, Gastonia, NC 28053

Sincerely,

Ray Maxwell, PE
Executive Director of Capital Projects

REVENUE STAMPS \$ 1
PREPARED BY GASTON COUNTY
RETURN TO PUBLIC WORKS
325 DR MARTIN LUTHER KING JR WAY
STE. 1051
GASTONIA, NC 8052

DEED FOR PERMANENT WATER EASEMENT

**NORTH CAROLINA
GASTON COUNTY**

KNOW ALL MEN BY THESE PRESENTS, that XX, XX, and XX, Heirs of the Samuel L. Kiser Estate, hereinafter referred to as "Grantor", in consideration of the sum of One Dollar (\$1 00) and other valuable consideration, the receipt of which is hereby acknowledged, in hand paid to the Grantor by the **County of Gaston**, North Carolina, hereinafter referred to as "Grantee", does hereby convey and grant unto the "Grantee", its successors and assigns, perpetual rights, privileges and easements to go in, upon and through that certain tract or lot of land and premises described in that certain deed to

Samuel L. Kiser and wife, Patsy Sellers Kiser, Deed Date. 3/8/2002, Deed Book: 3415, Deed Page. 87-88

in the Office of the Register of Deeds for Gaston County, North Carolina, to which reference is hereby made, to construct, maintain, and operate in, upon, and through said premises in a proper manner, **drinking water** and utility systems as the Grantee may hereinafter desire to locate within said right-of-way and easement, including but not limited to water mains, storm drains, sewer mains and outfall lines, together with supporting slope and construction easements, over, in, or on that portion of the realty of the Grantor and which is more particularly described as follows.

Being a perpetual right-of-way easement in which easement and right-of-way will be installed and maintained a **water** line and related underground apparatuses. The location of the right-of-way and easements acquired shall be defined as the portion of the above-referenced deed that is inside the area maintained by the North Carolina Department of Transportation for the maintenance and general well-being of Tryon Courthouse Road, generally defined

as a 100-foot long area running northwest, defined lengthwise by the northern and southern property boundaries of the subject parcel, defined widthwise as an area 10 foot from the edge of the pavement of Tryon Courthouse Road and the edge of the corridor maintained by the Department of Transportation, not to exceed 10 feet off the edge of the pavement.

It is agreed that the cost of constructing, installing and maintaining Grantee's **water pipeline** on the aforescribed right-of-way and easements shall be borne entirely by the Grantee and that no assessment is to be levied against the remaining property of the Grantor by the Grantee by reason of such easements. The Grantee, its successors, and assigns, shall have the perpetual right-of-way and easement at all times to enter said premises for the purpose of inspecting said lines and systems and making necessary repairs and alterations thereon and additions thereto, together with the right at all times to relocate said lines and systems and to cut away and keep clear on said right-of-way and easement and the utilities located in, on, or over said right-of-way and easement, all trees and other obstructions that may in any way endanger, in the opinion of the Grantee, proper maintenance and operation of the same. The Grantor, for itself, its assigns and successors, agrees that no structure will be built, erected or maintained over said right-of-way and easements.

General maintenance of the easement area will be performed by the Department of Transportation as previously done. The Grantee acknowledges that the Department of Transportation must grant permission for construction of the **water pipeline** before commencing installation of the pipeline.

It is agreed that Grantor property shall be left in or restored to a condition as similar as possible to its original condition upon completion of construction through Grantor property. Gaston County shall level and seed any areas disturbed during construction. Any grass that is replaced shall be substantially the same type as the existing grass.

IN ADDITION, and for the aforesaid consideration, the GRANTORS further hereby convey to the County, its successors and assigns the following described areas and interests.

Being a temporary construction easement generally defined as a 100-foot long area running northwest, defined lengthwise by the northern and southern property boundaries of the subject parcel, defined widthwise as an area at the edge of the permanent easement and extending to 20 foot off the edge of the pavement.

This temporary construction easement shall expire upon completion and acceptance of the project. The underlying fee owner shall have the right to continue to use the Temporary Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the County, obstruct or materially impair the actual use of the easement area(s) by the County, its agents, assigns, and contractors.

HAVE AND HOLD said perpetual rights and easements to the Grantee, its successors and assigns, in title forever; it being agreed that the right-of-way and easements hereby granted are servient on and run with the realty now owned by the Grantor as hereinabove referred to.

IN WITNESS WHERE OF, the Grantor has hereunto set his hand and seal, this ____ day of _____, 20__

_____(SEAL)
_____, Heir of Samuel L. Kiser

_____(SEAL)
_____, Heir of Samuel L. Kiser

STATE OF NORTH CAROLINA,
COUNTY OF GASTON.

I, Steven L. Michael, a Notary Public, of Davidson County, State of North Carolina, do hereby certify that _____, Heir of Samuel L. Kiser, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal this ____ day of _____, 20__

Notary Public

Print Name: Steven L. Michael

My Commission Expires: August 22, 2029

☞ [NOTARY SEAL] (MUST BE FULLY LEGIBLE)

STATE OF NORTH CAROLINA,
COUNTY OF GASTON.

I, Steven L. Michael, a Notary Public, of Davidson County, State of North Carolina, do hereby certify that _____, Heir of Samuel L. Kiser, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal this ____ day of _____, 20__

Notary Public

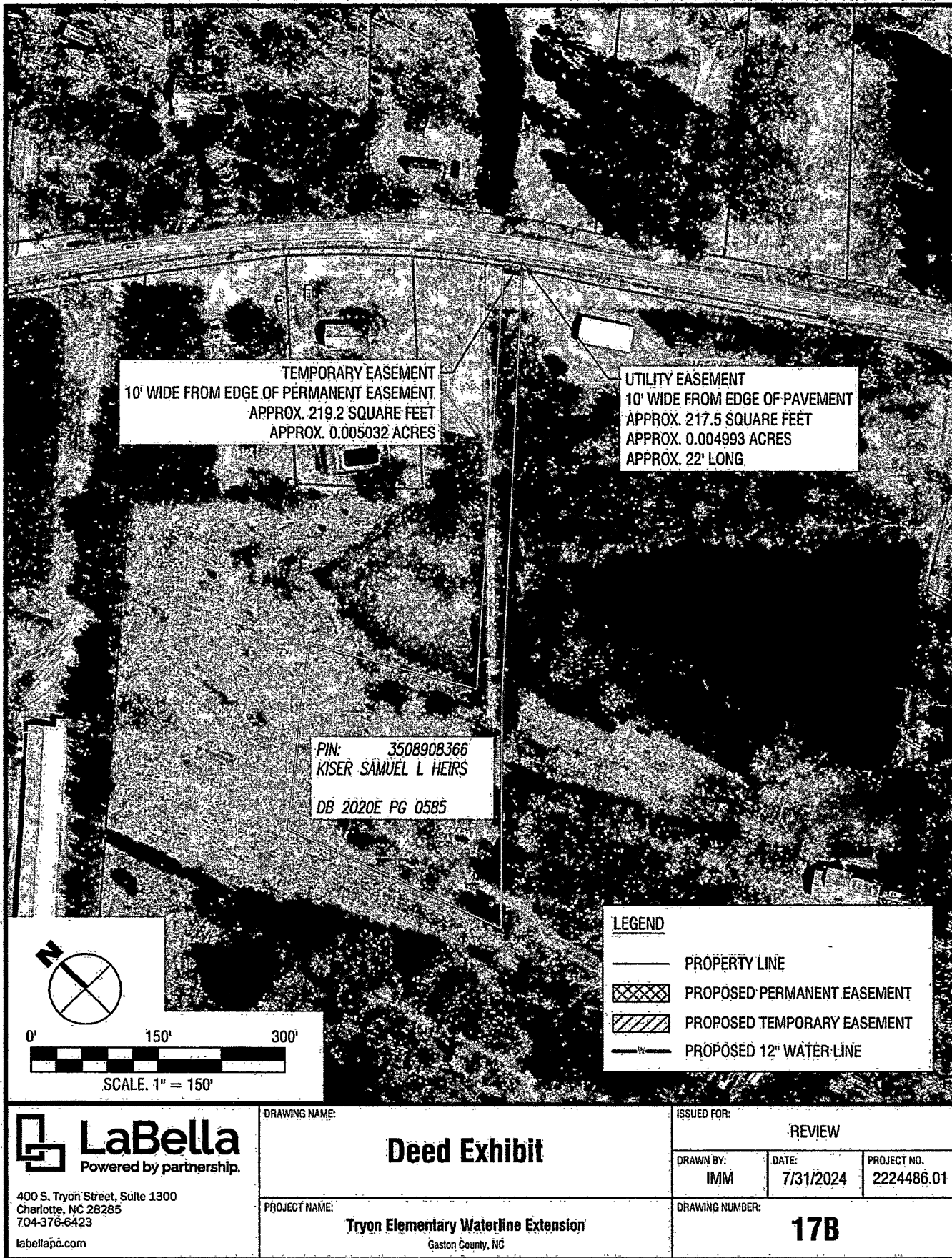
Print Name: Steven L. Michael

My Commission Expires: August 22, 2029

☞ [NOTARY SEAL] (MUST BE FULLY LEGIBLE)

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RIGHT OF WAY CLAIM REPORT

Tryon Elementary Waterline Extension

PARCEL NO 17B COUNTY Gaston

CLAIM OF Samuel L. Kiser Heirs PLAN SHEET C214-C215

1 Land Area to be Acquired

RIGHT OF WAY	R/W		AC	X	\$		=	\$	®	
PERM Drainage Easement	PDE		AC	X	\$		=	\$	®	
PERM Utility Easement	PUE	0.007	AC	X	\$	13,834/ac x 90%	=	\$ 87.15	®	\$100.00
PERM Drainage/Utility Ease	DUE		AC	X	\$		=	\$	®	
PERM Aerial Utility Easement	AUE		AC	X	\$		=	\$	®	
PERM Construction Easement	PCE		AC	X	\$		=	\$	®	
TEMP Construction Easement	TCE	0.007	AC	X	\$	13,834/ac x 20%	=	\$ 19.37	®	\$25.00
LAND TOTAL									\$	125.00

2. Payment for improvement(s) to be acquired.

None \$ N/A

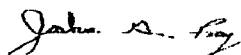
IMPROVEMENTS TOTAL \$ N/A

GRAND TOTAL \$ 125.00

Comments: The current tax value for the land associated with this property is \$11,528/AC. There will be a 20% upward adjustment made to allow for the possibility of a submarket tax valuation for the purpose of this claim report. (\$13,834/AC) Easement percentage obtained by recent appraisals performed on current NCDOT Projects.

Certificate of Preparer and Approver: I hereby certify that I am familiar with the property which is the subject of this estimate; that this estimate is based on data contained in the files of the agency and that I have no direct or indirect, present or contemplated future personal interest in this property or in any benefit from the acquisition of this property. If the total of this estimate is over \$10,000, (1) this estimate must be prepared by someone other than the negotiating agent and (2) the owner must be advised of his/her right to have their property appraised.

Preparer Signature:



Joshua G. Frey

Date 07/31/2025

Gaston County
Approval Signature:



Kim Eagle

Date 07/31/2025

TEMPORARY EASEMENT TOTAL \$ 25.00

PERMANENT EASEMENT TOTAL \$ 100.00



GASTON COUNTY

100 W Main Ave. • Gastonia, North Carolina 28052
704.866.3000 • www.gastongov.com

Easement Acquisition Notice

July 17, 2025

Dear Heirs of Samuel L. Kiser,

Gaston County Government is interested in acquiring an easement on property you own at 1963 Tryon Courthouse Rd, Parcel 300835, for a proposed water line project which may receive funding assistance from the US Department of Treasury under Corona virus State and Local Recovery Funds program.

The purpose of this notice is to inform you of your rights under a federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). At this stage, your property is only under consideration for acquisition. This notice is not a contractual offer or commitment to purchase your property

If your property is selected for acquisition, under the URA, you will have the right to receive just compensation for your property. In order to determine the amount of just compensation to be offered to you, a third-party real estate professional firm (Professional Land Management) having sufficient understanding of the local real estate market was contracted to determine fair market value for the easement. The fair market estimate provided by Professional Land Management is \$225.00 as shown on the included Right of Way Claim Report. The value estimate was derived from a review of available property sales within the area.

For your information, Gaston County Government possesses eminent domain authority to acquire the property needed for this project, however, our goal is to attempt to negotiate amicable agreements for all property acquisitions to avoid utilizing this option unless absolutely necessary. As a result of negotiations, Gaston County is prepared to offer \$225.00 and other considerations as mutually agreed to. If negotiations fail, acquisition under eminent domain could be considered.

If you have any questions about this notice or the proposed project, please contact Ray Maxwell, Executive Director of Capital Projects, at (704) 862-7551 or (704) 913-5802, or by mail at Gaston County Office of Capital Improvements, PO Box 1578, Gastonia, NC 28053

Sincerely,

Ray Maxwell, PE
Executive Director of Capital Projects

RIGHT OF WAY CLAIM REPORT

Tryon Area Waterline Extension

PARCEL NO 19 COUNTY Gaston

CLAIM OF Samuel L. Kiser Heirs PLAN SHEET C214

1 Land Area to be Acquired

RIGHT OF WAY	R/W		AC	X	\$	=	\$	®	
PERM Drainage Easement	PDE		AC	X	\$	=	\$	®	
PERM Utility Easement	PUE	<u>0.023</u>	AC	X	\$ <u>8,410/ac x 90%</u>	=	\$ <u>174.09</u>	®	<u>\$175.00</u>
PERM Drainage/Utility Ease	DUE		AC	X	\$	=	\$	®	
PERM Aerial Utility Easement	AUE		AC	X	\$	=	\$	®	
PERM Construction Easement	PCE		AC	X	\$	=	\$	®	
TEMP Construction Easement	TCE	<u>0.023</u>	AC	X	\$ <u>8,410/ac x 20%</u>	=	\$ <u>38.69</u>	®	<u>\$50.00</u>
LAND TOTAL								\$	<u>225.00</u>

2. Payment for improvement(s) to be acquired.

None \$ N/A

IMPROVEMENTS TOTAL \$ N/A

GRAND TOTAL \$ 225.00

Comments: The current tax value for the land associated with this property is \$8,410.00/AC. There will be a 20% upward adjustment made to allow for the possibility of a submarket tax valuation for the purpose of this claim report.
Easement percentage obtained by recent appraisals performed on current NCDOT Projects.

Certificate of Preparer and Approver: I hereby certify that I am familiar with the property which is the subject of this estimate; that this estimate is based on data contained in the files of the agency and that I have no direct or indirect, present or contemplated future personal interest in this property or in any benefit from the acquisition of this property. If the total of this estimate is over \$10,000, (1) this estimate must be prepared by someone other than the negotiating agent and (2) the owner must be advised of his/her right to have their property appraised.

Preparer Signature: Joshua G. Frey Joshua G Frey Date 11/13/2024

Gaston County Approval Signature: Kim Eagle Kim Eagle Date 11/14/2024

TEMPORARY EASEMENT TOTAL \$ 50.00 PERMANENT EASEMENT TOTAL \$ 175.00

REVENUE STAMPS \$ 1
PREPARED BY GASTON COUNTY
RETURN TO PUBLIC WORKS
325 DR MARTIN LUTHER KING JR WAY
STE. 1051
GASTONIA, NC 8052

DEED FOR PERMANENT WATER EASEMENT

**NORTH CAROLINA
GASTON COUNTY**

KNOW ALL MEN BY THESE PRESENTS, that XX, XX, and XX, Heirs of the Samuel L. Kiser Estate, hereinafter referred to as "Grantor", in consideration of the sum of One Dollar (\$1 00) and other valuable consideration, the receipt of which is hereby acknowledged, in hand paid to the Grantor by the **County of Gaston**, North Carolina, hereinafter referred to as "Grantee", does hereby convey and grant unto the "Grantee", its successors and assigns, perpetual rights, privileges and easements to go in, upon and through that certain tract or lot of land and premises described in that certain deed to

Samuel L. Kiser and wife, Patsy Sellers Kiser, Deed Date:3/8/2002**, Deed Book:**3415**, Deed Page:** 87-88

in the Office of the Register of Deeds for Gaston County, North Carolina, to which reference is hereby made, to construct, maintain, and operate in, upon, and through said premises in a proper manner, **drinking water** and utility systems as the Grantee may hereinafter desire to locate within said right-of-way and easement, including but not limited to water mains, storm drains, sewer mains and outfall lines, together with supporting slope and construction easements, over, in, or on that portion of the realty of the Grantor and which is more particularly described as follows.

Being a perpetual right-of-way easement in which easement and right-of-way will be installed and maintained a **water** line and related underground apparatuses. The location of the right-of-way and easements acquired shall be defined as the portion of the above-referenced deed that is inside the area maintained by the North Carolina Department of Transportation for the maintenance and general well-being of Tryon Courthouse Road, generally defined

as a 100-foot long area running northwest, defined lengthwise by the northern and southern property boundaries of the subject parcel, defined widthwise as an area 10 foot from the edge of the pavement of Tryon Courthouse Road and the edge of the corridor maintained by the Department of Transportation, not to exceed 10 feet off the edge of the pavement.

It is agreed that the cost of constructing, installing and maintaining Grantee's **water pipeline** on the aforescribed right-of-way and easements shall be borne entirely by the Grantee and that no assessment is to be levied against the remaining property of the Grantor by the Grantee by reason of such easements. The Grantee, its successors, and assigns, shall have the perpetual right-of-way and easement at all times to enter said premises for the purpose of inspecting said lines and systems and making necessary repairs and alterations thereon and additions thereto, together with the right at all times to relocate said lines and systems and to cut away and keep clear on said right-of-way and easement and the utilities located in, on, or over said right-of-way and easement, all trees and other obstructions that may in any way endanger, in the opinion of the Grantee, proper maintenance and operation of the same. The Grantor, for itself, its assigns and successors, agrees that no structure will be built, erected or maintained over said right-of-way and easements.

General maintenance of the easement area will be performed by the Department of Transportation as previously done. The Grantee acknowledges that the Department of Transportation must grant permission for construction of the **water pipeline** before commencing installation of the pipeline.

It is agreed that Grantor property shall be left in or restored to a condition as similar as possible to its original condition upon completion of construction through Grantor property. Gaston County shall level and seed any areas disturbed during construction. Any grass that is replaced shall be substantially the same type as the existing grass.

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

Being a temporary construction easement generally defined as a 100-foot long area running northwest, defined lengthwise by the northern and southern property boundaries of the subject parcel, defined widthwise as an area at the edge of the permanent easement and extending to 20 foot off the edge of the pavement.

This temporary construction easement shall expire upon completion and acceptance of the project. The underlying fee owner shall have the right to continue to use the Temporary Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the County, obstruct or materially impair the actual use of the easement area(s) by the County, its agents, assigns, and contractors.

HAVE AND HOLD said perpetual rights and easements to the Grantee, its successors and assigns, in title forever; it being agreed that the right-of-way and easements hereby granted are servient on and run with the realty now owned by the Grantor as hereinabove referred to.

IN WITNESS WHERE OF, the Grantor has hereunto set his hand and seal, this ____ day of _____, 20__.

_____(SEAL)
_____, Heir of Samuel L. Kiser

_____(SEAL)
_____, Heir of Samuel L. Kiser

STATE OF NORTH CAROLINA,
COUNTY OF GASTON.

I, Steven L. Michael, a Notary Public, of Davidson County, State of North Carolina, do hereby certify that _____, Heir of Samuel L. Kiser, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal this _____ day of _____, 20__

Notary Public

Print Name: Steven L. Michael

My Commission Expires: August 22, 2029

☞ [NOTARY SEAL] (MUST BE FULLY LEGIBLE)

STATE OF NORTH CAROLINA,
COUNTY OF GASTON.

I, Steven L. Michael, a Notary Public, of Davidson County, State of North Carolina, do hereby certify that _____, Heir of Samuel L. Kiser, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

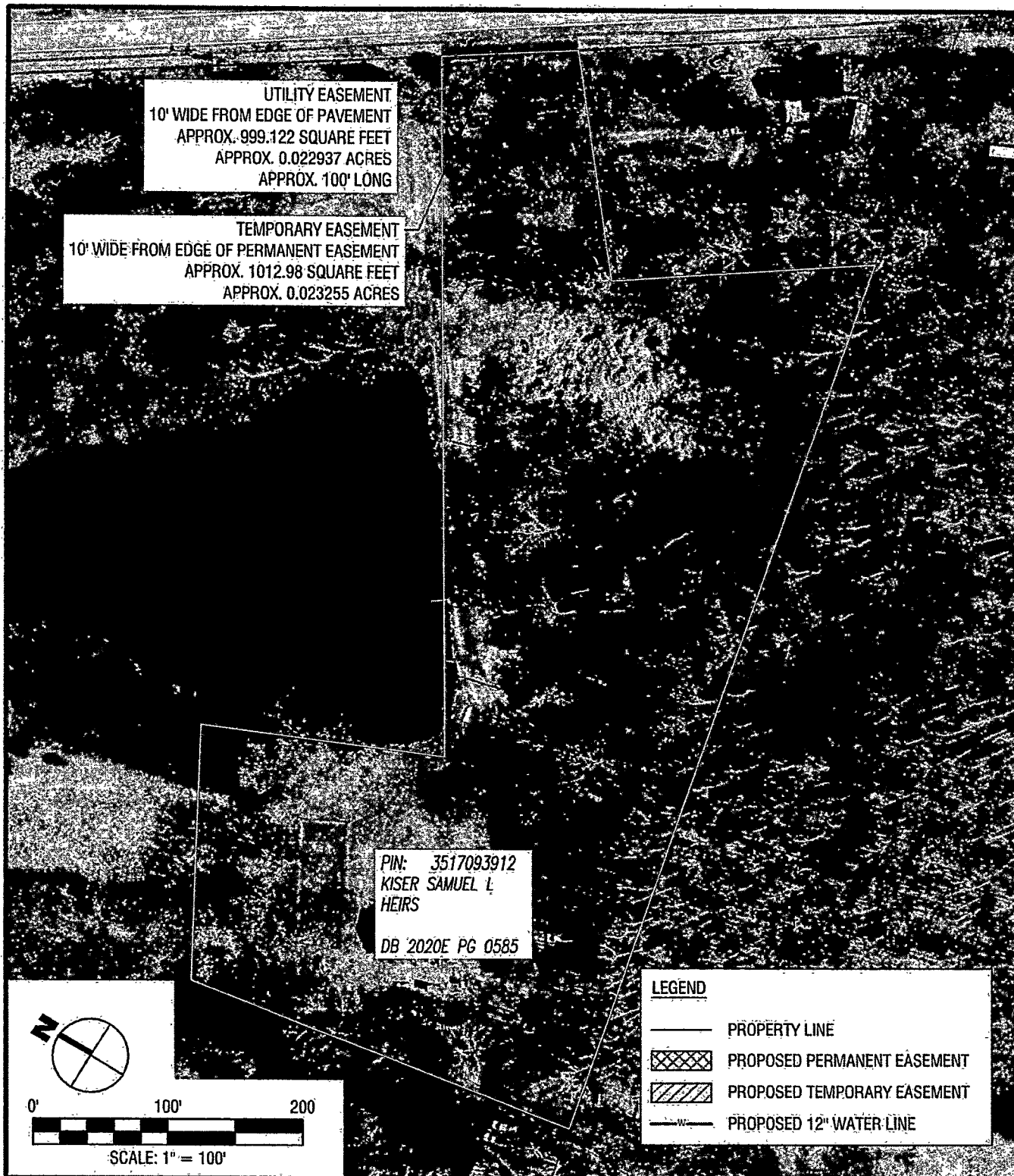
Witness my hand and official stamp or seal this _____ day of _____, 20__

Notary Public

Print Name: Steven L. Michael

My Commission Expires: August 22, 2029

☞ [NOTARY SEAL] (MUST BE FULLY LEGIBLE)



400 S. Tryon Street, Suite 1300
Charlotte, NC 28285
704-376-6423
labellapc.com

DRAWING NAME:

Deed Exhibit

PROJECT NAME:

Tryon Elementary Waterline Extension
Gaston County, NC

ISSUED FOR:

REVIEW

DRAWN BY:

IMM

DATE:

11/8/2024

PROJECT NO.:

2224486.01

DRAWING NUMBER:

19