



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

County Attorney

Board Action

File #: 19-017

Commissioner Hovis - County Attorney - To Approve a Duke Energy Easement for the Installation of Street Light Fixtures on the SouthRidge Parkway

STAFF CONTACT

Charles Moore - County Attorney

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

The Easement will provide for the installation of street lights on the SouthRidge Parkway in Bessemer City.

POLICY IMPACT

N/A

ATTACHMENTS

Easement

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	CBrown	JBrown	AFrley	BHovis	TKelgher	TPhilbeck	EWorley	Vote
2019-008	01/22/2019	JB	CB	A	A	A	AB	A	A	A	U

DISTRIBUTION:

Laserfiche Users

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

EASEMENT

NORTH CAROLINA
GASTON COUNTY

Prepared By: Elliott Wallace
Return To: Duke Energy Carolinas
Attn: Elliott Wallace
Address: 6325 Wilkinson Blvd.
Charlotte, NC 28214

THIS EASEMENT ("Easement") is made this _____ day of _____, 2019 ("Effective Date"), from GASTON COUNTY, a body politic and corporate and political subdivision of the State of North Carolina, ("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, licensees, and assigns, the perpetual right, privilege, and easement to go in and upon the land of GRANTOR situated in Crowders Mountain Township, described as follows: PIN # 3526465121 containing 7.47 acres, more or less, and being the land described in a deed from Norma Elizabeth Watterson to Gaston County, a body politic and corporate and political subdivision of the State of North Carolina dated 14 May, 2008, and recorded in Deed Book 4405, Page 1749, also shown on a Plat, dated 27 September, 2018, entitled "RECOMBINATION PLAT OF ADVANCED DRAINAGE SYSTEMS, INC.," and recorded in Plat Book 88, Page 62, all Gaston 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, 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.

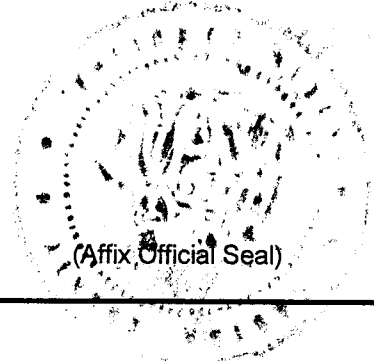
IN WITNESS WHEREOF, this EASEMENT has been executed by GRANTOR and is effective as of the Effective Date herein.

GASTON COUNTY, a body politic and corporate and political subdivision of the State of North Carolina

By: [Signature]
TRACY L. PHILBECK, Chairman
Board of Commissioners

ATTEST:

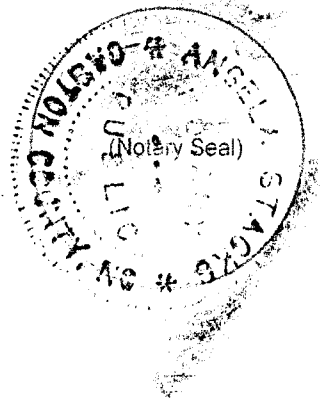
[Signature]
DONNA S. BUFF, Clerk



NORTH CAROLINA, Gaston COUNTY

I, Angela Stacks, a Notary Public of Gaston County, North Carolina, certify that Donna S. Buff personally appeared before me this day and acknowledged that he/she is Clerk of GASTON COUNTY, and that by authority duly given and as the act of said COUNTY, the foregoing EASEMENT was signed in its name by its Chairman, sealed with its official seal, and attested by her self as its Clerk.

Witness my hand and notarial seal, this 23rd day of January, 2019.



Angela Stacks
Notary Public

My commission expires: August 8, 2019