



RESOLUTION TITLE: TO APPROVE A DEED FOR PERMANENT SANITARY SEWER AND GENERAL UTILITY EASEMENT IN THE APPLE CREEK CORPORATE PARK TO THE CITY OF GASTONIA

WHEREAS, the City of Gastonia operates a wastewater collection and treatment system that services the Apple Creek Corporate Park; and,

WHEREAS, it is necessary to provide improvements to the wastewater collection system in the Apple Creek Corporate Park to support expansion of existing businesses in the Park; and,

WHEREAS, the legal department of the City of Gastonia prepared the necessary documents, including surveys and the attached deed for this conveyance.

NOW, THEREFORE, BE IT RESOLVED by the Gaston County Board of Commissioners that the attached DEED FOR PERMANENT SANITARY SEWER AND GENERAL UTILITY EASEMENT, which has been prepared by the City of Gastonia legal department, is hereby approved.

BE IT FURTHER RESOLVED that the Chairman, Vice-Chairman, and County Manager are authorized to execute the deed on behalf of the County.

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	CCloninger	AFrale	BHovis	KJohnson	TKeigher	RWorley	Vote
2024-184	05/28/2024	BH	TK	A	A	A	A	A	A	A	U

DISTRIBUTION:
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REVENUE STAMPS \$0.00

PREPARED BY: CITY OF GASTONIA LEGAL DEPARTMENT
CHARLES L. GRAHAM, JR., ASSISTANT CITY ATTORNEY
RETURN TO: ROD BOX #22

NORTH CAROLINA

**DEED FOR PERMANENT SANITARY SEWER
AND GENERAL UTILITY EASEMENT**

GASTON COUNTY

KNOW ALL MEN BY THESE PRESENTS, that **COUNTY OF GASTON, a body Politic and Corporate and a Political Subdivision of the State of North Carolina**, 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 Grantors by the **City of Gastonia, a North Carolina Municipal Corporation**, 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 those certain tracts or lots of land and premises described in those certain deeds to County of Gaston, dated July 13, 2018 and recorded July 13, 2018 in Book 4988 at Page 847 and deed dated September 24, 2018 and recorded November 2, 2018 in Book 5009 at Page 403 in the Office of the Register of Deeds for Gaston County, North Carolina, to which reference is hereby made to construct, maintain, operate in, upon and through said premises in a proper manner sanitary sewer lines and utility systems together with any and all ancillary equipment and structures necessary to the operation and maintenance of said lines and systems as the Grantee may hereinafter desire to locate within said rights-of-way and easements, including but not limited to water mains, storm drains, sewer mains and outfall lines, power lines, gas mains, fiber optic cables and telephone 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:

Containing both temporary and permanent slope and construction easements in the widths shown on the plats referred to below. The location of the rights-of-way and easements acquired is shown on those certain plats or maps thereof drawn by Roberto Rodriguez, Jr.,

LEGAL4558

Professional Land Surveyor for the Office of the City Engineer for the City of Gastonia, dated October 12, 2023, entitled "Permanent Utility Easement for City of Gastonia on the lands of Gaston County" copies of which are on file in the Office of the Register of Deeds for Gaston County in Plat Book _____ at Page _____; Plat Book _____ at Page _____, and Plat Book _____ at Page _____, to which reference is hereby made for greater certainty of description.

It is agreed that the cost of constructing and installing of Grantee's sewer lines on the aforescribed rights-of-way and easements shall be borne entirely by the Grantee, and the maintaining of these lines shall be borne 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 rights-of-way and easements at all times to enter said premises described in Deed Book 4988 at Page 847 and Deed Book 5009 at Page 403 in the Gaston County Register of Deeds Office 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 within the easement area shown on the above referenced plat and to cut away and keep clear said rights-of-way and easements located in, on, or over said rights-of-way and easements, 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 successors and assigns, agrees that no structure will be built, erected or maintained over said rights-of-way and easements.

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

TO HAVE AND TO HOLD said perpetual rights and easements to the Grantee, its successors and assigns, in title forever; it being agreed that the rights-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 WHEREOF, The Grantor has hereunto set its hand and seal, this the _____ day of _____, 2024.

County of Gaston

By: _____

Name: Chad Brown

Title: Chairman, Gaston Co Bd of Commissioners

ATTEST:

By: _____

Name: _____

Title: Clerk to Gaston Co Bd of Commissioners

LEGAL4558

STATE OF NORTH CAROLINA

COUNTY OF _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged that she is the Clerk to the Gaston County Board of Commissioners and that by authority duly given and as the act of such entity, the foregoing instrument was signed in its name by its Chairman of Gaston County Board of Commissioners, sealed with its corporate seal and attested by her as Clerk to Gaston County Board of Commissioners.

WITNESS my hand and notarial seal, this the _____ day of _____, 2024.

Notary Public

My Commission Expires: _____



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Economic Development Commission

Board Action

File #: 24-231

Commissioner Keigher - EDC - To Approve a Deed for Permanent Sanitary Sewer and General Utility Easement in the Apple Creek Corporate Park to the City of Gastonia

STAFF CONTACT

Alisha Summey - Economic Development Commission - 704-825-4046

BUDGET IMPACT

No additional County funds.

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

The City of Gastonia operates a wastewater collection and treatment system that services the Apple Creek Corporate Park. It is necessary to provide improvements to the wastewater collection system in the Apple Creek Corporate Park to support expansion of existing businesses in the Park and the legal department of the City of Gastonia prepared the necessary documents, including surveys and the attached deed for this conveyance.

POLICY IMPACT

N/A

ATTACHMENTS

Resolution and Deed of Easement

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DISTRIBUTION:

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