



# Gaston County

Gaston County  
Board of Commissioners  
www.gastongov.com

## County Attorney

## Board Action

File #: 19-273

Commissioner Philbeck - County Attorney - To Approve a Town of Dallas Water Easement Over Dallas Park for the Installation of Water Lines

### STAFF CONTACT

Charles Moore, County Attorney

### BUDGET IMPACT

N/A

### BUDGET ORDINANCE IMPACT

N/A

### BACKGROUND

The Town of Dallas requested Gaston County to dedicate an easement for the installation of water lines. Doing so will improve utility service to the park and the surrounding area. A map will be recorded contemporaneously with the easement depicting the location of the water lines.

### POLICY IMPACT

N/A

### ATTACHMENTS

Deed of Easement and Map

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	AFraley	BHovis	TKelgher	TPhilbeck	RWorley	Vote
2019-175	06/25/2019	TK	AF	AB	A	A	A	A	AB	A	U

### DISTRIBUTION:

Laserfiche Users

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

DRAWN BY: Sam Shames, Asst. County Attorney, Gaston County  
P. O. Box 1578, Gastonia, NC 28053

**STATE OF NORTH CAROLINA**

**COUNTY OF GASTON**

**DEED OF EASEMENT  
(Water)**

THIS DEED OF EASEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by and between **GASTON COUNTY ("Grantor")**, a political subdivision of the State of North Carolina, having a mailing address of **P.O. Box 1578, Gastonia, NC 28053** and the **TOWN OF DALLAS ("Grantee")**, a North Carolina Municipal Corporation duly organized and existing under the laws of the State of North Carolina having a physical address of **210 N. Holland Street, Dallas NC 28034**, and being situated in Gaston County, hereinafter referred to as "Grantee".

THAT, WHEREAS, said Grantor owns three tracts of land located consecutive to each other and the parcels of land are commonly referred to as Dallas Park. The tracts of land are as follows:

**PARCEL 171278**

1303 DALLAS-CHERRYVILLE HIGHWAY

57.41 acres

Deed Book 9, Page 443

**PARCEL 171279**

120 LEISURE LANE

1.43 acres

Deed Book 9, Page 443

**PARCEL 172201**

225 LEISURE LANE

40.65 acres

Deed Book 172, Page 23; and

WHEREAS, the Town Council of the Town of Dallas has determined that it is in the public interest to install, construct and maintain water lines to serve the public in the vicinity of the described property, as well as throughout the Town of Dallas.

NOW, THEREFORE, said Grantor, for and in consideration of the sum of **ONE Dollar (\$1.00)** and other valuable consideration paid to the Grantor by Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the said Grantee, its successors and assigns, a perpetual easement to install, construct and maintain water lines, together with the attendant customary uses, including drainage and utilities, over, under, through, across, along and upon all that certain lots, tracts, or parcels of land of the Grantor, and more particularly described as follows, to-wit:

Being a 20 ft. wide permanent easement across the Grantor's property, more specifically described as follows on Exhibit "A", to wit:

**SEE REFERENCED MAP DRAWN BY JOHNNY H. DENTON, P.L.S., L-3555 ENTITLED "20' WATERLINE EASEMENT DEDICATION FOR WATER LINES IN DALLAS PARK TO THE TOWN OF DALLAS" WHICH IS INCORPORATED HEREIN BY REFERENCE, AND WHICH REFLECTS A TWENTY (20) FOOT WIDE PERMANENT RIGHT OF WAY ACROSS THE GRANTORS' PROPERTY. SAID MAP IS RECORDED IN THE GASTON COUNTY REGISTRY IN MAP BOOK \_\_\_\_ PAGE \_\_\_\_.**

Said Grantor's property is described in Deed Book 9, Page 443 as well as Deed Book 172, Page 23.


TO HAVE AND TO HOLD the said grant of easement unto it, the said Grantor, its successors and assigns forever.

The Grantor acknowledges that the Town of Dallas is acquiring this property for the purpose of erecting, constructing and installing waterlines within the described easement, and specifically grants unto the Grantee the right to construct such structures or make the improvements on that grade according to such plans and specifications, as will, in the Grantee's opinion, best serve the public purpose.

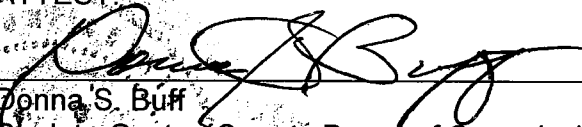
The said grant shall include the right of ingress and egress over the land of the Grantor for the purpose of constructing, maintaining, repairing and enlarging said waterline or removing any obstruction interfering with the enjoyment of this line and, in general, any rights and privileges which may be necessary for the permanent maintenance of said line; provided, however, that nothing herein contained shall directly or indirectly be construed as authorizing the Town of Dallas or its successors or assigns to injure, damage, or remove any structure upon said land, and the Grantor herein expressly retains for himself, his heirs and assigns, the right to construct and maintain any and all buildings he may desire upon the said premises, provided the water line is protected in the manner required by the Town of Dallas.

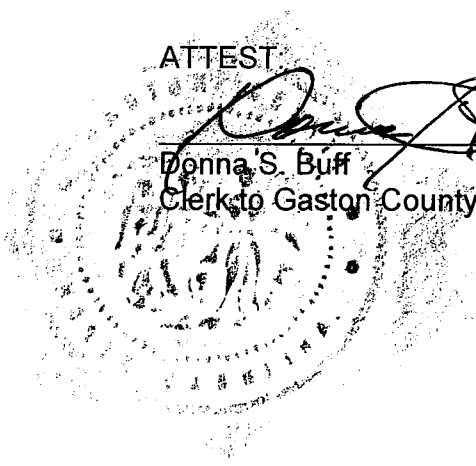
TO HAVE AND TO HOLD the same, together with all the rights and appurtenances belonging thereto, unto the Town of Dallas, its successors and assigns forever, and Grantor is hereby bound, together with all heirs, executors, administrators, or successors, to warrant and forever defend the easement granted herein unto the Town of Dallas, its successors and assigns, against every person lawfully claiming the easement or any part thereof.

IN TESTIMONY WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

  
\_\_\_\_\_  
Tracy L. Philbeck, Chairman  
Gaston County Board of Commissioners

ATTEST

  
\_\_\_\_\_  
Donna S. Buff  
Clerk to Gaston County Board of Commissioners



STATE OF NORTH CAROLINA  
COUNTY OF GASTON

I, Angela Stacks, a Notary Public of said County and State, certify that **Tracy L. Philbeck** personally came before me this day and acknowledged that he is the Chairman for the Board of Commissioners of Gaston County, and that by authority duly given the foregoing instrument was signed in its name, sealed with its corporate seal and attested by the County Clerk.

Witness my hand and seal, this the 3<sup>rd</sup> day of July, 2019.

Angela Stacks  
Notary Public

My Commission Expires:

August 8, 2019

