

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: 3 April 2006

SUBJECT: Right of way in favor of Duke Energy to serve Hospice

ATTACHMENT(S): Draft Right of Way Agreement

SUMMARY OF REQUEST:

Duke Energy and Four Seasons Hospice and Palliative Care seeks an easement for Duke Power purposes to further serve the Hospice facility. This was given to the Office of County Attorney by Hospice staff without further information.

George C. Knudsen, P.E., the Owner's Representative for Four Seasons Hospice, has been invited to be present to give further information if requested by the Board.

Proposed Motion if desired:

I move that the Board grant the proposed easement to Duke Energy Corporation as shown on the draft attached to the Board's agenda materials.

DRAFT

WR No. 926117 Resp. 5530 Project CSPINC
Drawn By: Ruth A Neugebauer
Project Description: Extending three phase loop on S
Allen Rd for Hospice of Henderson County

Return Address: Duke Energy Corporation
Attn: Ruth A Neugebauer
957 Spartanburg Highway
Hendersonville, NC 28792

STATE OF NORTH CAROLINA

RIGHT OF WAY AGREEMENT

COUNTY OF HENDERSON

KNOW ALL MEN BY THESE PRESENTS, That Henderson County Political S/D of NC hereinafter called "Grantor" (whether one or more), in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, does hereby grant unto DUKE ENERGY CORPORATION, and its successors and assigns, subsidiaries and divisions, hereinafter called "Grantee," the perpetual right, privilege and easement to go in and upon that certain land of Grantor (hereinafter "premises") situated in said County and State, property described as:

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and over and across said premises within a right-of-way strip (check applicable):

having a width of _____ feet on each side of a centerline determined by the centerline of the electrical facilities as installed, to construct, maintain and operate with poles, crossarms, wires, guys, anchors, cables, transformers and other apparatus and appliances, overhead lines for the purpose of transporting electricity and for the communications purposes of the Grantee and regulated telephone utilities. The following rights are also granted to Grantee: to enter said premises to inspect said lines, to perform maintenance and repairs, and to make alterations and additions thereto, to remove from the right-of-way strip, now or at any time in the future, trees, structures or other obstructions that may endanger the proper maintenance and operation of said lines and trees of any species that Grantee determines will grow at maturity to a height that will endanger the proper maintenance and operation of said lines; to trim or remove and to keep trimmed or remove dead, diseased, weak or leaning trees or limbs outside of the right-of-way strip which, in the opinion of the Grantee, might interfere with or fall upon the electric or communications facilities within the right-of-way strip; and to install guy wires and anchors extending beyond the limits of the right-of-way strip.

having a width of 10 feet on each side of a centerline determined by the centerline of the electrical facilities as installed, to construct, maintain and operate underground lines and conduits with other apparatus and appliances, either above ground or below ground, to include transformers and service connections, for the purpose of transporting electricity and for the communications purposes of Grantee and its licensees. The following rights are also granted to Grantee: to enter said premises to inspect said lines, to perform maintenance and repairs, and to make alterations and additions thereto; and to clear the land within the right-of-way strip and to keep it clear of trees, structures or other obstructions; and to clear that land outside the right-of-way strip within ten feet of the service door of any transformer or cabinet located within the right-of-way strip and to keep the area within ten feet of said door clear of trees, structures or other obstructions. All underground facilities are to be installed in accordance with the provisions of Grantee's Underground Distribution Installment Plan, NCUC Docket E-7, Sub 552, receipt of a copy of which is acknowledged by Grantor.

This right-of-way is given to permit the construction of facilities presently proposed. Facilities at other locations and future extensions of presently constructed facilities are not permitted by this agreement. The foregoing notwithstanding, Grantee may relocate its facilities and right-of-way strip over the premises to conform to any future highway or street relocation, widening or improvement.

IN WITNESS WHEREOF, this instrument is executed on this _____ day of _____, _____

GRANTOR

By: _____ **DRAFT**

Name: _____

Title: _____

STATE OF NORTH CAROLINA

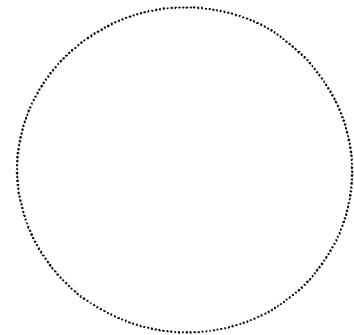
COUNTY OF _____

I, _____ **DRAFT** _____ a Notary Public for above County and State, do certify that _____ personally came before me this day and acknowledged that he/she is _____ of _____, a _____ corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its _____.

Witness my hand and official seal, this _____ day of _____, _____.

My Commission Expires: _____

Notary Public



Affix (Notary or Corporation) Seal

The foregoing certificate(s) of _____ **DRAFT** _____ is/are certified to be correct.

This _____ day of _____, A.D., _____.

CLERK OF COURT FOR _____ COUNTY

By _____ Deputy/Assistant-Clerk of Court.