

**REQUEST FOR BOARD ACTION
HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: Monday, March 17, 2014

SUBJECT: Request for Utility Easement from Duke Energy
Henderson County Athletic and Activity Center

PRESENTER: Marcus A. Jones, P.E.

ATTACHMENTS: Yes
1. Proposed Easement from Duke Energy

SUMMARY OF REQUEST:

Duke Energy has requested approval of the attached utility easement on the Henderson County parcel #9905210 (Henderson County Athletic and Activity Center). The easement will provide access for new and relocated facilities in the area circled on Figure 1 below.

A description of the work to be performed by Duke Energy is below with Figure 2 showing a sketch of the work plan:

“The old underground primary is almost impossible to repair and the pole where it goes underground is down beside the railroad tracks where we would have a heck of a time digging it up there. I think this new underground will increase your reliability and for sure the length of the outage trying to fix it. I flagged the intended route that Mr Hopkin and his coworker agreed to back in December if you need to see the route. Also, we need to set two poles down near the road that you can't see from the building that will support your new underground and hold the span going toward town. The reason I was out there was to get that old line out of the swamp where we can maintain it. The last outage was very lengthy as we had to take a boat out to the pole and repair it.”

The easement has been review by the following Departments: Recreation, Engineering and Legal with no significant impacts or concerns to the County determined.

BOARD ACTION REQUESTED:

Approve the Duke Energy utility easement at the Henderson County Athletic and Activity Center.

Suggested Motion:

I move that the Board approve the Duke Energy utility easement at the Henderson County Athletic and Activity Center.

Figure 1

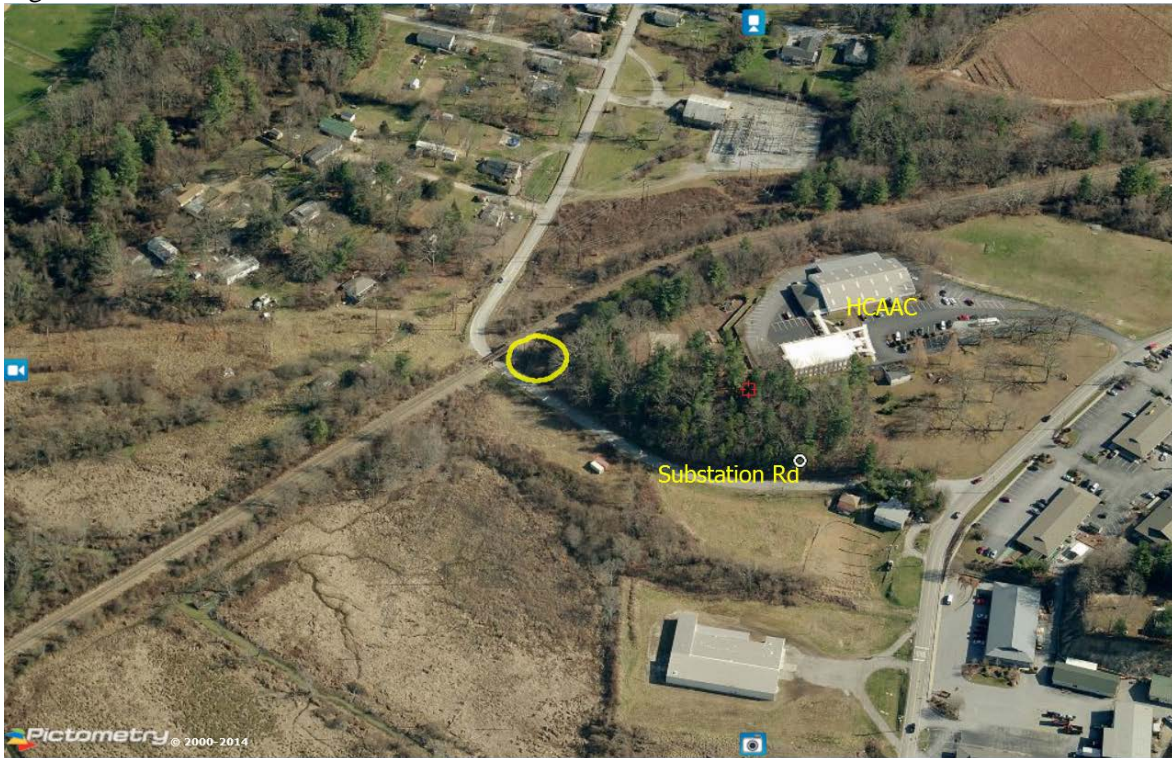
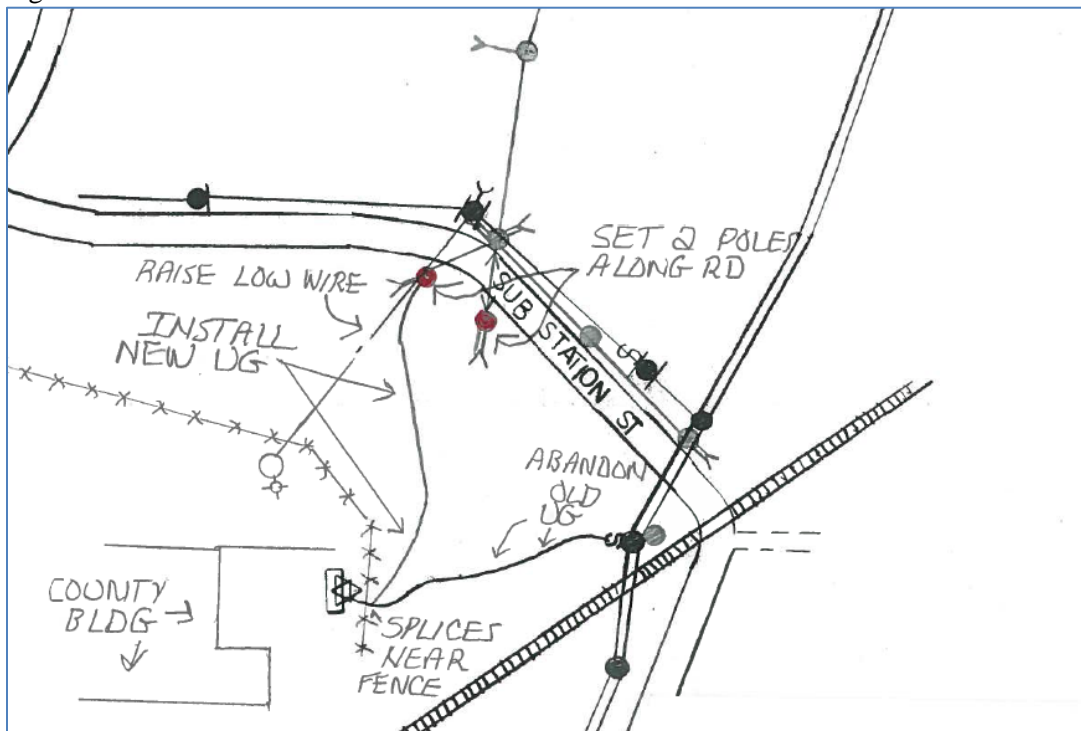


Figure 2



WO No. 4471573 Resp. 5530 Project SOR471573
Drawn By: D E REECE
Project Description: DBL CKT RELOCATION &
RELOCATION OF UG 3PH TO EXIST PAD TX

Return Address: Duke Energy Carolinas
Attn: EDDIE REECE
957 SPARTANBURG HWY
HENDERSONVILLE NC 28792

Grantor's Address:

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

RIGHT OF WAY AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, That COUNTY OF HENDERSON 708 GROVE ST PROPERTY 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 CAROLINAS, LLC, 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:

PARCEL # 9905210
PIN # 9578059489

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

X having a width of 20 feet on each side of a centerline determined by the centerline of the electrical facilities and/or the lighting facilities, as installed, to construct, maintain and operate with poles, lighting fixtures, crossarms, wires, guys, anchors, cables, transformers and other apparatus and appliances, overhead lines for the purpose of transporting electricity and/or providing lighting services 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, equipment and facilities, to perform maintenance and repairs, and to make alterations and additions thereto; and relocate its facilities and right-of-way strip over the premises to conform to any future highway or street relocation, widening or improvement; and 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 or other facilities or equipment 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 or other facilities or equipment; 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, lighting, or regulated telephone facilities within the right-of-way strip; and to install guy wires and anchors extending beyond the limits of the right-of-way strip.

X having a width of 10 feet on each side of a centerline determined by the centerline of the electrical facilities and/or the lighting 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, providing lighting services and for the communications purposes of Grantee. The following rights are also granted to Grantee: to enter said premises to inspect said lines, equipment and facilities, to perform maintenance and repairs, and to make alterations and additions thereto; and relocate its facilities and right-of-way strip over the premises to conform to any future highway or street relocation, widening or improvement; 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.

Grantor, for itself and its successors and assigns, agrees to hold Grantee, its successors and assigns, harmless for replacement and/or repair of paving, landscaping and fences as a result of future system maintenance and repair. All underground facilities are to be installed in accordance with the provisions of Grantee's Underground Distribution Installation Plan, NCUC Docket E-7, Sub 828, receipt of a copy of which is acknowledged by Grantor.

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

GRANTOR

By: _____

Name: _____

Title: _____

STATE OF NORTH CAROLINA

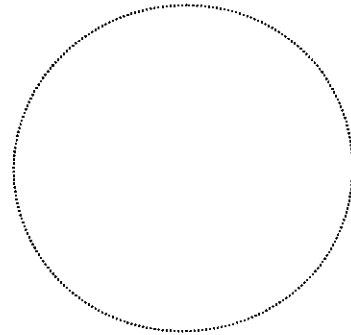
COUNTY OF _____

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: _____

Date: _____

My Commission Expires: _____

Notary Public



Affix (Notary or Corporation) Seal
