

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: November 16, 2016

SUBJECT: Duke Energy Easement - Fletcher Library property

PRESENTER: Trina Rushing, Library Director

ATTACHMENTS: Yes

1. Sketch of Proposed Property Easement
2. Consent of Lessee

SUMMARY OF REQUEST:

The Fletcher United Methodist Church sanctuary expansion project requires rerouting of Duke Energy power lines from their current location on Church property to a new underground route that would cross the edge of the Library parking lot. Duke Energy seeks easement rights to a portion of the Fletcher Library property so they may proceed with this rerouting project.

BOARD ACTION REQUESTED:

Approve the request by Duke Energy to provide easement rights along the Fletcher Library property for the purpose of rerouting underground power lines.

SUGGESTED MOTION:

I move that the Board approves the request by Duke Energy to provide easement rights along the Fletcher Library property for the purpose of rerouting underground power lines.

TYPICAL DEP PRIMARY
R/W EASEMENT

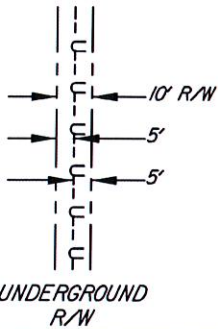
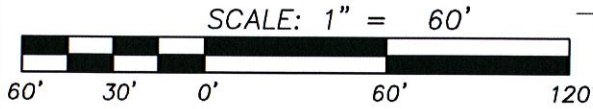
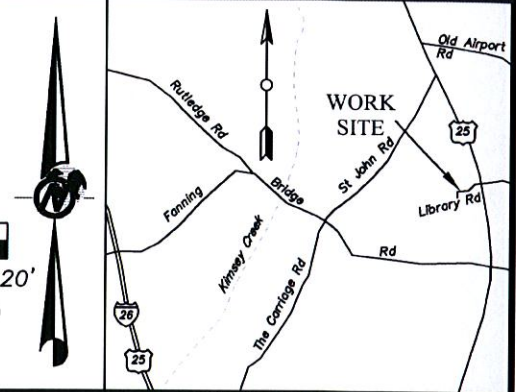


EXHIBIT "A"

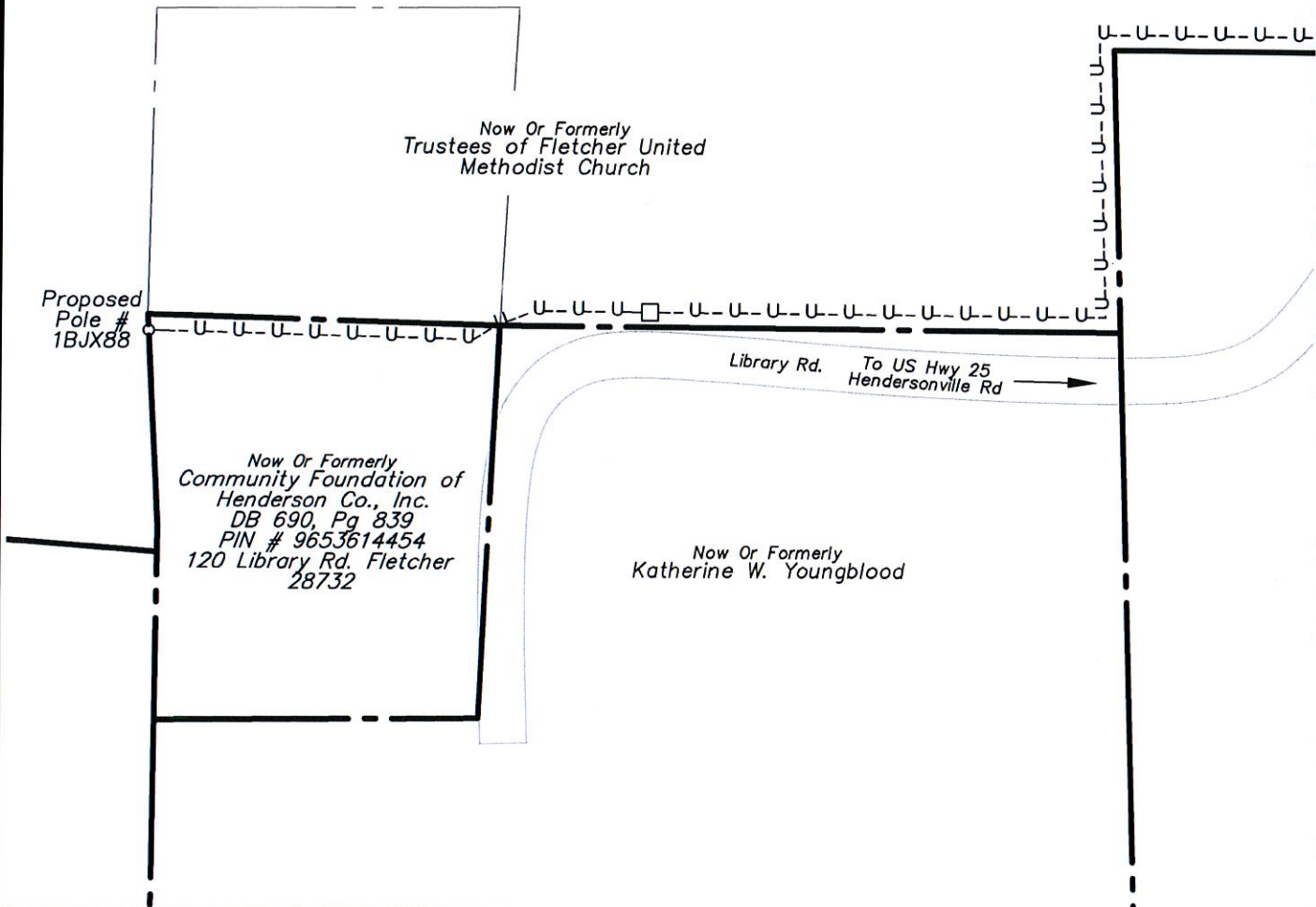


SCALE: 1" = 60'

THIS IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED
BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH
ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.



VICINITY MAP
Not To Scale



LEGEND

- — — — — Property Line
- ⊙ Proposed Overhead Facilities
- ⊙ Existing Overhead Facilities
- —) Proposed Pole and Anchor
- —) Existing Pole and Anchor
- u — — ⊙ Proposed Underground Facilities
- u — — ⊙ Existing Underground Facilities
- / □ Existing/Proposed Enclosure
- ⊙ Proposed Street Light
- — — — — Other Right of Way Edges of Roads, etc.



Approximate Location of Distribution R/W
Across Property of

Community Foundation of Henderson Co. Inc.

Location Henderson Co., N.C.

Scale 1" = 60' Date 09/13/16

Drawn J. Dacey Checked S. Lutz

Dwg. No. 20104696 Sheet: 1 of 1

EASEMENT

NORTH CAROLINA
HENDERSON COUNTY
WR 1095370

Prepared By: Chris Polhamus
Return To: Duke Energy
Attn: Sarah Lutz
555-A Brevard Rd
Asheville, NC 28806

THIS EASEMENT ("Easement") is made this _____ day of _____, 20____, from Community Foundation of Henderson County, Inc., a North Carolina non-profit corporation, ("Grantor," whether one or more) to Duke Energy Progress, LLC, a North Carolina limited liability company, ("DEP"); 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 DEP, its successors, lessees, licensees, transferees, permittees, apportionees, and assigns, the perpetual right, privilege, and easement to go in and upon the land of Grantor situated in Hoopers Creek Township, described as follows: PIN# 9653614454, containing 0.36 acres, more or less, and being the land described in a deed from Katherine W. Youngblood to Community Foundation of Henderson County, Inc., dated December 31, 1986, and recorded in Deed Book 690, Page 839, Henderson 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 ten (10) feet wide, together with an area ten (10) feet wide on all sides of the foundation of any DEP enclosure, manhole or vault vent (the "Easement Area"), for the purpose of transmitting and distributing electrical energy and for communication purposes. The center line of the Facilities shall be the center line of the Easement Area.

The right, privilege and easement shall include the following rights granted to DEP: (a) ingress and egress over the Easement Area and over adjoining portions of the Property (using lanes, driveways and pave areas where practical as determined by DEP); (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 to trim or clear dead, diseased, weak or leaning trees or limbs outside of the Easement Area which might interfere with or fall upon the Facilities; (d) to install guy wires and anchors extending beyond the limits of the Easement Area; (e) and all other rights and privileges reasonably necessary or convenient for DEP'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.

It is understood and agreed that the general location of the Easement Area is shown on the sketch attached hereto as Exhibit A and recorded herewith. The final and definitive location of the Easement Area shall become established by and upon the final installation and erection of the facilities by DEP in substantial compliance with Exhibit A hereto.

TO HAVE AND TO HOLD said rights, privilege, and easement unto DEP, its successors, licensees, and assigns, forever, and GRANTOR, for itself, its heirs, executors, administrators, successors, and assigns, covenants to and with DEP 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, GRANTOR has caused this EASEMENT to be signed in its name by its duly authorized officer, as of the date first above written.

Community Foundation of Henderson County, Inc.
A North Carolina non-profit corporation

By: _____

McCray Benson

Title: President/CEO

NORTH CAROLINA, _____ COUNTY

I, _____, a Notary Public of _____ County, North Carolina, certify that McCray Benson personally appeared before me this day and acknowledged that he is President/CEO of Community Foundation of Henderson County, Inc., a North Carolina non-profit corporation, and being authorized to do so, executed the foregoing EASEMENT on behalf of the corporation.

Witness my hand and notarial seal, this _____ day of _____, 20____.

Notary Public

My commission expires: _____

CONSENT OF LESSEE

The premises (or a portion thereof) described in the foregoing Easement is subject to that certain lease dated July 18, 1988 between Community Foundation of Henderson County, Inc., as Lessor/Landlord, and Board of Commissioners of Henderson County, NC, as Lessee/Tenant, recorded in Deed Book 729 at Page 579 in the Henderson County Registry (the "Lease"). The undersigned Lessee has joined in the execution of this Easement for the sole purpose of subordinating the Lease [or consenting] to the Easement granted therein.

Board of Commissioners of Henderson County, NC

By: _____
Tommy Thompson, Chairman Board of Commissioners

ATTEST:

Teresa Wilson, Clerk to the Board

(Affix Official Seal)

NORTH CAROLINA, _____ COUNTY

I, _____, a Notary Public of _____ County, North Carolina, certify that Teresa Wilson personally appeared before me this day and acknowledged that she is Clerk to the Board of Board of Commissioners of Henderson 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 herself as its Clerk to the Board.

Witness my hand and notarial seal, this _____ day of _____, 20____.

Notary Public

My commission expires: _____