

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: September 8, 2020

SUBJECT: **Duke Energy Easement
Pardee Parcel at Asheville Hwy & Stoney Mt Road**

PRESENTER: Marcus Jones, PE

ATTACHMENTS: Proposed Easement from Duke Energy

SUMMARY OF REQUEST:

Duke Energy has submitted the attached easement for Board approval on County property at the intersection of Asheville Highway and Stoney Mountain Road. The property is used by Pardee Hospital, and staff has received approval for the easement from the Pardee's legal counsel.

As reported by Duke Energy, the purpose of the easement is to move overhead powerlines to underground powerlines which will reduce power outages to the area in the vicinity of the Druid Hills neighborhood.

Staff has reviewed the proposed easement, visited the site and recommend approval.

BOARD ACTION REQUESTED:

Approve the proposed utility easement with Duke Energy for the installation of underground powerlines on County property at the intersection of Asheville Highway and Stoney Mountain Road.

Suggested Motion:

I move the Board approve the proposed utility easement with Duke Energy for the installation of underground powerlines on County property at the intersection of Asheville Highway and Stoney Mountain Road.

EASEMENT

NORTH CAROLINA
HENDERSON COUNTY

Prepared By: Duke Energy
Return To: Duke Energy Carolinas, LLC
Attn: Sarah Lutz
555-A Brevard Road
Asheville, NC 28806

THIS EASEMENT ("Easement") is made this _____ day of _____, 2020 ("Effective Date"), from HENDERSON COUNTY, a body politic, ("GRANTOR," whether one or more), to Duke Energy Carolinas, LLC, a North Carolina limited liability company ("DEC"); 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 DEC, its successors, licensees, and assigns, the perpetual right, privilege, and easement to go in and upon the land of GRANTOR situated in Hendersonville Township, described as follows: PIN# 9569-35-9955 containing 3.460 acres, more or less, and being the land described in a deed from Dawjoncourt, Inc. to Henderson County, dated February 25, 1997 and recorded in Book 917, Page 650, 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 twenty (20) feet wide, together with an area ten (10) feet wide on all sides of the foundation of any DEC enclosure/transformer, vault or manhole (the "Easement Area"), for the purpose of transmitting and distributing electrical energy and for communication purposes of DEC and Incumbent Local Exchange Carriers. The centerline of the Facilities shall be the center line of the Easement Area.

The right, privilege and easement shall include the following rights granted to DEC: (a) ingress and egress over the Easement Area and over adjoining portions of the Property (using lanes, driveways and paved areas where practical as determined by DEC); (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, and to trim or clear dead, diseased, weak or leaning trees or limbs outside of the Easement Area which, in the opinion of DEC, might interfere with or fall upon the Facilities; and (d) all other rights and privileges reasonably necessary or convenient for DEC'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 DEC in substantial compliance with Exhibit A hereto.

TO HAVE AND TO HOLD said rights, privilege, and easement unto DEC, its successors, licensees, and assigns, forever, and GRANTOR, for itself, its heirs, executors, administrators, successors, and assigns, covenants to and with DEC 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, this EASEMENT has been executed by GRANTOR and is effective as of the Effective Date herein.

HENDERSON COUNTY, a body politic

By: _____

Grady Hawkins, Chairman,
Board of Commissioners

ATTEST:

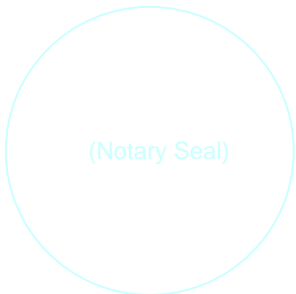
Teresa Wilson, Clerk

(Affix Official Seal)

NORTH CAROLINA, _____ COUNTY

I, _____, a Notary Public of _____ County, North Carolina, certify that _____ personally appeared before me this day and acknowledged that she is Clerk of HENDERSON COUNTY, a body politic, 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.

Witness my hand and notarial seal, this _____ day of _____, 2020.



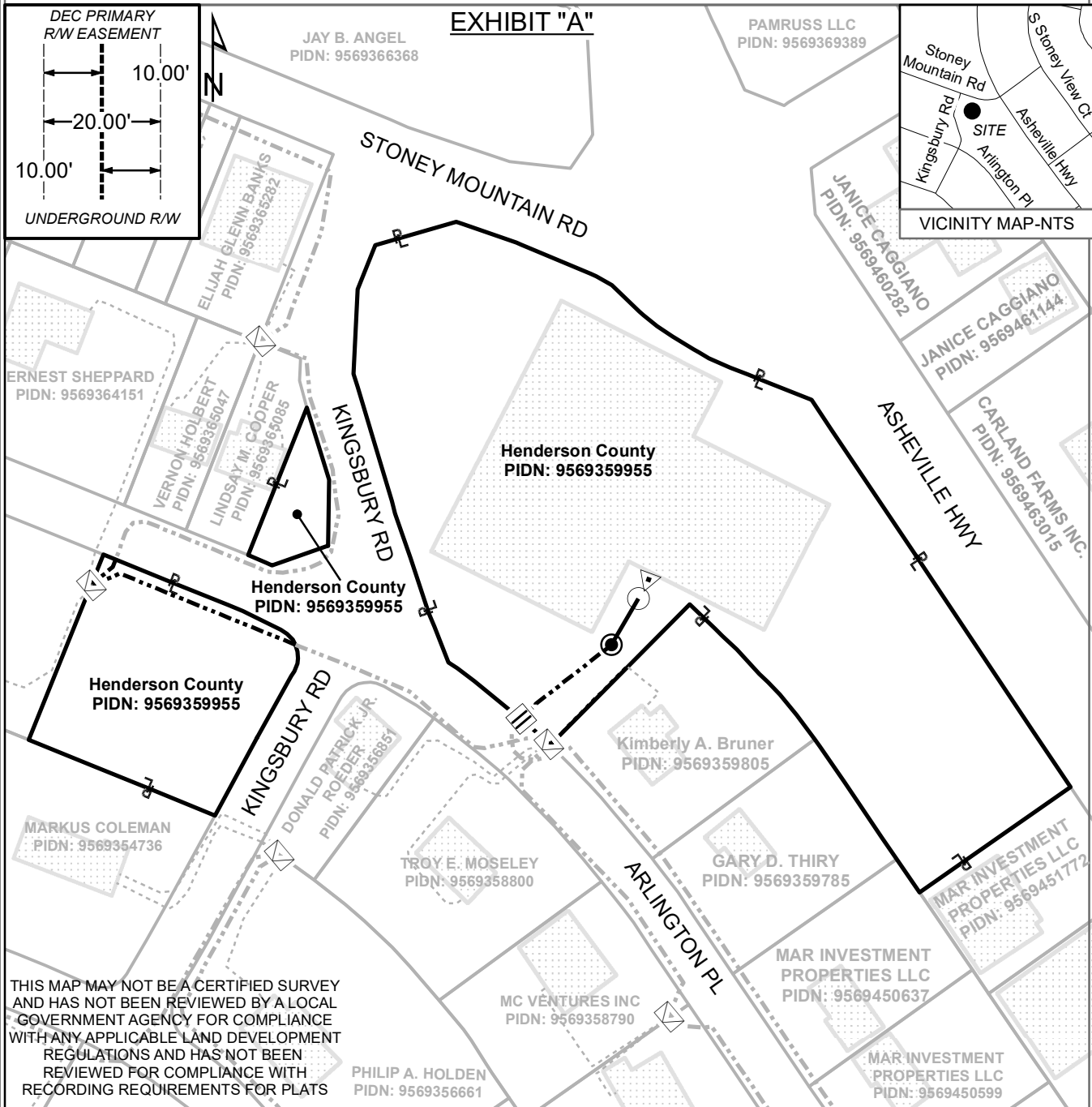
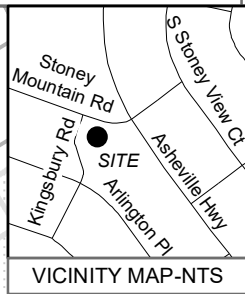
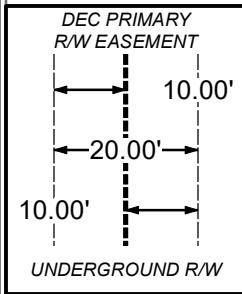
(Notary Seal)

Notary Public

My commission expires: _____

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

EXHIBIT "A"



THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS

LEGEND

- EXISTING 3PH TRANSFORMER
- PROPOSED PADMOUNT TRANSFORMER
- PROPOSED POLE
- EXISTING POLE
- PROPOSED JUNCTION BOX
- PROPOSED UNDERGROUND SECONDARY
- PROPOSED UNDERGROUND SECONDARY
- EXISTING OVERHEAD PRIMARY
- PROPOSED UNDERGROUND PRIMARY
- PROPOSED UNDERGROUND PRIMARY
- PROPERTY BOUNDARY
- ADJACENT PROPERTY BOUNDARY
- STRUCTURES



APPROXIMATE LOCATION OF DISTRIBUTION R/W ACROSS PROPERTY OF HENDERSON COUNTY

LOCATION: 2029 Asheville HWY Hendersonville, NC 28791
 SCALE: 1:10,000 DATE: 2/24/2020
 DRAWN: KL CHECKED: CB
 DWG NO: 20000486 SHEET: 1 of 1