

Revenue Stamps \$ 558.00

DEED FOR HIGHWAY RIGHT OF WAY

THIS INSTRUMENT DRAWN BY Kathy M. Smith CHECKED BY Dustin Johnson

The hereinafter described property Does Does not include the primary residence of the Grantor

RETURN TO: Hawke Law, PLLC
7228 Indian Rock Road
Wendell, NC 27591

NORTH CAROLINA
COUNTY OF WAKE
TAX PARCEL 1704516171

TIP/PARCEL NUMBER: B-5121 002
WBS ELEMENT: 42263.2.1
ROUTE: Capital Blvd./Peace St.

THIS FEE SIMPLE DEED, made and entered into this the _____ day of _____, 2016
by and between Wake County, a body politic and corporation of the State of North Carolina
P.O. Box 550
Raleigh, NC 27602

hereinafter referred to as GRANTORS, and the Department of Transportation, an agency of the State of North Carolina, 1546 Mail Service Center, Raleigh, NC27611, hereinafter referred to as the Department;

WITNESSETH

That the GRANTORS, for themselves, their heirs, successors, and assigns, for and in consideration of the sum of \$ 278,850.00 agreed to be paid by the DEPARTMENT to the GRANTORS, do hereby give, grant and convey unto the DEPARTMENT, its successors and assigns, in FEE SIMPLE (together with any provisions relating to abutter's rights of access which may be hereinafter stated), that certain property located in Raleigh Township, Wake County, North Carolina, which is particularly described as follows:

Point of beginning being S 13°55'10.2" W, 205.478 feet from -L- Sta. 15+00; thence along a curve 117.063 feet and having a radius of 180.000 feet. The chord of said curve being on a bearing of S 09°22'19.8" W, a distance of 115.011 feet; thence to a point on a bearing of S 60°45'25.7" E, 110.526 feet; thence to a point on a bearing of N 12°36'37.3" W, 31.150 feet; thence along a curve 21.694 feet and having a radius of 16.246 feet. The chord of said curve being on a bearing of N 49°28'46.3" W, a distance of 20.118 feet; thence along a curve 53.875 feet and having a radius of 36.060 feet. The chord of said curve being on a bearing of N 49°28'46.3" W, a distance of 49.002 feet; thence to a point on a bearing of N 11°56'36.4" W, 49.384 feet; thence to a point on a bearing of N 10°31'35.2" W, 44.598 feet; returning to the point and place of beginning. Having an approximate area of 0.082 acres

IN ADDITION, and for the aforestated consideration, the GRANTORS further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests:

Temporary Construction Easement described as follows:

Area 1

Point of beginning being S 52°35'24.7" W, 99.874 feet from -L- Sta. 15+00; thence to a point on a bearing of S 77°46'2.6" W, 29.115 feet; thence to a point on a bearing of S 12°13'57.4" E, 58.000 feet; thence to a point on a bearing of S 78°36'11.6" E, 17.464 feet; thence to a point on a bearing of S 12°13'57.4" E, 62.878 feet; thence to a point on a bearing of S 00°26'53.1" E, 85.108 feet; thence to a point on a bearing of S 25°21'26.5" W, 55.931 feet; thence to a point on a bearing of S 60°14'43.4" E, 53.814 feet; thence to a point on a bearing of S 69°55'31.5" E, 66.257 feet; thence to a point on a bearing of N 49°14'23.7" E, 10.127 feet; thence to a point on a bearing of N 60°45'25.7" W, 110.526 feet; thence along a curve 117.063 feet and having a radius of 180.000 feet. The chord of said curve being on a bearing of N 09°22'19.8" E, a distance of 115.011 feet; thence to a point on a bearing of N 10°31'35.2" W, 6.044 feet; thence to a point on a bearing of N 12°13'57.4" W, 8.034 feet; thence to a point on a bearing of N 12°13'57.4" W, 127.878 feet; returning to the point and place of beginning. Having an approximate area of 0.152 acres

Area 2

Point of beginning being N 61°35'7.3" W, 229.249 feet from -L- Sta. 15+00; thence to a point on a bearing of N 02°46'27.2" E, 8.309 feet; thence to a point on a bearing of N 87°24'12.0" W, 58.000 feet; thence to a point on a bearing of S 02°46'27.2" W, 8.630 feet; thence to a point on a bearing of S 87°43'10.9" E, 11.405 feet; thence to a point on a bearing of S 87°43'10.9" E, 46.597 feet; returning to the point and place of beginning. Having an approximate area of 0.011 acres

It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above described temporary easement area(s) until such time that the property owners alter the adjacent lands in such a manner that the cut and/or fill slopes are no longer needed for the lateral support of the roadway. Any additional construction areas lying beyond the cut and/or fill slopes and extending beyond the right of way limits and beyond any permanent easement areas will terminate upon completion and acceptance of the project. The underlying fee owner shall have the right to continue to use the Temporary Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.

SPECIAL PROVISIONS. This deed is subject to the following provisions only:

The undersigned property owners request that the Department enter upon our lands outside the right of way to the extent necessary for the reconnection of our driveway and we will have no further claim as a result of said reconnection

It is further understood and agreed that Department and/or its authorized contractor will exhaust all efforts to avoid disturbance to the trees located within the Temporary Construction Easement and it shall be noted on the Highway Plans for the above project. However, in the event the trees are damaged to the point removal is necessary, it shall be the sole responsibility of the Grantor to conduct said removal and the Grantor shall have no claim against the Department and/or its authorized contractor as a result thereof.

The property hereinabove described was acquired by the GRANTORS by instrument(s) recorded in the Wake County Registry in Deed Book 3720 Page 808 .

The final right of way plans showing the above described right of way are to be certified and recorded in the Office of the Register of Deeds for said County pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description and for greater certainty.

The Grantors acknowledge that the project plans for Project # 42263.2.1 have been made available to them. The Grantors further acknowledge that the consideration stated herein is full and just compensation pursuant to Article 9, Chapter 136 of the North Carolina General Statutes for the acquisition of the said interests and areas by the Department of Transportation and for any and all damages to the value of their remaining property; for any and all claims for interest and costs; for any and all damages caused by the acquisition for the construction of Department of Transportation Project # 42263.2.1 , Wake County, and for the past and future use of said areas by the Department of Transportation, its successors and assigns for all purposes for which the said Department is authorized by law to subject the same.

IT IS UNDERSTOOD AND AGREED between the parties hereto that this conveyance is made for the purpose of constructing and establishing upon the right of way hereby conveyed a road or highway designated as State Highway Project 42263.2.1 , Wake County, which road or highway is a controlled access facility as defined by law and the GRANTORS shall have no right of access to said road or highway, except such access as may be provided by way of local service or frontage roads and streets or specific access points as shown and designated as such on the right of way plans for said State Highway Project on file in the office of the DEPARTMENT in Raleigh, North Carolina and to be recorded in the Register of Deeds Office of Wake County pursuant to NCGS 136-19.4.

The access as provided is more particularly described as follows:

By means of a local traffic road which is designated as Johnson St., said access point being located right of and between the Grantors Western Property Line and Survey Station 12+61 on Survey Line -Y5-

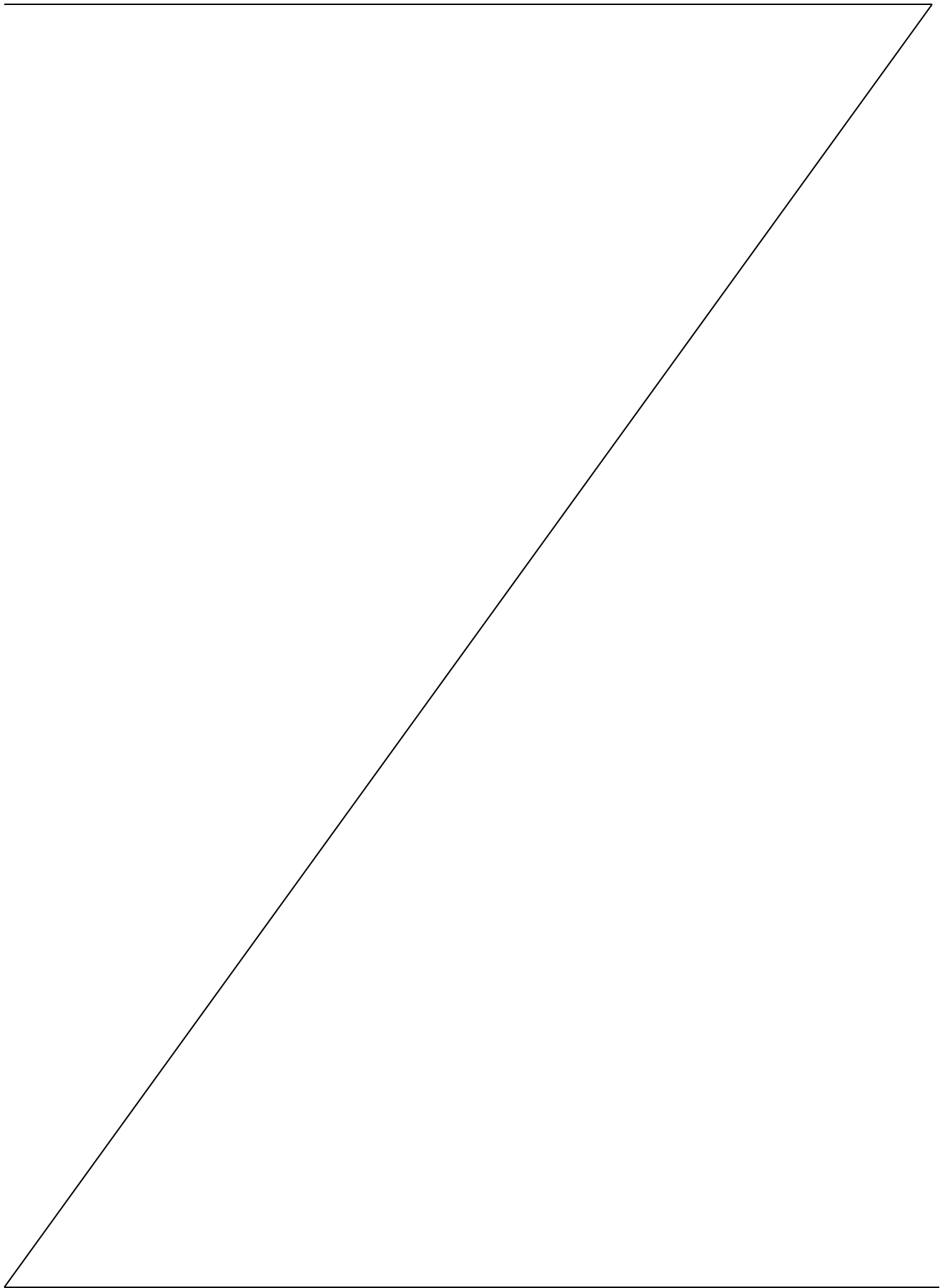
By means of a service or frontage road which is designated -Y3- on said plans, said access point being located between Survey Station 12+86 and the Grantors Southern Property Line on Survey Line -Y3-

As to such local service or frontage roads and streets or specific points of access, the GRANTORS reserve unto themselves, their heirs, successors, executors and assigns for the benefit of their remaining property abutters' rights of access thereto as at common law; subject, however, to the right of the DEPARTMENT to reasonably regulate said abutters' rights of access in order to protect and safeguard the traveling public.

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TO HAVE AND TO HOLD the aforesaid premises and all privileges and appurtenances thereunto belonging to the DEPARTMENT, its successors and assigns in FEE SIMPLE, or by easement as indicated, for the past, present and future use thereof and for all purposes which the said Department is authorized by law to subject the same.

And the GRANTORS covenant with the DEPARTMENT, that the GRANTORS are seized of the premises in fee simple, have the right to convey the same in fee simple, or by easement as indicated, that the title thereto is marketable and free and clear of all encumbrances, and that the GRANTORS will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is hereby conveyed subject to the following exceptions:
None



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IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands and seals (or if corporate, has caused the instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors) the day and year first above written.

This instrument does not transfer the herein described interests unless and until this document is accepted by an authorized agent of the Department of Transportation.

BY: _____
James West (Chairman, Wake County Board of Commissioners)

Attest: _____ (Clerk to the Board, Wake County Board of Commissioners)
Denise Hogan

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

(Official Seal)

(Official Seal)	North Carolina, _____ County
	I, _____, a Notary Public for _____ County, North Carolina, certify that
	Denise Hogan personally came before me this day and acknowledged that he/she is the CLERK of the Wake COUNTY BOARD OF COMMISSIONERS, and that by authority duly given, the foregoing instrument was signed in its name by its CHAIRMAN of the Wake COUNTY BOARD OF COMMISSIONERS, sealed with its corporate seal, and attested by Denise Hogan as its CLERK.
	Witness my hand and official seal this the _____ day of _____, <u>2016</u> .
	_____ Notary Public
	My commission expires: _____