

Instrument Prepared By:	Raleigh-City Attorney's Office
Brief Description for Index:	1313 New Bern Ave
Parcel Identifier:	0102560
Project Name:	Wake BRT - New Bern Avenue
Mail After Recording To:	City Real Estate Office (GP) Post Office Box 590 Raleigh, North Carolina 27602

Revenue:

STATE OF NORTH CAROLINA

COUNTY OF WAKE

DEED OF EASEMENT

**WITH GENERAL WARRANTY FOR
SIDEWALK EASEMENT
TEMPORARY CONSTRUCTION EASEMENT**

THIS DEED OF EASEMENT is made and executed this _____ day of _____, 2022, by Wake County, a body politic and corporate, with a mailing address of PO BOX 550, Raleigh, NC 27602, hereinafter referred to as the "Grantors", to the City of Raleigh, hereinafter referred to as the "City", with a mailing address of 222 W. Hargett Street, Raleigh, NC, 27601.

WHEREAS, the Grantors are the Owners of the land(s) hereinafter described, and have agreed to convey to the City, according to the terms set forth below, the easement(s) hereinafter described;

The designation "Grantors" as used herein shall include the singular and plural, as required, and the masculine and neuter gender, as appropriate.

NOW, THEREFORE, for valuable consideration paid to the Grantors, receipt of which is hereby acknowledged, the Grantors have bargained and sold, and do hereby grant, sell and convey unto the City, its successors and assigns, those rights-of-way, privileges, and Easements enumerated and described hereinbelow, and as more particularly identified and described in Exhibit A, attached, as follows:

1 SIDEWALK EASEMENT

An easement for the construction, improvement, maintenance, repair, and use of a public sidewalk for pedestrian use and passage, including bike path and multi-use pathway purposes.

2 TEMPORARY CONSTRUCTION EASEMENT

A temporary easement for purposes reasonably necessary and incidental to the construction of public infrastructure improvements (such as streets, sidewalks, slopes, greenway trail, water, sewer and

storm drainage facilities), such temporary construction purposes including the stockpiling of materials, the movement and storage of vehicles and equipment, construction staging, the grading of soil and other like material, the repair, reconstruction and reconnection of a private driveway or driveways onto adjacent public street right-of-way, and similar purposes.

Further specific terms and conditions applicable to the Temporary Construction Easement are as follows:

- a) Following construction of the public infrastructure project, the City shall re-grade, mulch, and re-seed, or otherwise restore, the temporary easement area substantially to its prior use and condition, in accordance with generally accepted landscaping and engineering practices.
- b) The City's use of and activities within the above-described easement area [including grading, stabilization, and restoration under subparagraph (a)] shall substantially conform with official plans and specifications for the Wake BRT - New Bern Avenue Project, prepared by HNTB North Carolina, entitled "Wake BRT New Bern Avenue", maintained in the offices of the City of Raleigh Engineering Services Department.
- c) This easement shall terminate upon final completion of the project referenced above. Thereafter, the Grantors may make and enjoy all lawful uses of their property.

THE PROPERTY INTEREST HEREIN DESCRIBED AND CONVEYED does not include a primary residence.

TO HAVE AND TO HOLD the above-described permanent easements, running with the land, for the respective purposes enumerated above, unto the City of Raleigh, its successors and assigns, in perpetuity.

TO HAVE AND TO HOLD the above-described temporary easements, while in effect, unto the City, its successors and assigns.

The Grantors hereby, for themselves, their heirs, successors, and assigns, hereby warrant and covenant that they are the owners of the property described in Exhibit A; that they have the right to grant these easements; that the same are free from encumbrances except as may be hereinafter stated; and that they will warrant and defend the title to the same against lawful claims of all persons whomsoever.

(The balance of this page is intended to be blank.)

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal, on the day and year first above written.

Wake County, a body politic
and corporate

By: _____
Sig Hutchinson, Chair Wake County
Board of Commissioners

Attested By:

Yvonne C. Gilyard, Deputy Clerk to the Board

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, a Notary Public of _____ County, State of North Carolina, certify that Yvonne C. Gilyard, personally appeared before me this day and acknowledged that she is the Deputy Clerk of the Wake County Board of Commissioners, and that by authority duly given and as an act of the Board, 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 Yvonne C. Gilyard as its Deputy Clerk.

Witness my hand and official seal, this _____ day of _____, 2022.

Notary Public

(SEAL)

Notary's printed or typed name

My Commission Expires: _____

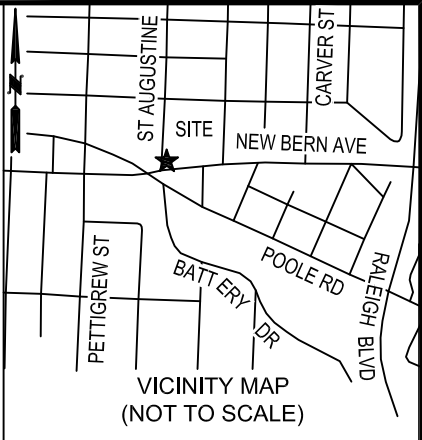
PROPERTY DESCRIPTION APPROVED:

- ☒ Engineering Services Director/Designee
- ☐ Assistant Public Utilities Department Director
- ☐ Parks, Recreation & Cultural Resources Director

CITY ATTORNEY'S OFFICE
APPROVED AS TO FORM:

- ☐ BM
- ☐ BP
- ☐ BW
- ☐ CS
- ☐ DT
- ☐ JR

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AND AN EASTING OF 2,122,509.805'. THE PROJECT COMBINED FACTOR IS 0.99991183.



STATE OF NORTH CAROLINA, COUNTY OF WAKE

I, JEFFREY S. COATS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AND FROM RECORDED DOCUMENTS AS REFERENCED; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS EXHIBIT IS FOR ILLUSTRATIVE PURPOSES ONLY. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 27TH DAY OF SEPTEMBER, 2022.

DocuSigned by:
Jeffrey S. Coats
JEFFREY S. COATS, PLS NC L-3994

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3220 GLEN ROYAL RD. RALEIGH, NC 27617
TEL. (919) 788-0224 FAX (919) 788-0232
CORPORATE LICENSE # P-0189

EASEMENT EXHIBIT PREPARED FOR
THE CITY OF RALEIGH

PROPERTY OF
WAKE COUNTY
WAKE COUNTY ~ RALEIGH TOWNSHIP ~ NORTH CAROLINA
SEPTEMBER 27, 2022 SCALE 1" = 20'

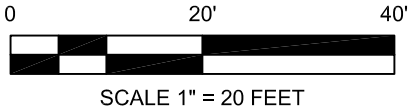
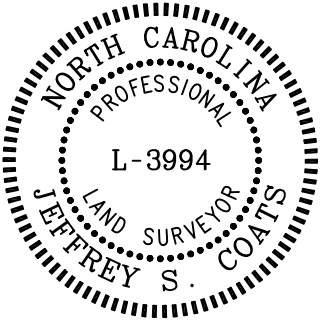
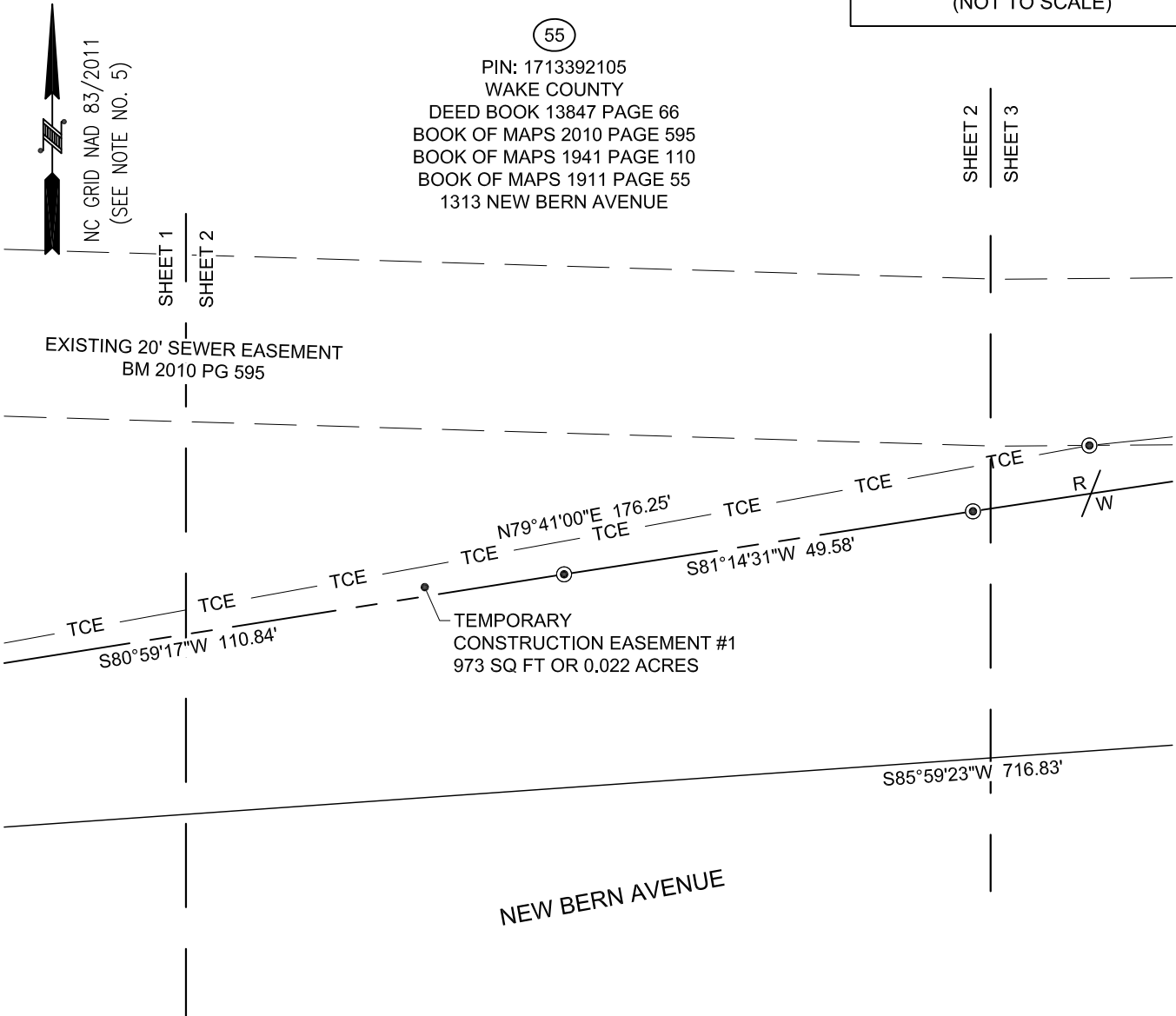
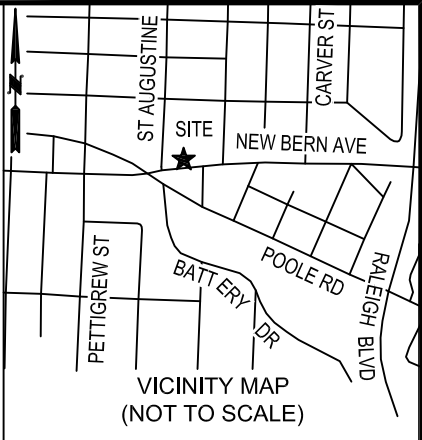
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LEGEND

- ▲ CONTROL POINT REBAR & CAP
- EXISTING PROPERTY CORNER
- COMPUTED POINT
- R/W EXISTING RIGHT-OF-WAY
- PROPERTY LINE SURVEYED
- PROPERTY LINE NOT SURVEYED
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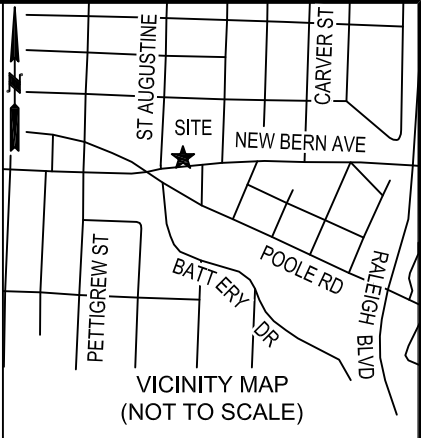
3220 GLEN ROYAL RD. RALEIGH, NC 27617
TEL. (919) 788-0224 FAX (919) 788-0232
CORPORATE LICENSE # P-0189

EASEMENT EXHIBIT PREPARED FOR
THE CITY OF RALEIGH

PROPERTY OF
WAKE COUNTY

WAKE COUNTY ~ RALEIGH TOWNSHIP ~ NORTH CAROLINA
SEPTEMBER 27, 2022 SCALE 1" = 20'

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NC GRID NAD 83/2011
(SEE NOTE NO. 5)

CURVE	LENGTH	RADIUS	CHORD
C1	100.51'	2,840.23'	S82°15'20"W 100.50'

LINE	BEARING	DIST
L9	S06°42'21"E	3.30'

SHEET 2

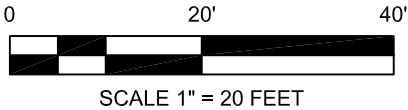
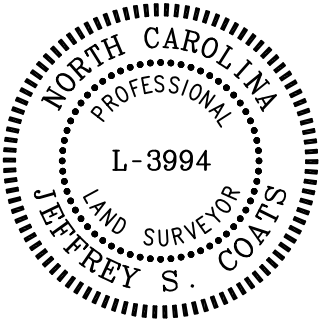
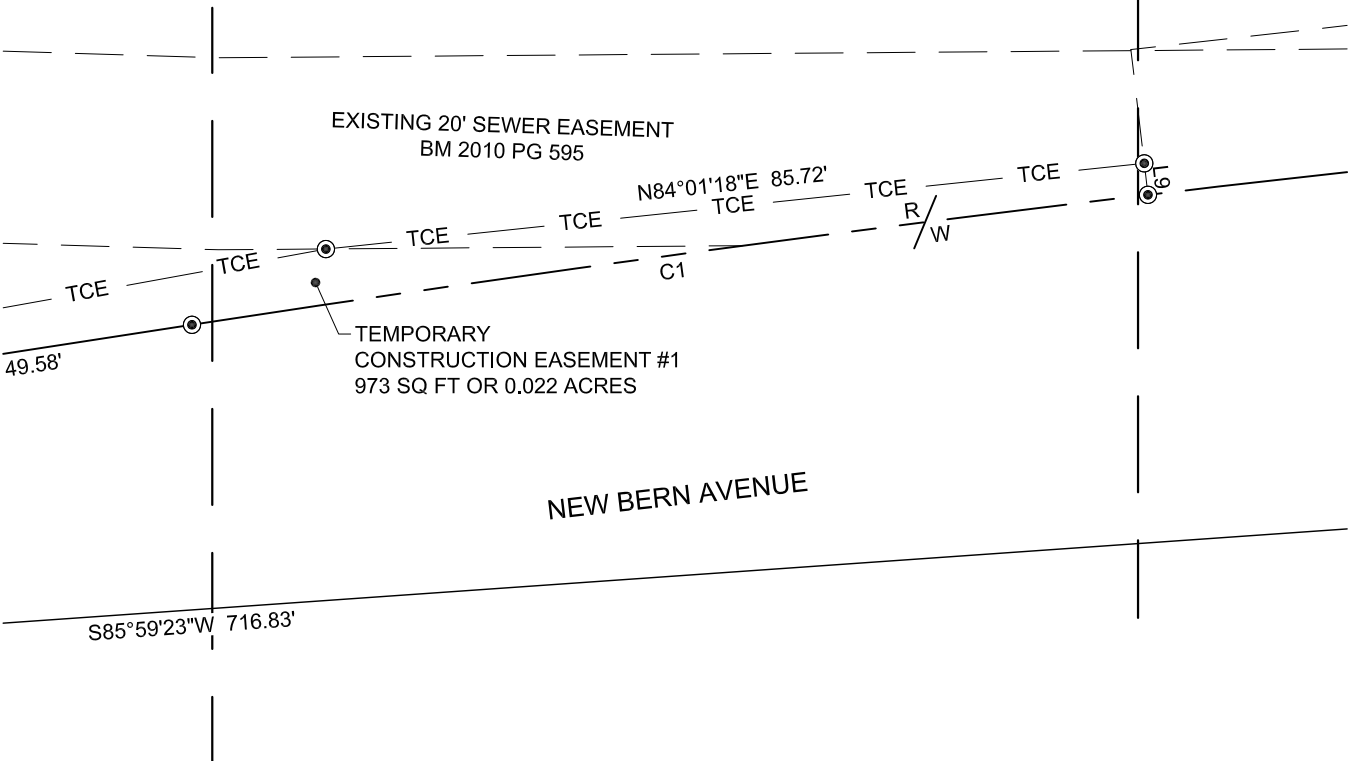
SHEET 3

SHEET 3

SHEET 4

55

PIN: 1713392105
WAKE COUNTY
DEED BOOK 13847 PAGE 66
BOOK OF MAPS 2010 PAGE 595
BOOK OF MAPS 1941 PAGE 110
BOOK OF MAPS 1911 PAGE 55
1313 NEW BERN AVENUE



LEGEND

-
- CONTROL POINT REBAR & CAP
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- EXISTING PROPERTY CORNER
-
- COMPUTED POINT
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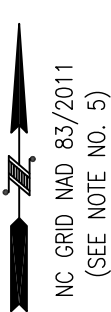
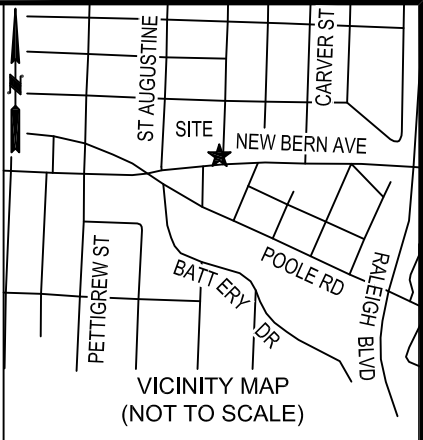
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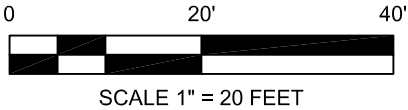
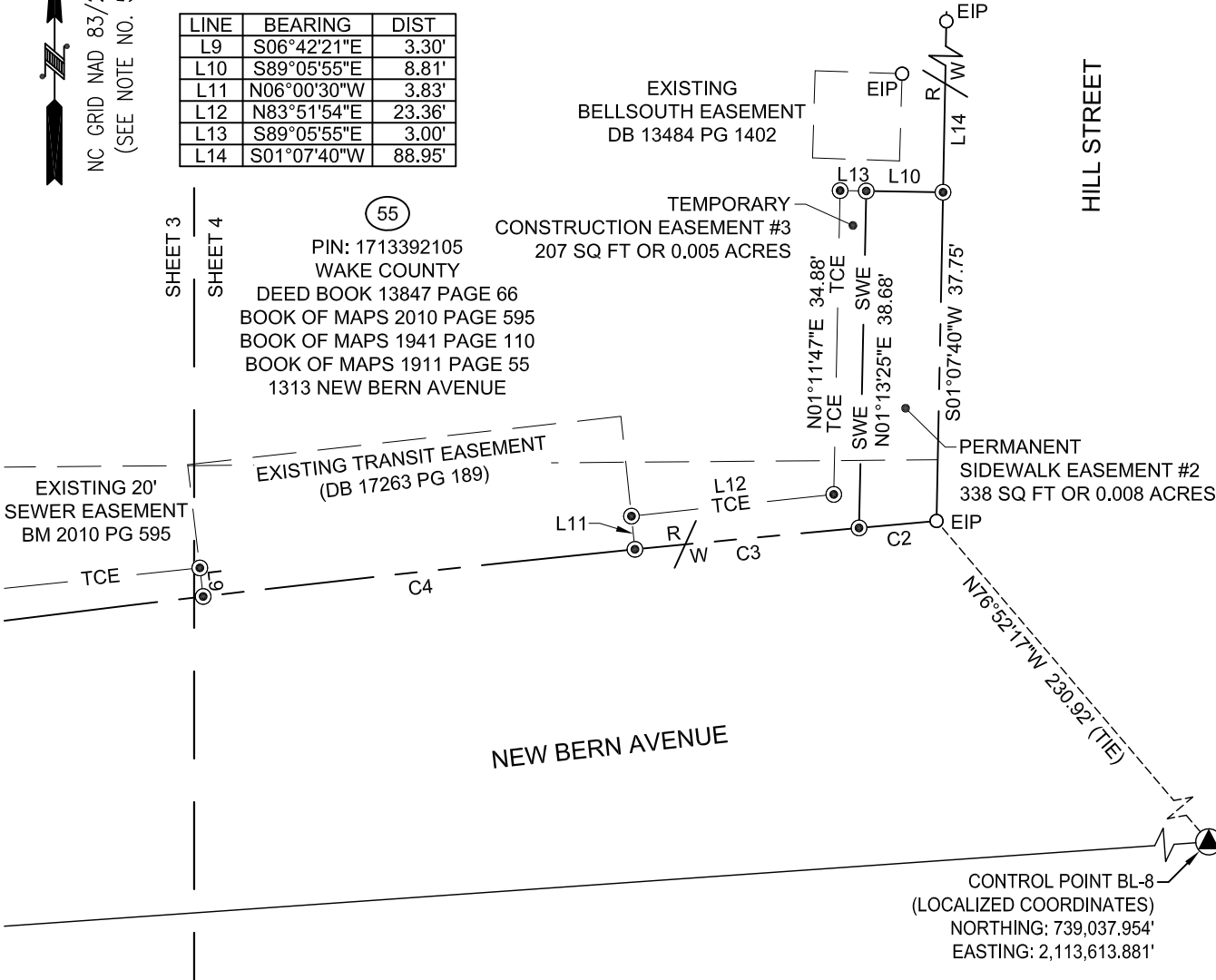
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C3	25.85'	2,840.23'	S84°32'09"W 25.85'
C4	49.86'	2,840.23'	S83°46'20"W 49.86'

LINE	BEARING	DIST
L9	S06°42'21"E	3.30'
L10	S89°05'55"E	8.81'
L11	N06°00'30"W	3.83'
L12	N83°51'54"E	23.36'
L13	S89°05'55"E	3.00'
L14	S01°07'40"W	88.95'



- LEGEND
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