

EXCISE TAX: \$0.00

INSTRUMENT PREPARED BY: TOWN ATTORNEY'S OFFICE

CHECKED BY: KMPROMER

MAIL AFTER RECORDING TO: TOWN OF CARY

REAL ESTATE SECTION

P. O. BOX 8005

CARY, NC 27512-8005

BRIEF DESCRIPTION FOR INDEX:

PARCEL IDENTIFIER: 0755243185

TEMPORARY CONSTRUCTION EASEMENT

PORTION OF: 0 CHAPEL HILL RD.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

TEMPORARY DEED OF EASEMENT FOR UTILITY CONSTRUCTION

THIS TEMPORARY DEED OF EASEMENT FOR UTILITY CONSTRUCTION ("Temporary Construction Easement" or "TCE"), made this \_\_\_\_ day of \_\_\_\_\_ 2016 by **WAKE COUNTY, a body politic and corporate**, with a mailing address of PO Box 550 Raleigh NC 27602-0550, hereinafter referred to as "Grantors", to the **TOWN OF CARY**, a municipal corporation of the State of North Carolina, with a mailing address of P.O. Box 8005, Cary, NC 27512-8005, hereinafter referred to as "Grantee". The designation Grantors and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include the singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH:

WHEREAS, the Grantors are the owners of a lot or parcel of land with a street address of 0 Chapel Hill Rd Morrisville, NC located in Wake County, North Carolina and more particularly described in Deed Book 2768 at Page 288, Wake County Registry ("Grantors Property"); and

WHEREAS, Grantee is undertaking York Interceptor Project – SW1260 ("Project"), and desires a temporary construction easement on the Grantors' Property

NOW THEREFORE, for good and valuable consideration paid to the Grantors, the receipt of which is hereby acknowledged, Grantor does hereby give, grant, sell, and convey unto the Grantee the right, privilege and Temporary Construction Easement in, on, over, under, across,

along, and through the Grantors property in the location generally shown for illustrative purposes on Exhibit A and more particularly described as follows:

COMMENCING AT AN EXISTING IRON PIPE LOCATED ON THE NORTHEASTERN PROPERTY CORNER OF LANDS NOW OR FORMERLY OWNED BY YARD-NIQUE, INC. AS RECORDED IN DEED BOOK 15438, PAGE 1573, WAKE COUNTY REGISTRY AND ALSO HAVING NC GRID (NAD '83/2011) COORDINATES N: 754656.4537 FEET E: 2052413.6919 FEET; THENCE SOUTH 13°07'59" EAST A DISTANCE OF 247.89 FEET TO A POINT LOCATED ON THE SOUTHERN LINE OF AN EXISTING 30' MORRISVILLE-CRABTREE INTERCEPTOR EASEMENT AS RECORDED IN BOOK OF MAPS 1985, PAGE 1618, WAKE COUNTY REGISTRY, THE POINT OF BEGINNING; THENCE SOUTH 16°43'05" EAST A DISTANCE OF 20.00 FEET TO A POINT; THENCE SOUTH 72°09'05" WEST A DISTANCE OF 283.45 FEET TO A POINT ON THE EASTERN LINE OF SAID EASEMENT; THENCE ALONG AND WITH SAID EASEMENT LINE NORTH 29°06'16" WEST A DISTANCE OF 20.39 FEET TO A POINT LOCATED ON SAID SOUTHERN EASEMENT LINE; THENCE NORTH 72°09'05" EAST A DISTANCE OF 287.83 FEET TO THE POINT OF BEGINNING, CONTAINING 5,713 SF.

This TCE is for purposes reasonably necessary and incidental to the construction, installation, and inspection of such utility pipelines, mains, conduits and facilities (together 'Facilities') and related appurtenances as may be necessary or convenient for the installation, maintenance and transmission of utilities, including but not limited to water, storm water, reclaimed water, and wastewater in, on, over, under, across, along, and through Grantors Property. This TCE includes but is not limited to, the grading, filling or cutting (removing) of soil, dirt and other like material, the storing of materials and the movement of vehicles and equipment, incidental to the Project.

Following construction of the Project, this TCE Area will be graded and restored, using conventional engineering practices, and this temporary easement shall terminate.

Subject to the following exceptions: easements and rights-of-way of record.

TO HAVE AND TO HOLD the aforesaid easement and all privileges and appurtenances thereunto belonging to the said Grantee for the time period stated above and the same Grantors do covenant that they are seized of said Grantors Property in fee and have the right to convey the TCE, that, except as set forth above, the same is free from encumbrances and that Grantors will warrant and defend the said title to the same against claims of all persons whosoever.

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

Wake County

By: \_\_\_\_\_  
James West, Chairman of the Board

ATTESTED BY:

\_\_\_\_\_  
\_\_\_\_\_ Clerk to the Board

Approved as to form:

\_\_\_\_\_  
Scott W. Warren  
Wake County Attorney

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_, personally appeared before me this day and acknowledged that 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 herself as its \_\_\_\_\_ Clerk. Witness my hand and official stamp or seal, this \_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_ My commission expires: \_\_\_\_\_  
Notary Public

Printed Name: \_\_\_\_\_

EXHIBIT A  
(Insert plan of TCE] (“TCE Area”)