

Revenue Stamps \$ 896.00

DEED FOR HIGHWAY RIGHT OF WAY

THIS INSTRUMENT DRAWN BY Kathy M. Smith CHECKED BY Dennis A. Peebles, Jr.

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

TIP/PARCEL NUMBER: M-0509 003
WBS ELEMENT: 44403
ROUTE: Proposed Capital Yard South
Lead Track in Raleigh, NC

TAX PARCEL 1704516171

THIS FEE SIMPLE DEED, made and entered into this the _____ day of _____, 2017
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, NC 27611, 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 \$ 447,775.00 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 that certain property located in Raleigh Township, Wake County, North Carolina, which is particularly described as follows:

Point of beginning being N 61°10'15.2" E, 454.358 feet from -PTBYP- Sta 11+00 thence along a curve 55.593 feet and having a radius of 1001.599 feet. The chord of said curve being on a bearing of S 57°1'40.5" W, a distance of 55.586 feet thence to a point on a bearing of S 59°23'7.4" W 30.382 feet thence along a curve 168.003 feet and having a radius of 1537.879 feet. The chord of said curve being on a bearing of S 63°10'52.8" W, a distance of 167.920 feet thence to a point on a bearing of S 23°41'20.7" E 5.000 feet thence along a curve 17.638 feet and having a radius of 1542.879 feet. The chord of said curve being on a bearing of S 66°38'18.3" W, a distance of 17.638 feet thence to a point on a bearing of S 67°20'43.6" W 30.804 feet thence to a point on a bearing of S 67°32'3.4" W 117.349 feet thence to a point on a bearing of S 71°21'9.4" W 13.599 feet thence to a point on a bearing of N 87°27'38.7" E 5.978 feet thence to a point on a bearing of N 71°10'15.1" E 184.286 feet thence to a point on a bearing of N 64°43'9.4" E 79.991 feet thence to a point on a bearing of N 58°18'44.7" E 80.000 feet thence to a point on a bearing of N 49°4'46.7" E 87.040 feet thence to a point on a bearing of N 0°23'8.7" E 1.175 feet returning to the point and place of beginning. Having an area of 4690.588 Sar feet beina 0.108 acres _____

IN ADDITION, and for the aforesaid 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:

Point of beginning being N 61°54'51.2" E, 182.742 feet from -PTBYP- Sta 11+00 thence along a curve 17.638 feet and having a radius of 1542.879 feet. The chord of said curve being on a bearing of N 66°38'18.3" E, a distance of 17.638 feet thence to a point on a bearing of N 23°41'20.7" W 5.000 feet thence along a curve 168.003 feet and having a radius of 1537.879 feet. The chord of said curve being on a bearing of N 63°10'52.8" E, a distance of 167.920 feet thence to a point on a bearing of N 59°23'7.4" E 30.382 feet thence along a curve 55.593 feet and having a radius of 1001.599 feet. The chord of said curve being on a bearing of N 57°1'40.5" E, a distance of 55.586 feet thence to a point on a bearing of N 0°23'8.7" E 24.523 feet thence to a point on a bearing of S 50°39'22.1" W 99.607 feet thence to a point on a bearing of S 65°3'56.1" W 148.275 feet thence to a point on a bearing of S 0°21'27.7" W 11.131 feet thence to a point on a bearing of S 61°52'34.9" W 46.477 feet thence to a point on a bearing of S 70°32'20.5" W 76.038 feet thence to a point on a bearing of N 89°16'1.7" W 22.847 feet thence to a point on a bearing of S 71°9'56.2" W 117.990 feet thence to a point on a bearing of N 87°27'38.7" E 72.085 feet thence to a point on a bearing of N 71°21'9.4" E 13.599 feet thence to a point on a bearing of N 67°32'3.4" E 117.349 feet thence to a point on a bearing of N 67°20'43.6" E 30.804 feet returning to the point and place of beginning. Having an area of 5939.050 Sqr feet being 0.136 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:

It is understood and agreed that the total consideration set forth above shall be made payable to Hawke Law, PLLC and after satisfaction of all taxes, liens, encumbrances on this parcel, the remaining balance shall be disbursed in accordance with the Grantors' directions, and the Grantors shall have no claim against the Department as a result thereof.

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.

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 # 44403 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 # 44403 , 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.

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

COUNTY: Wake WBS ELEMENT: 44403 TIP/PARCEL NO.: M-0509 003

IN WITNESS WHEREOF, GRANTOR, pursuant to a resolution dated _____, has caused this instrument to be signed in its corporate name by its CHAIRMAN OF THE WAKE COUNTY BOARD OF COMMISSIONERS, its corporate seal hereto affixed, and attested by its CLERK, by order of the WAKE COUNTY BOARD OF COMMISSIONERS this 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.

Wake County, a body politic and corporation of the State of North Carolina

BY: _____
Sig Hutchinson (Chairman, Wake County Board of Commissioners)

Attest: _____ (Clerk to the Board)
Denise M. Hogan (Official Seal)

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

<div>(Official Seal)</div>	North Carolina, _____ County
	I, _____, a Notary Public for _____ County, North Carolina, certify that
	Denise M. 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 M. Hogan as its CLERK.
	Witness my hand and official seal this the _____ day of _____, 2017 .
	_____ Notary Public
	My commission expires: _____