

Instrument Prepared By: Raleigh City Attorney's Office  
Brief Description for Index: 1313 New Bern Avenue  
Parcel Identifier: 0102560  
Project Name: New Bern Avenue Sidewalk and Transit Improvements

Mail After Recording To: City Real Estate Office (PL)  
Post Office Box 590  
Raleigh, North Carolina 27602

**STATE OF NORTH CAROLINA**

**COUNTY OF WAKE**

**DEED OF EASEMENT  
WITH GENERAL WARRANTY FOR  
BUS SHELTER/TRANSIT &  
TEMPORARY CONSTRUCTION EASEMENT**

THIS DEED OF EASEMENT is made and executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Wake County, a body politic and corporate, hereinafter referred to as the 'Grantors' with a mailing address of Wake County Attorney's Office, PO Box 550, Raleigh, NC 27602, 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 1, attached herein, as follows

**1. TRANSIT EASEMENT**

A permanent easement for bus shelter/transit stop and transfer purposes, for use by members of the general public, including the right to construct a transit bus shelter and related amenities as further described below. Additional terms, conditions, and restrictions of this Transit Easement are as follows:

**(a)** The City shall have the right, but not the obligation, to erect a bus shelter and related facilities within the Transit Easement area. Members of the public may wait, board, and de-board buses at the bus shelter. The bus shelter and related facilities may include up to: (a) a twenty (20) foot long by fifteen (15) foot wide cement foundation with Americans With Disabilities Act (ADA) required curb cut; (b) a six (6) foot wide by ten (10) foot long shelter; (c) a six (6) foot long passenger bench located within the shelter; (d) a eight (8) foot long passenger bench located outside the shelter or instead of a shelter; (e) a seven (7) foot high 2" X 2" galvanized steel square post; (f) a bike rack; (g) a trash container mounted thereon adjacent to the shelter or

bench; and other appurtenant facilities and equipment necessary or convenient thereto.

**(b)** The City shall be and remain responsible for any and all expenditures of labor and materials or other costs or expense in the installation, erection, repair and maintenance of the bus shelter and related facilities;

**(c)** The City shall be responsible for any and all labor or other costs or expense which results from any and all future repair, relocation, or dismantling of the bus shelter and related facilities;

**(d)** This Transit Easement shall not divest the Grantor of any rights or interests in its property not herein mentioned;

**(e)** The Grantor shall be responsible for the cutting or trimming of any vegetation and cleanliness of the grounds at or around the Transit Easement area;

**(f)** Notices: All notices given under this Transit Easement must be in writing and must be given by U.S. certified mail (written receipt) addressed as follows:

To Grantor:  
Wake County  
ATTN: Wake County Attorney's Office  
PO Box 550  
Raleigh, NC 27602

To City:  
Attn: Mr. Michael Moore,  
Transportation Department Director, City of Raleigh  
222 W. Hargett Street  
Raleigh, NC 27602

Notices shall be deemed delivered on the date sent if addressed as set forth herein. Either party may notify the other of a change of address, which will only be effective by written notice. Any day to day communication concerning the administration of this Easement may occur between the Grantor and Transit Planning Technician for the City. All issues of concern discussed by either party must be resolved within ten (10) business days or otherwise, in writing, within a mutually agreed upon time.

**(g)** In the event this Transit Easement is no longer needed by the City, the City and the Grantor (or its successor or assign) may terminate the Easement by mutual agreement, accompanied by the execution and recordation in the Wake County Registry of a Notice of Easement Termination. In the event of such termination, the City shall, within forty-five (45) days, remove the bus shelter and related facilities from the Transit Easement Area and return the property to substantially the same condition as existed before installation of the bus shelter improvements.

## **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 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, 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 New Bern Avenue Sidewalk and Transportation Improvements Project, prepared by Kimley Horn, entitled, "The New Bern Avenue Sidewalk and Transportation Improvements Project", 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 1; 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 the page is intended to be blank.)***

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, on the day and year first above written.

**Wake County, a body politic and corporate**

**ATTEST**

By: \_\_\_\_\_

\_\_\_\_\_

Jessica N. Holmes, Chair  
Wake County Board of Commissioners

Denise Hogan  
Clerk to the Board

(Official Seal)

PROPERTY DESCRIPTION APPROVED:

APPROVED AS TO FORM:

\_\_\_\_\_

\_\_\_\_\_

- Engineering Services Director/Designee
- Assistant Public Utilities Department Director

Associate City Attorney

NORTH CAROLINA

COUNTY OF WAKE

I, a Notary Public of the County and State aforesaid, certify that Denise Hogan, 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 Denise Hogan as its Clerk. Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public Signature

(SEAL)

\_\_\_\_\_  
Notary's Printed or Typed Name

My Commission Expires: \_\_\_\_\_

EXHIBIT 1

NOTES:

1. THE PURPOSE OF THIS EXHIBIT IS TO DEPICT THE EXISTING PARCEL BOUNDARIES, EXISTING EASEMENTS, EXISTING RIGHT OF WAYS, PROPOSED RIGHT OF WAYS AND PROPOSED EASEMENTS REQUIRED FOR THE CONSTRUCTION OF THE PROPOSED NEW BERN AVENUE SIDE WALK IMPROVEMENT PROJECT AND TO PROVIDE THE BASIS FOR THE ACQUISITION OF THE PROPOSED EASEMENTS OR PROPOSED RIGHT OF WAYS.
2. THE EXISTING BOUNDARIES, RIGHT OF WAYS AND EXISTING EASEMENTS AS SHOWN WERE COMPILED BY USING THE EXISTING PROPERTY CORNERS RECOVERED AND BY USING CURRENT DEED AND PLAT REFERENCES. THE PROPOSED RIGHT OF WAY AND PROPOSED EASEMENTS WERE COMBINED WITH THE EXISTING PROPERTY DATA TO FORM THE BASIS OF AREA COMPUTATIONS. THE PARCELS AS DRAWN ARE NOT CONSIDERED TO BE BOUNDARY SURVEYS AND SHOULD NOT BE USED AS SUCH.
3. ALL DISTANCES SHOWN HEREON THIS PLAT ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
4. THE INFORMATION CONTAINED HEREON IS SUBJECT TO THE FINDINGS OF A COMPLETE AND ACCURATE OPINION OF TITLE, AND TO THOSE EXCEPTIONS AND EASEMENTS OF RECORD, IF ANY, NOTED THEREON.
5. THE LOCALIZED COORDINATE SYSTEM FOR THIS PROJECT IS BASED ON STATE PLANE COORDINATES ESTABLISHED BY OTHERS. THE PROJECT POINT OF LOCALIZATION IS CONTROL POINT "BL-25" HAVING THE FOLLOWING NC GRID NAD83/2011 COORDINATES OF NORTHING: 742,643.269, EASTING: 2,122,509.805. THE AVERAGED COMBINED SCALE FACTOR USED FOR THIS PROJECT IS 0.99991183.
6. FIELD WORK WAS COMPLETED ON JULY 20, 2018.



STATE OF NORTH CAROLINA, COUNTY OF WAKE

I, WATTS B. FEARRINGTON, JR., 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. THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 27TH DAY OF JULY, 2018.

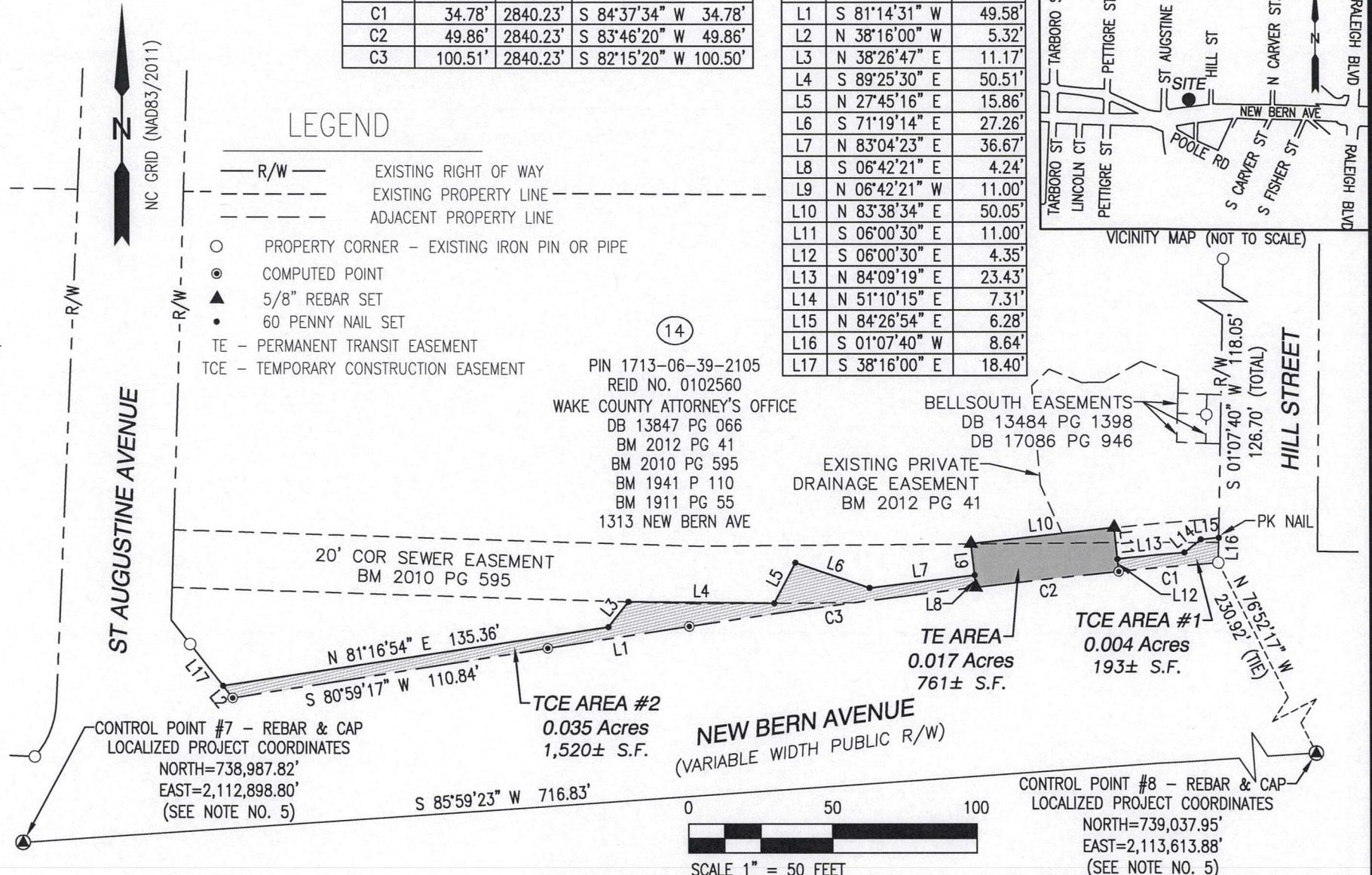
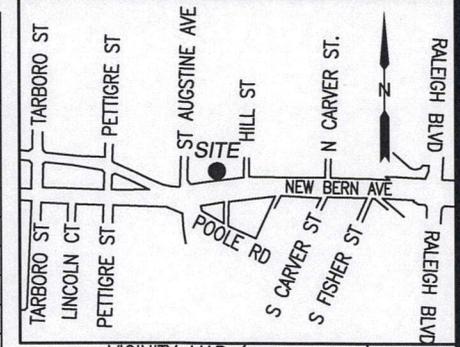
*Watts B. Fearrington, Jr.*  
 WATTS B. FEARRINGTON, JR., PLS NC L-3468

CURVE	LENGTH	RADIUS	CHORD
C1	34.78'	2840.23'	S 84°37'34" W 34.78'
C2	49.86'	2840.23'	S 83°46'20" W 49.86'
C3	100.51'	2840.23'	S 82°15'20" W 100.50'

LINE	BEARING	DISTANCE
L1	S 81°14'31" W	49.58'
L2	N 38°16'00" W	5.32'
L3	N 38°26'47" E	11.17'
L4	S 89°25'30" E	50.51'
L5	N 27°45'16" E	15.86'
L6	S 71°19'14" E	27.26'
L7	N 83°04'23" E	36.67'
L8	S 06°42'21" E	4.24'
L9	N 06°42'21" W	11.00'
L10	N 83°38'34" E	50.05'
L11	S 06°00'30" E	11.00'
L12	S 06°00'30" E	4.35'
L13	N 84°09'19" E	23.43'
L14	N 51°10'15" E	7.31'
L15	N 84°26'54" E	6.28'
L16	S 01°07'40" W	8.64'
L17	S 38°16'00" E	18.40'

LEGEND

- R/W — EXISTING RIGHT OF WAY
- - - - EXISTING PROPERTY LINE
- - - - ADJACENT PROPERTY LINE
- PROPERTY CORNER - EXISTING IRON PIN OR PIPE
- COMPUTED POINT
- ▲ 5/8" REBAR SET
- 60 PENNY NAIL SET
- TE - PERMANENT TRANSIT EASEMENT
- TCE - TEMPORARY CONSTRUCTION EASEMENT



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 ATTORNEY'S OFFICE  
 RALEIGH TOWNSHIP - WAKE COUNTY - NORTH CAROLINA  
 JULY 27, 2018 SCALE 1" = 50'

THIS EXHIBIT 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. THE INTENT OF THIS EXHIBIT IS TO ILLUSTRATE THE LOCATION OF THE PROPOSED EASEMENTS AS SHOWN.