FILED
ALLEGHANY COUNTY
LIZABETH REEVES ROUPE
REGISTER OF DEEDS

FILED	Aug 24, 2010
AT	03:22:43 pm
BOOK	00338
START PAGE	0845
END PAGE	0848
INSTRUMENT #	04774

Prepared by and return to:
State Property Office
1321 Mail Service Center
Raleigh, NC 27699-1321
SPO File No. 003-ZJ
EEP No. 856
ALLEGHANY COUNTY

BK:00338 PG:0845

TEMPORARY CONSTRUCTION EASEMENT

This Agreement, made this 23 day of Aug 2010, between **Dewayne L. Roberts and wife Jennie S. Roberts** hereinafter designated as **Grantor**, and the **State of North Carolina**, acting by and through the **Ecosystem Enhancement Program (formerly known as the Wetlands Restoration Program)**, hereinafter designated **Grantee**, does hereby grant unto the **Grantee**, its successors, assigns, agents, contractors, subcontractors and employees the exclusive right to perform those certain construction activities necessary to perform a stream restoration, enhancement and/or wetlands restoration, enhancement or creation project, hereinafter designated **Project**, along with the to right of reasonable ingress and egress to the **Project** along Little Pine Creek and its tributaries in Alleghany County for the benefit of the **Grantor.**

Whereas on May 22, 2008 Grantor executed a permanent Conservation Easement to the State of North Carolina. on 1.17 acres of its property located at 970 Glade Creek Rd. Glade Creek Township, Alleghany County. Said Conservation Easement is recorded in Deed Book 00318 at Page 1405 and Map Book 0010 Page 30 in the Alleghany County Registry for a stream restoration project on tributaries to the Little Pine Creek. This Temporary Construction Easement is to allow for haul roads and stockpiling/spoil areas on portions of said property (PIN# 4011504288) outside of permanent Conservation Easement Areas, as shown on the attached Exhibit map A.

Grantor, for the true and actual consideration of **$800.00** does convey to **Grantee**, its successors and assigns, a **Temporary Construction Easement**, hereinafter **Easement**, for a specified work area on the property identified as PIN# 4011504288 in Alleghany County Tax Office and recorded in Deed Book 213 Page 473 recorded in the Alleghany County Registry.

Said **Easement** shall include spoil/stockpiling areas and haul roads of approximately 15 feet in width, including the limits of disturbance for construction related activities, except where existing buildings or protected trees lie. In these areas the widths will be mutually agreed upon for said **Project**. The haul road shown on the attached exhibit map A will access the property from Glade Creek School Road.

Haul Road :

Haul Road shall extend around the boundary of Conservation Area and continue as shown on the attached exhibit map A, incorporated hereinto.

Grantee agrees that construction entrance and culverted construction crossing along tributary and construction entrance will not be removed following construction.

Grantor agrees the consideration recited herein is just compensation for the Easement, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property and said Project.

The Grantor also grants to the Grantee, its successors, assigns, agents, contractors, and employees the right to erect and use construction equipment at the site of the Easement herein described.

IT IS UNDERSTOOD that the Easement rights herein granted shall automatically terminate 35 months from the date rendered hereof or upon completion of the above referenced Project, whichever is sooner.

The Grantee, its successors, and assigns agree to the following conditions of this Easement:

1. The Grantee shall exercise care to avoid damaging the property in any manner not consistent with the purpose for which this agreement is issued.

2. The Grantee shall at all times cooperate with Grantor and comply with reasonable requests not inconsistent with the purpose for which this agreement is issued.

3. The Grantee if necessary shall perform felling, bucking, and decking of merchantable timber according to acceptable logging practices with a minimum of breakage, damage, and waste. Utilization of heavy equipment to grade, fill, and prepare the soil, including modification of the hydrology of the site.

4. The Grantee, at a minimum, shall spread material uniformly over the construction site for uniform topography and seed with grass. Top soils will be mechanically tilled, including below any apparent tire ruts, throughout the entire Limits of Disturbance area where permanent seed mix is to be established.

5. Grantee futher agrees such material may include the planting of trees, shrubs and herbaceous vegetation. Grantee shall fertilize all areas. Upon completion of the Project, Grantee shall clean all the ground occupied of all rubbish, excess material, temporary structures, and equipment.

6. Grantee agrees that permanent seed mix will be a "hay mix" of annual rye or wheat grass mixed with orchard timothy and clover.

7. Grantee agrees that any disturbed soils will be top-dressed to enrich permanent seeding soils in necessary.

8. Grantee shall leave all parts of the Project site in acceptable condition.

IN TESTIMONY WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written,

Dewayne L. Roberts (SEAL)
Dewayne L. Roberts

Jennie S. Roberts (SEAL)
Jennie S. Roberts

NORTH CAROLINA

COUNTY OF Alleghany

I, Jane E. Murray, a Notary Public in and for the County and State aforesaid, do hereby certify that Dewayne J. Roberts and Jennie S. Roberts Grantors, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal this

the 23 day of August, ~~200~~ 2010.

My commission expires:

09-02-2011

Jane E. Murray
Notary Public

JANE E. MURRAY
Notary Public
Alleghany County, NC

Exhibit Map A

BK:00338 PG:0848

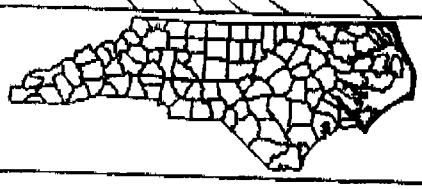
This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations

DEWAYNE L. & JENNIE ROBERTS
PIN 40.1150-42-68
DB 218, PG 441

GRAPHIC SCALE

100 0 50 100

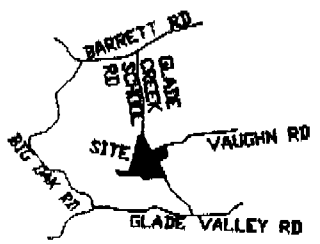
(IN FEET)
1 inch = 100 ft.



Ecosystem Enhancement Program

North Carolina - Ecosystem Enhancement Program

Little Pine Creek Restoration Site
Alleghany County, North Carolina
SCO #070708801



SPO # 003-2J EEP site# 856

ROBERTS PROPERTY
TEMPORARY CONSTRUCTION EXHIBIT

DATE: SEPTEMBER 24, 2006

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