19-028.010 TCE

FILED
CHATHAM COUNTY
REBA G. THOMAS
REGISTER OF DEEDS

FILED Sep 04, 2007
AT 01:15:09 pm
BOOK 01358
START PAGE 0770
END PAGE 0774
INSTRUMENT # 11719

BOOK 1358 PAGE 770

STATE OF NORTH CAROLINA
CHATHAM COUNTY
SPO File Number: 019-AM
Prepared by: Office of the Attorney General
Property Control Section
Return to: Blane Rice, State Property Office
1321 Mail Service Center
Raleigh, NC 27699-1321

TEMPORARY CONSTRUCTION EASEMENT

This Agreement, made this 4th day of September 2007, between **James R. Weaver** hereinafter designated as **Grantor,** and the **State of North Carolina**, acting by and through the **Ecosystem Enhancement 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 **UT to Bear Creek** in Chatham County for the benefit of the **Grantor.**

James R. Weaver Grantor, for the true and actual consideration of **$600** does convey to **Grantee**, by and through its **Department of Environment and Natural Resources, Ecosystem Enhancement Program**, its successors and assigns, a Temporary Construction Easement, hereinafter **Easement,** for a specified work area on the property as identified on attached exhibit "A". Property subject to this Easement is recorded in Deed Book 876 at Page 893 recorded in the Chatham County Registry. Said project will have a width of 30' feet from the top of bank on both sides of the stream and contain approximately 200' x200' for the purpose of said **Project**.

The fee indicated in this document is for the use of temporary land used for staging areas of construction equipment during construction of the easement area as further defined on survey recorded in Plat 2607 Book 325 of the Chatham County Registry.

Legal Description for Temporary Construction Easement – See Exhibit A

Further stated any areas of the Property damaged as a result of the Grantee's activities during the Construction period will be restored, at the expense of the Grantee, as near possible to the condition that existed prior to such damage.

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 2 years from the date rendered hereof or upon completion of the above referenced **Project**, whichever is sooner.

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

1. **DAMAGE TO PROPERTY:** Shall exercise care to avoid damaging the property in any manner not consistent with the purpose for which this agreement is issued.

2. **COOPERATION WITH GRANTOR**: Shall at all times cooperate with **Grantor** and comply with reasonable requests not inconsistent with the purpose for which this agreement is issued.

3. **CLEARING:** 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 prepares the soil, including modification of the hydrology of the site.

4. **CLEANUP:** At a minimum, Grantee shall spread material uniformly over the construction site for uniform topography and seed with grass. Includes possible planting of trees, shrubs and herbaceous vegetation, and fertilize all areas. Upon completion of the **Project**, shall clean all the ground occupied of all rubbish, excess material, temporary structures, and equipment.

5. **ACCEPTANCE:** All parts of the **Project** site shall be left in acceptable condition.

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

James R. Weaver (SEAL)

NORTH CAROLINA

COUNTY OF Wake

I, James R. Rogers III, a Notary Public in and for the County and State aforesaid, do hereby certify that James R. Williams, Grantor, 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 4th day of September, 2007.

James R. Rogers III
Notary Public

JAMES R. ROGERS, III
NOTARY PUBLIC
WAKE COUNTY, N.C.

My commission expires:

10-2-2007

Temporary Construction Easement Exhibit A

Temporary access and stockpile areas to be granted.

Temporary Access Easement #1.
An easement 30' in width and centered 15' each side of the following described line: Beginning at a computed point on the public right-of-way of NC Highway 902, said point is N 69°13'28" E 1354.22' from Geodetic Monument "H-2" in the southwest corner of NC Highway 902 and Bear Creek Church Road, running thence across the property of James R. Weaver along a curve to the left with a radius of 37.02', arc length of 58.15', chord bearing of S 73°25'01" E, and a chord distance of 52.35' to a computed point; thence N 61°34'59" E 76.42' to a computed point; thence N 76°34'03" E 412.80' to a point; thence a curve to the left with a radius of 264.46', a arc length of 152.37, a chord bearing of N 60°03'44" E, and chord distance of 150.27' to a computed point which is the end of the center of the 30' easement and the beginning of Temporary Stockpile Easement #1.

Temporary Stockpile Easement #1.
A 200.00' x 200.00' stockpile easement beginning at the end of Temporary Access Easement #1 running thence N 42°33'59" W 61.65' to a computed point; thence N 47°26'01" E 200.00' to a computed point; thence S 42°33'59" E 200.00' to a computed point; thence S 47°26'01" W 200.00' to a computed point; thence N 42°33'59" W 138.35' to the point and place of beginning.

Temporary Access Easement #2.
An easement 30' in width and centered 15' each side of the following described line: Beginning at a computed point on the public right-of-way of NC Highway 902, said point is N 50°35'19" E 5613.98' from Geodetic Monument "H-2" in the southwest corner of NC Highway 902 and Bear Creek Church Road, running thence across the property of James R. Weaver along a curve to the right with a radius of 60.00', arc length of 47.92', chord bearing of S 07°45'46" E, and a chord distance of 46.66' to a computed point; thence S 15°07'05" W 69.93' to a computed point; thence along a curve to the left with a radius of 75.00', arc length of 69.71', chord bearing of S 11°30'35" E, and a chord distance of 67.23' to a computed point; thence S 38°08'14" E 72.11' to a point; thence a curve to the right with a radius of 850.00', a arc length of 226.55', a chord bearing of S 30°30'06" E, and chord distance of 225.88' to a computed point; thence S 22°51'59" E 75.72' to a point; thence a curve to the right with a radius of 150.00', a arc length of 37.68', a chord bearing of S 15°40'10" E, and chord distance of 37.58' to a computed point; thence S 08°28'21" E 71.04' to a point; thence a curve to the left with a radius of 500.00', a arc length of 32.15', a chord bearing of S 10°18'53" E, and chord distance of 32.15' to a computed point; thence S 12°09'25" E 34.19' to a point; thence a curve to the right with a radius of 1300.00', a arc length of 271.07', a chord bearing of S 06°11'00" E, and chord distance of 270.58' to a computed point; thence S 00°12'35" E 185.29' to a point; thence a curve to the left with a radius of 485.58', a arc length of 296.05', a chord bearing of S 17°40'33" E, and chord distance of 291.49' to a computed point; thence a

curve to the left with a radius of 100.00', a arc length of 36.56', a chord bearing of S 45°36'58" E, and chord distance of 36.36' to a computed point; thence S 56°05'25" E 95.98 to a computed point which is the end of the center of the 30' easement and the beginning of Temporary Stockpile Easement #2.

Temporary Stockpile Easement #2.
A 200.00' x 200.00' stockpile easement beginning at the end of Temporary Access Easement #2 running thence N 07°19'12" E 6.71' to a computed point; thence S 82°40'48" E 200.00' to a computed point; thence S 07°19'12" W 200.00' to a computed point; thence N 82°40'48" W 200.00'; thence N 07°19'12" E 193.29' to the point and place of beginning.