Doc ID: 010636500003 Type: CRP
Recorded: 04/26/2011 at 08:27:57 AM
Fee Amt: $20.00 Page 1 of 3
Alamance, NC
HUGH WEBSTER REGISTER OF DEEDS
BK 3004 PG 845-847

Prepared by and return to:
State Property Office
1321 Mail Service Center
Raleigh, NC 27699-1321
SPO File No. 001-AAAG, 01-017.028
EEP # 92372
ALAMANCE COUNTY

TEMPORARY CONSTRUCTION EASEMENT (TCE)
Extension and Amendment of TCE recorded in Deed Book 2812 Page 926, Alamance County Registry

This Agreement, made this 5 day of April 2011, between The City of Burlington, a municipal corporation, 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 right of reasonable ingress and egress to the **Project** along Little Alamance Creek in Alamance County for the benefit of the **Grantor.**

Grantor, for the true and actual consideration of Ten Dollars and other valuable consideration does convey to **Grantee**, its successors and assigns:

1) An extension of the time period of the **Temporary Construction Easement**, hereinafter **Easement,** for specified work areas on City-owned properties as noted in the original Temporary Construction Easement recorded in Deed Book 2812 Page 926 Alamance County Registry which are incorporated and attached hereto as "**Exhibit A** "
2) An amendment of the Easement to convey a temporary construction easement to the Grantee for additional work areas totaling 4 +/- acres surrounding the permanent Conservation Easement Area for 7.06 Acres +/- conveyed to the Grantee from the Grantor pursuant to the conservation Easement recorded in Deed Book 2795 Page 535, Alamance County as shown on the attached drawings attached hereto as **"Exhibit B"** and incorporated herein which show the "limits of disturbance" during construction .

3/20

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 gives the **Grantee**, its successors, assigns, agents, contractors, and employees the right to erect and use construction equipment in the **Easement** area herein described for the purpose of construction and completion of a stream restoration project along Little Alamance Creek, Burlington, Alamance County.

IT IS UNDERSTOOD that the **Easement** rights herein granted shall automatically terminate 35 months from the date this document is recorded or upon completion of the above referenced **Project**, *whichever occurs first*, and the additional work areas shown on "Exhibit B" are subject to all terms, provisions, and conditions of the Temporary Construction Easement Agreement executed May 7, 2009 in DB 2812 PG 926, Alamance County, and shall be binding on all parties.

This Extension and Amendment Agreement for a Temporary Construction Easement is hereby incorporated and made a part of the aforesaid documents recorded in Deed Book 2812 Page 926 Alamance County Registry.

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

Grantor- City of Burlington

By:

Mayor/ Name(print): Ronnie Wall, Mayor

CITY OF BURLINGTON, N.C.
SEAL
(SEAL)

Attested by:

Clerk/Name (print): Jondeen D. Terry, City Clerk

NORTH CAROLINA
COUNTY OF Alamance

I, Renee M. Ward, a Notary Public in and for the County and State aforesaid, do hereby certify that Jordeen Terry personally appeared before me this day and acknowledged that he/she is City Clerk of the City of Burlington, and as an act of the City of Burlington the foregoing instrument was signed in its name by its Mayor, seal with its official seal, and attested by him/herself as its City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal this the 5 day of April, 2011.

Renee M. Ward
Notary Public

RENEE M. WARD
NOTARY
PUBLIC
ALAMANCE COUNTY, N.C.

My commission expires:
5-30-2015