5

143042

RECORDING FEE $ 26.00

* A. Susan Biggers

Prepared by and return to:
Tripp Steinbock
State Property Office
1321 Mail Service Center
Raleigh, NC 27699-1321
SPO File No. 023-L
EEP Site No. 94609
CLEVELAND COUNTY

Filed in CLEVELAND County, NC
on Dec 22 2010, at 02:33:28 PM
by BONNIE E. REECE
REGISTER OF DEEDS
Book 1608 Page 1523

TEMPORARY CONSTRUCTION EASEMENT

This Agreement, made this 1st day of December 2010, between **Arthur Robert Holland, III and wife Denna Holland, ("Grantor"),** 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 right of reasonable ingress and egress to the **Project** along the First Broad River Wetlands in Cleveland County for the benefit of the **Grantor.**

Whereas Grantor conveyed by **General Warranty Deed** to the State of North Carolina on **12.81 acres** located adjacent to Jackson White Road, Cleveland County as recorded in **Deed Book** 1608 **at Page** 1516 and **Plat Book 034, Page 095** in the Cleveland County Registry for a wetland preservation and enhancement project on the First Broad River Wetlands. This Temporary Construction Easement is to allow for stockpiling/spoil areas and limits of disturbance on portions of said property (Tax Parcel Number 33541) outside of the **12.81 acres** as shown on the attached exhibit map.

Grantor, for the true and actual consideration of Ten Dollars and other valuable consideration **$600.00** does convey to **Grantee**, its successors and assigns, a **Temporary Construction Easement**, hereinafter **Easement,** for a specified work area on the property identified as Tax Parcel Number 33541, Cleveland County Tax Office and recorded in Deed Book 1465 at Page 1949 recorded in the Cleveland County Registry.

Said **Easement** shall include 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. **Please see attached Exhibit A.**

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. 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.

5. **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,

Arthur Robert Holland III **(SEAL)**
Arthur Robert Holland, III

Denna Holland **(SEAL)**
Denna Holland

NORTH CAROLINA

COUNTY OF Forsyth

I, Rebekah D. Harman, a Notary Public in and for the County and State aforesaid, do hereby certify that **Arthur Robert Holland, III,** 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 17th day of December, 2011.

Rebekah D. Harman
Notary Public

REBEKAH D. HARMAN NOTARY PUBLIC FORSYTH COUNTY, NC

My Commission expires:
[illegible]6, 2015

NORTH CAROLINA

COUNTY OF Forsyth

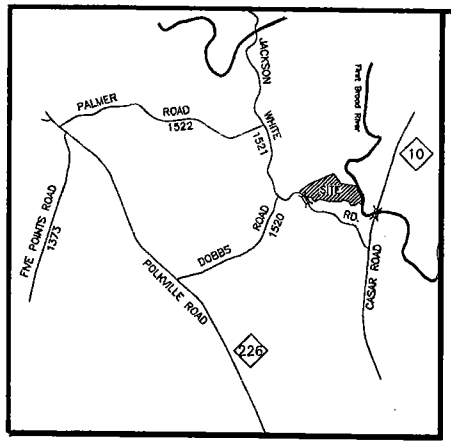
I, Rebekah D. Harman, a Notary Public in and for the County and State aforesaid, do hereby certify that **Denna Holland**, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal this the 17th day of December, 2011.

Rebekah D Harman
Notary Public

REBEKAH D. HARMAN NOTARY PUBLIC FORSYTH COUNTY, NC

My commission expires:
2015



Vicinity Map No Scale

I, D. Dobbins Lattimore, certify that this map was drawn under my supervision from an actual GPS survey made under my supervision and the following information was used to perform the survey:
(1) Class of survey: A
(2) Positional accuracy of Control Corners: 95% =0.10'
(3) Type of GPS field procedure: Static
(4) Dates of survey: 8 September 2010
(5) Datum/Epoch: NAD/2007 NAVD 88
(6) Published/Fixed-control use:
NCSH=566730.470,1256636.830,971.800
Cleveland Sanitary Monument CC 50
626879.834,1209130.100,934.160
(7) Geoid model: 2003
(8) Combined grid factor(s):0.99983340
(9) Units: U. S. Survey Foot

We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this division of land for the Ecosystem Enhancement Program.

Arthur Holland 2010-10-01
Owner Date

Donna Holland 2010-10-1
Owner Date

BK 34 Pg 95

RECORDING FEE $ 21.00

Filed in CLEVELAND County,NC
on Oct 01 2010 at 02:31:06 PM
by BONNIE E. REECE
REGISTER OF DEEDS
Book 34 Page 95

Grid North
NAD 83(2007)
C.G.F. 0.99983340

I, D. Dobbins Lattimore certify one of the following as marked:

☐ a. that the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;

☐ b. that the survey is located in such portion of a county or a municipality that is unregulated as to an ordinance that regulates parcels of land;

☐ c. that the survey is of an existing parcel or parcels of land;

☒ d. that the survey is of another category such as the recombination of existing parcels, a court ordered survey, or other exception to the definition of a subdivision;

☐ e. that the information available is such that I am unable to make a determination to the best of my professional ability as to provisions contained in (a) through (d) above.

Certificate of Survey and Accuracy

I, D. Dobbins Lattimore, certify that this plat was drawn under my supervision from an actual survey made under my supervision deed description recorded in Book 1465 Page 1949; that the boundaries not surveyed are clearly indicated as drawn from information found in Book ____, page ____ ; that the ratio of precision as calculated is 1 :12,000; that this plat was prepared in accordance with G.S.47-30 as amended. Witness my original signature,registration number and seal this 30th day of September A.D., 2010.

License Number L-3336 Surveyor

NORTH CAROLINA PROFESSIONAL SEAL L-3336 LAND SURVEYOR D. DOBBINS LATTIMORE

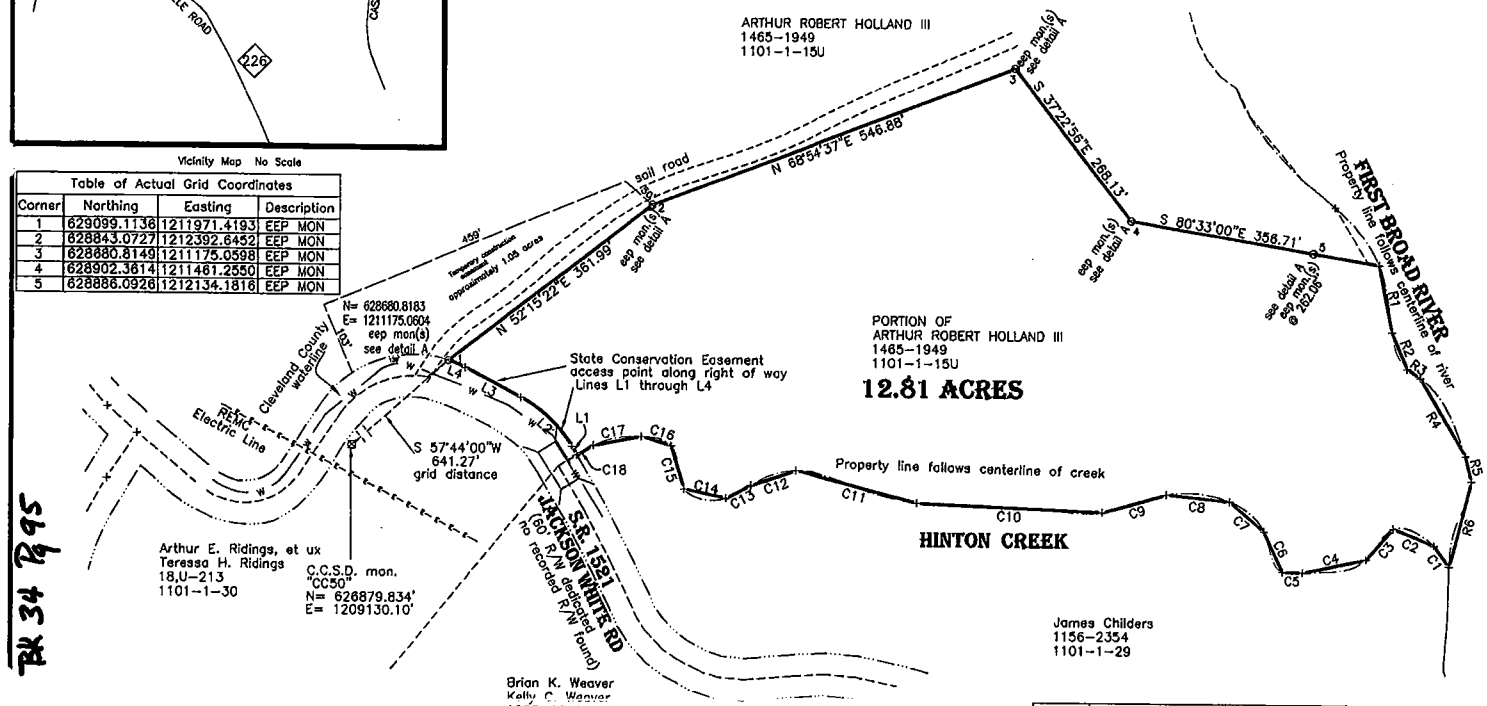
NORTH CAROLINA LATTIMORE AND PEELER SURVEYING F-0462 LICENSED LAND SURVEYING FIRM

State of North Carolina
County of Cleveland

I, Pam McCurry Review Officer of Cleveland County certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Pam McCurry 10-01-2010
Review Officer Date

Book 1008 Page 1527



BK 34 Pg 95

Corner	Northing	Easting	Description
1	629099.1136	1211971.4193	EEP MON
2	628843.0727	1212392.6452	EEP MON
3	628680.8149	1211175.0598	EEP MON
4	628902.3614	1211461.2550	EEP MON
5	628886.0926	1212134.1816	EEP MON

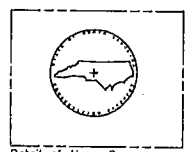
Table of Actual Grid Coordinates

Course	Bearing	Distance
L1	N 30°29'47" W	14.11'
L3	N 62°26'20" W	89.12'

Curve	Radius	Length	Chord	Chord Bear.
L2	176.35'	99.43'	98.15'	N 46°28'03" W
L4	156.74'	26.10'	26.07'	N 67°12'32" W

Course	Bearing	Distance
R1	S 11°00'27" E	96.11'
R2	S 22°01'28" E	55.65'
R3	S 55°35'37" E	22.45'
R4	S 29°57'01" E	125.52'
R5	S 14°22'25" E	36.35'
R6	S 14°33'56" W	124.17'

Course	Bearing	Distance
C1	N 34°31'51" W	35.62'
C2	N 67°32'00" W	61.35'
C3	S 40°36'00" W	57.88'
C4	S 77°52'48" W	92.19'
C5	N 88°26'08" W	29.59'
C6	N 24°43'44" W	62.64'
C7	N 49°13'21" W	63.16'
C8	N 84°08'02" W	89.81'
C9	S 74°09'10" W	94.17'
C10	N 87°41'33" W	260.10'
C11	N 75°38'47" W	177.68'
C12	S 71°30'58" W	67.53'
C13	S 61°29'33" W	38.57'
C14	N 78°00'42" W	59.90'
C15	N 17°08'31" W	62.62'
C16	N 72°31'56" W	43.46'
C17	S 79°10'22" W	69.62'
C18	S 58°43'05" W	26.82'



Detail of Alum. Cap
State of North Carolina
Conservation Easement

LEGEND

- SURVEYED BOUNDARY LINES
- LINES NOT SURVEYED
- RIGHT OF WAY LINE
- FENCE LINE
- ELECTRIC LINE
- BURIED ELECTRIC LINE
- WATER LINE
- GAS LINE
- SAN.SEWER LINE
- TELEPHONE LINE
- HYDRANT
- GAS METER
- WATER METER
- POWER POLE
- TELEPHONE BOX
- NEW IRON PIN (NIP)
- EXISTING IRON PIN (EIP)
- UNMONUMENTED POINT
- MAG NAIL
- CONCRETE MONUMENT
- R.R. SPIKE SET
- R.R. SPIKE FOUND
- (f) = FOUND
- (s) = SET
- STONE
- TREE
- WELL

NOTES
1. NO TITLE SEARCH BY LATTIMORE AND PEELER SURVEYING.
2. PROPERTY SHOWN SUBJECT TO EASEMENTS OF RECORD.
3. UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED.
4. NO FEATURES LOCATED OTHER THAN THOSE SHOWN.
5. NC DOT R/W'S ARE APPROXIMATE UNLESS OTHERWISE NOTED.
6. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
7. COPYRIGHT © 2010 , LATTIMORE AND PEELER SURVEYING. ALL RIGHTS RESERVED. REPRODUCTION OR USE OF THE CONTENTS OF THIS DOCUMENT, OR ADDITIONS OR DELETIONS TO THIS DOCUMENT, IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT OF THE LAND SURVEYOR, IS PROHIBITED.
8. IF THIS MAP DOES NOT HAVE AN ORIGINAL SIGNATURE IS NOT VALID.
9. THIS MAP IS FOR THE EXCLUSIVE USE OF THE ORIGINAL PURCHASER OF THIS SURVEY AND IS NOT TRANSFERABLE TO SUBSEQUENT OWNERS OR ADDITIONAL INSTITUTIONS.

LATTIMORE AND PEELER SURVEYING
105 London Road
Lawndale, North Carolina 28090
Phone: (704)538-3443, Fax (704)538-9907

120 0 120 240 360
GRAPHIC SCALE - 1" = 120'

Owner: Arther Robert Holland, III
Address: 160 Crossfield Ct.
Lexington, N.C. 27295
Deed Ref: 1465-1949
Tax Map Ref: 1101-1-15U
Township:
County: Cleveland
State: North Carolina
Plat Prepared: September 22, 2010
Scale 1"= 120'

Final Plat for the Ecosystem Enhancement Program

BOUNDARY SURVEY ON FIRST BROAD RIVER WETLANDS
ARTHUR ROBERT HOLLAND III PROPERTY

SPO FILE NUMBER: 023-L
EEP SITE ID NUMBER: 94609
NAME OF PROJECT: First Broad River Wetlands

Drawing File: 11011131hollandA
Coord. File: 1100131EEP

DRAWING # 10-121B