

SECONDARY ROAD RIGHT OF WAY AGREEMENT

THIS INSTRUMENT DRAWN BY: Wm. Dale Davis CHECKED BY: _____

RETURN TO: NC Department of Transportation
1594 E. Main Street
Sylva, NC 28779

NORTH CAROLINA
COUNTY OF Transylvania
TOWNSHIP OF Brevard
PIN 8585-98-1043

PARCEL No.: 088SR1543 001
WBS ELEMENT: 14C.088023
SECONDARY ROAD No.: SR 1543 Elm Bend Road

Transylvania Board of Education
225 Rosenwald Lane
Brevard, N.C. 28712

the undersigned owners of that certain property described in Deed Book 215 Page 430 in the Register of Deeds Office of Transylvania County, and bounded by 215/432, 215/434, 215/436, 215/436, 215/238

recognizing the benefits to said property by reason of the construction of the proposed highway development, and in consideration of the construction of said project, hereby grants to the North Carolina Department of Transportation the right of way as herein described and releases the Department from all claims for damages by reason of said right of way across the lands of the undersigned, and of the past and future use thereof by the Department, its successors and assigns, for all purposes for which the Department is authorized by law to subject such right of way; said right of way being the width indicated and across said property as follows:

60 feet in width measured 30 feet on each side of the centerline of the road, said centerline to be located by the Department and the construction or improvement of said road shall constitute the selection of said centerline; and such additional widths as might be necessary to provide for cut and fill slopes, sedimentation control and drainage of road.

It is understood and agreed that the 60 foot right of way hereinabove referred to has been staked upon the ground and the centerline of the road is located in the center of the right of way stakes. The undersigned property owners further agree not to erect any structures, including masonry mailboxes, masonry driveway headwalls, any fencing, etc. or engage in cultivation within the right of way granted herein except as approved by the North Carolina Department of Transportation pursuant to G.S. 136-93 and NC Administrative Code 19A NCAE 02E.0404.

It is further understood and agreed that should circumstances, conditions, or actions by the North Carolina Department of Transportation delay or delete the proposed improvement of said road, that the right of way granted herein shall remain until such time as released by the North Carolina Department of Transportation.

There are no conditions to this agreement not expressed herein. The undersigned hereby covenant and warrant that they are the sole owners of said property; that they solely have the right to grant this right of way, and that they will forever warrant and defend the title to the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals this the _____ day of _____, 2012 .

_____ (SEAL) _____ (SEAL)

_____ (SEAL) _____ (SEAL)

(Stamp/Seal)	STATE OF _____ COUNTY OF _____
	I, _____ a Notary Public for said County and State, so hereby certify that _____
	GRANTORS, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this the _____ day of _____, 20 ____ .
	My commission expires _____ Notary Public

(Stamp/Seal)	STATE OF <u>NORTH CAROLINA</u> COUNTY OF <u>TRANSYLVANIA</u>
	I, _____ a Notary Public for said County and State, do hereby certify that _____ personally appeared before me this day and acknowledged that he/she is Secretary of the <u>Transylvania</u> County Board of Education, and that by the authority duly given, the foregoing instrument was signed in its name by its Chairman of the <u>Transylvania</u> County Board of Education, sealed with its corporate seal, and attested by _____ as its Secretary.
	Witness my hand and official stamp or seal, this the _____ day of _____, 20 ____ .
	My commission expires _____ Notary Public

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered on the _____ day of _____, 20 _____, in Book _____, Page _____ at _____ o'clock _____ M.

_____ REGISTER OF DEEDS FOR _____ COUNTY

BY: _____ Deputy/Assistant - Register of Deeds