

EXCISE TAX: \$ 0.00

INSTRUMENT PREPARED BY: TOWN OF CARY ATTORNEY'S OFFICE, WITHOUT TITLE EXAMINATION
BRIEF DESCRIPTION FOR INDEX: BM 1987, P 1904

STATE OF NORTH CAROLINA

SPECIAL WARRANTY DEED

COUNTY OF WAKE

THIS SPECIAL WARRANTY DEED is made by the TOWN OF CARY, a municipal corporation of the State of North Carolina ("Grantor"), to the TOWN OF APEX, a municipal corporation of the State of North Carolina ("Grantee"). The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include the singular, plural, masculine, feminine, or neuter as required by context.

WITNESSETH:

WHEREAS, Grantor is the owner of a lot or parcel of land located in Wake County, North Carolina and more particularly described in Deed Book 17113 at Page 1585, Wake County Registry, Wake County PIN 0722585884 ("Property");

WHEREAS, Property is adjacent to a 75.00-acre parcel of property that is co-owned by the Grantor and Grantee and on which is located the Cary/Apex Water Treatment Plant ("Plant Property");

WHEREAS, Grantor purchased Property with the intent of combining it with Plant Property to support the operation of the plant;

WHEREAS, Grantor seeks to convey a partial interest in Property to Grantee so that, when Property is recombined with Plant Parcel, the ownership of the resulting parcel is consistent.

FEE SIMPLE CONVEYANCE

THE GRANTOR HEREBY GRANTS, SELLS AND CONVEYS unto Grantee, in fee simple, a twenty-three percent (23%) interest in that certain lot or parcel of land situated in Wake County, NC, described as follows:

Lying and being situated in the Town of Apex, Wake County, North Carolina, and being described as follows:

Those certain parcels, each containing 2.0 acres (total of 4.0 acres), as shown on a maps recorded in Book of Maps 1987, Page 1904, Wake County Registry.

TO HAVE AND TO HOLD the aforesaid parcel of land and all privileges and appurtenances thereunto belonging to Grantee, in fee simple. And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and that Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions:

All enforceable easements, conditions, restrictions, and other matters of record.

The interest herein conveyed does not include Grantor's primary residence.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal, or if corporate, have caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its governing board, on the day and year below written.

Town of Cary

Russ Overton, Deputy Town Manager

Date: _____

Attest: _____
Virginia H. Johnson, Town Clerk

State of North Carolina, County of Wake

I, the undersigned Notary Public of the County and State aforesaid, certify that Virginia H. Johnson personally appeared before me this day and acknowledged that she is the Town Clerk of the Town of Cary, a North Carolina municipal corporation, and that by authority duly given as the act of said Town of Cary, the foregoing instrument was signed in its name by its Deputy Town Manager, sealed with its official seal, and attested by herself as its Town Clerk.

Witness my hand and notarial stamp or seal this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public