

ASSUMPTION OF AGREEMENT County of Wake RR Milepost DD.19.85

This Assumption of Agreement (" Agreement"), made and entered into this _____ day of January 2020, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina ("Licensor") and Town of Apex, hereinafter referred to as Licensee, WITNESSETH:

WHEREAS, by an original Encroachment Agreement dated October 9, 2017 between the Licensor and JS Development Company, the Licensor allowed for construction, maintenance and use of a 8-inch(8") ductile iron pipe (DIP) carrier in 16 inch (16") steel casing pipe and

WHEREAS, Licensee desires to assume the Encroachment Agreement from JS Development, and

WHEREAS, Licensee has requested and Licensor has granted approval to allow the Lessee to assume the aforementioned Encroachment Agreement, and

WHEREAS, the Parties desire to amend the Encroachment Agreement as herein set forth;

Now therefore, in consideration of the Licensor's approval to allow Licensee to assume the Encroachment across Licensor's property, it is mutually agreed that effective January _____, 2020, The Town of Apex is the Licensee of record for said Agreement.

In Witness Whereof, the parties hereto have executed this Assumption of Agreement in duplicate the day and year first above written.

Town of Apex

Attest:

By: _____

TITLE _____

Department of Transportation

By: _____
Julie White
Deputy Secretary of Multi Modal Transportation

Attest

(SEAL)

**Processing Agent and
Custodian of the Seal of the Department of
Transportation**