

Revenue Stamps \$ -0-

# DEED FOR HIGHWAY RIGHT OF WAY

THIS INSTRUMENT DRAWN BY Brian Rogers CHECKED BY Lynne Harder

The hereinafter described property  Does  Does not include the primary residence of the Grantor

RETURN TO: Division R/W Agent, NCDOT  
Brian Rogers  
815 Stadium Drive  
Durham, NC 27707

NORTH CAROLINA  
COUNTY OF WAKE  
TAX PARCEL 0742714974

TIP/PARCEL NUMBER: SM-57050 003  
WBS ELEMENT: 48266.2.1  
ROUTE: \_\_\_\_\_

THIS FEE SIMPLE DEED, made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
by and between Town of Apex  
P.O. Box 250  
Apex, NC 27502-0250

hereinafter referred to as GRANTORS, and the Department of Transportation, an agency of the State of North Carolina, 1546 Mail Service Center, Raleigh, NC 27611, hereinafter referred to as the Department;

### WITNESSETH

That the GRANTORS, for themselves, their heirs, successors, and assigns, for and in consideration of the sum of \$ 1.00 agreed to be paid by the DEPARTMENT to the GRANTORS, do hereby give, grant and convey unto the DEPARTMENT, its successors and assigns, in FEE SIMPLE that certain property located in White Oak Township, Wake County, North

ROW Right  
Point of beginning being S 57°47'16.2" E, 32.229 feet from -L- Sta 14+00 thence along a curve 125.932 feet and having a radius of 2849.383 feet. The chord of said curve being on a bearing of S 11°54'30.5" E, a distance of 125.922 feet thence to a point on a bearing of N 5°44'29.3" W 72.871 feet thence along a curve 58.835 feet and having a radius of 3680.000 feet. The chord of said curve being on a bearing of N 12°31'46.1" W, a distance of 58.835 feet thence to a point on a bearing of N 12°59'15.0" W 48.707 feet thence to a point on a bearing of N 34°58'43.8" E 33.040 feet thence to a point on a bearing of S 83°23'18.4" W 13.371 feet thence to a point on a bearing of S 34°58'43.8" W 25.232 feet thence to a point on a bearing of S 13°10'28.6" E 60.642 feet returning to the point and place of beginning. Having an area of 1347.596 Sqr feet being 0.031 acres.

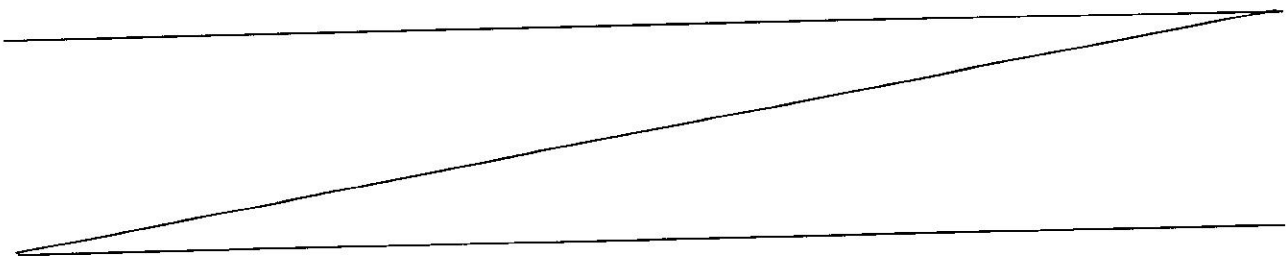
IN ADDITION, and for the aforesated consideration, the GRANTORS further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests:

TCE Right  
Point of beginning being S 72°31'20.1" E, 34.805 feet from -L- Sta 14+00 thence along a curve 58.835 feet and having a radius of 3680.000 feet. The chord of said curve being on a bearing of S 12°31'46.1" E, a distance of 58.835 feet thence to a point on a bearing of S 5°44'29.3" E 72.871 feet thence to a point on a bearing of S 71°43'4.1" E 8.890 feet thence to a point on a bearing of N 0°3'13.0" W 78.643 feet thence to a point on a bearing of N 9°1'27.6" W 130.229 feet thence to a point on a bearing of S 34°58'43.8" W 33.040 feet thence to a point on a bearing of S 12°59'15.0" E 48.707 feet returning to the point and place of beginning. Having an area of 3251.076 Sqr feet being 0.075 acres.

It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above described area(s) until such time that the property owners alter the adjacent lands in such a manner that the lateral support of the cut and/or fill slopes are no longer needed. Any additional construction areas lying beyond the beyond the right of way limits and beyond any permanent easement areas will terminate upon completion of the project. The underlying fee owner shall have the right to continue to use the Temporary Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.

SPECIAL PROVISIONS. This deed is subject to the following provisions only:

**The undersigned property owners request that the Department enter upon our lands outside the right of way to the extent necessary for the reconnection of our driveway and we will have no further claim as a result of said reconnection.**



The property hereinabove described was acquired by the GRANTORS by instrument(s) recorded in the WAKE County Registry in Deed Book 9554 Page 589.

The final right of way plans showing the above described right of way are to be certified and recorded in the Office of the Register of Deeds for said County pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description and for greater certainty.

The Grantors acknowledge that the project plans for Project # 48266.2.1 have been made available to them. The Grantors further acknowledge that the consideration stated herein is full and just compensation pursuant to Article 9, Chapter 136 of the North Carolina General Statutes for the acquisition of the said interests and areas by the Department of Transportation and for any and all damages to the value of their remaining property; for any and all claims for interest and costs; for any and all damages caused by the acquisition for the construction of Department of Transportation Project # 48266.2.1, WAKE County, and for the past and future use of said areas by the Department of Transportation, its successors and assigns for all purposes for which the said Department is authorized by law to subject the same.

TO HAVE AND TO HOLD the aforesaid premises and all privileges and appurtenances thereunto belonging to the DEPARTMENT, its successors and assigns in FEE SIMPLE, or by easement as indicated, for the past, present and future use thereof and for all purposes which the said Department is authorized by law to subject the same.

And the GRANTORS covenant with the DEPARTMENT, that the GRANTORS are seized of the premises in fee simple, have the right to convey the same in fee simple, or by easement as indicated, that the title thereto is marketable and free and clear of all encumbrances, and that the GRANTORS will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is hereby conveyed subject to the following exceptions: Restrictive covenants and easements of record, government regulations, and the lien of property taxes for the current year.

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands and seals (or if corporate, has caused the instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors) the day and year first above written.

This instrument does not transfer the herein described interests unless and until this document is accepted by an authorized agent of the Department of Transportation.

COUNTY: WAKE WBS ELEMENT: 48266.2.1 TIP/PARCEL NO.: SM-57050 003

**Town of Apex**

(CORPORATE SEAL)

BY: \_\_\_\_\_  
Jacques Gilbert, Mayor of Town of Apex

ATTEST: \_\_\_\_\_

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: \_\_\_\_\_

(Official Seal)	North Carolina, _____ County
	I, _____, a Notary Public for _____ County, North Carolina, certify that _____ personally came before me this day and acknowledged that he/she is the CLERK of the TOWN OF _____, and that by authority duly given, the foregoing instrument was signed in its name by its MAYOR of the TOWN OF Apex, sealed with its corporate seal, and attested by _____ as its TOWN CLERK.
	Witness my hand and official seal this the _____ day of _____, 20 _____.
	_____ Notary Public  My commission expires:

(Official Seal)	North Carolina,
	I, _____, a Notary Public for _____ County, North Carolina, certify that _____ personally came before me this day and acknowledged that he is MAYOR of the TOWN OF <u>Apex</u> , and that by authority duly given, the foregoing instrument was signed in its name by its MAYOR, sealed with its corporate seal, and attested by _____ as its TOWN CLERK,
	Witness my hand and official seal this the _____ day of _____, 20 _____.
	_____ Notary Public  My commission expires: