

Prepared by and return to: Eugene B. Davis, Jr., P.C., Attorney, 1612 Military Cutoff Rd., Ste. 301,  
Wilmington, NC 28403 (without certification of title)

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

### EASEMENT TERMINATION AND RELOCATION AGREEMENT

This Easement Termination and Relocation Agreement (the "*Agreement*") is made and entered into as of the latest date on which it is signed by either party, by and between the **Town of Carolina Beach, a North Carolina Municipality** ("*Town*") and **Cori McQueen and husband, Daniel T. McQueen** ("*Homeowners*").

#### WITNESSETH:

Homeowners are the owners of certain Carolina Beach property (the "*Homeowners' Property*") conveyed to them by General Warranty Deed recorded July 30, 2010 in Deed Book 5500, Page 2884, New Hanover County Registry, said Homeowners Property being described therein as: "Lying and being in Federal Point Township and being Lots One (1) and Two (2), of Block 157, a survey of which is recorded in Deed Book 307, at Page 294 ½ of the New Hanover County Registry, reference to which is hereby made for a more complete description."

Town is the owner of a drainage and utilities easement (the "*Existing Easement*") over Homeowners' property and neighboring lots located in New Hanover County, North Carolina as granted by that Deed of Easement recorded November 22, 1995 in Deed Book 1955, Page 286, New Hanover County Registry, the location of which Existing Easement was described therein as: "**Being a strip of land thirty (30) feet in width along the rear boundary line and parallel with said boundary line of that (sic) lot being known and designated as Lots 1, 2, 5, and 6, Block 157, Town of Carolina Beach as shown on a map recorded in Map Book 307, Page 294 ½, in the Office of the Register of Deeds of New Hanover County, North Carolina, to which map reference is made for a more particular description.**"

An apparent mistake in the description of the Existing Easement in the referenced Deed of Easement places its existing location along the westernmost lot line of Homeowners' Property, whereas Town and Homeowners together recognize the intended and present location of said Existing Easement should have been and should be along the easternmost lot line of

Homeowners Property, as the easternmost lot lines runs along what formerly was designated 6<sup>th</sup> Avenue on the map recorded in Map Book 307, Page 294 ½, in the Office of the Register of Deeds of New Hanover County.

Homeowners have asked Town, and Town has agreed, to execute this Easement Termination and Relocation Agreement to clarify for the public record the proper and agreed-upon location of Town's easement. For ease of reference, a survey for Homeowners by Patrick C. Bristow, Land Surveying, PC of Wilmington, North Carolina dated March 30, 2015, a copy of which is attached hereto as Exhibit "A," identifies the location of the Existing Easement as per Deed Book 1955, Page 286 as well as the location along Homeowners' easternmost lot line of the utility easement actually intended and presently recognized by the Town. Homeowners have requested the Existing Easement as it crosses the Homeowners' Property be abandoned and a New Easement ("*New Easement*") created reflecting the proper location. Town and Homeowners agree the New Easement shall be described as: **"Being a strip of land thirty (30) feet in width along the easternmost boundary line and parallel with said boundary line of those lots being known and designated as Lots 1 and 2, Block 157, Town of Carolina Beach as shown on a map recorded in Map Book 307, Page 294 ½, in the Office of the Register of Deeds of New Hanover County, North Carolina, to which map reference is made for a more particular description."**

Homeowners desire to grant the New Easement to Town, and Town desires to abandon the Existing Easement and to recognize and accept in lieu therefor the New Easement.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties hereto, Town and Homeowners hereby agree as follows:

1. Termination of Existing Easement. Town hereby abandons and terminates the Existing Easement over the Homeowners' Property in the location described in that Deed of Easement recorded November 22, 1995 in Deed Book 1955, Page 286, New Hanover County Registry as it affects Lots 1 and 2, Block 157, Town of Carolina Beach.
2. Grant of New Easement. Homeowners hereby grant and convey to Town, its successors and assigns, the New Easement. Save for the change in location as discussed herein, the respective rights and responsibilities over the said New Easement shall be governed by the same Deed of Easement, recorded in Deed Book 1955, Page 286, New Hanover County Registry.
3. Modification. No agreement shall be effective to add to, change, modify, waive or discharge this Agreement, in whole or in part, unless such agreement is in writing and signed by both Homeowners and Town.
4. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina.

5. Partial Invalidity. If any provision of this Agreement is held to be invalid by any court, the invalidity of such provision shall not affect the validity of the remaining provisions hereof, and for the purposes hereof all covenants as contained herein shall be deemed to be severable each from the other without qualification.

IN WITNESS WHEREOF, Town and Homeowners have each caused this Easement Termination and Relocation Agreement to be executed by their duly authorized officers and/or individually as of the latest of the dates set forth in the notary acknowledgments below.

[Signatures on following two pages.]

**Signature Page (One of Two)**  
**(for Easement Termination and Relocation Agreement between Town of Carolina Beach, a North Carolina Municipality and Cori McQueen and husband, Daniel T. McQueen)**

**TOWN:**

**THE TOWN OF CAROLINA BEACH**

By: \_\_\_\_\_ (Seal)  
**LeAnn Pierce, Mayor**

ATTEST:

\_\_\_\_\_  
**Kim Ward, Town Clerk**

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**STATE OF NORTH CAROLINA**  
**COUNTY OF NEW HANOVER**

I, \_\_\_\_\_, the undersigned, a Notary Public of said County and State, do hereby certify **Kim Ward** personally appeared before me this day and acknowledged that she is the **Town Clerk of the Town of Carolina Beach**, and that by authority duly given, and as the act of the Town, the foregoing instrument was **signed in its name by its Mayor and attested by her as its Town Clerk**.

WITNESS my hand and official seal or stamp, this the \_\_\_\_ day of \_\_\_\_\_, 2021.

(Official Seal)

\_\_\_\_\_  
\_\_\_\_\_, Notary Public

(Print Name)

My commission expires: \_\_\_\_\_

**Signature Page (Two of Two)**

**(for Easement Termination and Relocation Agreement between Town of Carolina Beach, a North Carolina Municipality and Cori McQueen and husband, Daniel T. McQueen)**

**HOMEOWNERS:**

\_\_\_\_\_  
**Cori McQueen** (Seal)

\_\_\_\_\_  
**Daniel T. McQueen** (Seal)

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**STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER**

I, \_\_\_\_\_, the undersigned, a Notary Public of said County and State, do hereby certify **Cori McQueen** and **Daniel T. McQueen** personally appeared before me this day, each acknowledging to me that she and he signed the foregoing document.

Date: \_\_\_\_\_

*(Official Seal)*

\_\_\_\_\_  
\_\_\_\_\_, Notary Public

(Print Name)

My commission expires: \_\_\_\_\_

# Exhibit "A"

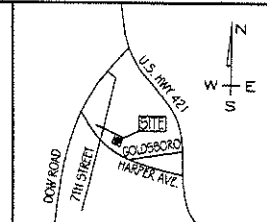
I, PATRICK C. BRISTOW, CERTIFY THAT THIS PROPERTY WAS SURVEYED AND MAP DRAWN UNDER MY SUPERVISION: DESCRIPTION AS SHOWN ON THE FACE OF THIS PLAT; RATIO OF PRECISION AS CALCULATED BY COMPUTER IS 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN BY BROKEN LINES PLOTTED FROM INFORMATION REFERENCED; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1604); WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 30TH DAY OF MARCH A.D. 2015.

*Patrick C. Bristow*

PATRICK C. BRISTOW  
N.C. PLS No. L-4148



NOTE: THIS LOT IS LOCATED  
IN ZONE X AS PER  
MAP # 3720313000 J  
COMMUNITY ID # 375347  
DATED: APRIL 3, 2006

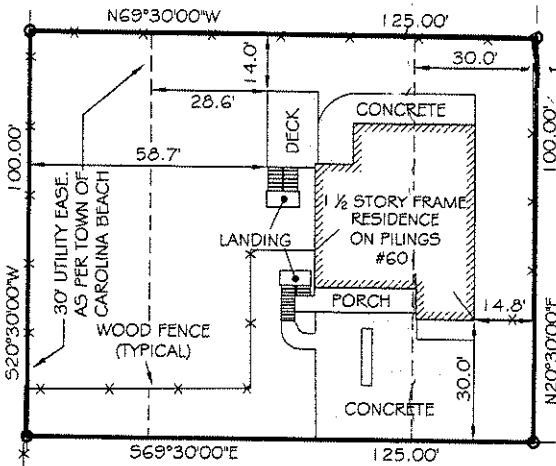


LOCATION MAP  
NOT TO SCALE

SURVEY REFERENCE  
MAP IN DEED BOOK 307 PAGE 394 1/2  
DEED BOOK 5500 PAGE 2884

SURVEYED LOT IS SUBJECT TO ALL  
UTILITY EASEMENTS, RESTRICTIONS  
OR COVENANTS OF RECORD.

N/F KINSEY  
DEED BOOK 5753 PAGE 2783



30' UTILITY EASE.  
AS PER DEED BOOK  
1955, PAGE 286

N/F CORL  
DEED BOOK 2559 PAGE 577

ROCKY MOUNT AVENUE

50' PUBLIC RW

TERMINUS OF  
RIGHT OF WAY

## SURVEY FOR CORI McQUEEN & DANIEL McQUEEN

LOTS 1 & 2 BLOCK 157 CAROLINA BEACH  
TOWN OF CAROLINA BEACH NEW HANOVER COUNTY, N.C.

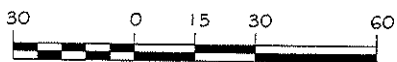
THIS MAP AND FIELD SURVEY WERE MADE FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATION HEREON. SAID CERTIFICATION DOES NOT EXTEND OR TRANSFER TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT AN EXPRESSED RE-CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS, OR ENTITY.

REVISED: 5-07-2018  
ADD EASEMENTS

S:\LAND PROJECTS\CB BLK 157 LOTS 1-2.dwg\60 ROCKY MOUNT CORI LOC.dwg

MARCH 30, 2015

0.287 AC. ±

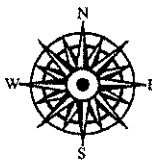


1 INCH = 30 FEET

© PATRICK C. BRISTOW LAND SURVEYING, PC MARCH 2015

LEGEND

- = EXISTING IRON PIPE
- ⊙ = CENTERLINE
- = CONTROL MONUMENT
- ⊗ = SET IRON PIPE
- △ = SURVEY NAIL



**PATRICK C. BRISTOW**  
LAND SURVEYING, PC  
4113-A OLEANDER DRIVE  
WILMINGTON, N.C. 28403  
(910) 791-1500 (PH) (910) 791-1504 (FAX)  
E-MAIL: pat@bristowsurveying.com  
FIRM LICENSE NO. C-3071