

Revenue Stamps \$ _____

DEED FOR HIGHWAY RIGHT OF WAY

THIS INSTRUMENT DRAWN BY Kevin D Monteith CHECKED BY _____

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

RETURN TO: Frankie J Dills, Jr., Division R/W Agent, NCDOT
1594 E Main ST
Sylva NC 28779

NORTH CAROLINA	TIP/PARCEL NUMBER:	SM-6114C 001
COUNTY OF <u>HENDERSON</u>	WBS ELEMENT:	50523.00
TAX PARCEL <u>9569705860</u>	ROUTE:	US 25 BUS AT SR1503 N MAIN ST / HENDERSON HIGH SCHOOL ENT

THIS FEE SIMPLE DEED, made and entered into this the _____ day of _____ 20 _____
by and between _____

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 \$ _____ 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 _____ Hendersonville _____ Township, _____ Henderson _____ County, North Carolina, which is particularly described as follows:

Point of beginning being S 77°1'27.9" E, 16.500 feet from -Y- Sta 13+00 thence to a point on a bearing of S 12°58'32.1" W 66.735 feet thence to a point on a bearing of S 75°48'43.6" E 4.497 feet thence to a point on a bearing of N 12°58'44.2" E 66.830 feet thence to a point on a bearing of N 77°1'27.9" W 4.500 feet returning to the point and place of beginning. _____

COUNTY: HENDERSON WBS ELEMENT: 50523.00 TIP/PARCEL NO.: SM-6114C 001

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:

Temporary Construction Easement described as follows:

Point of beginning being N 22°20'45.5" E, 101.341 feet from -Y- Sta 13+00 thence to a point on a bearing of S 12°58'32.1" W 99.989 feet thence to a point on a bearing of S 77°1'27.9" E 4.500 feet thence to a point on a bearing of S 12°58'44.2" W 66.830 feet thence to a point on a bearing of S 75°48'43.6" E 10.006 feet thence to a point on a bearing of N 12°58'32.1" E 167.022 feet thence to a point on a bearing of N 76°59'17.2" W 14.500 feet returning to the point and place of beginning.

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: None

The property hereinabove described was acquired by the GRANTORS by instrument(s) recorded in the Henderson County Registry in Deed Book 825 Page 670.

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 # 50523.00 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 # 50523.00, Henderson 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.**

COUNTY: HENDERSON WBS ELEMENT: 50523.00 TIP/PARCEL NO.: SM-6114C 001

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.

CORPORATE SEAL

BY: _____

ATTEST: _____

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

	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 Hendersonville Board Of Education, and that by authority duly given, the foregoing instrument was signed in its name by _____, its CHAIRMAN of the
	HENDERSONVILLE BOARD OF EDUCATION, sealed with its corporate seal, and attested by _____ as its CLERK.
	Witness my hand and official seal this the _____ day of _____, 20____.
	_____ Notary Public
	My commission expires: _____