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FILED
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS
FILED Sep 25, 2014
AT 01:38:00 pm
BOOK 09513
START PAGE 0885
END PAGE 0887
INSTRUMENT # 28938
RECORDING \$26.00
EXCISE TAX (None)

TK

Revenue Stamps \$ 0.00

DEED FOR HIGHWAY RIGHT OF WAY

THIS INSTRUMENT DRAWN BY R.A. Marshall CHECKED BY R. Yates

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

RETURN TO: Division Agent R.A. Marshall, NCDOT
225 Green Street Suite 503
Fayetteville, NC 28301

NORTH CAROLINA
COUNTY OF Cumberland
TAX PARCEL 1405-16-9146

TIP/PARCEL NUMBER: R-2303A 158
WBS ELEMENT: 34416.2.2
ROUTE: NC 24 (Stedman Area)

THIS FEE SIMPLE DEED, made and entered into this the 8th day of September 20 14
by and between THE CITY OF FAYETTEVILLE, A MUNICIPAL CORPORATION
433 HAY STREET, FAYETTEVILLE NC 28301

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 (together with any provisions relating to abutter's rights of access which may be hereinafter stated), that certain property located in Cedar Creek Township, Cumberland County, North Carolina, which is particularly described as follows:

Point of beginning being S 20°27'52.1" W, 100.000 feet from -L- Sta. 370+00; thence along a curve 251.020 feet and having a radius of 2400.000 feet. The chord of said curve being on a bearing of S 72°31'54.7" E, a distance of 250.906 feet; thence to a point on a bearing of N 69°13'55.2" W, 2.518 feet; thence along a curve 852.582 feet and having a radius of 3678.173 feet. The chord of said curve being on a bearing of N 66°16'24.8" W, a distance of 403.926 feet; thence to a point on a bearing of S 09°20'0.1" W, 51.427 feet; thence to a point on a bearing of S 75°10'29.1" E, 146.005 feet; returning to the point and place of beginning. -

COUNTY: Cumberland WBS ELEMENT: 34416.2.2 TIP/PARCEL NO.: R-2303A 158

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:

Permanent Utility Easement:

Point of beginning being S 20°27'52.1" W, 100.000 feet from -L- Sta. 370+00; thence to a point on a bearing of N 75°10'29.1" W, 146.005 feet; thence to a point on a bearing of S 09°20'0.1" W, 25.317 feet; thence to a point on a bearing of S 78°00'9.3" E, 4.569 feet; thence to a point on a bearing of S 74°15'56.4" E, 251.416 feet; thence to a point on a bearing of S 17°44'57.0" W, 14.500 feet; thence to a point on a bearing of S 70°44'49.0" E, 30.725 feet; thence to a point on a bearing of N 17°01'36.3" E, 15.500 feet; thence to a point on a bearing of S 70°46'15.7" E, 366.137 feet; thence to a point on a bearing of S 08°28'49.0" W, 12.093 feet; thence to a point on a bearing of S 84°25'46.3" E, 21.543 feet; thence to a point on a bearing of N 07°58'54.5" E, 6.927 feet; thence to a point on a bearing of S 70°46'15.7" E, 120.287 feet; thence to a point on a bearing of S 05°16'7.1" W, 12.672 feet; thence to a point on a bearing of S 84°58'49.7" E, 4.377 feet; thence to a point on a bearing of N 19°26'31.0" E, 27.197 feet; thence to a point on a bearing of N 69°13'55.2" W, 409.784 feet; thence along a curve 1720.069 feet and having a radius of 2400.000 feet. The chord of said curve being on a bearing of N 74°38'57.5" W, a distance of 73.626 feet; thence along a curve 1646.440 feet and having a radius of 2400.000 feet. The chord of said curve being on a bearing of N 71°39'10.7" W, a distance of 177.351 feet; returning to the point and place of beginning.-----

Said Permanent Utility Easement in perpetuity is for the installation and maintenance of utilities, and for all purposes for which the DEPARTMENT is authorized by law to subject same. The Department and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon and through said premises a utility line or lines with all necessary pipes, poles and appurtenances, together with the right at all times to enter said premises for the purpose of inspecting said utility lines and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said utility lines, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same with the right at all times of ingress, egress and regress. 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 permanent utility easement area(s). It is further understood and agreed that Permanent Utility Easement shall be used by the Department for additional working area during the above described project.-----

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 Cumberland County Registry in Deed Book 3310 Page 268 .

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 # 34416.2.2 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 # 34416.2.2 , Cumberland 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.

IT IS UNDERSTOOD AND AGREED between the parties hereto that this conveyance is made for the purpose of constructing and establishing upon the right of way hereby conveyed a road or highway designated as State Highway Project 34416.2.2 , Cumberland County, which road or highway is a controlled access facility as defined by law and the GRANTORS shall have no right of access to said road or highway, except such access as may be provided by way of local service or frontage roads and streets or specific access points as shown and designated as such on the right of way plans for said State Highway Project on file in the office of the DEPARTMENT in Raleigh, North Carolina and to be recorded in the Register of Deeds Office of Cumberland County pursuant to NCGS 136-19.4.

COUNTY: Cumberland WBS ELEMENT: 34416.2.2 TIP/PARCEL NO.: R-2303A 158

The access as provided is more particularly described as follows:

By means of a specific access point 60 feet in width which is located right of and between Survey Station 371+70 and Survey Station 372+30 on Survey Line L.-----

As to such local service or frontage roads and streets or specific points of access, the GRANTORS reserve unto themselves, their heirs, successors, executors and assigns for the benefit of their remaining property abutters' rights of access thereto as at common law; subject, however, to the right of the DEPARTMENT to reasonably regulate said abutters' rights of access in order to protect and safeguard the traveling public.

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:
None

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.

Corporate Seal



(N.P. SEAL)

The City of Fayetteville A Municipal Corporation
(Corporate Name)

BY: *Theodore L. Voorhees*
Theodore L. Voorhees
City Manager
For The City Of Fayetteville

ATTEST: *Pamela J. Megill*
Pamela J. Megill
City Clerk of The
City of Fayetteville

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION
BY: *[Signature]*

	STATE OF <u>North Carolina</u> County Of <u>Cumberland</u>
	I, <u>Jennifer R. Penfield</u> , a Notary Public for said
	County and State, so hereby certify that <u>Pamela J. Megill</u>
	Personally appeared before me this day and acknowledged that he/she is The CITY CLERK OF THE CITY OF FAYETTEVILLE , and that by authority duly given, the foregoing instrument was signed in its name by its CITY MANAGER , sealed with its corporate seal, and attested by <u>Pamela J. Megill</u> as its CITY CLERK .
	Witness my hand and official seal this the <u>8th</u> day of <u>September, 2014</u>
	My Commission expires <u>8/5/2017</u> <u><i>Jennifer R. Penfield</i></u> Notary Public
The foregoing Certificate(s) of _____	
Is/are certified to be correct. This instrument and this certificate are duly registered on	
the _____ day of _____, 20____ in Book _____, Page _____ at _____ 0'clock	
M. _____ REGISTER OF DEEDS FOR _____ COUNTY BY: _____	
Deputy/Assistant - Register of Deeds	

(N.P. SEAL)