



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

P. O. Box 250
North Wilkesboro, NC 28659
August 6, 1990

DIVISION OF HIGHWAYS

JAMES G. MARTIN
GOVERNOR

THOMAS J. HARRELSON
SECRETARY

GEORGE E. WELLS, P.E.
STATE HIGHWAY ADMINISTRATOR

PROJECT: 6.722185
COUNTY: Avery

SUBJECT: Improvement of SR-1341 - Banner Road

MEMORANDUM TO: Mr. A. D. Allison, II
Manager of Right of Way

FROM: Mr. Edgar Wilcox
Division Right of Way Agent

Attached you will find 12 recorded right of way agreements in connection with the above project. The right of way is 45 feet in width and acquisition is complete on this section. Copies of our straight line sketch and request from the District Engineer are attached for your information:

- Parcel 1 - Mr. & Mrs. Harold J. Robeson - Special provision concerns sight distance.
- Parcel 2 - Mr. & Mrs. Douglas M. Holloway
- Parcel 3 - Mr. & Mrs. Kyle W. Holloway
- Parcel 4 - Mr. & Mrs. Monroe G. Randol - Special provisions concern the construction of a paved ditch and in the event that blasting is necessary on this right of way and the home of the undersigned is damaged, this would be the basis for a new claim.
- Parcel 5 - Elk Valley Development Company, a NC General Partnership consisting of George S. Storelli, Partner; Charles E. Clement, Partner; Howard Torn, Partner; F. Louis Wolff, Partner - Special provision concerns the removal of a 4" x 4" wooden post.
- Parcel 6 - Sugar Creek Partnership consisting of Seaborne Goebel, Partner and Sue Goebel, Partner
- Parcel 7 - Mr. & Mrs. Buster McLean
- Parcel 8 - Shirley T. Pettit, Divorced; Ada Townsend, Widow
- Parcel 9 - Mr. & Mrs. Fred Ramsey
- Parcel 10 - Phil Perdue DDS and wife Joan Perdue
- Parcel 11 - Mr. & Mrs. James P. Willis - Special provision concerns a turn around.
- Parcel 12 - Mr. & Mrs. Mack Ramsey - Special provision concerns a turn around.

If additional information is needed regarding this project, please advise.

EW/drv

Attachments

An Equal Opportunity / Affirmative Action Employer

P. O. Box 250
North Wilkesboro, NC 28659
July 11, 1990

PROJECT: 6.722185
COUNTY: Avery

SUBJECT: Improvement of SR 1341 - Banner Road

MEMORANDUM TO: Mr. Roger Cates
District Engineer

FROM: Edgar Wilcox *EW*
Division Right of Way Agent

On March 13, 1990, we received a request to secure a 45-foot right of way for the above referenced project. We have now secured said right of way from 12 parcels. No right of way was acquired on the Harry G. Smith property as we were unable to locate the property owner. Much time and effort was expended in trying to locate him, but with no positive results. Based on your recent letter dated June 18, 1990, you intend to continue with the project without acquiring right of way from the Smith property. With this exception, all the necessary right of ways have been acquired. A copy of our revised straight line sketch is attached for your information.

Copies of the following agreements containing special provisions are attached for your use in constructing the project:

Parcel 1 - Mr. & Mrs. Harold J. Robeson - Special provision concerns sight distance.

Parcel 4 - Mr. & Mrs. Monroe G. Randol - Special provisions concern a paved ditch and the possibility of a basis for a new claim if blasting on this particular right of way or the home of the undersigned is necessary. Please note that Mr. Martin Bolick approved this special clause.

ELK VALLEY DEVELOPMENT
CHARLES CLEMENT

MAP 89-011

Deed BK 159/614

WOVEN WIRE FENCE

HARRY G. SMITH

Eligible for

MAP 89-10

IMPROVEMENT—SR1341

BANNER ROAD

VERY CO

BANNER ELK TWP

LENGTH: 2928 FT—0.55 MI. const.

SCALE 1"=100'

3-5-90

898-4300
202-724-2521
3126

RT 1 Box 36 Taxes Not Listed
Not paid in years

898-5622

HAROLD ROBESON

MAP 89-9 & 9A1

#9-1985

#9A1-Deed BK 168/1177

SUGAR CREEK PARTNERSHIP

MAP-99-081 29.44 AC

Deed BK 156 Page 32

C/o Seaborn Goebel

440 Geronimo Court

Lake Mary, FL 32746

MONROE RANDOL

MAP 89-23

Deed BK 103/620

RT Box 6A
Union Grove
24699

RT 1 Box 5
Union Grove
704-339-4905

14' WIDE CONCRETE DRIVE
15' FROM E

KYLE HOLLOWAY

MAP 89-024

(1979)

MAGNETIC
NORTH

DOUGLAS & DARNELL HOLLOWAY

MAP 89-024A1

BK 175/1510

0+00 BOP=P.K. NAIL SET
E NC.184

STATE OF NORTH CAROLINA
COUNTY OF Avery
TOWNSHIP Banner Elk

PARCEL 1
PROJECT 6.722185
SECONDARY ROAD 1341
Banner Road

Harold J. Robeson and wife Joyce V. Robeson

the undersigned owners of that certain property described in Deed Book 168 at Page 1177 in the Register of Deeds office of Avery County, and bounded by _____

recognizing the benefits to said property by reason of the construction of the proposed highway development, and in consideration of the construction of said project, hereby grants to the Department of Transportation the right of way as herein described and releases the Department from all claims for damages by reason of said right of way across the lands of the undersigned, and of the past and future use thereof by the Department, its successors and assigns, for all purposes for which the Department is authorized by law to subject such right of way; said right of way being the width indicated and across said property as follows:

45 ft. in width measured 22.5 ft. on each side of the center line of the road, said center line to be located by the Department and the construction or improvement of said road shall constitute the selection of said center line; and such additional widths as might be necessary to provide for cut and fill slopes and drainage of road.

It is understood and agreed that the 45 ft. right of way hereinabove referred to has been staked upon the ground and the center line of the road is located in the center of the right of way stakes. It is further agreed that the property owners will erect no fencing or engage in cultivation upon the right of way described herein.

It is further understood and agreed that should circumstances, conditions, or actions by the North Carolina Department of Transportation delay or delete the proposed improvement of said road, that the right of way granted herein shall remain until such time as released by the North Carolina Department of Transportation.

This agreement also includes additional right of way at intersection located at approximate Survey Station 0+00 described as follows:

Beginning at the intersection of the center line of the project with the center line of NC-184, measure 50 feet along center line of the project in a westerly direction setting Point A.

Beginning again at said intersection, measure 150 feet southerly along center line of NC-184, setting Point B.

The additional right of way comprises the triangle bounded by the two roads and a straight line from A to B.

There are no conditions to this agreement not expressed herein. The undersigned hereby covenant and warrant that they are the sole owners of said property; that they solely have the right to grant this right of way, and that they will forever warrant and defend the title to the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals this the

2 day of May, 1990.

STATE OF NORTH CAROLINA, Avery County
the foregoing certificate(s) of _____

Mark E. Settle, N.P.
is (are) certified to be correct.

This instrument was presented for registration
this day and hour and duly recorded in the
office of the Register of Deeds of Avery
County, N.C. in Book 212
Page 1274. This 13th day of July
A.D. 1990 at 11:42 o'clock
A. M.

RONALD T. BENFIELD
Register of Deeds

Recorded and Verified

Drawn By: Mark E. Settle

Checked By: _____

(For Improvement of Secondary Road)

Harold J. Robeson (SEAL)
Harold J. Robeson (SEAL)
Joyce V. Robeson (SEAL)
Joyce V. Robeson (SEAL)

COUNTY OF Wilkes STATE OF N.C.

I, Mark E. Settle a Notary
Public of said state and county, do
hereby certify that Harold J.

Robeson & wife

Joyce V. Robeson
personally appeared before me this
day and acknowledged the due execution
of the foregoing instrument.
Witness my hand and notarial seal,
this the 2 day of May

My Commission Expires 2-27-95

Mark E. Settle
NOTARY PUBLIC

STATE OF NORTH CAROLINA
COUNTY OF Avery
TOWNSHIP Banner Elk

PARCEL 2
PROJECT 6.722185
SECONDARY ROAD 1341
Banner Road

Douglas M. Holloway and wife Darnell Y. Holloway

the undersigned owners of that certain property described in Deed Book 175 at Page 1510 in the Register of Deeds office of Avery County, and bounded by _____

recognizing the benefits to said property by reason of the construction of the proposed highway development, and in consideration of the construction of said project, hereby grants to the Department of Transportation the right of way as herein described and releases the Department from all claims for damages by reason of said right of way across the lands of the undersigned, and of the past and future use thereof by the Department, its successors and assigns, for all purposes for which the Department is authorized by law to subject such right of way; said right of way being the width indicated and across said property as follows:

45 ft. in width measured 22.5 ft. on each side of the center line of the road, said center line to be located by the Department and the construction or improvement of said road shall constitute the selection of said center line; and such additional widths as might be necessary to provide for cut and fill slopes and drainage of road.

It is understood and agreed that the 45 ft. right of way hereinabove referred to has been staked upon the ground and the center line of the road is located in the center of the right of way stakes. It is further agreed that the property owners will erect no fencing or engage in cultivation upon the right of way described herein.

It is further understood and agreed that should circumstances, conditions, or actions by the North Carolina Department of Transportation delay or delete the proposed improvement of said road, that the right of way granted herein shall remain until such time as released by the North Carolina Department of Transportation.

There are no conditions to this agreement not expressed herein. The undersigned hereby covenant and warrant that they are the sole owners of said property; that they solely have the right to grant this right of way, and that they will forever warrant and defend the title to the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals this the

9th day of April, 19 90.

STATE OF NORTH CAROLINA, _____ County
the foregoing certificate(s) of _____

is (are) certified to be correct.

This instrument was presented for registration this day and hour and duly recorded in the office of the Register of Deeds of Avery County, N.C. in Book 212

Page 1275. This _____ day of _____
A.D. 19 _____ at _____ o'clock
M.

Register of Deeds
Recorded and Verified

Drawn By: Mark E. Settle

Checked By: _____

(For Improvement of Secondary Road)

Douglas M. Holloway (SEAL)

(SEAL)

Darnell Y. Holloway (SEAL)

(SEAL)

(SEAL)

COUNTY OF Catawba STATE OF NC

I, Carolyn R. Sigmor a Notary Public of said state and county, do hereby certify that

Douglas M. Holloway and

Darnell Y. Holloway

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the _____ day of April

19 90.

My Commission Expires: 8-04-91

Carolyn R. Sigmor

NOTARY PUBLIC

STATE OF NORTH CAROLINA
COUNTY OF Avery
TOWNSHIP Banner Elk

PARCEL 3
PROJECT 6.722185
SECONDARY ROAD 1341
Banner Road

Kyle W. Holloway and wife Marjorie Holloway

the undersigned owners of that certain property described in Deed Book 114 at Page 406
in the Register of Deeds office of Avery County, and bounded by _____

recognizing the benefits to said property by reason of the construction of the proposed highway development, and in consideration of the construction of said project, hereby grants to the Department of Transportation the right of way as herein described and releases the Department from all claims for damages by reason of said right of way across the lands of the undersigned, and of the past and future use thereof by the Department, its successors and assigns, for all purposes for which the Department is authorized by law to subject such right of way; said right of way being the width indicated and across said property as follows:

45 ft. in width measured 22.5 ft. on each side of the center line of the road, said center line to be located by the Department and the construction or improvement of said road shall constitute the selection of said center line; and such additional widths as might be necessary to provide for cut and fill slopes and drainage of road.

It is understood and agreed that the 45 ft. right of way hereinabove referred to has been staked upon the ground and the center line of the road is located in the center of the right of way stakes. It is further agreed that the property owners will erect no fencing or engage in cultivation upon the right of way described herein.

It is further understood and agreed that should circumstances, conditions, or actions by the North Carolina Department of Transportation delay or delete the proposed improvement of said road, that the right of way granted herein shall remain until such time as released by the North Carolina Department of Transportation.

There are no conditions to this agreement not expressed herein. The undersigned hereby covenant and warrant that they are the sole owners of said property; that they solely have the right to grant this right of way, and that they will forever warrant and defend the title to the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals this the 7 day of April, 19 90.

STATE OF NORTH CAROLINA, _____ County
the foregoing certificate(s) of _____

is (are) certified to be correct.

This instrument was presented for registration this day and hour and duly recorded in the office of the Register of Deeds of Avery County, N.C. in Book 212

Page 1276. This _____ day of _____
A.D. 19 _____ at _____ o'clock
M.

Register of Deeds
Recorded and Verified

Drawn By: Mark E. Settle

Checked By: _____

(For Improvement of Secondary Road)

Kyle W. Holloway (SEAL)
Kyle W. Holloway (SEAL)

Mrs. Kyle Holloway (SEAL)
Marjorie Holloway (SEAL)
Marjorie Holloway (SEAL)

COUNTY OF CAMDEN STATE OF NC

I, DOUGLAS M. HOLLOWAY a Notary Public of said state and county, do hereby certify that KYLE W. HOLLOWAY

+ WIFE MARJORIE HOLLOWAY

personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and notarial seal, this the 7 day of APRIL, 19 90.

My Commission Expires: 4-5-92

Douglas M. Holloway
NOTARY PUBLIC