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FILED ELECTRONICALLY
WILKES COUNTY NC
MISTY M. SMITHEY
REGISTER OF DEEDS

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FILED	Jun 06, 2025
AT	11:11:00 AM
BOOK	01418
PAGE	0281
INSTRUMENT #	04023
EXCISE TAX	\$0.00

Revenue Stamps \$ 0.00

DEED FOR HIGHWAY RIGHT OF WAY

THIS INSTRUMENT DRAWN BY Christopher Steele CHECKED BY Meredith Muddiman

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

RETURN TO: TELICS Right of Way Services
2540 Mill Street
Winterville, NC 28590

NORTH CAROLINA	TIP/PARCEL NUMBER: <u>B-4676A 013 / 014</u>
COUNTY OF <u>Wilkes</u>	WBS ELEMENT: <u>33831.2.4</u>
TAX PARCEL <u>3867-69-7974; 3868-60-7140</u>	ROUTE: <u>SR 1001</u>

THIS FEE SIMPLE DEED, made and entered into this the 28th day of May 20 25
by and between Town of Wilkesboro
203 West Main Street / PO Box 1056
Wilkesboro, NC 28697

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 \$ 10.00 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 Wilkesboro Township, Wilkes County, North Carolina, which is particularly described as follows:

Area One:

Point of beginning being S 60°34'12.0" E, 131.680 feet from -L- Sta 22+00 thence along a curve 54.404 feet and having a radius of 800.511 feet. The chord of said curve being on a bearing of N 49°46'5.4" W, a distance of 54.394 feet thence to a point on a bearing of N 51°42'54.5" W 254.381 feet thence to a point on a bearing of S 38°47'14.7" W 28.091 feet thence along a curve 121.806 feet and having a radius of 641.000 feet. The chord of said curve being on a bearing of S 42°20'7.3" E, a distance of 121.623 feet thence to a point on a bearing of S 36°53'29.6" E 165.030 feet thence to a point on a bearing of S 86°21'55.9" E 11.138 feet thence to a point on a bearing of S 86°21'55.9" E 15.790 feet thence to a point on a bearing of N 89°22'52.1" E 85.190 feet thence to a point on a bearing of N 27°38'7.1" E 15.934 feet thence to a point on a bearing of N 47°49'16.3" W 56.177 feet returning to the point and place of beginning. Having an area of 20063.969 Sqr feet being 0.461 acres, more or less.

Area Two:

Point of beginning being N 62°19'46.4" W, 94.732 feet from -L- Sta 25+00 thence along a curve 70.565 feet and having a radius of 399.970 feet. The chord of said curve being on a bearing of N 46°39'39.4" W, a distance of 70.473 feet thence to a point on a bearing of S 74°17'9.7" W 11.342 feet thence along a curve 137.320 feet and having a radius of 790.000 feet. The chord of said curve being on a bearing of S 44°8'21.6" E, a distance of 137.147 feet thence to a point on a bearing of S 49°7'8.4" E 21.333 feet thence to a point on a bearing of N 38°20'35.3" E 22.015 feet thence to a point on a bearing of N 51°42'54.5" W 80.418 feet returning to the point and place of beginning. Having an area of 2519.978 Sqr feet being 0.058 acres, more or less.

Submitted electronically by "NC Department of Transportation"
in compliance with North Carolina statutes governing recordable documents
and the terms of the Memorandum of Understanding with
the Office of the Register of Deeds of Wilkes County. NCGS 47-14(a1)(5).

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

Permanent Drainage/Utility Easement described as follows:

Point of beginning being N 75°22'16.1" W, 64,284 feet from -L- Sta 22+00 thence along a curve 77.820 feet and having a radius of 641,000 feet. The chord of said curve being on a bearing of N 40°22'10.3" W, a distance of 77,772 feet thence to a point on a bearing of S 46°9'9.0" W 18,000 feet thence to a point on a bearing of S 14°24'45.9" E 66,881 feet thence to a point on a bearing of S 35°59'20.2" E 116,988 feet thence to a point on a bearing of S 37°8'5.7" E 19,033 feet thence to a point on a bearing of S 86°21'55.9" E 65,673 feet thence to a point on a bearing of N 36°53'29.6" W 165,030 feet returning to the point and place of beginning. Having an area of 9850.644 Sqr feet being 0.226 acres, more or less.

Said Permanent Drainage/Utility Easement (DUE) in perpetuity is for the installation and maintenance of drainage facilities and /or utilities, and for the purposes for which the Department of Transportation is authorized by law to subject the same. The Department of Transportation and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon and through said drainage/utility easement area(s) drainage facility(ies) and/or utility line or lines, with all necessary pipes, poles and appurtenances, together with the right at all times to enter said drainage/utility easement area(s) for the purpose of inspecting said drainage facility(ies) and/or utility line or lines and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said drainage facility(ies) and/or utility line or lines, all trees and other obstructions inside the drainage facility(ies) and/or utility easement area(s) and to cut, fill and remove any and all trees on the premises that are or may become tall enough, in The Department of Transportation and its agents or assigns' opinion, to endanger a line or other facility within the drainage/utility easement area(s) ("Danger Trees"). The Department of Transportation and its agents or assigns shall also have the right to access the drainage/utility easement area(s) and Danger Trees at any time and from time to time by vehicles, equipment, and pedestrians, provided that such access to the drainage/utility easement area(s) and Danger Trees from outside of the drainage/utility easement area(s) shall be confined to then-existing streets, roads, and driveways to the extent they provide sufficient access. The Department of Transportation shall also have the right to construct and maintain the cut and/or fill slopes in the above-described permanent drainage/utility easement area(s), and the right to use the permanent drainage/utility easement area(s) for additional working area during the above-described project. The underlying fee owner(s) retain(s) the right to continue to use the permanent drainage/utility easement area(s) in any manner and for any purpose, including but not limited to access and parking, provided that such use does not interfere with or disturb the permanent drainage facility(ies) and/or utility easement or utility installations. The Department of Transportation's acquisition of the permanent drainage/utility easement(s), by itself, does not constitute new control of access (C/A), and the subject property shall retain existing abutter's rights (if any) and existing points of ingress and egress (if any) not affected by other takings on the subject property. Furthermore, upon completion and acceptance by the Department of Transportation of the above-described project, drainage/utilities or appurtenances within the permanent drainage/utility easement(s) shall not be added or modified to i) obstruct the subject property's access point(s), and/or ii) unreasonably interfere with the subject property's parking.

Temporary Construction Easement described as follows:

Area One:

Point of beginning being N 53°37'38.1" W, 178,979 feet from -L- Sta 22+00 thence to a point on a bearing of S 38°47'14.7" W 3,908 feet thence to a point on a bearing of S 38°47'14.7" W 14,816 feet thence to a point on a bearing of S 46°42'49.8" E 41,603 feet thence to a point on a bearing of N 46°9'9.0" E 18,000 feet thence along a curve 43,986 feet and having a radius of 641,000 feet. The chord of said curve being on a bearing of N 45°48'48.0" W, a distance of 43,977 feet returning to the point and place of beginning. Having an area of 794,957 Sqr feet being 0.018 acres, more or less.

Area Two:

Point of beginning being S 79°45'25.7" W, 51,381 feet from -L- Sta 25+00 thence along a curve 137.320 feet and having a radius of 790,000 feet. The chord of said curve being on a bearing of N 44°8'21.6" W, a distance of 137,147 feet thence to a point on a bearing of S 74°17'9.7" W 21,749 feet thence to a point on a bearing of S 46°42'49.8" E 301,134 feet thence to a point on a bearing of N 38°47'14.7" E 14,816 feet thence to a point on a bearing of N 51°42'46.5" W 130,082 feet thence to a point on a bearing of N 38°20'35.3" E 9,977 feet thence to a point on a bearing of N 49°7'8.4" W 21,333 feet returning to the point and place of beginning. Having an area of 3435,258 Sqr feet being 0.079 acres, more or less.

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 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

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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, 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 Wilkes County Registry in Deed Book 919 Page 176 and Wilkes County Registry in Deed Book 1084 Page 293

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 # 33831.2.4 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 # 33831.2.4, Wilkes 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.

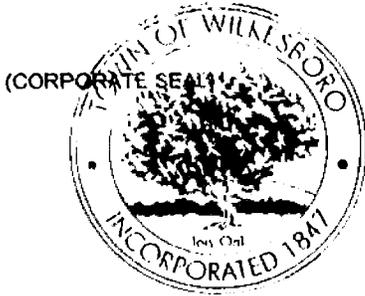
And the GRANTORS covenant with the DEPARTMENT, that the GRANTORS are seized of the premises in fee simple, have the right to convey the same in fee simple, or by easement as indicated, that the title thereto is marketable and free and clear of all encumbrances, and that the GRANTORS will warrant and 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.

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IN WITNESS WHEREOF, GRANTOR, pursuant to a motion dated May 28 has caused this instrument to be signed in its corporate name by its Town Manager, its corporate seal hereto affixed, and attested by its Town Clerk, by order of the Wilkesboro Town Council this 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.

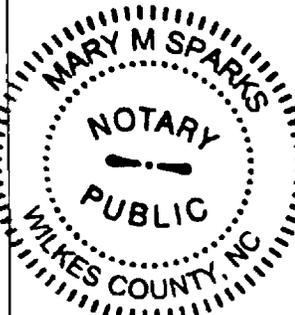


Town of Wilkesboro

BY: [Signature]
Ken Noland, Town Manager of the
Town of Wilkesboro

ATTEST: [Signature]
Donna Rhodes, Clerk of the Town of Wilkesboro

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: [Signature]

 (Official Seal)	North Carolina, <u>Wilkes</u> County
	I, <u>Mary M Sparks</u> , a Notary Public for <u>Wilkes</u> County, North Carolina, certify that <u>Donna Rhodes</u> personally came before me this day and acknowledged that he/she is the CLERK of the TOWN OF <u>Wilkesboro</u> , and that by authority duly given, the foregoing instrument was signed in its name by its MANAGER of the TOWN OF <u>Wilkesboro</u> , sealed with its corporate seal, and attested by <u>Donna Rhodes</u> as its TOWN CLERK.
	Witness my hand and official seal this the <u>28</u> day of <u>May</u> , 20 <u>25</u> .
	<u>[Signature]</u> Notary Public
	My commission expires: <u>March 30 2027</u>