

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: July 20, 2022
SUBJECT: Grant of easements to AT&T
PRESENTER: Charles Russell Burrell
ATTACHMENT(S): Proposed Easement Options

SUMMARY OF REQUEST:

Bellsouth Telecommunications, LLC d/b/a AT&T North Carolina seeks options for acquire easements from the County for fiber overlays to serve downtown Hendersonville.

County staff will be present and prepared if requested to give further information on this matter.

BOARD ACTION REQUESTED:

Approval of the options to acquire easements.

If the Board is so inclined, the following motion is suggested:

I move that the Board approve the proposed easements to AT&T, subject to modification of the proposed AT&T forms to require that the easements for lines (as opposed to switching facilities) be non-exclusive.

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

Preparer's name and address:
Jerry Duvall
2641 Holly Hills Dr.
Valdese, NC
28690

Grantee's Address:
BellSouth Telecommunications, LLC, d/b/a AT&T North Carolina
100 S. Eugene Street
Greensboro, NC 27401
Attn: Kara Rydill

Option For Acquisition Of Easement (Or Servitude)

For and in consideration of the sum of money hereinafter set out and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, the undersigned owner(s) of the premises described below, hereinafter referred to as Grantor, do(es) hereby grant to BellSouth Telecommunications, LLC, d/b/a AT&T North Carolina, a Georgia Limited Liability Company, and its parent and its and its parent's direct and indirect affiliates, subsidiaries, agents, attorneys, employees, officers, directors, servants, insurance carriers, licensees, successors, and assigns, hereinafter referred to as Grantee, an option to aquire an easement (or servitude), to construct, operate, maintain, add, and/or remove such systems of communications (including broadcast), facilities, and related items as the Grantee may from time to time deem necessary in the conduct of its business upon, over, and under a portion of the lands described in Deed Book SLD 3266, page , Henderson County (Parish), North Carolina Records, and, to the fullest extent the Grantor has the power to grant, upon, over, along, and under the roads, streets, or highways adjoining or through said property. The said easement is more particularly described as follows:

Grantee shall have the right to enter upon the property covered by this option for the purpose of making surveys and tests deemed necessary by the Grantee. Grantor shall convey the easement (or servitude) area substantially in the following form:

A site 10'x20' in the SE corner of said property as shown
on the attached Ehibit B sketch. Site is subject to survey
at grantee's expense.



The receipt of One and No/100 Dollars (\$1.00) is hereby acknowledged by the undersigned for an option for a period of One Hundred Eighty (180) days commencing on the date of execution of this instrument. Should the Grantee choose not to exercise this option, Grantee shall be released from any and all obligations herein granted. Grantee agrees to pay the owner Five Thousand and no/100 dollars (\$ 5,000.00) when and if this option is exercised. The sum herein agreed upon is in full payment for all rights herein granted. Should the Grantee choose to exercise this Option, then Grantor agrees to execute an easement (or servitude) conveyance document in form attached hereto as Exhibit "A", Easement (or Servitude).

To have and to hold the above granted option for acquisition of easement (or servitude) unto BellSouth Telecommunications, LLC, d/b/a AT&T North Carolina, and its parent and its and its parent's direct and indirect affiliates, subsidiaries, agents, attorneys, employees, officers, directors, servants, insurance carriers, licensees, successors, and assigns.

In witness whereof, the undersigned has/have caused this instrument to be executed on the _____ day of June, 2022.

Signed, sealed and delivered in the presence of:

Witness
(Print Name) N/A

Henderson County
Name of Corporation
(Address)
1 Historic Courthouse Square
Hendersonville, NC 28792

Witness
(Print Name) N/A

By: _____
Title: _____
Attest: _____

State of _____, County (Parish) of _____

I, _____, do hereby certify that, _____, personally came before me this day and acknowledged that he(or she) is _____ (officer) of the _____, a corporation, and backed by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its _____ (officer) sealed with its corporate seal, and attested by himself (or herself) as its N/A _____ (officer).

Witness my hand and seal, this _____ day of June, 2022.

Notary Public
(Print Name) _____

My Commission Expires: _____

TO BE COMPLETED BY GRANTEE

District North Carolina	FRC 845C	Wire Center/NXX Hendersonville Church/	Authority
Drawing N/A	Area Number 22415	Plat Number N/A	RWID NC-2022-JUN-
Parcel ID 1013416	Approval Lee Sadler	Title Mgr-OSP Planning & Design SE/CA	

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

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Grantee shall have the right to enter upon the property covered by this option for the purpose of making surveys and tests deemed necessary by the Grantee. Grantor shall convey the easement (or servitude) area substantially in the following form:

A site 10'x20' in the NE corner of said property as shown
on the attached Ehibit B sketch. Site is subject to survey
at grantee's expense.



The receipt of One and No/100 Dollars (\$1.00) is hereby acknowledged by the undersigned for an option for a period of One Hundred Eighty (180) days commencing on the date of execution of this instrument. Should the Grantee choose not to exercise this option, Grantee shall be released from any and all obligations herein granted. Grantee agrees to pay the owner Five Thousand and no/100 dollars (\$ 5,000.00) when and if this option is exercised. The sum herein agreed upon is in full payment for all rights herein granted. Should the Grantee choose to exercise this Option, then Grantor agrees to execute an easement (or servitude) conveyance document in form attached hereto as Exhibit "A", Easement (or Servitude).

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In witness whereof, the undersigned has/have caused this instrument to be executed on the _____ day of June, 2022.

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_____ Henderson County
Name of Corporation
(Address)
1 Historic Courthouse Square
Hendersonville, NC 28792

Witness
(Print Name) N/A

Witness
(Print Name) N/A

By: _____

Title: _____

Attest: _____

State of _____, County (Parish) of _____

I, _____, do hereby certify that _____, personally came before me this day and acknowledged that he(or she) is _____ (officer) of the _____, a corporation, and backed by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its _____ (officer) sealed with its corporate seal, and attested by himself (or herself) as its N/A (officer).

Witness my hand and seal, this _____ day of June, 2022.

Notary Public
(Print Name) _____

My Commission Expires: _____

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District North Carolina	FRC 845C	Wire Center/NXX Hendersonville Church/	Authority
Drawing N/A	Area Number 22415	Plat Number N/A	RWID NC-2022-JUN-
Parcel ID 1013416	Approval Lee Sadler	Title Mgr-OSP Planning & Design SE/CA	

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

Preparer's name and address:
Jerry Duvall
2641 Holly Hills Dr.
Valdese, NC
28690

Grantee's Address:
BellSouth Telecommunications, LLC, d/b/a AT&T North Carolina
100 S. Eugene Street
Greensboro, NC 27401
Attn: Kara Rydill

Option For Acquisition Of Easement (Or Servitude)

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Grantee shall have the right to enter upon the property covered by this option for the purpose of making surveys and tests deemed necessary by the Grantee. Grantor shall convey the easement (or servitude) area substantially in the following form:

A site 10'x20' at 320 N Grove St adjacent to the existing
AT&T box as shown on the attached Exhibit B. Site is
subject to survey at Grantee's expense.



The receipt of One and No/100 Dollars (\$1.00) is hereby acknowledged by the undersigned for an option for a period of One Hundred Eighty (180) days commencing on the date of execution of this instrument. Should the Grantee choose not to exercise this option, Grantee shall be released from any and all obligations herein granted. Grantee agrees to pay the owner Five Thousand and no/100 dollars (\$ 5,000.00) when and if this option is exercised. The sum herein agreed upon is in full payment for all rights herein granted. Should the Grantee choose to exercise this Option, then Grantor agrees to execute an easement (or servitude) conveyance document in form attached hereto as Exhibit "A", Easement (or Servitude).

To have and to hold the above granted option for acquisition of easement (or servitude) unto BellSouth Telecommunications, LLC, d/b/a AT&T North Carolina, and its parent and its and its parent's direct and indirect affiliates, subsidiaries, agents, attorneys, employees, officers, directors, servants, insurance carriers, licensees, successors, and assigns.

In witness whereof, the undersigned has/have caused this instrument to be executed on the _____ day of June, 2022.

Signed, sealed and delivered in the presence of:

_____ Henderson County
Name of Corporation
(Address)
1 Historic Courthouse Square
Hendersonville, NC 28792

Witness
(Print Name) N/A

Witness
(Print Name) N/A

By: _____

Title: _____

Attest: _____

State of _____, County (Parish) of _____

I, _____, do hereby certify that _____, personally came before me this day and acknowledged that he(or she) is _____ (officer) of the _____, a corporation, and backed by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its _____ (officer) sealed with its corporate seal, and attested by himself (or herself) as its N/A (officer).

Witness my hand and seal, this _____ day of June, 2022.

Notary Public
(Print Name) _____

My Commission Expires: _____

TO BE COMPLETED BY GRANTEE

District North Carolina	FRC 845C	Wire Center/NXX Hendersonville Church/	Authority
Drawing N/A	Area Number 22415	Plat Number N/A	RWID NC-2022-JUN-
Parcel ID 1013416	Approval Lee Sadler	Title Mgr-OSP Planning & Design SE/CA	



WARNING: THIS IS NOT A SURVEY

Parcel Information

REID:	1013416	Pin:	9568971859
Listed to:	HENDERSON COUNTY	Neighborhood:	GROVE STREET
Mailing Address:	1 HISTORIC COURTHOUSE SQUARE	Township:	Hendersonville
Mailing City, State, Zip:	HENDERSONVILLE, NC 28792	Municipality:	HENDERSONVILLE
Physical Address:	200 N GROVE ST	Tax District:	HENDERSONVILLE CITY
Deed:	000SLD/03266	Plat:	SLD 8133
Date Recorded:	1999-12-02 00:02:00.0	Elementary School District:	BRUCE DRYSDALE
Revenue Stamps:	0	Middle School District:	HENDERSONVILLE MIDDLE
County Zoning:	Cities	High School District:	HENDERSONVILLE HIGH
Property Description:	NEW COURTHOUSE	Soil:	Hayesville loam, 7 to 15 percent slopes
Map Sheet:	9568.08	Voting Precinct:	Hendersonville 2
Assessed Acreage:	13.96000000	Commissioner District	2
Building Value:	\$23,806,600.00	Agricultural District	None Found
Land Value:	\$9,729,600.00	North Carolina House District	117
Value To Be Billed:	\$33,536,200.00	U.S. House District	11
North Carolina Senate District	48	Flood Zone:	Zone X, Not Shaded (Areas outside of the floodplain)



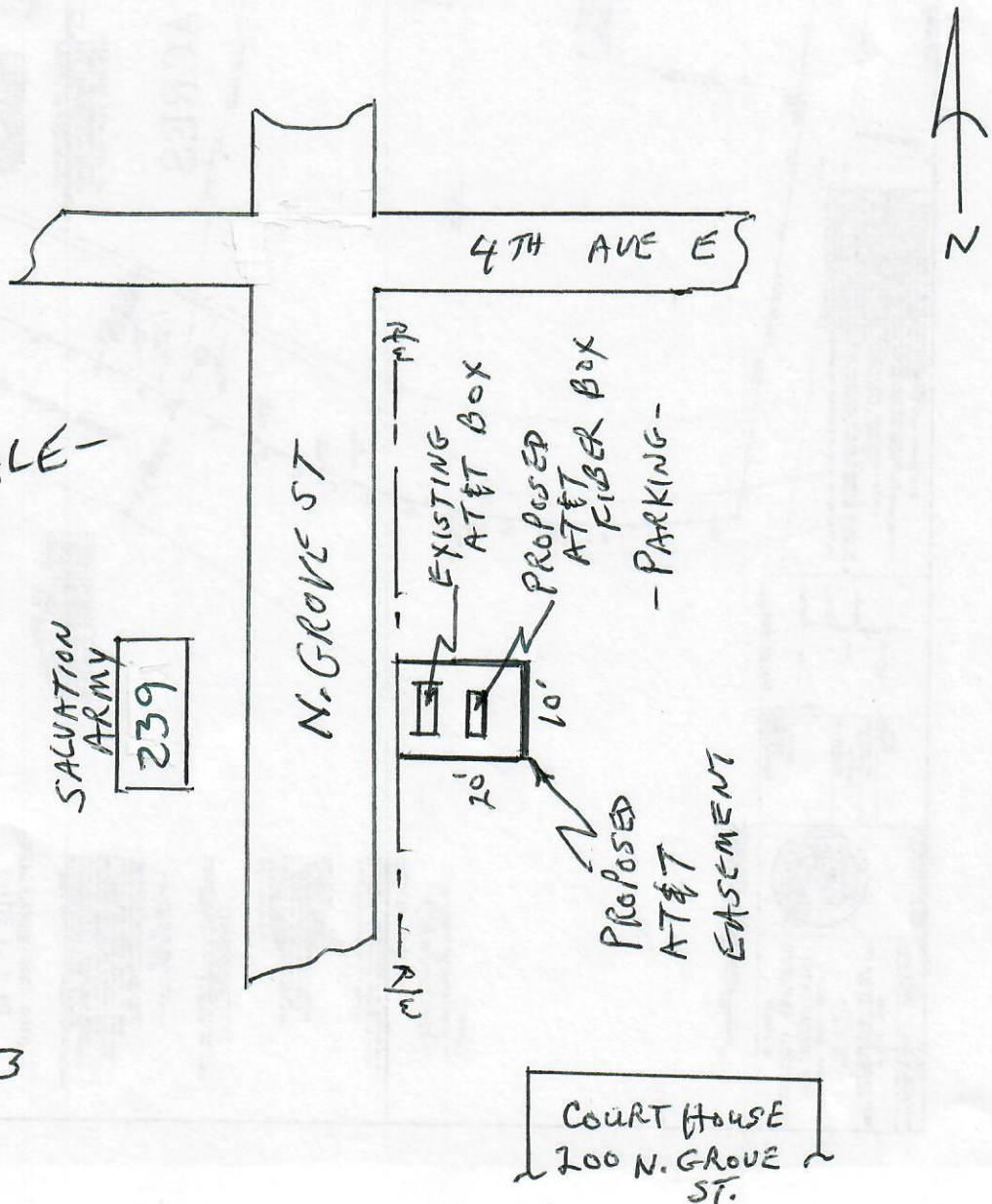
Henderson County
Geographic Information Systems (GIS)
200 North Grove Street
Hendersonville, NC 28792
P: (828) 698-5124
F: (828) 698-5122

THIS IS NOT A SURVEY.

All information or data provided, whether subscribed, purchased or otherwise distributed, whether in hard copy or digital media, shall be at the user's own risk. Henderson County makes no warranties or guarantees, including the warranties of merchantability or of fitness for a particular purpose. Map data is not appropriate for, and is not to be used as, a geodetic, legal, or engineering base system. The data is not intended as a substitute for surveyed locations such as can be determined by a registered Public Land Surveyor, and does not meet the minimum accuracy standards of a Land Information System/Geographic Information System Survey in North Carolina (21 NCAC 56.1608).

EXHIBIT "B"

COUNTY: HENDERSON
OWNER: HENDERSON COUNTY
PARCEL ID: 1013416
LOCATION: 320 N. GROVE ST.
DEED BK/PG: SLD 03266
PLAT: SLD 8133
CONTACT: JOHN MITCHELL @ 828-697-4809
JOB:
RWID: NC-2022-JUN-



- NOT TO SCALE -

PREPARED BY:
JERRY DUVAL
06-02-2022
828-430-0543

EXHIBIT "A"

STATE OF NORTH CAROLINA
COUNTY OF _____

8416-C-NC
(06-2019)

Preparer's name and address:

Jerry L. DuVall
2641 Holly Hills Drive
Valdese, NC 28690

**Grantee's Address: BellSouth Telecommunications,
LLC, d/b/a AT&T North Carolina
100 S. Eugene Street
Greensboro, NC 27401**

EASEMENT

For and in consideration of _____ dollars (\$ _____) and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, the undersigned owner(s) of the premises described below, hereinafter referred to as Grantor, do(es) hereby grant to BELLSOUTH TELECOMMUNICATIONS, LLC, d/b/a AT&T North Carolina, a Georgia limited liability company, its licensees, agents, successors, assigns, and allied and associated companies, hereinafter referred to as Grantee, an easement to construct, operate, maintain, add, and/or remove such systems of communications, facilities, standby generators and associated fuel supply systems as a means of providing uninterrupted service during commercial power outages, or related services as the Grantee may from time to time require upon, over, and under a portion of the lands described in Deed Book _____, page _____, _____ County, North Carolina Records, and, to the fullest extent the Grantor has the power to grant, upon, over, along, and under the roads, streets, or highways adjoining or through said property. The said easement is more particularly described as follows:

All that tract or parcel of land lying in _____, County, State of North Carolina, consisting of a (strip) (parcel) of land _____

The following rights are also granted: the exclusive right to allow any other person, firm, or corporation to attach wires, antennas, or communications equipment or lay cable or conduit or other appurtenances upon, over, and under said easement for communications or electric power transmission or distribution; ingress to and egress from said easement at all times; the right, but not the obligation, to clear the easement and keep it cleared of all trees, undergrowth, or other obstructions; the right, but not the obligation, to trim and cut and keep trimmed and cut all dead, weak, leaning, or dangerous trees or limbs outside the easement which might interfere with or fall upon the lines or systems of communication or power transmission or distribution; the right to relocate said facilities, systems of communications, or related services on said lands to conform to any future highway relocation, widening, or improvements, the right to test and maintain generators and associated equipment; and the right to allow any other person, firm, or corporation to provide for fuel/energy distribution to equipment placed on the site.

To have and to hold the above granted easement unto BellSouth Telecommunications, LLC, d/b/a AT&T North Carolina, its licensees, agents, successors, assigns, and allied and associated companies forever and in perpetuity.

Grantor warrants that Grantor is the true owner of record of the above described land on which the aforesaid easement is granted.

SPECIAL STIPULATIONS OR COMMENTS:

8416-C-NC
(06-2019)
Page 2

The following special stipulations shall control in the event of conflict with any of the foregoing easement:

In witness whereof, the undersigned has/have caused this instrument to be executed on the _____ day of _____, _____.

Signed, sealed and delivered in the presence of:

_____ Witness (Print Name)	(Address)	_____ Name of Company/Corporation
_____		_____
_____		_____

_____ Witness (Print Name)	By:	_____
_____	Title:	_____
	Attest:	_____

State of North Carolina, County of _____

I, _____, do hereby certify that _____, personally came before me this day and acknowledged that he(or she) is _____ (officer) of the _____, a company/corporation, and backed by authority duly given and as the act of the company/corporation, the foregoing instrument was signed in its name by its _____ (officer), sealed with its company/corporate seal, and attested by himself (or herself) as its _____ (officer).

Witness my hand and seal, this _____ day of _____, _____.

Notary Public
(Print Name) _____ My Commission Expires: _____

TO BE COMPLETED BY BELL SOUTH TELECOMMUNICATIONS, LLC.

District	FRC	Wire Center/NXX	Authority
Drawing N/A	Area Number	Plat Number	RWD
Approval Kevin W. Hogsed		Title Mgr-OSP Planning & Design	