REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: January 3, 2023

SUBJECT: Right of Way Acquisition

North Carolina Department of Transportation's (NCDOT)
Project for the Entrance to Hendersonville High School (HHS)

PRESENTER: Marcus Jones, PE

County Engineer

ATTACHMENTS: Yes

Proposed Deeds for NCDOT Parcel Numbers 3, 5, and 6
 Right of Way Maps for NCDOT Parcel Numbers 3, 5, and 6

SUMMARY OF REQUEST:

To accommodate NCDOT's project to improve the intersection of Hendersonville High School and US 25, NCDOT Right of Way is requesting the Board approve the attached, proposed Deeds. This will transfer County property to NCDOT for construction and maintenance of the intersection improvements. Details of the proposed transaction are as follows:

- The total acreage proposed to transfer to NCDOT is 0.396 acres with an additional 0.38 acres of temporary construction easement.
- The payment to Henderson County for the acreage is \$3.00.
- The NCDOT maps highlight the acquisition area in green and the temporary construction area in yellow.
- The proposed deeds correlate to the NCDOT parcel number (3, 5, and 6). These numbers are highlighted on the proposed deeds in yellow.
- The improvement are largely upgrades to the existing signal, addition of sidewalks, upgrades to the median, and stripping.

BOARD ACTION REQUESTED:

Approve the proposed Deeds for the North Carolina Department of Transportation's Hendersonville High School entrance project.

Suggested Motion:

I move the Board approve the proposed Deeds for the NCDOT's Hendersonville High School entrance project

Revenue Stam					
	DEED I	FOR HIGHW	AY RIGHT	OF WAY	
THIS INSTRUM	MENT DRAWN BY	Kevin D Monteith	CHEC	KED BY	
The hereinafter	described property	☐ Does ⊠	Does not includ	le the primary resider	nce of the Grantor
RETURN TO:	Frankie J Dills, Jr., 1594 E Main ST Sylva NC 28779	Division R/W Agent	, NCDOT		
NORTH CARO COUNTY OF TAX PARCEL	LINA <u>HENDERSON</u> 9569703517, 9569705642		RCEL NUMBER: WBS ELEMENT: ROUTE:	50523.00	
THIS F by and between		derson rthouse SQ	nto this the	day of	20
				ation, an agency of the rred to as the Depart	
of the sum of \$ give, grant and property locate Carolina, which Point of begin of N 75^48'43. point on a bea	1.00 convey unto the DE d in Henders n is particularly desc ning being N 51^3' 6" W 4.497 feet the ring of S 79^55'2.6	chemselves, their hei agreed to be paid EPARTMENT, its succentrial Townshiped as follows: 45.0" E, 42.143 feetence to a point on a	t from -Y- Sta 14- bearing of S 12' ce to a point on a	nd assigns, for and in MENT to the GRANT gns, in FEE SIMPLE enderson +00 thence to a poin 158'32.1" W 165.273 a bearing of N 12^58	ORS, do hereby that certain County, North ton a bearing feet thence to a
104.931 leet le	eturning to the poil	it and place of beg	illing.		

COUNTY:	HENDEDSON	WBS ELEMENT:	50523.00	TIP/PARCEL NO.:	SM-6114C 003
COUNTY:	HEINDERSON	WDS ELEWENT:	5U5Z3.UU	HP/PARCEL NO.:	SIVI-0114C 003

IN ADDITION, and for the aforestated 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 S 1^49'13.4" W, 134.319 feet from -Y- Sta 14+00 thence to a point on a bearing of S 79^55'2.6" E 10.026 feet thence to a point on a bearing of N 12^58'32.1" E 164.233 feet thence to a point on a bearing of N 75^48'43.6" W 10.006 feet thence to a point on a bearing of S 12^58'44.2" W 164.951 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:
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 state of the s
The property hereinabove described was acquired by the GRANTORS by instrument(s) recorded in the Henderson County Registry in Deed Book 3682 Page 652
Deed Book <u>3804</u> Page <u>70</u> .
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 DEDADIMENT, its expenses and engine in EEE CIMPLE, or by encoment or indicated

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 003		
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.							
		not transfer the hereir ent of the Department		rests unless and until thon.	nis document is		
CORPOR	RATE SEAL		County	of Henderson, North C	carolina		
			BY:				
				n of Henderson County Commissioners	,		
		ATTE	EST:				
Clerk of Henderson County Board of Commissioners							
ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY:							
ACCEPTED	FOR THE DEPAI	RTMENT OF TRANS	PORTATION BY	/:			
ACCEPTED) FOR THE DEPAI	RTMENT OF TRANS North Carolina,					
ACCEPTED) FOR THE DEPAI			County	olic for		
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ACCEPTE) FOR THE DEPAI	North Carolina,	County, N	County , a Notary Public North Carolina, certify ally came before me	y that e this day		
ACCEPTE	FOR THE DEPA	North Carolina, I, and acknowledge	County, N personed that he/she i	County , a Notary Public North Carolina, certify nally came before me	y that e this day Henderson		
ACCEPTE	FOR THE DEPAI	North Carolina, I, and acknowledge County Board Of	County, N personed that he/she if Commissioner	County , a Notary Public North Carolina, certify nally came before me is the CLERK of the rs, and that by autho	y that e this day Henderson		
ACCEPTE	FOR THE DEPAI	North Carolina, I, and acknowledge County Board Of	County, N personed that he/she if Commissioner	County , a Notary Public North Carolina, certify nally came before me is the CLERK of the rs, and that by autho gned in its name by	y that e this day Henderson		
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		North Carolina, I, and acknowledge County Board Of the foregoing inst	County, N personed that he/she if Commissioner trument was sign	County , a Notary Public Carolina, certify ally came before means the CLERK of the rs, and that by authous gned in its name by the composite of the composite	y that e this day Henderson rity duly given, AIRMAN of the NERS,		
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		North Carolina, I, and acknowledge County Board Of the foregoing inst HENDERSON County sealed with its con	County, Need that he/she is Commissioner trument was significant was significant was significant was allowed to the community of the community with the community wit	, a Notary Publication of the CLERK of the rs, and that by author gned in its name by, its CHARD OF COMMISSION as its CLERT all seal this the	y that this day Henderson rity duly given, AIRMAN of the NERS,		
		North Carolina, I, and acknowledge County Board Of the foregoing inst HENDERSON County sealed with its con	County, Need that he/she is Commissioner trument was significant was significant was significant was allowed to the community of the community with the community wit	, a Notary Publication of the CLERK of the rs, and that by author gned in its name by, its CHARD OF COMMISSION and attested by as its CLEF al seal this the	y that this day Henderson rity duly given, AIRMAN of the NERS,		

Revenue Stamps \$ 1.00 DEED FOR HIGHWAY RIGHT OF WAY	
THIS INSTRUMENT DRAWN BY Kevin D Monteith CHECKED BY	
The hereinafter described property $\ \ \ \ \ \ \ \ \ \ \ \ \ $	rantoı
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 005	
COUNTY OF HENDERSON WBS ELEMENT: 50523.00 TAX PARCEL 9569700527 ROUTE: US 25 BUS AT SR1503 N MAIN S HENDERSON HIGH SCHOOL EN	
THIS FEE SIMPLE DEED, made and entered into this the day of 20 by and betweenHenderson County; Henderson County Board of ; US Bank National	
North Carolina ; Public Education, Leasee ; Association, Trustee 1 Historic Courthouse SQ; 414 Fourth AVE W ; 214 N Tryon ST 27 th	
Hendersonville NC 28792; Hendersonville NC 28739-4261; Charlotte NC 28202	
hereinafter referred to as GRANTORS, and the Department of Transportation, an agency of the State of N 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 \$\frac{1.00}{2.00}\$ agreed to be paid by the DEPARTMENT to the GRANTORS, do he 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 \$ 12^3'46.1" E, 223.700 feet from -L- Sta 10+00 thence to a point on a beautiful described as follows:	reby th ring
of N 87^3'16.8" E 22.507 feet thence to a point on a bearing of N 7^33'49.0" W 23.158 feet thence to point on a bearing of N 11^53'16.1" W 51.060 feet thence to a point on a bearing of N 23^55'13.1" V 48.180 feet thence to a point on a bearing of N 39^57'27.0" W 43.680 feet thence to a point on a bear of N 37^50'39.8" W 22.608 feet thence to a point on a bearing of N 41^3'47.2" W 38.412 feet thence point on a bearing of N 45^6'22.0" W 175.454 feet thence to a point on a bearing of S 38^52'8.5" E 121.470 feet thence to a point on a bearing of S 44^5'20.1" E 141.750 feet thence to a point on a be of S 15^59'44.9" W 104.181 feet thence to a point on a bearing of S 67^9'21.8" E 59.861 feet thence point on a bearing of S 17^7'31.5" E 2.591 feet returning to the point and place of beginning.	V aring to a aring

COUNTY: HENDERSON WBS ELEMENT: 50523.00 TIP/PARCEL NO.: SM-6114C 005 IN ADDITION, and for the aforestated consideration, the GRANTORS further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests: NONE 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 County Registry in Deed Book 1520 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 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 County, and for the past and future use of said areas by the Department of Henderson 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 005		
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.							
	RATE SEAL	on the Boparamont	·	erson County, North Car	rolina		
		E	BY:	, C on County Board of Com	chairman of nmissioners		
		ATTES		on County Board of Com	, Clerk of nmissioners		
ACCEPTED	FOR THE DEPAR	RTMENT OF TRANSP	ORTATION B	Y:			
		N. U.O. II					
(Offi	icial Seal)	County Board Of County Board O	County, leading person person that he/she commissione ument was summer that the control of the country both porate seal, and the country both person person person because the country both person because the country bec	, a Notary Publ North Carolina, certify nally came before me is the CLERK of the F rs, and that by authori igned in its name by , its CHA RD OF COMMISSION and attested by as its CLER ial seal this the	that this day denderson ity duly given, JRMAN of the ERS,		

COUNTY: HENDERSON	WBS ELEMENT:	50523.00	_ TIP/PARCEL NO.	: SM-6114C 005
IN WITNESS WHEREO has caused the instrument to be hereunto affixed by authority of	signed in its corpora	ite name by its	s duly authorized offic	cers and its seal to be
This instrument does no accepted by an authorized agen				I this document is
CORPORATE SEAL		Hend	erson County Board	of Public Education
		BY:	son County Board of	, Chairman of Public Education
ACCEPTED FOR THE DEPART	ATTE	Of Hen	derson County Board	,EX Officio Secretary of Public Education
(Official Seal)	Henderson Count duly given, the for HENDERSON CO sealed with its con	County pers d that he/she ty Board Of F regoing instru DUNTY BOA	ument was signed i, its, its RD OF PUBLIC EE and attested by as its E cial seal this the	ertify that me this day ecretary of the nd that by authority n its name by CHAIRMAN of the

COUNTY:	HENDERSON	_ WBS ELEMENT: _	50523.00	_ TIP/PARCEL NO.:	SM-6114C 005	
has caused	the instrument to	be signed in its corpor	ate name by its	set their hands and se duly authorized office year first above written	rs and its seal to be	
		not transfer the hereir ent of the Department		rests unless and until t ion.	his document is	
					(SEAL))
ACCEPTED) FOR THE DEPA	RTMENT OF TRANS	PORTATION B	Y:		
		North Carolina,I,		_ County , a Not North Carolina, do here		
(Of	ficial Seal)	and acknowledged	the due execut	t personally appeared tion of the foregoing ins cial seal this the	strument.	
		My comm	Notary Public	<u> </u>		

Revenue Stamps \$ 1.0	DEED FOR HIG	HWAY RIGHT	Γ OF WAY	
THIS INSTRUMENT DRA	AWN BY Kevin D Mo	nteith CHE	CKED BY	
The hereinafter described	d property Does		ide the primary residence of the	Grantor
RETURN TO: Frankie 3 1594 E N Sylva NO		/ Agent, NCDOT		
NORTH CAROLINA COUNTY OF HENDE TAX PARCEL 956960	RSON	TIP/PARCEL NUMBER WBS ELEMENT ROUTE	: 50523.00	
by and between Hence North 1 His Hence hereinafter referred to as	storic Courthouse SQ; dersonville NC 28792; GRANTORS, and the I	Henderson County Bo Public Education, Lea 414 Fourth AVE W Hendersonville NC 28 Department of Transpor	isee ; Association, Trus	stee 27 th FL 202
	,	WITNESSETH		
of the sum of \$ give, grant and convey ur property located in Carolina, which is particu Point of beginning bein	agreed to nto the DEPARTMENT, Hendersonville larly described as following S 11^22'12.6" W, 16	be paid by the DEPART its successors and ass Township, Fvs: 1.978 feet from -L- Sta	and assigns, for and in conside IMENT to the GRANTORS, do signs, in FEE SIMPLE that certa Henderson County, No.	hereby ain North
	earing of S 17^7'31.5'	'E 81.867 feet thence	ng of S 87^3'16.8" W 22.507 f to a point on a bearing of S ing.	eet

COUNTY:	HENDERSON	WBS ELEMENT: _	50523.00	TIP/PARCEL NO	.: SM-6114C 006
	•	the aforestated considers and assigns the follo			, ,
_					
SP	ECIAL PROVISION	NS. This deed is subje	ect to the followi	ng provisions only:	None
the	Henderson	cove described was accounty Registry	in Deed Book	3490	Page <u>368</u> .
in the Office is hereby m	e of the Register of nade for purposes o	Deeds for said Count of further description a	y pursuant to N. nd for greater co	.C.G.S. 136-19.4, r ertainty.	e certified and recorded eference to which plans
made availa compensat the said into their remain acquisition	able to them. The 0 ion pursuant to Arti erests and areas by hing property; for a for the construction enderson its successors	cle 9, Chapter 136 of t y the Department of Tr ny and all claims for in n of Department of Tra _ County, and for the p	wledge that the the North Caroli cansportation an terest and costs nsportation Pro past and future t	consideration state na General Statute nd for any and all da s; for any and all da ject # use of said areas b	ed herein is full and just us for the acquisition of amages to the value of amages caused by the 50523.00
belonging to	o the DEPARTMEN esent and future us		assigns in FEE	SIMPLE, or by ea	tenances thereunto sement as indicated, for at is authorized by law to
premises in title thereto defend the stated. Title Restrictive	fee simple, have t is marketable and title against the law e to the property he	covenant with the DEF he right to convey the free and clear of all er ful claims of all person ereinabove described i asements of record,	same in fee sim ncumbrances, a ns whomsoever s hereby conve	nple, or by easement and that the GRANT except for the exc yed subject to the f	nt as indicated, that the ORS will warrant and eptions hereinafter following exceptions:

COUNTY:	HENDERSON	WBS ELEMENT: _	50523.00	_ TIP/PARCEL NO.: _	SM-6114C 006		
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.							
	RATE SEAL	on the Bepartment	•	erson County, North Car	rolina		
		E	BY:	, C on County Board of Com	Chairman of nmissioners		
		ATTES		on County Board of Com	, Clerk of nmissioners		
ACCEPTED	FOR THE DEPAR	RTMENT OF TRANSP	ORTATION B	Y·			
			011171110111	• • • • • • • • • • • • • • • • • • • •			
(Offi	icial Seal)	North Carolina, I, and acknowledged County Board Of 0 the foregoing instr HENDERSON CO sealed with its cor	County, I person that he/she Commissione ument was si	, a Notary Publ North Carolina, certify nally came before me is the CLERK of the Hers, and that by author igned in its name by , its CHA RD OF COMMISSION and attested by as its CLER ial seal this the	that this day Henderson ity duly given, AIRMAN of the ERS,		

COUNTY:	HENDERSON	WBS ELEMENT: _	50523.00	TIP/PARCEL NO.:	SM-6114C 006
has caused	the instrument to l	be signed in its corpor	rate name by its	o set their hands and se s duly authorized office year first above writter	ers and its seal to be
		not transfer the herein ent of the Department		erests unless and until tion.	this document is
CORPOR	RATE SEAL		Hend	lerson County Board of	f Public Education
			BY: Hender	rson County Board of F	, Chairman of Public Education
·				derson County Board o	,EX Officio Secretary of Public Education
ACCEPTEL	FOR THE DEPAI	RTMENT OF TRANSF	ORTATION B	·Y:	
(Off	ficial Seal)	Henderson Counduly given, the fo	County pers ed that he/she nty Board Of F oregoing instru COUNTY BOA orporate seal,	RD OF PUBLIC EDU and attested by as its EX icial seal this the	tify that me this day ccretary of the d that by authority its name by CHAIRMAN of the
			Notary Pu		

COUNTY:	HENDERSON	_ WBS ELEMENT: _	50523.00	_ TIP/PARCEL NO.:	SM-6114C 006	
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.						
		not transfer the hereir ent of the Department		rests unless and until t ion.	his document is	
					(SEAL)	1
ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY:						
		North Carolina,		_ County , a Not North Carolina, do here		
(Official Seal) Trustee, For the Indenture of Trust personally appeared before me the and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this the day of , 20					strument.	
			Notary Public	<u> </u>		
		My comm	ission expires:			l





