

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: March 6, 2023

SUBJECT: Deeds for Highway Right of Way to NCDOT
(part of Hendersonville High School turning lane)

PRESENTER: Charles Russell Burrell

ATTACHMENT(S): Deeds for Highway Right of Way drafted by NCDOT

SUMMARY OF REQUEST:

NCDOT seeks execution by the County (as owner) of two “Deeds for Highway Right of Way” in their favor, regarding the newly constructed turning lane on U.S. Highway 25 into the new parking area at Hendersonville High School. The attached deeds were drafted by NCDOT, and the describe the turning area “as built”. Note that these have been approved by the Board of Education.

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

BOARD ACTION REQUESTED:

Approval of the draft deeds.

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

I move that the Board approve the proposed “Highway Easement” deeds to the North Carolina Department of Transportation for the new turning lane at Hendersonville High School, and authorize the Chair and county staff to execute and deliver the deeds.

Revenue Stamps \$ 1.00

DEED FOR HIGHWAY RIGHT OF WAY

THIS INSTRUMENT DRAWN BY Kevin D Monteith CHECKED BY _____

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

RETURN TO: Frankie J Dills, Jr., Division R/W Agent, NCDOT
1594 E Main ST
Sylva NC 28779

NORTH CAROLINA
COUNTY OF HENDERSON
TAX PARCEL 9569700527

TIP/PARCEL NUMBER: SM-6114C 005
WBS ELEMENT: 50523.00
ROUTE: US 25 BUS AT SR1503 N MAIN ST /
HENDERSON HIGH SCHOOL ENT

THIS FEE SIMPLE DEED, made and entered into this the _____ day of _____ 20____
by and between Henderson 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 27th FL
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 North Carolina, 1546 Mail Service Center, Raleigh, NC 27611, hereinafter referred to as the Department;

WITNESSETH

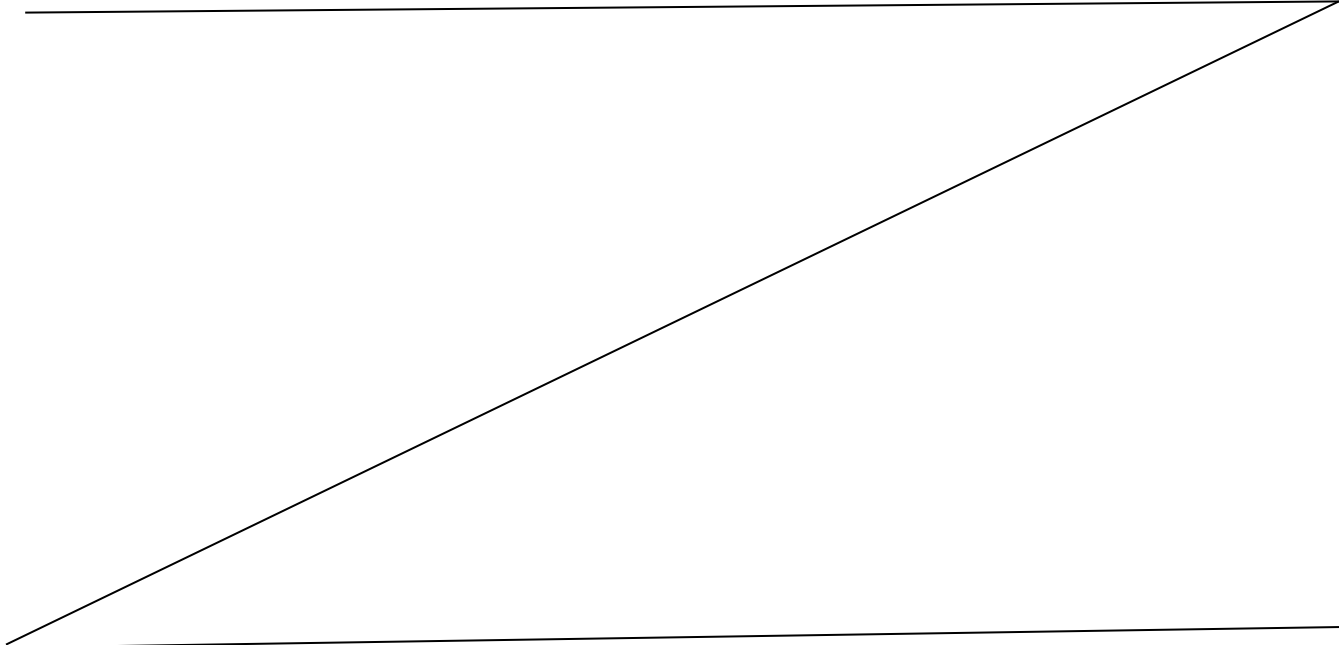
That the GRANTORS, for themselves, their heirs, successors, and assigns, for and in consideration of the sum of \$ 1.00 agreed to be paid by the DEPARTMENT to the GRANTORS, do hereby give, grant and convey unto the DEPARTMENT, its successors and assigns, in FEE SIMPLE that certain property located in Hendersonville Township, Henderson County, North Carolina, which is particularly described as follows:

Point of beginning being S 47^28'09" W, 44.49 feet from -L- Sta 8+18.74; said -L- Sta 8+18.74 being located N 53^12'01" W, 175.03 feet from N.C.D.O.T. GPS Monument "SM-6114C / G101" having N.C. Grid Coordinates of N: 590759.009, E: 967211.416, Z: 2127.73, Combined Grid Factor: 0.999776112, Horizontal Datum: NAD 83 / NA 2011, Vertical Datum: NAVD 1988.

Thence to a point on a bearing of S 45^06'22" E 175.45 feet,
Thence to a point on a bearing of S 39^54'25" E 104.68 feet,
Thence to a point on a bearing of S 23^55'13" E 48.18 feet,
Thence to a point on a bearing of S 10^32'20" E 74.17 feet,
Thence to a point on a bearing of S 87^03'17" W 22.51 feet,
Thence to a point on a bearing of N 17^07'32" W 2.59 feet,
Thence to a point on a bearing of N 67^09'22" W 59.86 feet,
Thence to a point on a bearing of N 15^59'45" E 104.18 feet,
Thence to a point on a bearing of N 44^05'20" W 141.75 feet,
Thence returning to the point of beginning on a bearing of N 38^52'08" W 121.47 feet.

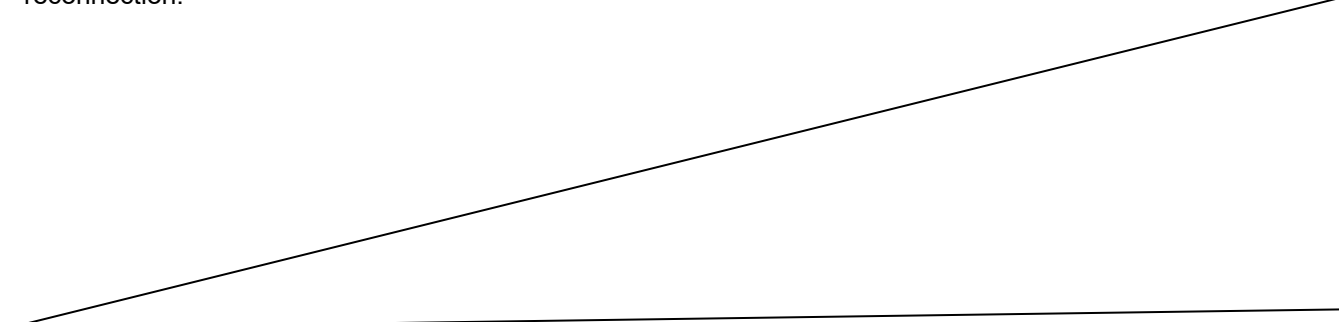
COUNTY: HENDERSON WBS ELEMENT: 50523.00 TIP/PARCEL NO.: SM-6114C 005

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: 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 Henderson County Registry in Deed Book 1520 Page 496 .

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 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.

CORPORATE SEAL Henderson County, North Carolina
BY: _____, Chairman of
Henderson County Board of Commissioners

ATTEST: _____, Clerk of
Henderson County Board of Commissioners

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

(Official Seal)	North Carolina, _____ County I, _____, a Notary Public for _____ County, North Carolina, certify that _____ personally came before me this day and acknowledged that he/she is the CLERK of the Henderson County Board Of Commissioners, and that by authority duly given, the foregoing instrument was signed in its name by _____, its CHAIRMAN of the HENDERSON COUNTY BOARD OF COMMISSIONERS, sealed with its corporate seal, and attested by _____ as its CLERK.
	Witness my hand and official seal this the ____ day of _____, 20 ____ . _____ Notary Public My commission expires: _____

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_____ (SEAL)

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

(Official Seal)	North Carolina, _____ County I, _____, a Notary Public for _____ County, North Carolina, do hereby certify that
	Trustee, For the Indenture of Trust personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this the _____ day of _____, 20 ____ .
	_____ Notary Public My commission expires: _____

Revenue Stamps \$ 1.00

DEED FOR HIGHWAY RIGHT OF WAY

THIS INSTRUMENT DRAWN BY Kevin D Monteith CHECKED BY _____

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

RETURN TO: Frankie J Dills, Jr., Division R/W Agent, NCDOT
1594 E Main ST
Sylva NC 28779

NORTH CAROLINA
COUNTY OF HENDERSON
TAX PARCEL 9569609162

TIP/PARCEL NUMBER: SM-6114C 006
WBS ELEMENT: 50523.00
ROUTE: US 25 BUS AT SR1503 N MAIN ST /
HENDERSON HIGH SCHOOL ENT

THIS FEE SIMPLE DEED, made and entered into this the _____ day of _____ 20____
by and between Henderson 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 27th FL
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 North Carolina, 1546 Mail Service Center, Raleigh, NC 27611, hereinafter referred to as the Department;

WITNESSETH

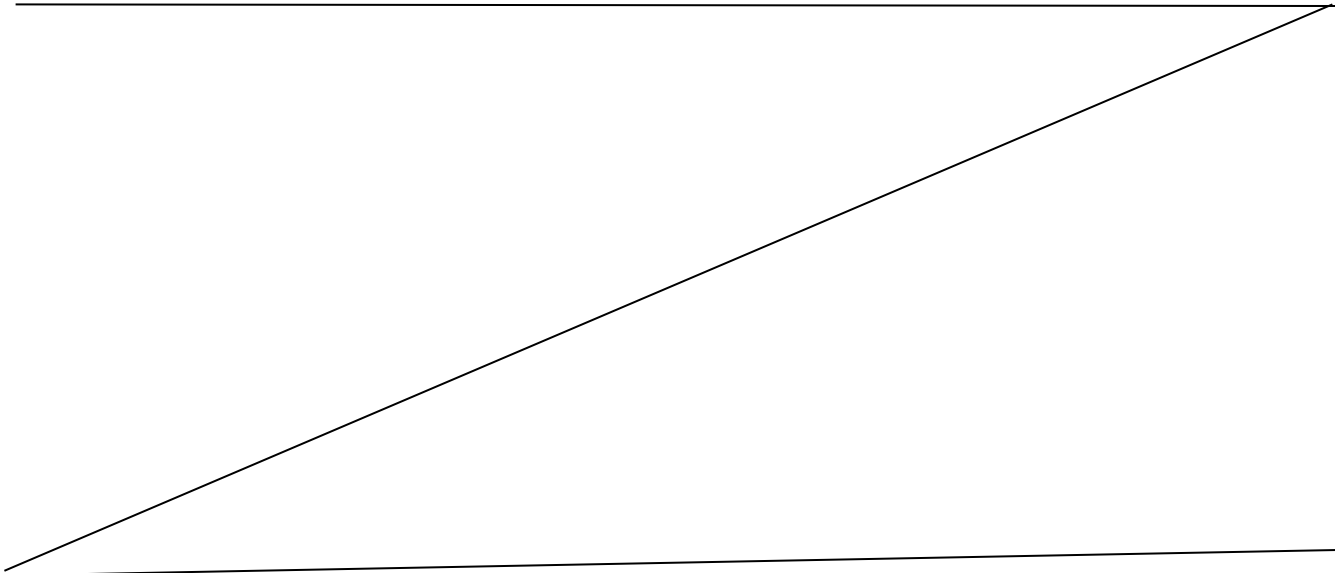
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Point of beginning being S 69[^]38'28" W, 84.68 feet from -L- Sta 13+11.98; said -L- Sta 13+11.98 being located S 24[^]06'42" E, 324.72 feet from N.C.D.O.T. GPS Monument "SM-6114C / G101" having N.C. Grid Coordinates of N: 590759.009, E: 967211.416, Z: 2127.73, Combined Grid Factor: 0.999776112, Horizontal Datum: NAD 83 / NA 2011, Vertical Datum: NAVD 1988.

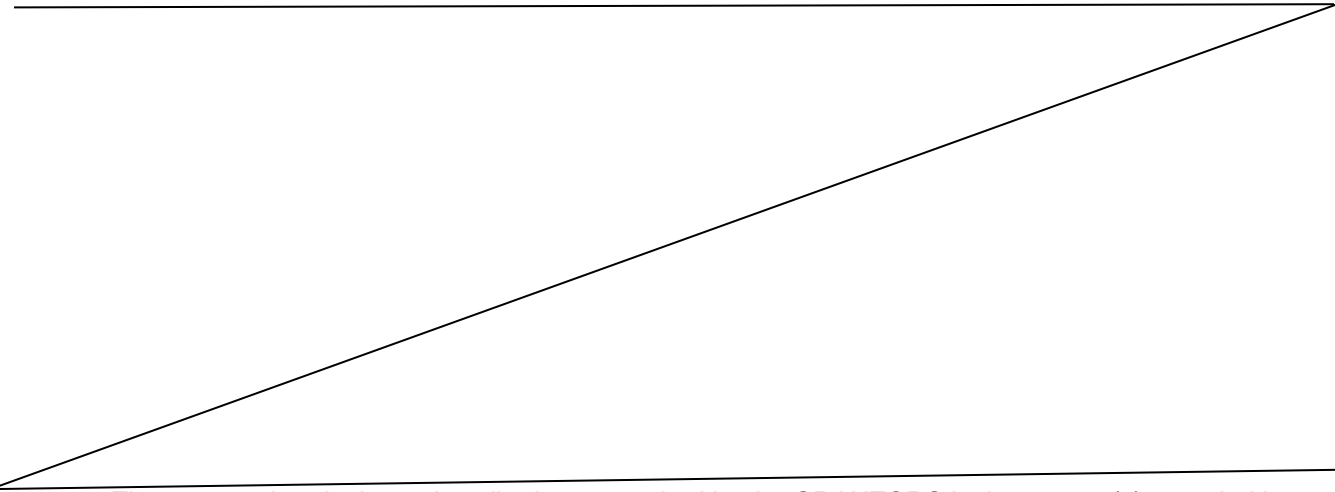
Thence to a point on a bearing of N 17[^]06'54" W 82.00 feet,
Thence to a point on a bearing of N 87[^]03'17" E 22.51 feet,
Thence to a point on a bearing of S 07[^]56'49" E 103.43 feet,
Thence returning to the point of beginning on a bearing of N 28[^]53'36" W 26.17 feet.

COUNTY: HENDERSON WBS ELEMENT: 50523.00 TIP/PARCEL NO.: SM-6114C 006

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: NONE



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 Henderson County Registry in Deed Book 3490 Page 368.

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 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.

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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.

CORPORATE SEAL Henderson County, North Carolina
BY: _____, Chairman of
Henderson County Board of Commissioners

ATTEST: _____, Clerk of
Henderson County Board of Commissioners

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

(Official Seal)	North Carolina, _____ County I, _____, a Notary Public for _____ County, North Carolina, certify that _____ personally came before me this day and acknowledged that he/she is the CLERK of the Henderson County Board Of Commissioners, and that by authority duly given, the foregoing instrument was signed in its name by _____, its CHAIRMAN of the HENDERSON COUNTY BOARD OF COMMISSIONERS, sealed with its corporate seal, and attested by _____ as its CLERK. Witness my hand and official seal this the ____ day of _____, 20 ____ .
	_____ Notary Public My commission expires: _____

COUNTY: HENDERSON WBS ELEMENT: 50523.00 TIP/PARCEL NO.: SM-6114C 006

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_____ (SEAL)

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

(Official Seal)	North Carolina, _____ County I, _____, a Notary Public for _____ County, North Carolina, do hereby certify that
	Trustee, For the Indenture of Trust personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this the _____ day of _____, 20 ____ .
	_____ Notary Public My commission expires: _____