

FORSYTH COUNTY BOARD OF COMMISSIONERS

15

MEETING DATE: SEPTEMBER 26, 2019

AGENDA ITEM NUMBER: _____

SUBJECT: RESOLUTION AUTHORIZING THE GRANT AND EXECUTION OF AN EASEMENT TO DUKE ENERGY CAROLINAS, LLC, OVER AND ALONG A PORTION OF COUNTY OWNED PROPERTY LOCATED WITHIN TANGLEWOOD BUSINESS PARK TO CONSTRUCT ELECTRIC AND COMMUNICATIONS FACILITIES FOR THE IDOLS ROAD REGIONAL LIFT STATION (DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT)

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

The City/County Utilities Commission is constructing, with funding from Forsyth County, the Idols Road Sewer Lift Station which will provide sewer access to Tanglewood Business Park and an additional 500 acres of land in southwest Forsyth County. In order to provide electricity to the lift station, Duke Energy must run a power line across the property and has requested an easement to construct these facilities.

ATTACHMENTS: Yes No

SIGNATURE: _____

J. Dudley Watts, Jr. /AMS
COUNTY MANAGER

DATE: _____

September 20, 2019

**RESOLUTION AUTHORIZING THE GRANT AND EXECUTION OF AN EASEMENT
TO DUKE ENERGY CAROLINAS, LLC, OVER AND ALONG A PORTION OF
COUNTY OWNED PROPERTY LOCATED WITHIN TANGLEWOOD BUSINESS
PARK TO CONSTRUCT ELECTRIC AND COMMUNICATIONS FACILITIES FOR
THE IDOLS ROAD REGIONAL LIFT STATION
(DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT)**

WHEREAS the County owns real property located at Tanglewood Business Park and is assisting the City/County Utility's Commission with funding the construction of the Idols Road Sewer Lift Station to provide sewer access to the business park and surrounding area; and

WHEREAS in order to provide electrical and communication service to the sewer lift station Duke Energy Carolinas, LLC, must construct electrical infrastructure to the site and has requested an easement across county owned property to construct and maintain the electrical and communications infrastructure;

NOW, THEREFORE, BE IT RESOLVED, that the Forsyth County Board of Commissioners hereby authorizes the grant of an easement over and along a portion of Forsyth County owned property located in Tanglewood Business Park to Duke Energy Carolinas, LLC, for the purposes of construction and operation of electrical and communication facilities; and

BE IT FURTHER RESOLVED, by the Forsyth County Board of Commissioners that the Chairman or County Manager and Clerk to the Board are hereby authorized to execute, on behalf of Forsyth County, any and all necessary documents to grant the above-described easement to Duke Energy Carolinas, LLC, subject to a pre-audit certificate thereon by the County Chief Financial Officer, if applicable, and approval as to form and legality by the County Attorney.

Adopted this the 12th day of September 2019.

EASEMENT

NORTH CAROLINA
FORSYTH COUNTY

Prepared By: Roni Blakeney
Return To: Duke Energy Carolinas
Attn: Lee Barber
500 Utility Drive
Clemmons, NC 27012

THIS EASEMENT ("Easement") is made this _____ day of _____, 2019 ("Effective Date"), from COUNTY OF FORSYTH, a Political Subdivision of the STATE OF NORTH CAROLINA, ("GRANTOR," whether one or more), to Duke Energy Carolinas, LLC, a North Carolina limited liability company ("DEC"); its successors, licensees, and assigns.

WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of ONE DOLLAR (\$1.00), the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto DEC, its successors, licensees, and assigns, the perpetual right, privilege, and easement to go in and upon the land of GRANTOR situated in Clemmonsville Township, described as follows: PIN# 5881-89-6114, containing 169.72 acres, more or less, and being the land described in a deed from Tanglewood Park Foundation, Inc., a North Carolina non-profit corporation to County of Forsyth, a Political Subdivision of the State of North Carolina, dated November 21, 2000, and recorded in Deed Book 2143, Page 2515, also shown as the Tract labeled "Formerly Property of R. Murray Lybrook," on a Plat, dated May 14, 1958, and recorded in Plat Book 18, Page 176, all Forsyth County Registry (the "Property"); LESS AND EXCEPT any prior out-conveyances, and to construct, reconstruct, operate, patrol, maintain, inspect, repair, replace, relocate, add to, modify and remove electric and/or communication facilities thereon including but not limited to, supporting structures such as poles, cables, wires, underground conduits, enclosures/transformers, vaults and manholes and other appurtenant apparatus and equipment (the "Facilities") within an easement area being twenty (20) feet wide, together with an area ten (10) feet wide on all sides of the foundation of any DEC enclosure/transformer, vault or manhole (the "Easement Area"), for the purpose of transmitting and distributing electrical energy and for communication purposes of DEC and Incumbent Local Exchange Carriers. The centerline of the Facilities shall be the center line of the Easement Area.

The right, privilege and easement shall include the following rights granted to DEC: (a) ingress and egress over the Easement Area and over adjoining portions of the Property (using lanes, driveways and paved areas where practical as determined by DEC); (b) to relocate the Facilities and Easement Area on the Property to conform to any future highway or street relocation, widening or improvement; (c) to trim and keep clear from the Easement Area, now or at any time in the future, trees, limbs, undergrowth, structures or other obstructions, and to trim or clear dead, diseased, weak or leaning trees or limbs outside of the Easement Area which, in the opinion of DEC, might interfere with or fall upon the Facilities; and (d) all other rights and privileges reasonably necessary or convenient for DEC's safe, reliable and efficient installation, operation, and maintenance of the Facilities and for the enjoyment and use of the Easement Area for the purposes described herein.

Notwithstanding anything to the contrary above, it is understood and agreed that: (1) the EASEMENT herein granted is for facilities to be installed at any point where needed on the above-referenced land of GRANTOR and/or where needed to serve adjoining lands, portions of which facilities may be installed immediately, and other portions installed in the future as the need develops; and (2) said facilities shall be installed at locations mutually agreeable to the parties hereto.

TO HAVE AND TO HOLD said rights, privilege, and easement unto DEC, its successors, licensees, and assigns, forever, and GRANTOR, for itself, its heirs, executors, administrators, successors, and assigns, covenants to and with DEC that GRANTOR is the lawful owner of the Property and the Easement Area in fee and has the right to convey said rights and Easement.

IN WITNESS WHEREOF, this EASEMENT has been executed by GRANTOR and is effective as of the Effective Date herein.

FORSYTH COUNTY

By: _____

Chairman
Board of Commissioners

ATTEST:

_____, Clerk

(Affix Official Seal)

NORTH CAROLINA, _____ COUNTY

I, _____, a Notary Public of _____ County, North Carolina, certify that _____ personally appeared before me this day and acknowledged that he/she is _____ Clerk of FORSYTH COUNTY, and that by authority duly given and as the act of said COUNTY, the foregoing EASEMENT was signed in its name by its _____ Chairman, sealed with its official seal, and attested by _____ self as its _____ Clerk.

Witness my hand and notarial seal, this _____ day of _____, 2019.



Notary Public

My commission expires: _____

