

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 6.

Date of Request: April 23, 2008

Date Request Received: April 23, 2008

Board Meeting Date Requested: May 5, 2008

Board Meeting Date Assigned: May 5, 2008

Short Title: Resolution Approving The Abandonment Of A Currently Existing Easement To Bellsouth And The Granting Of An Easement In A New Alignment: Progress Drive, Burgaw, North Carolina.

Request Status:

- Request is proceeding to Board of Commissioners
- More information is needed – see attached
- Request on hold – no further information needed
- Other:

Background: Bellsouth currently has and maintains an easement area behind the Cooperative Extension Building at 801 South Walker, along Progress Drive. Bellsouth, though their right-of-way agent, Brenda Babb, has indicated a need to upgrade their infrastructure in order to keep pace with growth in the Town of Burgaw.

(Administrative Use Only)

Currently, they have equipment placed on a small 10' X 10' easement area on the grass behind the parking area. This is the area they wish to expand in. In addition, they own a 30' X 30' easement in close proximity to the Cooperative Extension building. If they were to exercise this easement and expand in that footprint, it would require the County to move some parking area, established grassy areas, trees, and shrubbery.

CONTRACT TYPE

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
 - Federal Grantor
 - State Grantor
 - Grant or
- County as Grantor
 - County Funds
 - Other Funds:
- Revision
- For Equipment

As an alternative, they have proposed to expand near their currently existing equipment, for which they would need a 40' X 40' easement in exchange. As part of this agreement, they would abandon the 30' x 30' easement near our building. No compensation is being offered for this conveyance. See attached map and proposed easement.

PURCHASING

Date Rec'd: Budgeted Item: Yes No
 Reviewed and Approved
 Comments on Reverse

Staff recommends approval of this easement as requested.

Date Sent:

Signed:

ATTORNEY

Date Rec'd: Reviewed and Approved
 Legal Problem(s)
 Comments on Reverse

Specific Action Requested: The Board of Commissioners is requested to approve the abandonment of an old and the granting of a new easement to Bellsouth for expansion of their infrastructure along Progress Drive in Burgaw.

Date Sent:

Signed:

FINANCE

Date Rec'd: Sufficient Funds Available Not Available
 Budget Amendment Necessary
 Budgeted Amendment is Attached
 Comments on Reverse

Requested by: Melinda Knoerzer
Department: County Manager's Office
Title: Administrative Assistant
Contact Phone: 910.259.1521
Contact Fax: 910.259.1579

Date Sent:

Signed:

CLERK

Signature(s) Required:
 Board Chairman/County Manager
 Other:

Date Rec'd Approved by Board: Yes No
At meeting on

STATE OF NORTH CAROLINA
COUNTY OF PENDER

8416-I-NC
(06-2007)

Preparer's name and address:

Kathy Coulter
102 4th Street
Wilmington, NC 28491

Grantee's Address:

BellSouth Telecommunications, Inc. d/b/a AT&T North Carolina
102 4th Street
Wilmington, NC 28401

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, Inc., a Georgia corporation; 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 (hereinafter referred to as "Grantee"), an easement to construct, operate, maintain, add, and/or remove such systems of communications (including broadcast), facilities, standby generators and associated fuel supply systems as a means of providing uninterrupted service during commercial power outages, 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 _____ 756 page _____ 415 _____ Pender 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 _____ Pender County, State of North Carolina, consisting of a (strip) (parcel) of land a 10'x approximately 30' strip easement connecting a 10'x10' equipment easement and equipment easement all located on the east side of Progress Drive. The easements are fully described by the survey and legal description attached as Exhibit A.

The following rights are also granted: the exclusive right to allow any other person, firm, or corporation to attach wires or lay cable or conduit or other appurtenances upon, over, and under said easement for communications (including broadcast) 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 out 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 conduct site evaluations and/or other above and below ground tests and surveys deemed necessary by Grantee, 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, Inc. 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 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:

The following special stipulations shall control in the event of conflict with any of the foregoing easement:
The existing 30'x30' easement recorded in Deed Book 805 at Page 203 will be abandoned by BellSouth
d/b/a AT&T North Carolina

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)

Grantor
(Print Name
and Address)

Lori Brill

L.S.

Witness
(Print Name)

Grantor
(Print Name
and Address)

L.S.

State of North Carolina, County of _____

I, _____, hereby certify that
personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal, this _____ day of _____

My Commission Expires: _____

Notary Public
(Print Name)

TO BE COMPLETED BY GRANTEE

District	FRC	Wire Center/NXX	Authority
Drawing	Area Number	Plat Number	RWID
Parcel ID	Approval	Title	

