

# REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 16

Date of Request: June 30, 2008

Date Request Received: June 30, 2008

Board Meeting Date Requested: July 7, 2008

Board Meeting Date Assigned: July 7, 2008

**Short Title:** Resolution Approving NC DOT Secondary Road Right Of Way Agreement: North Chubb Road Re-Alignment

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

**Background:** In 2001, the Rocky Point/Topsail Water and Sewer District acquired two separate parcels of land at the intersections of Highway 117 and Chubb Road, and at Highway 117 and N. Chubb Road. These parcels are across Highway 117 from one another. Records from 2001 indicate that in order to acquire the desired parcel on the west side of Highway 117, the owner required us to also purchase the second parcel - on the east side of Highway 117. Thereafter, the County built a booster pump station for the water system on the east side.

The east side parcel has recently been the focus of the Town of Burgaw's sewer project and they have requested an easement in order to construct a lift station. That action will be addressed in a future resolution.

The NC Department of Transportation has designed a complete realignment of the access to North Chubb Road - as seen on the attached map. They are asking for a semi-circular 51 ft. radius parcel of our land in order to construct a cul-de-sac. A new access will come straight out to Highway 117 on the south end of our property and the current access will be closed off.

Engineers for the Town of Burgaw have reviewed the proposed re-alignment and have determined that they can still construct a lift station; however it may not meet the County's required setbacks.

**Specific Action Requested:** The Board of Commissioners is requested to approve the NC DOT Secondary Road Right of Way Agreement regarding the North Chubb Road Realignment

Requested by: Paul B. Parker  
Department: County Manager's Office  
Title: Interim County Manager  
Contact Phone: 910.259.1200  
Contact Fax: 910.259.1402

(Administrative Use Only)

## CONTRACT TYPE

- |                                                                |                                          |
|----------------------------------------------------------------|------------------------------------------|
| <input type="checkbox"/> Renewal                               | <input type="checkbox"/> Revision        |
| <input type="checkbox"/> For Service(s)                        | <input type="checkbox"/> For Equipment   |
| <input type="checkbox"/> Intergovernmental – County as Grantee |                                          |
|                                                                | <input type="checkbox"/> Federal Grantor |
|                                                                | <input type="checkbox"/> State Grantor   |
|                                                                | <input type="checkbox"/> Grantor         |
| <input type="checkbox"/> County as Grantor                     |                                          |
|                                                                | <input type="checkbox"/> County Funds    |
|                                                                | <input type="checkbox"/> Other Funds:    |

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

Date Sent: Signed:

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

Date Sent: Signed:

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

Date Sent: Signed:

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

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

**MANAGER'S RECOMMENDATION:**

Respectfully Recommend Approval

ADP  
Initials

**RESOLUTION: NOW THEREFORE BE IT RESOLVED** by the Board of Commissioners that the NC DOT Secondary Road Right of Way Agreement regarding the realignment of North Chubb Road is approved. The Chairman/County Manager is authorized to execute any documents necessary to implement this resolution.

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECONDED \_\_\_\_\_

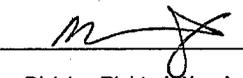
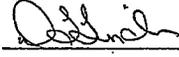
APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS \_\_\_\_\_

YEA VOTES: Williams \_\_\_ Tate \_\_\_ Blanchard \_\_\_ Brown \_\_\_ Rivenbark \_\_\_\_\_

\_\_\_\_\_  
J. David Williams, Jr., Chairman      07/07/08  
Date

\_\_\_\_\_  
Attest      07/07/08  
Date

## SECONDARY ROAD RIGHT OF WAY AGREEMENT

THIS INSTRUMENT DRAWN BY:  CHECKED BY: 

RETURN TO: M. H. Thompson, Jr., Division Right of Way Agent  
NC Dept. of Transportation, 3113 N. Kerr Avenue  
Wilmington, NC 28405

NORTH CAROLINA  
COUNTY OF Pender  
TOWNSHIP OF Union

PARCEL: 071SR1646 002Z  
WBS ELEMENT: 3c.071016  
SECONDARY ROAD No.: SR 1646  
NAME OF ROAD: North Chubb Rd.

Pender County  
807 Walker Street  
Burgaw, NC 28425

the undersigned owners of that certain property described in Deed Book 1740 at Page 012 in the Register of Deeds Office of Pender County, and bounded by US 117, SR 1646

recognizing the benefits to said property by reason of the Department of Transportation assuming responsibility for the maintenance of the above-described road, hereby grants to the North Carolina Department of Transportation, the right of way for said proposed road and releases the Department from all claims for damages by reason of said right of way across the lands of the undersigned and the past and future use thereof by the Department, its successors and assigns for all purposes for which the Department is authorized by law to subject said right of way; said right of way being the width indicated and across said property as follows:

This agreement includes as additional right of Way so much of the following described area as is owned by the undersigned:

AREA 1: Beginning at a point on the eastern existing right of way boundary of US117 (150 foot existing right of way) located 91.92 feet southerly of and perpendicular to Survey Station 4+29.28, Survey Line L REV; thence northwesterly along the existing right of way boundary of US117 (150 foot existing right of way) to a point 83.92 feet northwesterly of and perpendicular to Survey Station 3+34.58, Survey Line L REV; thence southeasterly, in a straight line, to a point 19.91 feet northwesterly of and perpendicular to Survey Station 3+79.17, Survey Line L REV; thence northeasterly, in a straight line, to a point 19.40 feet northwesterly of and perpendicular to Survey Station 4+46.44, Survey Line L REV; thence southeasterly, in a straight line, to a point 30.40 feet southeasterly of and perpendicular to Survey Station 4+47.44, Survey Line L REV; thence southwesterly, in a straight line, to a point 30.09 feet southeasterly of and perpendicular to Survey Station 4+06.32, Survey Line L REV; thence southeasterly, in a straight line, to the point of beginning.

AREA 2: Beginning at a point on the eastern existing right of way boundary of US117 (150 foot existing right of way) located 60.59 feet southeasterly of and perpendicular to Survey Station 3+60.11, Survey Line Y-1; thence northwesterly along the aforesaid eastern existing right of way boundary of US117 (150 foot existing right of way) to a point 32.87 feet southeasterly of and perpendicular to Survey Station 3+76.57, Survey Line Y-1; thence easterly, in a straight line, to a point 33.81 feet southeasterly of and perpendicular to Survey Station 3+16.71, Survey Line Y-1; thence easterly, in a straight line, to a point 34.50 feet southeasterly of and perpendicular to Survey Station 2+65.71, Survey Line Y-1; thence along a circular curve to the right, with its center being 33.81 feet southeasterly of and perpendicular to Survey Station 3+16.71, Survey Line Y-1, and said curve having a radius of 51 feet, to the point of beginning.

And such additional widths as might be necessary to provide for cut and fill slopes, sedimentation control and drainage of road.

It is understood and agreed that the right of way hereinabove has been staked out upon the property of the undersigned and that the centerline of the road is located in the center of the right of way stakes. The undersigned property owners further agree not to erect any structures, including masonry mailboxes, masonry driveway headwalls, any fencing, etc., or engage in cultivation within the right of way granted herein, except as approved by the North Carolina Department of Transportation pursuant to G.S. 136-93 and N.C. Administrative Code 19A NCAC 02E.0404.

There are no conditions to this agreement not expressed herein. The undersigned hereby covenant and warrant that they are the sole owners of said property; that they solely have the right to grant this right of way, and that they will forever warrant and defend the title to the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, GRANTOR pursuant to a Resolution dated \_\_\_\_\_, has caused this instrument to be signed in its corporate name by its CHAIRMAN OF THE PENDER COUNTY BOARD OF COMMISSIONERS its corporate seal hereto affixed, and attested by its CLERK OF THE PENDER COUNTY BOARD OF COMMISSIONERS, by order of the PENDER COUNTY BOARD OF COMMISSIONERS, this the day and year first written.

Corporate Seal

PENDER COUNTY

BY \_\_\_\_\_ (SEAL)  
Chairman, Pender County Board of Commissioners

ATTEST \_\_\_\_\_ (SEAL)  
Clerk, Pender County Board of Commissioners

(Stamp/Seal)	STATE OF _____ COUNTY OF _____
	I, _____ a Notary Public for said County and State, so hereby certify that _____
	personally appeared before me this day and acknowledged he/she is the Clerk, Pender County Board of Commissioners, and that by authority duly given, the foregoing instrument was signed in its name by its Chairman of the Pender County Board of Commissioners, sealed with its corporate seal, and attested by _____ as its Clerk of the Pender County Board of Commissioners.
	Witness my hand and official stamp or seal, this the _____ day of _____, 20_08.
	My commission expires _____ Notary Public

The foregoing Certificate(s) of \_\_\_\_\_ is/are certified to be correct. This instrument and this certificate are duly registered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in Book \_\_\_\_\_, Page \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

REGISTER OF DEEDS FOR \_\_\_\_\_ COUNTY

BY: \_\_\_\_\_ Deputy/Assistant - Register of Deeds

MAPS AT PENDER COUNTY REGISTER  
OF DEEDS USED FOR REFERENCE:

- MB 32, PG 93
- MB 33, PG 19
- MB 35, PG 38
- ALSO, NCDOT PLANS FOR PROJECT  
NO. 8-1223363 (PROJECT REFERENCE  
NO. 8-1223340).

ADDITIONAL RIGHT OF WAY ON NORTH  
SIDE WAS ACQUIRED UNDER RIGHT OF  
WAY AGREEMENT RECORDED IN DB 1536,  
PG 027 IN PENDER COUNTY REGISTRY.

RHONE T. ANDERSON  
DB 1306, PG 307  
MB 31, PG 135

IF RCP  
ECL 184-46.12  
15.98 LT

CEMETERY  
BOUNDARY

PI Sta 9+86.77  
NO CURVE  
 $\Delta = 01^{\circ} 10' 38''$  LT

EXISTING R/W BY  
MAINTENANCE

SADRY R. WOOD  
DB 499, PG 070

BENT EIP  
927.88  
42.84 LT

N 85° 34' 27" E  
108.51'

S 10° 02' 48" E  
510.24'

E 15° 52' 22" E  
33.34'

N 85° 34' 27" E  
108.51'

S 10° 02' 48" E  
510.24'

E 15° 52' 22" E  
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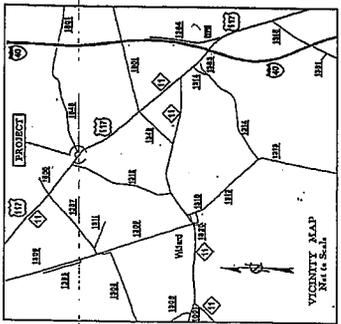
S 10° 02' 48" E  
510.24'

E 15° 52' 22" E  
33.34'

N 85° 34' 27" E  
108.51'

DAVID H. CAMPBELL  
DB 695, PG 065

(8)



(1)

SEE DETAIL "A"

WAIN RYI FORSE  
DB 608, PG 046

PI Sta 1+93.30  
NO CURVE  
 $\Delta = 86^{\circ} 24' 34''$  LT

LINDA T. BALL  
DB 1361, PG 089

(3)

LARRY N. WOOD  
DB 983, PG 194

HOUSE

0475.68  
56.62 RT

4125' W HOUSE

4496.45  
1123 LT

Approx. 682 feet  
from Sta. 2+94.32  
to SR 1312

(2)

PENDER  
COUNTY

DB 1740, PG 012

EIP 0415.98  
143 RT (Y)

4446.44  
19.48 LT

3779.17  
19.91 LT

4466.32  
30.89 RT

(4)

END PROPOSED REVISION  
-L REV - Sta 4+76.75

North Carolina Dept. of Transportation  
Division of Highways - Division 3 / District 1

SECONDARY ROAD SURVEY  
SR 1646 'NORTH CHUBB ROAD'

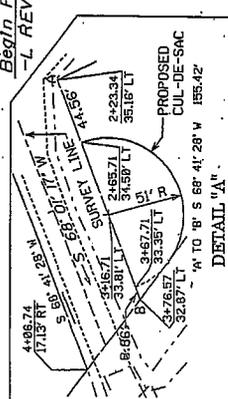
REVISION OF INTERSECTION WITH US 117

Date: 04/29/2008  
Scale: 1" = 80'  
Union, Township, Pender County

Survey by: D.W. Roache  
Drawn by: K.A. Artiglio  
MAP 338R-P  
Sheet 1 of 1

Date	By	Revisions	Changes
04/29/08	KAA		CHANGED THE WAY SR 1646 INTERSECTS WITH US 117. ADDED AN OFFSET CUL-DE-SAC ON THE OLD ALIGNMENT WHERE THE ROAD WILL BE CLOSED OFF TO US 117. ADDED TWO 10 X 70 SIGHT TRIANGLES AT REVISION INTERSECTION. ADJUSTED SURVEY CENTERLINE LENGTH WILL BE 6423.81 FT 1122 MIL. IF THIS R/W IS ACQUIRED, IT WILL BE ADDED AS A SEPARATE SR.

Begin Revision  
-L REV - Sta 2+94.32



DETAIL "A"