

REQUEST FOR BOARD ACTION

ITEM NO. 8.

DATE OF MEETING: February 1, 2010

REQUESTED BY: Rick Benton, County Manager

SHORT TITLE: Resolution Authorizing an Option for Acquisition of Easement for AT&T at Pender Commerce Park

BACKGROUND: AT&T telecommunications facilities do not extend along US 421 to the Pender Commerce Park. Staff has made a request to the company to extend fiber cable along US 421 to serve business and industry that will be locating in the industrial park, as well as the new water and sewer treatment plants. Staff has identified a specific site for a proposed 40' x 40' easement on which the telecommunications equipment can be located. The site is located between the highway right-of-way and the railroad corridor right-of-way, on land that is not suitable for construction. The Board is asked to consider authorizing an option to AT&T to allow the company to evaluate this site for suitability for an easement for telecommunications equipment. A map of the proposed location, along with a picture of the telecommunications equipment proposed is attached, along with an option form. If approved by the Company, the Board will be subsequently asked to grant an easement for this purpose.

SPECIFIC ACTION REQUESTED: To consider a resolution authorizing an option for acquisition of an easement for AT&T at Pender Commerce Park for telecommunications equipment.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.

MB
Initial

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

the Board hereby authorizes an option for acquisition of an easement for AT&T at Pender Commerce Park for telecommunications equipment. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Tate ___ Blanchard ___ Brown ___ Rivenbark ___ Williams ___

Jimmy T. Tate, Chairman

Date

ATTEST

Date

STATE OF NORTH CAROLINA
COUNTY (PARISH) OF PENDER

RF-8420-C
(06-2007)

Preparer's name and address:

George Cook
Post Office Box 1103
Cary, NC 27512
(Return to the address above)

Grantee's Address:

BellSouth Telecommunications, Inc.
d/b/a AT&T North Carolina
(State)

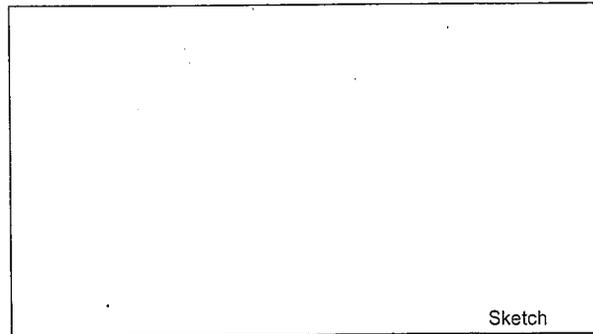
100 South Eugene Street
Greensboro, NC 27401
Attn: Lisa Feeney Room 212

Option For Acquisition Of Easement (Or Servitude)

For and in consideration of the sum of money hereinafter set out 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 option to acquire an easement (or servitude), to construct, operate, maintain, add, and/or remove such systems of communications (including broadcast), facilities, 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 3044 page 319, Pender (County) (Parish), 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.

Grantee shall have the right to enter upon the property covered by this option for the purpose of making surveys and tests deemed necessary by the Grantee. Grantor shall convey the easement (or servitude) area substantially in the following form:

A PARCEL AND STRIP OF LAND AND ACCESS AS
SHOWN AS ATTACHED EXHIBIT "B".



Sketch

The receipt of One and No/100 Dollars (\$1.00) is hereby acknowledged by the undersigned for an option for a period of One hundred eighty (180 days) days commencing on the date of execution of this instrument. Should the Grantee choose not to exercise this option, Grantee shall be released from any and all obligations herein granted. Grantee agrees to pay the owner Ten and no/100 dollars (\$ 10.00) when and if this option is exercised. The sum herein agreed upon is in full payment for all rights herein granted. Should the Grantee choose to exercise this Option, then Grantor agrees to execute an easement (or servitude) conveyance document in form attached hereto as Exhibit "A", Easement (or Servitude).

To have and to hold the above granted option for acquisition of easement (or servitude) unto BellSouth Telecommunications, Inc., its licensees, agents, successors, assigns, and allied and associated companies.

In witness whereof, the following undersigned has/have caused this instrument to be executed on the _____ day of _____,

Signed, sealed and delivered in the presence of:

GRANTOR: **Pender County Board of County Commissioners**
805 South Walker Street
Burgaw, NC 28425

(SEAL)

BY: _____
TITLE: BOARD CHAIRMAN

ATTEST: _____
TITLE: Clerk to the Board

State of North Carolina

County of _____

I, _____, a Notary Public for said County and State, do hereby certify that _____, personally came before me this day and acknowledged that he/she is Clerk (Title) of **Pender County Board of County Commissioners**, and backed by authority duly given and as the act of **Pender County Board of County Commissioners**, the foregoing instrument was signed in its name by its **BOARD CHAIRMAN** sealed with its seal, and attested by himself/herself as its Clerk (Title).

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

Notary Public _____ Notary Number _____

(Print Name) _____ My Commission Expires: _____

TO BE COMPLETED BY BELLSOUTH TELECOMMUNICATIONS, INC.

District East	FRC	Wire Center/NXX Fourth Street	Authority CE2531
Drawing	Area Number	Plat Number	RWD
Approval		Title	

EXHIBIT A

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STATE OF NORTH CAROLINA
COUNTY OF PENDER

8416-C-NC
(06-2007)

Preparer's name and address:
George Cook
Post Office Box 1103
Cary, NC 27512
(Return to the address above)

Grantee's Address:
BellSouth Telecommunications, Inc. d/b/a AT&T North Carolina
100 South Eugene Street
Greensboro, NC 27401
Attn: Lisa Feeney Room 212

EASEMENT

For and in consideration of Ten and 00/100 dollars (\$ 10.00) 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 3044, page 319, 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 as described in LEGAL DESCRIPTION (EXHIBIT-A) AND EASEMENT SURVEY (EXHIBIT-B) ATTACHED HERETO AND MADE A PART OF THIS EASEMENT.

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 cut 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 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.

EXHIBIT A

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(06-2007)
Page 2

SPECIAL STIPULATIONS OR COMMENTS:

The following special stipulations shall control in the event of conflict with any of the foregoing easement:

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:

GRANTOR: **Pender County Board of County Commissioners**
805 South Walker Street
Burgaw, NC 28425

EXHIBIT ONLY DO NOT EXECUTE

(SEAL)

BY: _____
TITLE: BOARD CHAIRMAN

ATTEST: _____
Clerk to the Board

State of North Carolina

County of _____

I, _____, a Notary Public for said County and State, do hereby certify that _____, personally came before me this day and acknowledged that he/she is Clerk (Title) of **Pender County Board of County Commissioners**, and backed by authority duly given and as the act of **Pender County Board of County Commissioners**, the foregoing instrument was signed in its name by its **BOARD CHAIRMAN** sealed with its seal, and attested by himself/herself as its Clerk (Title).

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

My Commission Expires: _____

Notary Public
(Print Name)

TO BE COMPLETED BY GRANTEE

District East	FRC	Wire Center/NXX Fourth Street	Authority CE2531
Drawing	Area Number	Plat Number	RWID
Parcel ID	Approval	Title	

