

REQUEST FOR BOARD ACTION

ITEM NO. 17.

DATE OF MEETING: April 5, 2010

REQUESTED BY: Rick Benton, County Manager

SHORT TITLE: Resolution Authorizing an Easement Agreement with AT&T for Telecommunications Equipment at Pender Commerce Park

BACKGROUND: AT&T telecommunications facilities do not extend along US 421 to the Pender Commerce Park. Staff 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 (with access) on which the telecommunications equipment can be located, and the company finds the site suitable. 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.

A copy of the proposed easement agreement, along with a sketch delineating the easement is attached. The Board is asked to consider authorizing the easement agreement.

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

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.

JS
Initial

RESOLUTION

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

the Board hereby authorizes the proposed easement agreement with AT&T at Pender Commerce Park for the purpose of installing 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 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: NC141E717918
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.

SPECIAL STIPULATIONS OR COMMENTS:

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

A portion of the non-exclusve easement is located within future public right of way. Upon recordation of the future public right of way, the AT&T non-exclusive easement will begin at the north-western boundary of said public right of way.

In witness whereof, the undersigned has/have caused this instrument to be executed on the _____ day of _____, 2010.

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: _____
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 DI 0950	RWID NC141E717918
Parcel ID	Approval	Title	

MARK A. STOCKS, PLS, PC
PROFESSIONAL
LAND SURVEYOR

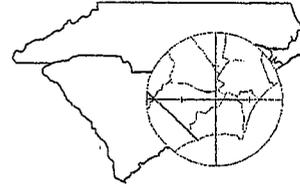


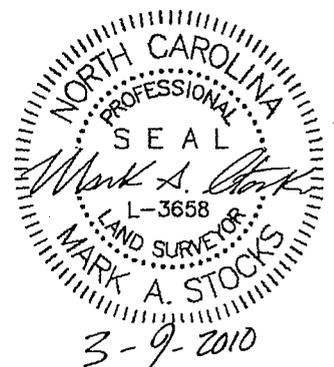
EXHIBIT-A
Work Order # CE2531

Being a 40 feet by 40 feet AT&T Easement situated in Grady Township, Pender County, North Carolina, being located to the West of the intersection of Cow-pen Landing Road and U.S Highway 421 and more particularly described as follows:

Beginning at a set iron pipe in the Western right of way line of U.S Highway 421 (Controlled Access), said pipe being located South 62 degrees 02 minutes 50 seconds East 437.44 feet; thence South 25 degrees 04 minutes 26 seconds East 606.76 feet ; thence South 24 degrees 58 minutes 05 seconds East 60.01 feet; thence South 25 degrees 20 minutes 07 seconds East 30.00 feet from an Old Stone marking the Northeast most corner of a tract of land conveyed to Pender County as recorded in Map Book 42 Page 113 of the Pender County Registry. Running thence from said beginning point and along the right of way of U.S Highway 421(Controlled Access), South 25 degrees 20 minutes 07 seconds East 40.00 feet to an iron pipe in the western right of way line of U.S. Highway 421, thence leaving said right of way line South 64 degrees 39 minutes 53 seconds West 40.00 feet to an iron pipe; thence North 25 degrees 20 minutes 07 seconds West 40.00 feet to an iron pipe; thence North 64 degrees 39 minutes 53 seconds East 40.00 feet to the point of beginning. Also shown as a 40 feet by 40 feet AT&T Easement as shown on an attached map entitled "Exhibit-B", prepared by Mark A. Stocks, PLS, PC dated February 22, 2010.

Together with a non-exclusive easement for vehicle access being more particularly described as follows:

Beginning at the Southwestern most corner of the above described 40 feet by 40 feet AT&T Site Easement, running thence from said *Point of Beginning*, South 64 degrees 39 minutes 53 seconds West 86.03 feet to an iron pipe; thence South 29 degrees 27 minutes 12 seconds East 391.01 feet to an iron pipe; thence North 64 degrees 39 minutes 53 seconds East 60.60 feet to an iron pipe in the western right of way line of U.S. Highway 421; thence with said right of way line South 29 degrees 31 minutes 42 seconds East 12.03 feet to an iron pipe; thence leaving said right of way line South 64 degrees 39 minutes 53 seconds West 72.65 feet to an iron pipe; thence North 29 degrees 27 minutes 12 seconds West 403.04 feet to an iron pipe; thence South 64 degrees 39 minutes 53 seconds West 8.02 feet to an iron pipe; thence North 29 degrees 27 minutes 12 seconds West 40.10 feet to an iron pipe; thence North 64 degrees 39 minutes 53 seconds East 20.05 feet to an iron pipe; thence South 29 degrees 27 minutes 12 seconds East 20.05 feet to an iron pipe; thence North 64 degrees 39 minutes 53 seconds East 87.44 feet to an iron pipe; thence South 25 degrees 20 minutes 07 seconds East 20.00 feet to the point of beginning.



I, MARK A. STOCKS, CERTIFY THAT THIS PROPERTY WAS SURVEYED AND MAP DRAWN UNDER MY SUPERVISION: DESCRIPTION AS SHOWN ON THE FACE OF THIS PLAT; RATIO OF PRECISION AS CALCULATED BY COMPUTER IS 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN BY BROKEN LINES PLOTTED FROM INFORMATION REFERENCED; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA; WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 9TH DAY OF MARCH A.D. 2010.

Mark A. Stocks
 MARK A. STOCKS
 N.C. PLS No. L-3658

NOTE: FOR ILLUSTRATION PURPOSES ONLY.
 * THIS MAP HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

SEABOARD COASTLINE RAILROAD
 (TRACKS DISMANTLED)
 (RW VARIES)

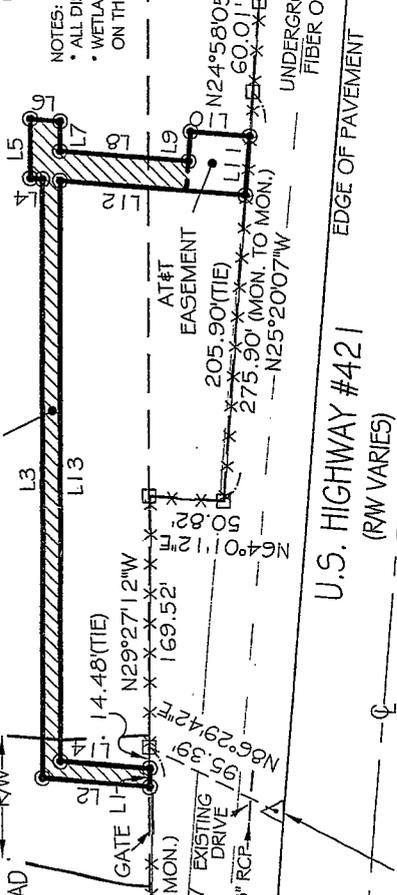
LINE	BEARING	LENGTH
L1	S29°31'42"E	12.03
L2	S64°39'53"W	72.65
L3	N29°27'12"W	403.04
L4	S64°39'53"W	8.02
L5	N29°27'12"W	40.10
L6	N64°39'53"E	20.05
L7	S29°27'12"E	20.05
L8	NG4°39'53"E	87.44
L9	N25°20'07"W	20.00
L10	NG4°39'53"E	40.00
L11	S25°22'34"E	40.00
L12	S64°39'53"W	126.03
L13	S29°27'12"E	391.01
L14	NG4°39'53"E	60.60

MARK A. STOCKS, PLS, PC.
 PROFESSIONAL
 LAND SURVEYOR
 4705 SOUTHWEST SUPPLY HWY
 SOUTHFORD, NC 28641
 phone: (810) 457-6710
 fax: (810) 457-6660
 email: stocksland@bellsouth.net LICENSE # C-2813

- LEGEND**
- = EXISTING RAW MONUMENT
 - = SET IRON PIPE
 - ⊥ = CENTERLINE
 - ✕ = CONTROLLED ACCESS FENCE
 - = RIGHT OF WAY
 - ⊙ = CONTROLLED ACCESS

NOTES:
 * THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" AS PER FIRM PANEL # 2291 L.
 CID # 370344.
 INDEX DATED: FEBRUARY 16, 2007.
 PENDER COUNTY
 DEED BOOK 3044 PAGE 319
 MAP BOOK 42 PAGE 113
 PARCEL ID. # 2291-76-4724-0000

AT&T NON-EXCLUSIVE
 EASEMENT FOR SERVICE
 VEHICLE ACCESS

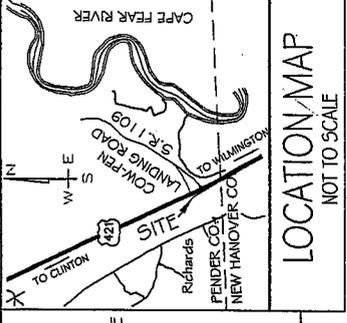


NOTES:
 * ALL DISTANCES ARE HORIZONTAL.
 * WETLANDS, IF ANY, NOT SHOWN ON THIS PLAT.

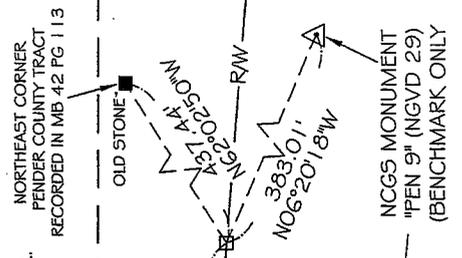
NOTE:
 THIS TRACT IS SUBJECT
 TO ALL UTILITY EASEMENTS,
 RESTRICTIONS OR
 COVENANTS OF RECORD.

EXHIBIT "B"
 WORK ORDER # CE2531
 PARCEL ID. # 2291-76-4724-0000

EASEMENT SITE SURVEY FOR AT&T
EXHIBIT "B"
 BEING A PORTION OF A TRACT OF LAND RECORDED IN
 DEED BOOK 3044 PAGE 319 #
 MAP BOOK 42 PAGE 113 OF PENDER COUNTY REGISTRY
 GRADY TOWNSHIP PENDER COUNTY, N.C.



SURVEY REFERENCE
 DEED BOOK 3044, PAGE 319
 MAP BOOK 42, PAGE 113



S:\Land Projects\AT&T HIGHWAY 421\dwg\EXHIBIT B.dwg
 FEBRUARY 22, 2010 9:701 SQ.FT.±
 REVISED: MARCH 9, 2010
 100 0 50 100 200
 1 INCH = 100 FEET
 © MARK A. STOCKS, PLS, PC MARCH 2010