

**REQUEST FOR BOARD ACTION**

**ITEM NO.** 14.

**DATE OF MEETING:** November 1, 2010

**REQUESTED BY:** Michael G. Mack, Director, PCU

**SHORT TITLE:** Resolution Approving an Access Easement to Progress Energy Carolinas, Inc. for the Construction, Maintenance, and Operation of Primary and Temporary Electrical Power to the Water Treatment Plant Site.

**BACKGROUND:** In order for Carolina Power & Light Company, d/b/a Progress Energy Carolinas, Inc. to install, provide, and maintain primary and temporary electrical power to the Water Treatment Plant site, they must be provided a formal Easement to the property. A utility easement has been previously provided as part of the Master Utility Plat process, however, Progress Energy requires a the attached easement for their records.

Staff has reviewed the easement document and recommends approval.

**SPECIFIC ACTION REQUESTED:** To consider a resolution approving the Access Easement to Progress Energy Carolinas, Inc. for the construction, maintenance, and operation of primary and temporary electrical power to the Water Treatment Plant site.



EASEMENT

NORTH CAROLINA

PENDER COUNTY

THIS EASEMENT made this 1st day of NOVEMBER, 2010, from PENDER COUNTY, hereinafter referred to as GRANTOR (whether one or more), to CAROLINA POWER & LIGHT COMPANY, a North Carolina public service corporation, d/b/a PROGRESS ENERGY CAROLINAS, INC., hereinafter referred to as PEC;

WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto PEC, its successors and assigns, the right, privilege, and easement to go in and upon the land of GRANTOR situated in Grady Township of said County and State, described as follows: containing 378 acres, more or less, and being the land described in a deed from BASF Corp., to Pender County, dated September 1, 2006, and recorded in Deed Book 3044, page 319, Pender County Registry, LESS AND EXCEPT any prior out-conveyances, and to construct, maintain, and operate electric and/or communication facilities thereon consisting of poles, cables, wires, guys, anchors, underground conduits, enclosures, and other pertinent facilities within an easement area thirty (30) feet wide for the overhead portion of said facilities and ten (10) feet wide for the underground portion of said facilities together with an area ten (10) feet wide on all sides of the foundation of any PEC enclosure, with the right to do all things necessary, including, but not being limited to, the right: (a) to enter said easement area at all times over the adjacent land to inspect, repair, maintain, and alter said facilities; (b) to keep said easement area cleared of trees, shrubs, undergrowth, buildings, structures, and obstructions; (c) to trim or cut any tree adjacent to said easement area that may, in the opinion of PEC, endanger the overhead facilities or hinder the maintenance, operation, and use of the same; and (d) to install, at angle points of the overhead facilities, guy wires and anchors outside of said easement area. The center line of the facilities shall be the center line of said easement area.

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-described 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 PEC, its successors and assigns, forever. IN WITNESS WHEREOF, GRANTOR has caused this EASEMENT to be signed by its duly authorized officials and its official seal to be hereunto affixed, pursuant to a resolution of its governing body, as of the date first above written.

PENDER COUNTY

By: \_\_\_\_\_

Jimmy T. Tate, Chairman  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
GLENDA PRIDGEN, Deputy Clerk

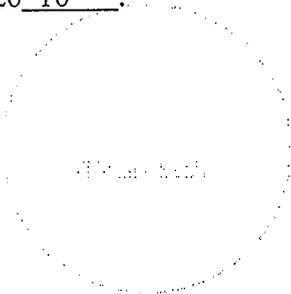
(Affix Official Seal)

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NORTH CAROLINA, PENDER COUNTY

I, \_\_\_\_\_, a Notary Public of \_\_\_\_\_ County, North Carolina, certify that GLEND A PRIDGEN personally appeared before me this day and acknowledged that he/she is Deputy Clerk of PENDER COUNTY, and that by authority duly given and as the act of said COUNTY, the foregoing EASEMENT was signed in its name by \_\_\_\_\_ the County Manager, sealed with its official seal, and attested by herself as its Clerk.

Witness my hand and notarial seal, this \_\_\_\_\_ day of NOVEMBER, 2010.



\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

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The foregoing certificate of \_\_\_\_\_ is certified to be correct. This EASEMENT and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

\_\_\_\_\_  
Register of Deeds for \_\_\_\_\_ County

By: \_\_\_\_\_ Deputy/Assistant