

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: JULY 2, 2020

AGENDA ITEM NUMBER: 12

SUBJECT: RESOLUTION AUTHORIZING THE GRANT AND EXECUTION OF A PERMANENT EASEMENT TO THE CITY OF WINSTON-SALEM TO ACCESS AND CONSTRUCT WATER AND SANITARY SEWER LINES ON FORSYTH COUNTY OWNED REAL PROPERTY LOCATED AT 0 TOPSIDER DRIVE, CLEMMONS, NC

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION: See Attached

ATTACHMENTS: YES NO

SIGNATURE: *J. Dudley Watts, Jr. /AMS*
COUNTY MANAGER

DATE: June 30, 2020

**RESOLUTION AUTHORIZING THE GRANT AND EXECUTION OF A
PERMANENT EASEMENT TO THE CITY OF WINSTON-SALEM TO ACCESS
AND CONSTRUCT WATER AND SANITARY SEWER LINES ON
FORSYTH COUNTY OWNED REAL PROPERTY LOCATED AT
0 TOPSIDER DRIVE, CLEMMONS, NC**

WHEREAS the City of Winston-Salem requests an easement to access 48,288 square feet of Forsyth County owned real property located at 0 Topsider Drive, Clemmons, NC, Parcel Identification Number 5881-89-6114.00, which includes the Idols Road Sewer Lift Station at the Tanglewood Business Park; to access, construct, install, operate, maintain, inspect, repair, rehab, replace, expand, extend, or remove water and sanitary sewer lines within the designated easement area for consideration of \$10.00;

WHEREAS water and sanitary sewer lines are necessary to service the Idols Road Sewer Lift Station at the Tanglewood Business Park; and

WHEREAS Forsyth County is authorized pursuant to the provisions of N.C.G.S. 153A-176 and 160A-273 to grant easements under these circumstances, and County staff has determined that the proposed consideration and other terms negotiated between the parties are reasonable;

NOW, THEREFORE, BE IT RESOLVED, that the Forsyth County Board of Commissioners hereby authorizes the grant of an easement to access 48,288 square feet of Forsyth County property located at 0 Topsider Drive, Clemmons, NC, Parcel Identification Number 5881-89-6114.00, to access, construct, install, operate, maintain, inspect, repair, rehab, replace, expand, extend, or remove water and sanitary sewer lines within the designated easement area for consideration of \$10.00; and

BE IT FURTHER RESOLVED, by the Forsyth County Board of Commissioners that the Chairman or County Manager and Clerk to the Board are hereby authorized to execute, on behalf of Forsyth County, the attached Easement document and any other necessary documents to grant the above-described access easement to the City of Winston-Salem, subject to a pre-audit certificate thereon by the County Chief Financial Officer, if applicable, and approval as to form and legality by the County Attorney.

Adopted this the 2nd day of July 2020.

Drafted by: Angela I. Carmon City Attorney, Box 30

NORTH CAROLINA) **GRANT OF PERMANENT EASEMENT**
) Permanent Access and Utility (Water and
FORSYTH COUNTY) Sewer) Easement, PIN# 5881-89-6114

THIS GRANT OF EASEMENT, made this _____ day of _____, 2020, by **FORSYTH COUNTY, NORTH CAROLINA**, a political subdivision of the State of North Carolina, party of the first part, hereinafter called the Grantor(s), to the **CITY OF WINSTON-SALEM**, a municipal corporation of Forsyth County, North Carolina, party of the second part, hereinafter called the Grantee.

WITNESSETH:

That the Grantor, in consideration of Ten Dollars (\$10.00) and other valuable consideration to it paid by the Grantee, receipt of which is hereby acknowledged, have bargained and sold, and, by these presents, do bargain, sell, and convey unto the Grantee and its successors and assigns, easements across the property of the Grantor for the construction, installation, operation, maintenance, inspection, repair, rehabilitation, replacement, re-construction, expansion, extension, relocation, and/or removal by the Grantee and its successors and assigns, of water and sanitary sewer lines and the necessary permanent access associated therewith, said property of the Grantor being situated in Winston-Salem Township, Forsyth County, North Carolina, and the easements hereby conveyed being described as follows:

Being all of that certain 48,288 square foot permanent access and utility easements, said easements being as shown on Map P-836 (Project #71490), dated May 28, 2020, or as may have been subsequently revised, entitled Idols Road Regional Lift Station, prepared by the Engineering Division of the City of Winston-Salem and on file in the Office of the Department of Public Works, Winston-Salem, North Carolina, to which reference is hereby made for a more particular description.

The above described permanent access and utility (water and sewer) easements cross Tax Parcel Identification Number 5881-89-6114 of the Forsyth County Tax Records as now constituted.

TO HAVE AND TO HOLD the aforesaid easement and all privileges and appurtenances thereunto belonging, to the Grantee and its successors and assigns, including, but not limited to, the free and full right of ingress and egress over and across said easements and the right, from time to time to cut all trees, undergrowth, and other obstructions in the easements that, in the opinion of the Grantee or its successors or assigns, may injure, endanger, or interfere with the construction, installation, operation, maintenance, inspection, repair, rehabilitation, replacement, re-construction, expansion, extension, relocation, and/or removal of said water and sanitary sewer lines and the permanent access associated therewith. Any temporary construction easement, if any, conveyed by this instrument will continue until the completion of Project #71490, at which time the temporary construction easement will terminate.

The Grantor covenants that it is seized of the aforesaid premises in fee and have the right to convey the easements hereby granted, that same are free from encumbrances, and that it will warrant and defend said title to said easements against the claims of all persons, whomsoever and whatsoever.

The Grantor agrees that the consideration herein above recited includes payment for any and all damage of whatsoever nature done or to be done to any structure, or to trees, crops or other vegetation within the boundaries of said easements in connection with the survey for and/or construction of said water and sanitary sewer lines and permanent access, and the Grantor agrees, for itself, its heirs, successors, and assigns, that they shall neither have nor make any claim for further damages by reason thereof. The Grantee agrees to repair any fences damaged in connection with the construction of the water and sanitary sewer lines and permanent access.

The Grantor, its heirs, successors, and assigns, may use the property within the boundaries of the easements conveyed herein in any manner consistent with, and not in derogation of, the use or purposes to which said easements may be put by the Grantee or its successors and assigns. In further limitation of the right of the Grantor, its heirs, successors, and assigns, to use the property within the boundaries of said easements, it is agreed that the Grantor, its heirs, successors, and assigns, shall not, within the boundaries of said easements, (1) plant or cultivate any trees or vineyards, (2) erect any buildings or permanent, non-movable structures, (3) cause or allow water to pond, or (4) place any fill thereon without the Grantee's prior written permission.

After said water and sanitary sewer lines and permanent access have been constructed, the Grantee will pay the Grantors, its heirs, successors, or assigns, for any damage to their growing crops, within or without the boundaries of the said easements, that may, from time to time, be caused by leaks in said water and sanitary sewer lines or by the repair, maintenance, or replacement of said water and sanitary sewer lines by the Grantee; provided, however, that the mere existence of said water lines, sewer lines and permanent access, and any effects that their presence and ordinary operation may have upon the property, soil, and/or crops within or without the boundaries of the easements, or any effects that the repair, maintenance, or replacement of the lines and access may have upon the property or soil, within or without the boundaries of the easements, shall not entitle the Grantor, its heirs, successors, and assigns, to any damages. Furthermore, the Grantor, its heirs, successors, and assigns, shall not be entitled to any damages for trees hereafter cut by the Grantee or its agents or employees, within the boundaries of said easements. Compensation for all the above is included in the consideration hereinbefore recited.

Said water and sanitary sewer lines shall at all times be deemed personalty; they shall not become a part of the realty through or across which they pass.

It is agreed that this grant covers all the agreements between the parties, and no representations or statements, verbal or written, have been made modifying, adding to, or changing the terms of this agreement.

IN TESTIMONY WHEREOF, the said party of the first part has hereunto set its hands and seals.

FORSYTH COUNTY, NORTH CAROLINA

By: _____ (SEAL)
J. Dudley Watts, Jr., County Manager

ATTEST:

By: _____
Ashleigh M. Sloop, Clerk

STATE OF _____)
COUNTY OF _____)

I, _____, a notary public of the County and State aforesaid, certify that Ashleigh M. Sloop, personally came before me this day and acknowledged that she is the Clerk for FORSYTH COUNTY, NORTH CAROLINA, and that by authority duly given and as the act of said County, the foregoing instrument was signed in its name by J. Dudley, Watts, Jr, as its County Manager, and attested to by Ashleigh M. Sloop, as Clerk for said County.

Witness my hand and notarial seal, this the _____ day of _____ A.D., 2020.

Notary Public

My commission expires: _____

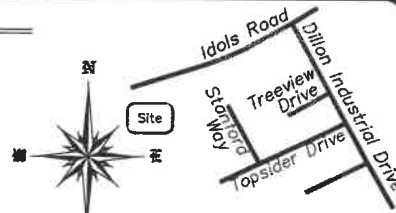
Legal Description

BEGINNING at an existing iron pipe marking a point in the eastern right of way of Norfolk Southern Railway, said iron pipe having North Carolina Grid (NAD83/NSRS2011) coordinates of North 819,410.70 US Survey Feet, East 1,587,305.27 US Survey Feet, said iron pipe also marking the westernmost corner of Lot 1 of Plat Book 67, page 76, Forsyth County Registry; thence with said Lot 1 the following three (3) calls: (1) S 56°02'16" E, 472.99 feet to an existing iron pipe; (2) along an arc to the right having a radius of 1530.00 feet, and having an arc length of 1112.73 feet, with a chord bearing and distance of N 54°50'20" E, 1088.37 feet to an existing iron pipe; (3) N 75°40'26" E, 473.76 feet to an existing iron pipe marking a point in a south line of (now or formerly) Southwest Forsyth Little League, Inc. (Deed Book 3059, page 3284, Forsyth County Registry); thence with said Southwest Forsyth Little League, N 88°28'31" E, 132.52 feet to an existing stone in the west line of (now or formerly) Village of Clemmons (Deed Book 1806, page 222, Forsyth County Registry); thence with said Village of Clemmons, S 40°01'18" E, 32.70 feet to an existing iron pipe; thence still with said Village of Clemmons and falling in with a line of a second parcel of Village of Clemmons (Deed Book 2126, page 587, Forsyth County Registry), S 40°06'13" E, 892.51 feet to an existing iron pipe marking the westernmost corner of (now or formerly) Poindexter Lumber Company (Deed Book 2646, page 1136, Forsyth County Registry), said existing iron pipe lying S 56°01'21" W, 133.58 feet from an existing iron pipe; thence with the southwest line of said Poindexter Lumber Company, S 40°07'48" E, 988.29 feet to an existing iron pipe marking a point in the northwest line of (now or formerly) Steven F. and Deborah G. Gwyn (Deed Book 3099, page 2395, Forsyth County Registry), said existing iron pipe lying S 48°14'49" W, 87.74 feet from an existing iron pipe; thence with said Gwyn the following two (2) calls: (1) S 47°08'13" W, 819.83 feet to an existing iron pipe marking the westernmost corner of Gwyn; (2) S 38°35'08" E, 90.02 feet to an existing iron pipe marking a corner of (now or formerly) Richard V. and Sue Phelps (Deed Book 1280, page 1131, Forsyth County Registry); thence with Phelps the following four (4) calls: (1) S 51°04'00" W, 310.85 feet to a nail in a planted stone; (2) N 70°09'46" W, 865.00 feet to an existing iron pipe in a pile of rocks; (3) N 40°04'27" W, 517.24 feet to a stone; (4) S 26°03'50" W, 697.94 feet to an existing iron stake marking the northernmost corner of (now or formerly) Kathryn L. and Brian L. Steelman (Deed Book 2995, page 2231, Forsyth County Registry); thence with Steelman the following two (2) calls: (1) S 26°13'25" W, 690.28 feet to an existing bent iron pipe; (2) S 86°58'02" E, 567.75 feet to an existing rebar marking a corner of (now or formerly) Larry B. Hutchens (Deed Book 2299, page 2395, Forsyth County Registry); thence with Hutchens, S 17°44'36" W, 842.47 feet to an existing bent solid iron stake; thence still with Hutchens and falling in with a line of (now or formerly) Duke Power Company (Deed Book 640, page 290 and Deed Book 638, page 211, Forsyth County Registry), N 63°32'47" W, passing near an existing bent solid iron stake at 590.05 feet (3.0 feet south of line) and another existing bent solid iron stake at 983.43 feet (3.0 feet south of line), a total distance of 1445.10 feet to an existing monument with bolt marking a point in the eastern right of way line of Norfolk Southern Railway; thence with said eastern right of way line of Norfolk Southern Railway the following three (3) calls: (1) N 03°30'50" E, 654.31 feet to an existing solid iron stake; (2) N 03°41'48" E, 405.38 feet to a new rebar set; (3) N 03°32'59" E, 478.82 feet to a new rebar set; thence still with said eastern right of way line of Norfolk Southern Railway along a curve to the right, the following eleven (11) chord bearings and distances: (1) N 03°58'09" E, 100.00 feet to a new rebar set; (2) N 05°40'49" E, 100.00 feet to a new rebar set; (3) N 08°45'40" E, 100.00 feet to a new rebar set; (4) N 11°55'27" E, 100.00 feet to a new rebar set; (5) N 14°55'50" E, 100.00 feet to a new rebar set; (6) N 17°57'08" E, 100.00 feet to a new rebar set; (7) N 21°04'04" E, 100.00 feet to a new rebar set; (8) N 24°14'09" E, 100.00 feet to a new rebar set; (9) N 27°24'00" E, 100.00 feet to a new rebar set; (10) N 30°37'49" E, 100.00 feet to a new rebar set; (11) N 32°47'26" E, 79.04 feet to an existing iron pipe, the point and place of BEGINNING. The parcel of land described herein contains 154.8856 acres more or less.

SAVE AND EXCEPT that parcel of land conveyed to City of Winston-Salem by deed recorded in Deed Book 3451, page 2487, Forsyth County Registry, the description of which is hereby incorporated by reference; together with accompanying easements further described in said deed.

Forsyth County, North Carolina

I, Bud E. Baughman, certify that this map was drawn under my supervision from an actual traditional and a GPS survey made under my supervision (deed description recorded in Deed Book _____, Page _____ and other reference sources as shown); that the boundaries not surveyed are indicated as dashed lines and drawn from information shown; that the ratio of precision or positional accuracy for the traditional survey as calculated by latitudes and departures is 1/20,000+; the following information was used to perform the GPS survey: (1) Class of survey: A (2) Positional accuracy: 0.10' (3) Type of GPS field procedure: RTK (4) Date of survey: March 30, 2015 (5) Datum: NAD83(2011) (6) NCGS VRS/RTN (7) Geoid model: 2012a (8) Combined grid factor(s): 0.??????? (9) Units: US Survey Feet; that the area was calculated by coordinates; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600) and does not meet the requirements of NCGS 47-30 as amended.



Location Map
Not to scale

Witness my original signature, license number and seal this _____ day of _____, 2020.
Preliminary: NOT for Recordation, Conveyances or Sales.

Professional Land Surveyor
L-3993

LINE	LENGTH	BEARING
L1 Tie	244.70	N03°41'48"E
L2	90.02	N03°41'48"E
L3 Tie	70.66	N03°41'48"E
L4	309.36	S87°35'19"E
L5	187.75	S87°40'34"E
L6	63.33	S61°39'38"E
L7	41.18	N78°32'18"W
L8	33.69	N87°00'14"W
L9	232.87	N87°40'34"W
L10	311.45	N87°35'19"W

Now or Formerly
PIN 5881-89-6114
Forsyth County
Deed Book 2143, Page 2515

Now or Formerly
PIN 5881-89-6114
Forsyth County
Deed Book 2143, Page 2515

Now or Formerly
PIN 5881-89-6114
Forsyth County
Deed Book 2143, Page 2515

North 817,050.39
East 1,587,866.89
1/2" Bent
Iron

Now or Formerly
PIN 5881-97-2020
Kathryn Lynn Steelman and husband
Brian L. Steelman
Deed Book 2995, Page 2231

Legend

- Iron Found (As Noted) ○
- Boundary Line ———
- Unsurveyed Line - - - - -
- Tie Line ———
- 100' Railroad R/W (50' from C/L) ———
- New Access and Utility Easement ——— E
- Ex. Access Easement ——— AE
- Ex. San. Sewer Easement ——— SE
- Ex. Temp. Construction Easement ——— TCE

NOTE:

- 1) This property subject to any easements, agreements, or rights-of way of record prior to date of this map which were not apparent at the time of my inspection and might otherwise be disclosed by an attorney's title opinion which as of date shown hereon has not been supplied to MLA Design Group, Inc. There may be easements or other matters of record affecting this property not shown hereon.
- 2) All distances are measured horizontal ground distances unless specifically noted otherwise.
- 3) Geodetic Datum acquired via the NCGS VRS/RTN Horizontal Datum: NAD83(2011)

Bud E. Baughman, PLS



120 Club Oaks Ct. Suite 100
Winston-Salem, NC 27104
336.765.1923
WWW.MILLERLA.COM
TURNING LAND INTO LANDMARKS
NC CORPORATE LICENSE #C-3999

Drawing 19149 - 17048 County Access Easement.dwg

T:\0 Surveying Projects\ACADWIN\LS-19149 - Idols Rd additional topo - Highfill\DWG\19149 - 17048 County Access Easement.dwg Thu, 28 May 2020 12:34pm