

STATE OF NORTH CAROLINA

RIGHT OF WAY AGREEMENT

COUNTY OF VANCE

THIS AGREEMENT, made this 13th day of July, 1988, by and between
William S. Newton

parties of the first part and the CITY OF HENDERSON, party of the second part,

WITNESSETH:

WHEREAS, said parties of the first part are the sole owners of a certain lot or parcel of land located on or near SR 1115 Street in the City of Henderson, North Carolina, being the land conveyed to parties of the first part by William Steven Newton Betty Jennette Smith, Ralph Thomas Newton, Rose Marie Davis Newton by deed recorded in Book 602 at Page 618, in the office of the Register of Deeds of Vance County; and

WHEREAS, the said CITY OF HENDERSON, party of the second part, desires to construct a ~~XX~~ (street or roadway) ~~XX~~ (sewer line) ~~XX~~ (water line) ~~XX~~ across the said property, or so much of said property as may be necessary for said purpose; and

WHEREAS, said parties of the first part recognize the benefits to said land occurring from the construction of said ~~XX~~ (street or roadway) ~~XX~~ (sewer line) ~~XX~~ (water line) ~~XX~~; and

WHEREAS, said parties of the first part have been paid the sum of \$ 1.00 by the City of Henderson, the receipt of which is hereby acknowledged.

NOW, THEREFORE, said parties of the first part for and in consideration of the sum of \$ 1.00 dollars to them in hand paid by the City of Henderson, the receipt of which is hereby acknowledged; and for other good and valuable considerations do hereby give and grant unto the CITY OF HENDERSON, party of the second part, a right of way and easement across said lands described as follows:

A 30'-0 easement extending 15'-0 feet on either side of a centerline (but not to extend south of the centerline of SR 1115) described as follows:

Beginning at a point 15'-0 south of an iron stake and running thence 188 feet more or less in a southeasterly direction parallel to centerline of SR 1115 and approximately 3'-0 north of the existing edge of pavement.

C and

For further reference see Section D of the map entitled "Easement Map for the Gillburg Water Line Project" prepared by the City of Henderson Engineering Department dated May 26, 1988.

It is agreed that all reasonable efforts will be made to save a large oak tree that is located about 11' off the pavement on the north side of SR 1115 and also being on William S. Newton's property.