

FILED FOR RECORD
VANCE COUNTY, N.C.
CAROLYN R. PECORA
REGISTER OF DEEDS

RECORDED Mar 17, 2011

AT 03:53 pm

BOOK 01228

START PAGE 0277

END PAGE 0280

INSTRUMENT # 00955

EXCISE TAX (None)

Prepared by: Stainback, Satterwhite, Burnette & Zollicoffer, PLLC
John H. Zollicoffer, Jr.
115 N. Garnett Street
Henderson, NC 27536

RELEASE AND QUITCLAIM OF RIGHTS OF WAY

STATE OF NORTH CAROLINA
COUNTY OF VANCE

THIS RELEASE AND QUITCLAIM OF RIGHTS OF WAY, made and entered into this 20th day of February, 2011, by and between the CITY OF HENDERSON (a municipal corporation organized and existing under and by virtue of the Laws of the State of North Carolina), hereinafter referred to as "Grantor" and the respective persons (and their successors in title) hereinafter set forth as "Grantees".

WITNESSETH:

WHEREAS, in or about 1952 the City of Henderson constructed a raw water intake line from Southerland's Mill Pond near the Warren County line to Fox Pond Park (located just off the Vicksboro Road just outside of the present City Limits of the City of Henderson; and

WHEREAS, the City of Henderson (in or about December, 1951) had obtained easements for said raw water intake line from the Grantees hereinafter set forth; and

WHEREAS, the City of Henderson constructed the Kerr Lake Regional Water System Plant on the Flemington Road on Kerr Lake in the mid-1970's and since that time, Kerr Lake has been the source of all the raw water utilized by the City of Henderson in its water system; and

WHEREAS, the raw water intake line from Southerland's Mill Pond to Fox Pond Park is no longer needed by the City of Henderson and has been declared as surplus property; and

WHEREAS, the City of Henderson desires to quitclaim and convey all of its right, title and interest in the respective easements hereinafter set forth to the respective grantees hereinafter set forth (and their respective successors in title and assigns).

NOW THEREFORE, for a valuable consideration, the City of Henderson hereby releases and quitclaims unto the respective Grantees hereinafter set forth all of the right, title and interest of the City of Henderson in the respective easements described in the book and page numbers hereinafter set forth beside the name of the respective grantee (together with the respective water intake line located therein):

GRANTEEEASEMENT BOOK AND PAGE NO.
IN VANCE COUNTY REGISTRY

Robert Edgar Southerland and Mary A. Southerland
(only as to raw water line right of way)

Book 298, Page 93

H. J. Medlin and Elizabeth O. M. Medlin

Book 298, Page 216 and
Special Proceeding #6066
in Office of Clerk of Superior
Court of Vance County

W. G. Faulkner and Mrs. Marnie E. Faulkner

Book 298, Page 217 and
Special Proceeding #6066
in Office of Clerk of Superior
Court of Vance County

C. S. Abbott and Gracie A. Abbott

Book 298, Page 218 and
Special Proceeding #6066
in Office of Clerk of Superior
Court of Vance County

James B. Hughes and Margaret C. Hughes

Book 298, Page 219 and
Special Proceeding #6066
in Office of Clerk of Superior
Court of Vance County

Frank B. Powell, Jr., Mary Hicks Powell and
Elsie Powell Whitfield

Book 298, Page 220

D. L. Hoyle, Jr. and Mrs. Mary G. Hoyle

Book 298, Page 222 and
Special Proceeding #6066
in Office of Clerk of Superior
Court of Vance County

Ortho Wright and Kathleen Wright

Book 298, Page 221 and
Special Proceeding #6066
in Office of Clerk of Superior
Court of Vance County

J. E. Murphy

Book 298, Page 223

J. M. Robertson Estate Heirs: J. E. Robertson,
Mrs. J. E. Robertson, Mrs. Plummer Edwards, Jr.,
Plummer Edwards, Jr., Mrs. John Moore,
John Moore, Mrs. Ben Horne, Jr., B. N. Horne,
John K. Foster, Jr., Mrs. John K. Foster, Jr.,

Book 298, Page 225

B. K. Hopkins, Mrs. Pearl R. Hopkins,
H. W. Robertson, Mrs. Mary H. Robertson,
W. E. Robertson, Mrs. W. E. Robertson,
Mrs. J. H. Robertson, J. H. Robertson,
Robert A. Riggan, Mrs. Beulah M. Riggan,
M. H. Robertson and Bessie P. Robertson

Nathan Faucette and Lola Faucette

Book 298, Page 230

D. T. Dickie, Sallie M. Dickie,
Mrs. Manolia C. Dickie, David Henry
Dickie, Jane Dickie McGlaughan and
Hugh K. McGlaughan

Special Proceeding #6066
in Office of Clerk of Superior
Court of Vance County

B. H. Perry, R. G. Kittrell, Jr. Trustee
for R. G. Kittrell, Sr., Mary P. Kittrell,
R. G. Kittrell, Jr., Mary P. Kittrell,
R. G. Kittrell, Sr., and Leah Hillard Perry

Special Proceeding #6066
in Office of Clerk of Superior
Court of Vance County

TO HAVE AND TO HOLD said easement and all rights and appurtenances thereto belonging (and the water intake lines therein) unto the respective grantees herein (and their successors in title and assigns) free of all right, title and interest of the City of Henderson under and by virtue of the respective water line easements hereinabove set forth.

In consideration of this Release and Quitclaim of Rights of Way, the respective grantees (and their successors in title and assigns) hereby release the City of Henderson from any and all claims that any of them may incur by reason of the aforesaid easement and the water lines located therein as the same crosses their respective property and agree to indemnify the City of Henderson for any claims or damages resulting from the existence of said easement and the water line therein.

IN TESTIMONY WHEREOF, the City of Henderson has caused this document to be signed by its Mayor and attested by the City Clerk and its municipal seal is attached hereto.

CITY OF HENDERSON

By James D. O'Geary (SEAL)
James D. O'Geary, Mayor

(MUNICIPAL SEAL)
ATTEST
Esther McCrackin (SEAL)
Esther McCrackin, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF VANCE

I, a Notary Public of the County and State aforesaid, certify that Esther McCrackin personally came before me this day and acknowledged that she is City Clerk of the City of Henderson, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the Municipal Corporation, the foregoing instrument was signed in its name by its Mayor, sealed with its municipal seal and attested by her as its City Clerk.

Witness my hand and notarial stamp or seal this 8th day of March, 2011.

Patricia S. Pearson (SEAL)

Notary Public

My Commission Expires: 10/25/15

SEAL

