

DRAWN BY:

Graham Warren

BK 773

PG 286

CHECKED BY:

L. Heaton

RETURN TO:

~~C.D. Parker, NCDOT
331 W Main St-Suite 100
Durham, NC 27701~~

C.D. Parker

Division Right of Way Agent

815 Stadium Drive

Durham, NC 27704

03069

RIGHT OF WAY AGREEMENT

STATE OF NORTH CAROLINA

COUNTY OF VanceTOWNSHIP OF KittrellPARCEL: 3PROJECT: 6.392147SECONDARY ROAD: 1104 - Hedgepeth RoadWilliam Allen Newman and wife, Betty B. Newman

the undersigned owners of that certain property described in Deed Book 657 at Page 378 in the Register of Deeds Office of Vance County, and bounded by

recognizing the benefits to said property by reason of the construction of the proposed highway development, and in consideration of the construction of said project, hereby grants to the Department of Transportation the right of way as herein described and releases the Department from all claims for damages by reason of said right of way across the lands of the undersigned, and of the past and future use thereof by the Department, its successors and assigns, for all purposes for which the Department is authorized by law to subject such right of way, said right of way being the width indicated and across said property as follows:

60 feet in width measured 30 feet on each side of the centerline of the road, said centerline to be located by the Department and the construction or improvement of said road shall constitute the selection of said centerline; and such additional width as might be necessary to provide for cut and fill slopes, sedimentation control and drainage of road.

It is understood and agreed that the 60 foot right of way hereinabove referred to has been staked upon the ground and the centerline of the road is located in the center of the right of way stakes. The undersigned property owners further agree not to erect any structures, including masonry mailboxes, masonry driveway headwalls, any fencing, etc. or engage in cultivation within the right of way granted herein except as approved by the North Carolina Department of Transportation of pursuant to G.S. 136-93 and NC Admin. Code t.19A, r.02E.0404.

It is further understood and agreed that should circumstances, conditions, or actions by the North Carolina Department of Transportation delay or delete the proposed improvement of said road, that the right of way granted herein shall remain until such time as released by the North Carolina Department of Transportation.

There are no conditions to this agreement not expressed herein. The undersigned hereby covenant and warrant that they are the sole owners of said property; that they solely have the right to grant this right of way, and that they will forever warrant and defend the title to the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals this the 6th day of

Oct, 19 95.

William Allen Newman (SEAL)
William Allen Newman

Betty B. Newman (SEAL)
Betty B. Newman

(SEAL)

(SEAL)

NORTH CAROLINA, Wake COUNTYI, Graham Warren, a Notary Public of the County and State aforesaid, certify that

WILLIAM ALLEN NEWMAN & WIFE BETTY B. NEWMAN
GRANORS personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 6th day of Oct, 19 95.

My Commission Expires: 11-21-1999

Graham Warren
Notary Public

The foregoing Certificate(s) of Graham Warren, Notary Public of Wake County, N.C.

is/are certified to be correct. This instrument and this certificate are duly registered on the 27 day of June, 19 96, in Book 773, Page 286 at 12:45 o'clock P. M.

CYNTHIA S. ABBOTT

REGISTER OF DEEDS FOR

Vance

COUNTY

BY:

Collyer Deputy/Assistant - Register of Deeds

(For Improvement of Secondary Road)

Revised August 1995