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WAKE COUNTY, NC 583
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
10/23/2006 AT 16:22:30

BOOK: 012228 PAGE: 02540 - 02543

After Recording Mail To: Stam, Fordham & Danchi, P.A. (HCF) - Box 185
Brief Description for Index: Easement - Apex
Tax Parcel Identifier: Portion of # 0021230

STATE OF NORTH CAROLINA

DEED OF EASEMENT

COUNTY OF WAKE

THIS DEED OF EASEMENT, made and executed this 23rd day of October, 2006, by THOMAS A. CARTER, and wife VIVIAN I. CARTER, hereinafter referred to as the "Grantor," to the Town of Apex, a municipal corporation of the State of North Carolina, hereinafter referred to as the "Town." The designation Grantor shall include the singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH:

WHEREAS, the Grantor is the Owner of that certain tract of land, consisting of approximately 10.24 acres, and which is designated as PIN# 0731-14-0691 by the Wake County Revenue Department, and which is more particularly described in that certain deed recorded in Deed Book 5498, Page 903, Wake County Registry ("Grantor's Lands"), and Grantor has agreed to convey to the Town, according to the terms set forth below, an easement upon and through Grantor's Lands which easement will be hereinafter described; and

NOW, THEREFORE, for good and valuable consideration paid to the Grantor, receipt of which is hereby acknowledged, the Grantor does hereby give, grant and convey unto the Town, its successors and assigns, the right, privilege and perpetual easement, now and hereafter, to construct, install, improve, remove, replace, inspect, repair, rephase, maintain and operate a system of overhead or underground electric lines for electric transmission and distribution purposes and a system of overhead or underground telephone, communication, data or cable TV lines or facilities of the Town or any lessee thereof, together with all the appurtenant facilities and equipment necessary or convenient to any of the above, including the right to install and maintain guys, anchors, grounding, counterpoise, and appurtenant devices within the below described easement area, and the right to install at the angle points of its overhead facilities guy wires and guy anchors outside of said easement area for the support of the structures of said facilities, in, upon, through, above, under and across that certain portion of Grantor's Lands described and located as follows:

Easement Area:

Being that certain area designated as "Electric Utility Easement" and consisting of 0.20 acres, all as shown on that certain survey plat entitled "Right-of-Way Map for Town of Apex across property of THOMAS A. CARTER, and wife VIVIAN I. CARTER" by Smith and Smith surveyors, said survey plat being attached hereto as Exhibit A.

THE FURTHER TERMS AND CONDITIONS of the easement interest conveyed hereby are as follows:

1. The Town shall have the right to cut or fell any danger tree outside of said easement area herein granted which, in the opinion of the Town or its representative(s), constitute a hazard to or may endanger the safe and proper operation or maintenance of said lines, facilities or structures, a danger tree being any tree whose height plus five feet is equal to or greater than the distance from the base of the tree to a point on the ground directly beneath the nearer side of the nearest conductor or to the nearest conductor itself. The Town shall also have the right to remove and control vegetation in the easement area.

2. The Grantor agrees that all lines, facilities, structures and related apparatus installed on the above-described land by the Town or its representative(s) shall be and remain the property of the Town, removable or replaceable at its option; and that the Grantor will not construct any structure (other than ordinary fencing not exceeding six (6) feet in height) within the cleared portion of said right-of-way, except upon the prior agreement thereto by the Town in writing.

3. The Town agrees that in locating and installing its structures and anchors, it will endeavor to take advantage of roadways, streets, ditches, drainage or other utility easements, hedgerows, etc., so as to cause the least interference to the Grantor and his use of said land.

TO HAVE AND TO HOLD the easement interests and all privileges and rights thereunto belonging to the Town of Apex, its successors and assigns forever. THIS EASEMENT shall be perpetual and binding upon the heirs, successors and assigns of the Grantor.

Grantor hereby represents, warrants and covenants that: (i) Grantor is seized of Grantor's Lands in fee simple; (ii) Grantor has the right and authority to convey the Easement to Grantee; (iii) the Easement is free from any and all encumbrances; and (iv) Grantor will defend Grantee's (and Grantee's successors' and assigns') title to the Easement against all lawful claims of other parties.

IN WITNESS WHEREOF, Grantor has executed this instrument the day and year first above written.

X By: Thomas A. Carter
THOMAS A. CARTER

X By: Vivian I. Carter
VIVIAN I. CARTER

NORTH CAROLINA
WAKE COUNTY

I, David Harper, a Notary Public of New Hanover County, North Carolina, certify that THOMAS A. CARTER, and wife VIVIAN I. CARTER, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 23rd day of October, 2006.

My commission expires: 06/06/2011
(NOTARIAL SEAL)

David Harper
Notary Public

