

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT

Meeting Date: June 16, 2009

Action Agenda
Item No. 4-W

SUBJECT: Animal Services Facility Telephone Utility Right of Agreement

DEPARTMENT: Purchasing

PUBLIC HEARING: (Y/N)

ATTACHMENT(S):

INFORMATION CONTACT:

Right of Way Agreement
Partial Site Plan Depicting Proposed
Right of Way

Pam Jones (919) 245-2652

PURPOSE: To consider approving a Right-of-Way Agreement for the installation and maintenance of telephone utilities built to service the Orange County Animal Services Facility and future Orange County assets.

BACKGROUND: BellSouth Telecommunications, Inc. is requesting this dedication of Right of Way in order to properly install, service, and maintain the telephone utilities installed in the vicinity of the Animal Services Facility along Eubanks Road in Chapel Hill.

There are no trees within the proposed right of way.

FINANCIAL IMPACT: None.

RECOMMENDATION(S): The Manager recommends the Board approve the dedication of this Right of Way to BellSouth Telecommunications, Inc. as presented contingent on final approval by the County Attorney; and authorize the Chair to sign on behalf of the Board.

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

8416-C-NC
(06-2007)

Preparer's name and address:
George Cook
Post Office Box 1103
Cary, NC 27512
(Return to the address above)

Grantee's Address:
BellSouth Telecommunications, Inc. d/b/a AT&T North Carolina
100 South Eugene Avenue
Greensboro, NC 27401
Attn: Lisa Feeney Room 212

EASEMENT

For and in consideration of Ten and 00/100 dollars (\$ 10.00) and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, the undersigned owner(s) of the premises described below, (hereinafter referred to as "Grantor"), do(es) hereby grant to **BellSouth Telecommunications, Inc., a Georgia corporation, d/b/a AT&T North Carolina**, and its parent and its and its parent's direct and indirect affiliates, subsidiaries, agents, attorneys, employees, officers, directors, servants, insurance carriers, licensees, successors, and assigns (hereinafter referred to as "Grantee"), an easement to construct, operate, maintain, add, and/or remove such systems of communications (including broadcast), facilities, standby generators and associated fuel supply systems as a means of providing uninterrupted service during commercial power outages, and related items as the Grantee may from time to time deem necessary in the conduct of its business upon, over, and under a portion of the lands described in Deed Book RB4247, page 413, and Deed Book RB4247 , page 416 , Orange County, North Carolina Records, and, to the fullest extent the Grantor has the power to grant, upon, over, along, and under the roads, streets, or highways adjoining or through said property. The said easement is more particularly described as follows:

All that tract or parcel of land lying in Orange County, State of North Carolina, consisting of a (strip) (parcel) of land ten (10) foot strip easement for underground vaults, cable and conduit and above ground PEDS. Easement is to be as constructed substantially in the locations shown on the routing plan attached as Exhibit A, and/or at such locations as are mutually agreeable to Grantor and Grantee, and shall extend for a distance of five (5) feet on each side of the centerline thereof as constructed.

The following rights are also granted: the exclusive right to allow any other person, firm, or corporation to attach wires or lay cable or conduit or other appurtenances upon, over, and under said easement for communications (including broadcast) or electric power transmission or distribution; ingress to and egress from said easement at all times; the right, but not the obligation, to clear the easement and keep it cleared of all trees, undergrowth, or other obstructions; the right, but not the obligation, to trim and cut and keep trimmed and cut all dead, weak, leaning, or dangerous trees or limbs outside the easement which might interfere with or fall upon the lines or systems of communication or power transmission or distribution; the right to relocate said facilities, systems of communications, or related services on said lands to conform to any future highway relocation, widening, or improvements, the right to test and maintain generators and associated equipment; and the right to allow any other person, firm, or corporation to provide for fuel/energy distribution to equipment placed on the site.

To have and to hold the above granted easement unto BellSouth Telecommunications, Inc. d/b/a AT&T North Carolina, and its parent and its and its parent's direct and indirect affiliates, subsidiaries, agents, attorneys, employees, officers, directors, servants, insurance carriers, licensees, successors, and assigns forever and in perpetuity.

Grantor warrants that Grantor is the true owner of record of the above described land on which the aforesaid easement is granted.

SPECIAL STIPULATIONS OR COMMENTS:

The following special stipulations shall control in the event of conflict with any of the foregoing easement:

The easement rights hereby granted are non-exclusive; provided, however, that Grantor shall not interfere with or impair Grantee's use, occupancy or enjoyment of the easement rights herein granted, nor shall Grantor deprive Grantee of ingress to and egress from the easement or Grantee's facilities.

See attached EXHIBIT A.

In witness whereof, the undersigned has/have caused this instrument to be executed on the _____ day of _____, **2009**.

Signed, sealed and delivered in the presence of:

GRANTOR: **ORANGE COUNTY, North Carolina**

(SEAL)

BY: _____
TITLE: COUNTY MANAGER

ATTEST: _____ :
Clerk to the Board

State of North Carolina

County of _____

I, _____, a Notary Public for said County and State, do hereby certify that _____, personally came before me this day and acknowledged that he/she is Clerk (Title) of **Orange County Board of County Commissioners**, and backed by authority duly given and as the act of **Orange County, North Carolina**, the foregoing instrument was signed in its name by its County Manager sealed with its seal, and attested by himself/herself as its Clerk (Title).

Witness my hand and seal, this _____ day of _____, **2009**.

My Commission Expires: _____

Notary Public
(Print Name) _____

TO BE COMPLETED BY GRANTEE

District East	FRC	Wire Center/NXX Rosemary	Authority RAL4657
Drawing	Area Number	Plat Number	RWID
Parcel ID	Approval	Title	



MILL HOUSE RD (SR 1725)

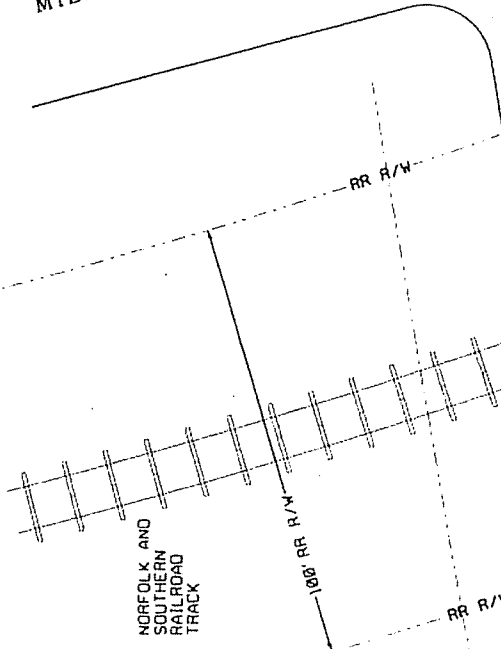
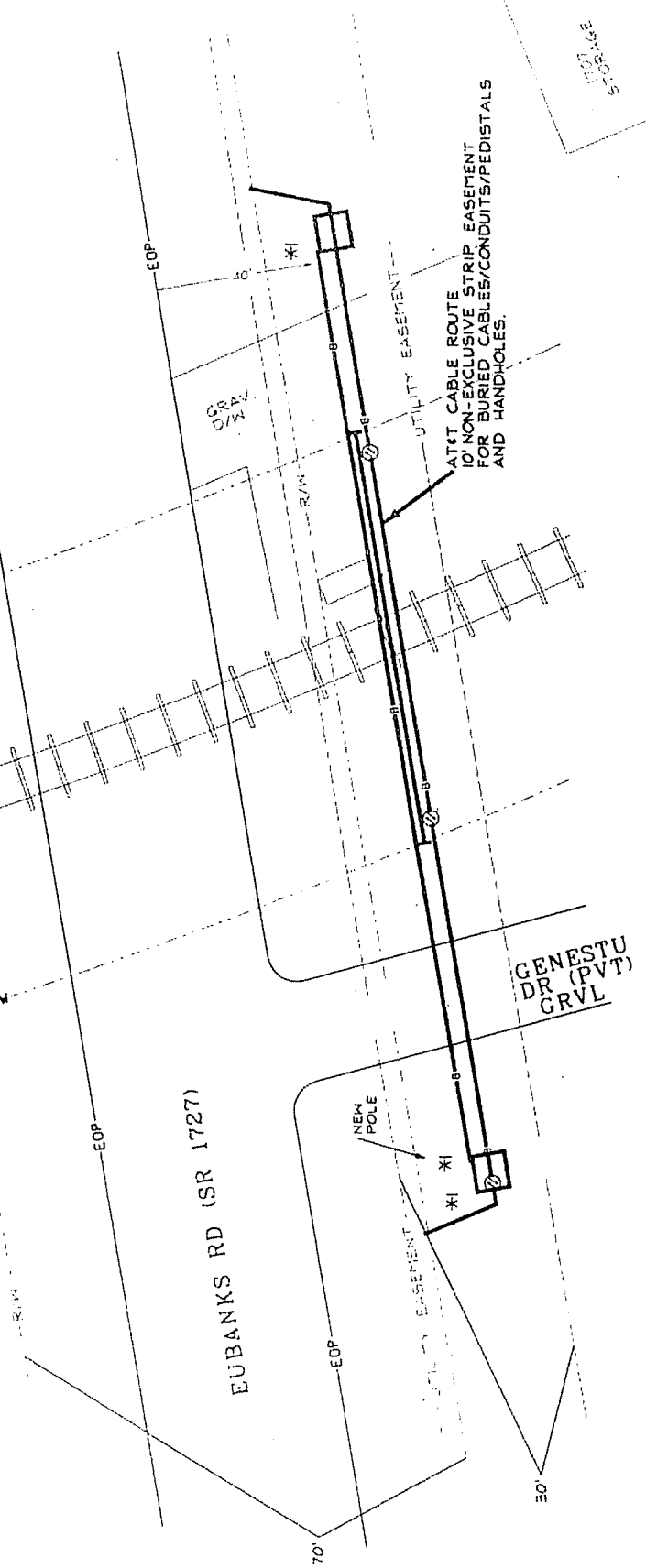


EXHIBIT "A"

EUBANKS RD (SR 1727)

GENESTU DR (PVT) GRVL



UTILITY STORAGE