

## New Hanover County Contract # 99 - 0055

Prepared by: Kemp P. Burpeau, Assistant County Attorney, New Hanover County, 320 Chestnut Street, Suite 309, Wilmington, North Carolina 28401

Tax Parcel No. RO7600-006-038-000

NORTH CAROLINA

EASEMENT

NEW HANOVER COUNTY

000088 This DEED, made and entered into this 10<sup>th</sup> day of September, 1998, by and between MYRTLE GROVE VOLUNTEER FIRE DEPARTMENT, INC., of Wilmington, State of North Carolina, hereinafter, whether one or more, referred to as GRANTORS; and NEW HANOVER COUNTY WATER AND SEWER DISTRICT, a body corporate and politic of the State of North Carolina, whose mailing address is 320 Chestnut Street, Wilmington, North Carolina 28401, hereinafter referred to as GRANTEE;

WITNESSETH:

WHEREAS, GRANTORS own property within the area of New Hanover County to be served by the County's sewer system; and

WHEREAS, the previous lack of a County sewer system has adversely affected water quality in both surface and subsurface waters; and

WHEREAS, the availability of a connection to a County sewer system can increase the value of GRANTORS' property; and

WHEREAS, GRANTEE requires easements for the purpose of constructing and maintaining sewer lines, and GRANTORS have agreed to convey the necessary easement to GRANTEE;

NOW, THEREFORE, GRANTORS, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration to them in hand paid by GRANTEE, and in consideration of the mutual benefits inuring to the parties hereto, do hereby give, grant and convey unto GRANTEE a perpetual right and easement as more fully described in the paragraphs below.

Returned To  
Cindy Kee  
341-7169

**New Hanover County Contract # 99 - 0055**

1. Location of Easement. Being a permanent sewer easement on, over, and across that forty foot (40') wide private right-of-way labeled Lobos Lane as more fully shown on a plat captioned "Sewer Easement, Myrtle Grove Business Park" attached hereto as Exhibit "A" and incorporated herein by reference.

2. Purpose of Easement. The purpose of the easement is for sanitary sewer. GRANTEE'S rights shall include constructing, laying, maintaining, inspecting, operating, protecting, repairing, changing the size of, replacing, removing or abandoning lines and facilities, and removing structures, fences, trees, shrubs and vegetation within the easement area. GRANTORS shall have the right to use and enjoy said easement area subject to the easement and rights herein granted. At the conclusion of any installation or maintenance activities within the above described easement, the GRANTEE will return the easement to as near prior conditions as feasibly possible.

3. Restrictions on Grantor's Use of Easement. GRANTORS agree not to erect building, structures, trees, fences, berms or ponds within the easement. GRANTORS shall grant no additional utility easements on, over, or within the area addressed by the herein conveyance without first securing the written authorization of the District.

4. Grantee's Rights of Ingress and Egress. GRANTEE shall have the right of ingress and egress along the easement.

TO HAVE AND TO HOLD the right and easement hereby granted to the GRANTEE and its successors in title forever; it being agreed that the right and easement hereby granted is appurtenant to and runs with the land in which the GRANTORS now have an interest.

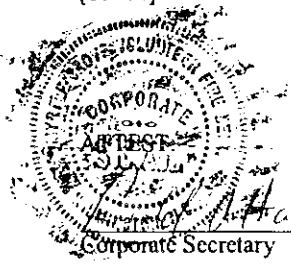
IN TESTIMONY WHEREOF, the parties have hereunto set their hands and seals,

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the day and year first above written.

MYRTLE GROVE VOLUNTEER  
FIRE DEPARTMENT, INC.

[SEAL]



[Signature]  
President

'98 SEP 30 AM 10 46

RECORDED & VERIFIED  
MARY SUE OOTS  
REGISTER OF DEEDS  
NEW HANOVER CO. NC

NORTH CAROLINA

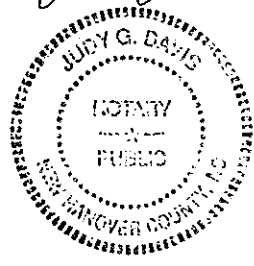
NEW HANOVER COUNTY

I, Judy G. Davis, a Notary Public in and for the State and County aforesaid, certify that Ronald A. Hart, personally came before me this day and acknowledged that (s)he is Secretary of MYRTLE GROVE VOLUNTEER FIRE DEPARTMENT, INC. and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President sealed with its corporate seal and attested by him/herself as its Secretary.

WITNESS my hand and official seal, this 13 day of September, 1998.

My commission expires:  
6-19-01

Judy G. Davis  
Notary Public



STATE OF NORTH CAROLINA  
New Hanover County  
The Foregoing / Annexed Certificate(s) of

Judy G. Davis

Notary (Notaries) Public is / are certified to be correct.

This the 30 day of Sept 1998  
Mary Sue Oots, Register of deeds

by Mary Sue Oots  
Deputy / Assistant

notary seal  
RECORD OF POOR QUALITY DUE TO  
CONDITION OF ORIGINAL DOCUMENT  
G.S. 161-14