



# HAYWOOD COUNTY BOARD OF COMMISSIONERS

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## AGENDA REQUEST

***Must be presented to the County Manager's Office  
NO LATER THAN 5 P.M. FRIDAY THE WEEK BEFORE THE MEETING***

DATE OF REQUEST: August 25, 2016

FROM: Brek Lanning, HCC Director Campus Development

MEETING DATE REQUESTED: September 6, 2016

*Regular meetings: First (1<sup>st</sup>) Monday of the month at 9:00 am  
Third (3<sup>rd</sup>) Monday of the month at 5:30 pm*

SUBJECT: Easement Agreement granting access to the HCC Public Services Training Facility property to Duke Energy Progress, LLC to install a new electrical utility connection.

REQUEST: Haywood Community College would like to request Haywood BOCC approval of the proposed Easement Agreement with Duke Energy Progress, LLC to grant access for installation of a new electrical utility connection to the HCC Public Services Training Facility on property PIN # 8636-18-7335.

BACKGROUND: On October 1, 2015, HCC property PIN# 8636-18-7335 was transferred to Haywood County to hold in earnest until payment of the HCC Public Services Training Facility loan is paid in full. During this period the Trustees of Haywood Community College are the registered Lessee of the property. To complete the new electrical utility connection to the property, the HCC Board of Trustees have approved and signed the attached Consent of Lessee document, and as current property owner, the Haywood County BOCC will need to approve and sign the attached proposed Easement Agreement to allow Duke Energy Progress, LLC to install utilities on the property.

The HCC Board of Trustees approved the Consent of Lessee form on August 29<sup>th</sup>. The HCC Board of trustees also reviewed and approved this BOCC request for approval of the attached Easement Agreement at their August 29, 2016 meeting.

IMPLEMENTATION PLAN: N/A

FINANCIAL IMPACT STATEMENT: N/A

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SUPPORTING ATTACHMENTS: YES  NO  HOW MANY?

LIST: Duke Energy (Utility Connection Design)  
Consent of Lessee (Approved and Executed)  
Easement Agreement (For Approval)

**If yes, one ORIGINAL ATTACHMENT, and 14 copies, copied front and back side of pages, stapled and three-hole punched must accompany the agenda request**

PowerPoint Presentation: YES \_\_\_\_\_ NO   X  

PERSON MAKING PRESENTATION AT MEETING: Brek W. Lanning  
TITLE: Director Campus Development  
PHONE NUMBER: 565-4027  
E-MAIL: [bwlanning@haywood.edu](mailto:bwlanning@haywood.edu)

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THIS SECTION FOR OFFICE USE ONLY

Received (Date/Time): \_\_\_\_\_

County Manager / Clerk to the Board Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In an effort to save paper, attachments should be copied on both front and back sides.

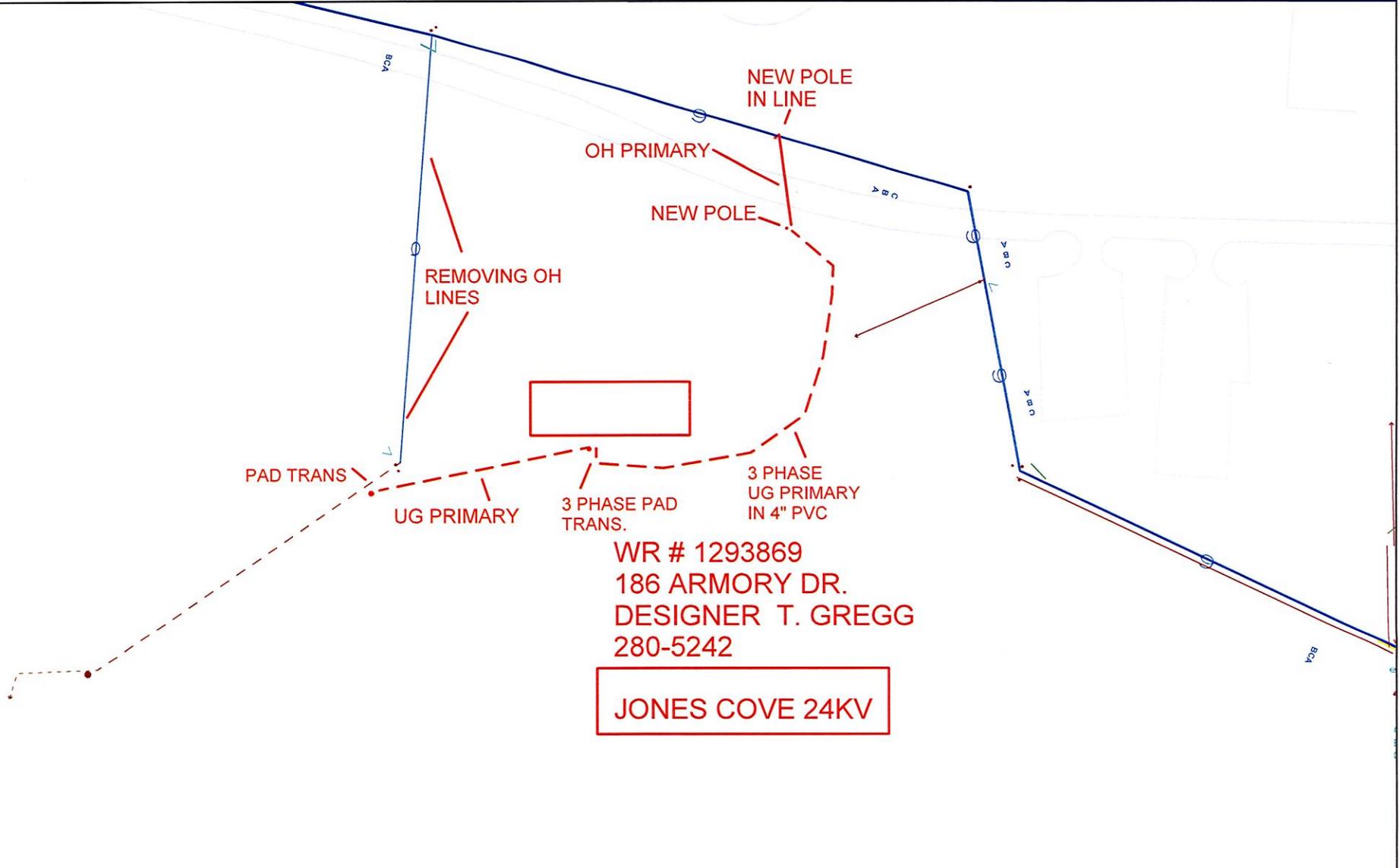


USP1:  
USP2:



WZS1:  
WZS2:

Misc Hazards:



WR # 1293869  
186 ARMORY DR.  
DESIGNER T. GREGG  
280-5242

JONES COVE 24KV

Address: 186 ARMORY DR
Contact:

Drawing No:
City/Town, State: CLYDE, NC

Revision



Work Request 1293869
Drawn Gregg, Tony
Checked
Operating Center HAYWOOD COUNTY

Svc Coord.
Approved
Date 8/14/2016
Scale 1 in = 100 ft

Sheet
1
of
1

EASEMENT

NORTH CAROLINA  
HAYWOOD COUNTY  
WR 1293869

Prepared By: C. Polhamus  
Return To: Duke Energy Carolinas  
Attn: Rachel Brown  
555-A Brevard Rd.  
Asheville, NC 28806

THIS EASEMENT ("Easement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_  
("Effective Date"), from County of Haywood, a body corporate and politic, ("GRANTOR," whether one or more), to Duke Energy Progress, LLC, a North Carolina limited liability company ("DEP"); its successors, licensees, and assigns.

WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of ONE DOLLAR (\$1.00), the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto DEP, its successors, lessees, licensees, transferees, permittees, apportionees, and assigns, the perpetual right, privilege, and easement to go in and upon the land of GRANTOR situated in Clyde Township, described as follows: PIN# 8636-18-7335, containing, 16.40 acres, more or less, and being the land described in a deed from The Trustees of Haywood Community College to County of Haywood, dated September 18, 2015, and recorded in Book 894, page 1947, also being shown as that 16.409 acres parcel on a plat dated August 25, 2008, entitled "Plat Prepared for Haywood County a body corporate and politic", and recorded in Plat Cabinet C, Slot 5361, all Haywood County Registry, (the "Property"), LESS AND EXCEPT any prior out-conveyances, and to construct, reconstruct, operate, patrol, maintain, inspect, repair, replace, relocate, add to, modify and remove electric and/or communication facilities thereon including but not limited to, supporting structures such as poles, cables, wires, guy wires, anchors, underground conduits, enclosures/transformers, vaults and manholes, and other appurtenant apparatus and equipment (the "Facilities") within an easement area being thirty (30) feet wide for the overhead portion of said facilities and ten (10) feet wide for the underground portion of said facilities together with an area ten (10) feet wide on all sides of the foundation of any DEP enclosure (the "Easement Area"), for the purpose of transmitting and distributing electrical energy and for communication purposes. The center line of the Facilities shall be the center line of the Easement Area.

The right, privilege and easement shall include the following rights granted to DEP: (a) ingress and egress over the Easement Area and over adjoining portions of the Property (using lanes, driveways and paved areas where practical as determined by DEP; (b) to relocate the Facilities and Easement Area on the Property as mutually agreeable to conform to any future highway or street relocation, widening or improvement; (c) to trim and keep clear from the Easement Area, now or at any time in the future, trees, limbs, undergrowth, structures or other obstructions and to trim or clear dead, diseased, weak or leaning trees or limbs outside of the Easement Area which, in the opinion of DEP, might interfere with or fall upon the Facilities; (d) to install guy wires and anchors extending beyond the limits of the Easement Area; (e) and all other rights and privileges reasonably necessary or convenient for DEP's safe, reliable and efficient installation, operation, and maintenance of the Facilities and for the enjoyment and use of the Easement Area for the purposes described herein.

TO HAVE AND TO HOLD said rights, privilege, and easement unto DEP, its successors, licensees, and assigns, forever, and GRANTOR, for itself, its heirs, executors, administrators, successors, and assigns, covenants to and with DEP that GRANTOR is the lawful owner of the Property and the Easement Area in fee and has the right to convey said rights and Easement.

IN WITNESS WHEREOF, this EASEMENT has been executed by GRANTOR and is effective as of the Effective Date herein.

Haywood County, a body corporate and politic

By: \_\_\_\_\_

Mark S. Swanger,  
Chairman, Board of Commissioners

ATTEST:

\_\_\_\_\_

Ira Dove, Clerk

(Affix Official Seal)

NORTH CAROLINA, \_\_\_\_\_ COUNTY

I, \_\_\_\_\_, a Notary Public of \_\_\_\_\_ County, North Carolina, certify that Ira Dove personally appeared before me this day and acknowledged that he is Clerk of Haywood County, a body corporate and politic, and that by authority duly given and as the act of said County, the foregoing EASEMENT was signed in its name by its Chairman, sealed with its official seal, and attested by himself as its Clerk.

Witness my hand and notarial seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.



\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

CONSENT OF LESSEE

The premises (or a portion thereof) described in the foregoing Easement is subject to that certain lease dated October 1, 2015 between County of Haywood, North Carolina, as Lessor/Landlord, and The Trustees of Haywood Community College, as Lessee/Tenant, recorded in Book 894 at Page 1970 in the Haywood County Registry (the "Lease"). The undersigned Lessee has joined in the execution of this Easement for the sole purpose of subordinating the Lease [or consenting] to the Easement granted therein.

The Trustees of Haywood Community College

By: Mary Ann Enloe

Mary Ann Enloe, Chairman

ATTEST:

Barbara Parker

Dr. Barbara Parker, Secretary

(Affix Official Seal)

NORTH CAROLINA, Haywood COUNTY

I, Tammy H. Goodson, a Notary Public of Haywood County, North Carolina, certify that Barbara Parker personally appeared before me this day and acknowledged that she is Secretary of The Trustees of Haywood Community College, and that by authority duly given and as the act of said BOARD, the foregoing EASEMENT was signed in its name by its Chairman, sealed with its official seal, and attested by herself as its Secretary.

Witness my hand and notarial seal, this 30 day of August, 2016.

Tammy H. Goodson  
Notary Public

My commission expires: April 23, 2017

