

**ORANGE COUNTY
BOARD OF EDUCATION**

AGENDA ITEM ABSTRACT

Meeting Date: May 13, 2013

AGENDA ITEM No. 13-05-16

ACTION ITEM: (Y/N) Y

SUBJECT: Sewer Easement - Gravelly Hill Middle School

INFO. CONTACT: Pam Jones, Interim Exec. Dir. Of Auxiliary Services **PHONE:** (919) 732-8126

ATTACHMENTS:

- Declaration of Easement for Sewer Line
 - Easement Plat
-

PURPOSE: To consider granting a sewer easement to Orange County upon which to construct the Buckhorn-Mebane Utilities Phase II project; and authorize the Chair to sign on behalf of the Board.

BACKGROUND: Mike Parker has forwarded a request from Orange County to grant a sewer utility easement across Gravelly Hill Middle School property. The County is in the process of acquiring the easements in order to complete the Buckhorn-Mebane Utilities Phase II project. A portion of the sewer line will be constructed on the Gravelly Hill Middle School property from the nearby sewage lift station.

In October 2006 the Orange County Board of Education conveyed the tract of land on which the middle school is constructed to Orange County. However, the Orange County Board of Education has leased the subject property pursuant to a long term lease with the option to repurchase the property from Orange County. Due to their respective interests in the property, the consent of both Orange County and Orange County Board of Education is necessary for the construction of the sewer line on the property. The north-south extent of the easement is along the western property line and District staff has confirmed it does not affect any existing or future facilities.

The sewer utility easement is jointly declared between Orange County and the Orange County Board of Education. The declaration also provides for future conveyance to the City of Mebane who has accepted maintenance of the sewer system. The attached plat shows the location of the sewer line and easement area.

FINANCIAL IMPACT: There is no financial impact related to this action.

RECOMMENDATION: The Superintendent recommends the Board approve the sewer utility easement as requested by Orange County; and authorize the Chair to sign on behalf of the Board.

Prepared by & Return after recording to: Sahana Ayer, Attorney, Orange County Planning Dept.
PIN 9844-05-7652

NORTH CAROLINA,

ORANGE COUNTY.

DECLARATION OF EASEMENT
FOR SEWER LINES

THIS DECLARATION OF EASEMENT FOR SEWER LINES, made this the _____ day of _____, 2013, by and between Orange County, North Carolina, P.O. Box 8181 Hillsborough, NC 27278, a body politic, organized and existing pursuant to the laws of the State of North Carolina, Party of the First Part, and the Orange County Board of Education, 200 East King Street, Hillsborough, NC 27278, a body politic organized and existing under the laws of the State of North Carolina, Party of the Second Part, collectively referred to as the "Declarants".

WITNESSETH:

THAT, WHEREAS, the Orange County Board of Education has constructed a middle school on that certain tract or parcel of land located in Cheeks Township, Orange County, North Carolina and being more specifically shown as Tract A on the plat recorded in Plat Book 96, Page 86, Orange County Registry;

AND, WHEREAS, the Orange County Board of Education conveyed title to the tract of land on which the middle school is located to Orange County by deed recorded in Deed Book 4014 at Page 24, Orange County Registry. However, the Orange County Board of Education has leased the subject property pursuant to the long term lease with an option to repurchase from Orange County;

AND, WHEREAS, as part of the Buckhorn-Mebane Utilities Phase II Project certain sewer improvements will be made to serve the middle school as are indicated on the plat entitled "Utility Easement Survey for Orange County, North Carolina, on the Property of Orange County Board of Education," dated January 2013 and surveyed and platted by Kenneth W. Rock attached hereto as Exhibit A and recorded in Plat Book _____ at Page _____, Orange County Registry;

AND, WHEREAS, Declarants wish to preserve in perpetuity the said sewer easements;

NOW THEREFORE, in consideration of the sum of Ten and No/100 (\$10.00) Dollars, and other good and valuable consideration, paid to Declarants, the receipt and sufficiency of which is hereby fully acknowledged, Declarants, do hereby give, grant, quitclaim, and convey unto Orange County, its successors and assigns, the right and privilege and perpetual easement over, upon and through the Property to construct, install, maintain, repair, modify or remove one or more underground sewer and/or other utility lines, all as more specifically described and located as shown on the plat recorded in Plat Book _____ at Page _____, Orange County Registry; together with the perpetual right and easement to go upon the Property whenever the same is reasonably necessary for the purposes of constructing, inspecting, and maintaining said lines and making all necessary alterations and repairs thereto. Orange County its successors and assigns, in the event of any construction, inspection or maintenance of said line, shall remove all surplus earth, shall make level the surface of the ground above said lines and apparatus and shall interfere as little as reasonably possible with any plants, fences and other improvements upon the Property, provided that such plants, fences and other improvements shall not interfere with the right of Orange County, its successors and assigns, of ingress and egress to the Property for the purpose of construction, installation, maintenance and repair said sewer lines, main or mains, laterals and connections.

Orange County shall also have the right of ingress and egress through, over and across the Property, to and from such easement at such times as Orange County deems it necessary for the purpose of constructing, installing, maintaining and repairing said lines; the lines of pipe shall be located at such point or points, elevations or elevations below the surface of the earth as shall be necessary for proper operation of the system, and shall be established at the proper grade for running said lines and for conveying sewage as aforesaid, and said manholes, if any shall be

at such point below or above the surface of the earth as may be necessary for the proper operation of said pipeline or lines; and Orange County shall have the right, privilege and easement to tap the line or lines and construct laterals from the main to the outside boundary of the right-of-way over which the easement and privilege extends.

The parties hereto acknowledge that it is contemplated that the responsibility and ownership of the said sewer improvement shall ultimately be assumed by the City of Mebane, North Carolina, and nothing set forth herein shall prevent or restrict in any way Orange County from conveying its rights, privileges and obligations herein set forth to the City of Mebane for the operation and maintenance of the said water and sewer lines in which event all of the obligations, rights and privileges herein prescribed for and by Orange County will be, by the conveyance to the City of Mebane, merged in the conveyance to the City of Mebane.

IN WITNESS WHEREOF, Orange County and the Orange County Board of Education have caused this instrument to be executed signed in their corporate names the day and year first above written.

ORANGE COUNTY NORTH CAROLINA

ATTEST: _____
Donna S. Baker, Clerk to the Board
of County Commissioners

By: _____
Barry Jacobs, Chair
Orange County Board of Commissioners

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

I, _____, Notary Public for _____ County, North Carolina certify that Donna S. Baker personally came before me this day and acknowledged that she is the Clerk to the Board of County Commissioners for Orange County, North Carolina, and that by authority duly given and as the act of the said County, the foregoing instrument was signed in its name by the Chair of the Board of County Commissioners and attested by her as its Clerk.

Witness my hand and notarial seal, this the _____ day of _____, 2013.

(SIGNATURE)

(PRINT OR TYPE NAME OF NOTARY PUBLIC)

My commission expires: _____

**ORANGE COUNTY BOARD OF
EDUCATION**

ATTEST: _____
Patricia M. Coleman, Secretary to
the Orange County Board of
Education

By: _____
Donna Coffey, Chair
Orange County Board of Education

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

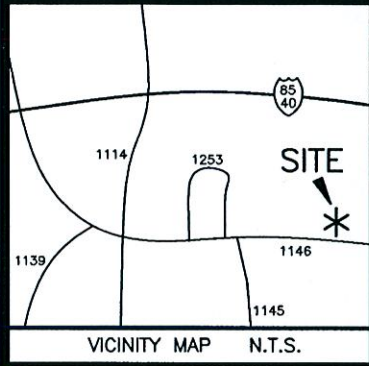
I, _____, Notary Public for _____ County,
North Carolina certify that Patricia M. Coleman personally came before me this day and
acknowledged that she is the Secretary to the Orange County Board of Education, and that by
authority duly given and as the act of the said County, the foregoing instrument was signed in its
name by the Chair of the said Orange County Board of Education and attested by her as its
Secretary.

Witness my hand and notarial seal, this the _____ day of _____, 2013.

(SIGNATURE)

(PRINT OR TYPE NAME OF NOTARY PUBLIC)

My commission expires: _____



NC GRID NAD83(2007)

"I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 4014, PAGE 24 OR OTHER REFERENCE SOURCE); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN BOOK AND PAGE (SEE PLAT) OR OTHER REFERENCE SOURCE; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY DOES NOT EXCEED 0.05' (95% CONFIDENCE LEVEL); AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600)." THIS 29th DAY OF Jan, 2013.

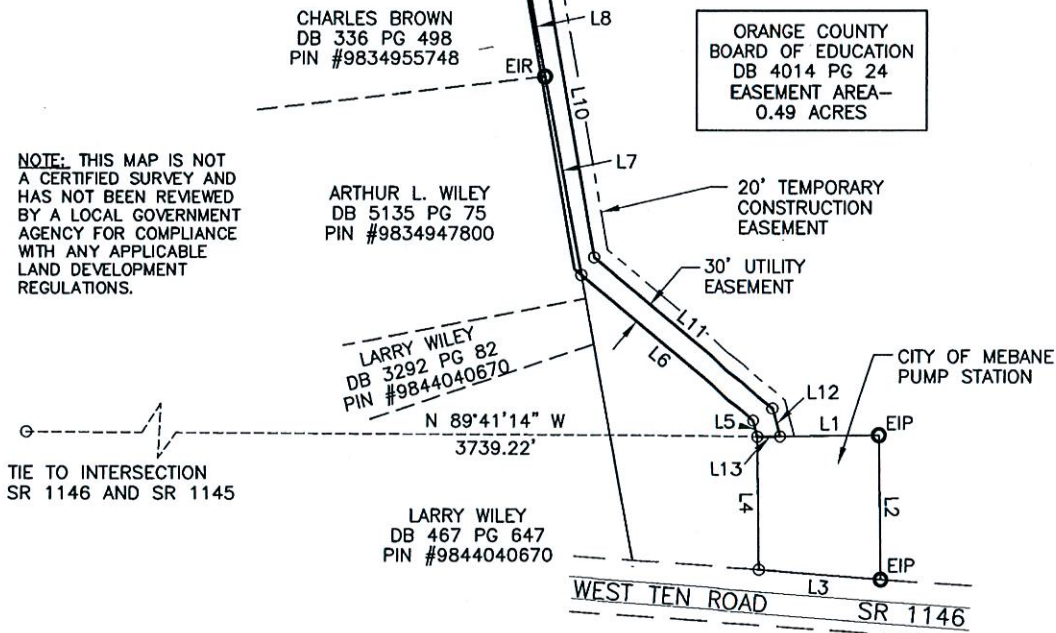
Kenneth W. Rock
PROFESSIONAL LAND SURVEYOR

L-3861
LIC. NUMBER



LINE TABLE		
LINE	LENGTH	BEARING
L1	137.38'	N 89°11'16" E
L2	200.16'	S 00°48'44" E
L3	169.11'	N 85°32'22" W
L4	184.62'	N 00°48'44" W
L5	22.78'	N 15°26'29" W
L6	313.93'	N 50°20'17" W
L7	278.21'	N 10°34'44" W
L8	201.33'	N 10°22'10" W
L9	43.40'	S 47°34'36" E
L10	424.59'	S 09°56'28" E
L11	324.82'	S 50°20'17" E
L12	40.04'	S 15°26'29" E
L13	31.01'	S 89°11'16" W

- NOTES:
1. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT-OF-WAYS AND AGREEMENTS OF RECORD PRIOR TO THE DATE OF THIS PLAT.
 2. ALL DISTANCES ARE HORIZONTAL GROUND.
 3. ALL AREAS BY COORDINATE COMPUTATION.
 4. NC GRID COORDINATES ESTABLISHED BY GPS METHODS.
 5. PIN #9844057652



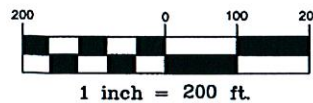
UTILITY EASEMENT SURVEY FOR **ORANGE COUNTY NORTH CAROLINA**

ON THE PROPERTY OF: ORANGE COUNTY
BOARD OF EDUCATION

CHEEKS TOWNSHIP

ORANGE COUNTY NORTH CAROLINA
SCALE 1" = 200' JULY, 2012

REVISED: JANUARY, 2013 1.



LEGEND

- COMPUTED POINT
- EIP EXISTING IRON PIPE
- EIR EXISTING IRON ROD
- ROAD RIGHT-OF-WAY
- UTILITY EASEMENT
- SURVEYED PROPERTY LINE
- UN-SURVEYED PROP. LINE
- TEMP. CONST. EASEMENT

SURVEYOR:

KENNETH W. ROCK
300 S.W. BROAD STREET
SOUTHERN PINES, N.C. 28387
(910) 692-5616



Hobbs, Upchurch & Associates, P.A.
Consulting Engineers, Surveyors & Land Planners
Southern Pines, North Carolina 28387
CERTIFICATE OF LICENSURE C-0454