

029801

CABARRUS COUNTY
FILED
09/06/2002 2:48 PM
LINDA F. MCABEE
Register Of Deeds
By. [Signature] Deputy/Asst.

DRAWN BY: R. Lisk

CHECKED BY: K. Hill

RIGHT OF WAY AGREEMENT

STATE OF NORTH CAROLINA

PROJECT:6.662431

COUNTY OF: CABARRUS
TOWNSHIP : # 08

IMPROVEMENT: S.R. 2650
(Roundtree Road)

Eric E. Smith and wife Sandra D. Smith

the undersigned owners of that certain property described in Deed Book 1843, at Page 0080, in the Register of Deeds Office of Cabarrus County, and recognizing the benefits to said property by reason of the construction of the proposed highway development, and in consideration of the construction of said project, hereby grants to the Department of Transportation the right of way as herein described and releases the Department from all claims for damages by reason of said right of way across the lands of the undersigned, and of the past and future use thereof by the Department its successors and assigns, for all purposes for which the Department is authorized by law to subject such right of way; said right of way being the width indicated and across said property as follows:

60 ft. in width measured 30 ft. on each side of the centerline of the road , said centerline to be located by the Department and the construction or improvement of said road shall constitute the selection of said centerline; and such additional widths as might be necessary to provide for cut and fill slopes, sedimentation control, and drainage of road.

This Agreement also includes as right of way, the following described area;

BEGINNING at the point of intersection of the western right of way boundary of SR 2616 with the northern right of way boundary of SR 2650, said point lying 30 ft. west of the centerline of SR 2616 and 30 ft. north of the centerline of SR 2650; thence running in a northeasterly direction 30 ft. west of and parallel with the centerline of SR 2616 a distance of 70 ft. to a point; thence running in an southwesterly direction in a straight line to the point of intersection with the northern right of way boundary of SR 2650, said point lying 30 ft. north of and normal to the centerline of SR 2650 and 10 ft., as measured along the northern right of way boundary of SR 2650 in a westerly direction from the point of BEGINNING; thence running in an easterly direction 30 ft. north of and parallel to the centerline of SR 2650 to the point of BEGINNING.

It is understood and agreed that the 30 Ft. right of way hereinabove referred to has been staked upon the ground and the center line of the road is located in the center of the right of way stakes. The undersigned property owners further agrees not to erect any structures, including masonry mailboxes, masonry driveway headwalls, any fencing, etc., or engage in cultivation within the right of way granted herein except as approved by the North Carolina Department of Transportation pursuant to G. S. 136-93 and N. C. Admin. Code T.19A, r.02E.0404.

It is further understood and agreed that should circumstances, conditions, or actions by the North Carolina Department of Transportation delay or delete the proposed improvement of said road, that the right of way granted herein shall remain until such time as released by the North Carolina Department of Transportation.

(For Improvement of Secondary Road)

There are no conditions to this agreement not expressed herein. The undersigned hereby covenant and warrant that they are the sole owners of said property; that they solely have the right to grant this right of way, and that they will forever warrant and defend the title to the same against the lawful claims of all persons whomsoever.

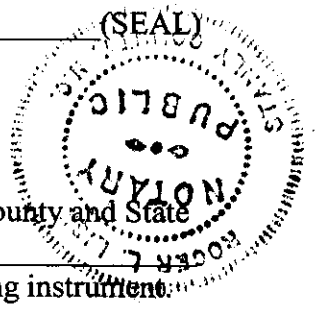
IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals this the 10 day of July, 2002.

Eric E. Smith (SEAL) Sandra D. Smith (SEAL)
Eric E. Smith Sandra D. Smith
_____(SEAL) _____(SEAL)

Witness

STATE OF North Carolina, Cabarrus COUNTY

I, Roger L. Lisk, a Notary Public for the above said County and State do hereby certify that Eric E. Smith and wife Sandra D. Smith personally appeared before me this day and acknowledged the due execution of the foregoing instrument.



Witness my hand and Notarial Seal, this the 10 day of July, 2002.

MY COMMISSION EXPIRES: 01-11-06 Roger L. Lisk
NOTARY PUBLIC

STATE OF _____, _____ COUNTY

I, _____, a Notary Public for the above said County and State do hereby certify that _____ personally appeared before me this day and being duly sworn, stated that in his presence _____

_____ acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this the _____ day of _____, 20____.

MY COMMISSION EXPIRES: _____
NOTARY PUBLIC

NORTH CAROLINA - CABARRUS COUNTY

The foregoing (or annexed) certificate(s) of Roger L. Lisk, a notary public, is ~~(are)~~ certified to be correct. This the 6 day of September, 2002.

LINDA F. M^cABEE, REGISTER OF DEEDS

by: L. J. Cruse Assn. Deputy