

EASEMENT

NORTH CAROLINA  
BUNCOMBE COUNTY  
PIN# 9649-51-1124-00000

Return To: Duke Energy Progress, LLC  
Attn: Wendi McCrain  
555-A Brevard Rd  
Asheville NC 28806

THIS EASEMENT ("Easement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_  
("Effective Date"), from BUNCOMBE COUNTY, A BODY POLITIC AND CORPORATE ("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, licensees, and assigns, the perpetual right,  
privilege, and easement to go in and upon the land of GRANTOR situated in City of Asheville, described as follows:  
Containing 1.71 acres, more or less, and being a portion of the land described in a deed from Redevelopment Commission  
of the City of Asheville to Buncombe County, dated May 14, 1969 and recorded in Book 1000 Page 57, and being shown  
as Lot B on a plat dated December 27, 2004 entitled "County of Buncombe" and recorded in Plat Book 112 Page 120, all  
Buncombe 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, underground conduits,  
enclosures/transformers, vaults and manholes and other appurtenant apparatus and equipment (the "Facilities") within an  
easement area being twenty (20) feet wide, together with an area ten (10) feet wide on all sides of the foundation of any  
DEP enclosure/transformer, vault or manhole (the "Easement Area"), for the purpose of transmitting and distributing  
electrical energy and for communication purposes of DEP and Incumbent Local Exchange Carriers. The centerline 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 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; and (d)  
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.

It is understood and agreed that the Easement Area herein granted shall be approximately located as shown on the sketch attached hereto as Exhibit A and recorded herewith.

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.

BUNCOMBE COUNTY

By: \_\_\_\_\_  
\_\_\_\_\_, Chairman,  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_ Clerk

(Affix Official Seal)

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

I, \_\_\_\_\_, a Notary Public of \_\_\_\_\_ County, North Carolina, certify that \_\_\_\_\_ personally appeared before me this day and acknowledged that he/she is \_\_\_\_\_ Clerk of Buncombe COUNTY, 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 \_\_\_\_\_ self as its \_\_\_\_\_ Clerk.

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



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

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