

## SECONDARY ROAD RIGHT OF WAY AGREEMENT

THIS INSTRUMENT DRAWN BY: \_\_\_\_\_ CHECKED BY: \_\_\_\_\_

RETURN TO: Department of Transportation  
Right of Way-Negotiations  
6 Roberts Road, Suite 102  
Asheville, NC 28803

NORTH CAROLINA  
COUNTY OF Buncombe PARCEL NO.: 003  
TOWNSHIP OF Lower Hominy WBS ELEMENT: 48926.1.1  
SECONDARY ROAD NO.: \_\_\_\_\_  
NAME OF ROAD: Jacob Holm Way

Buncombe County, A Body Politic and Corporate  
205 College Street, Suite 300, Asheville NC 28801

the undersigned owners of that certain property described in Deed Book 5300 at Page 588  
in the Register of Deeds Office of Buncombe County, and bounded by \_\_\_\_\_

recognizing the benefits to said property by reason of the Department of Transportation assuming responsibility for the maintenance of the above-described road, hereby grants to the North Carolina Department of Transportation, the right of way for said proposed road and releases the Department from all claims for damages by reason of said right of way across the lands of the undersigned and 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 said right of way; said right of way being the width indicated and across said property as follows:

60 feet in width measured 30 feet on each side of the centerline of said proposed road, and such additional widths as might be necessary to provide for cut and fill slopes, sedimentation control and drainage of road.

It is understood and agreed that the centerline of the 60 foot right of way hereinabove referred is along the centerline of the existing road across property of the undersigned. The undersigned property owners further agree 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. Administrative Code 19A NCAC 02E.0404.

This agreement includes additional right of way described as follows:

BEGINNING at a 6"x6" NCDOT concrete monument in the eastern limit of the right-of-way of Jacob Holm Way, said monument having NC Grid Coordinates (NAD 83 (2011)) of N:672,673.06' and E:917,307.45', and lying North 60°47'45" West a grid distance of 2,826.13 feet from NCGS Monument "Sardis" having NC Grid Coordinates (NAD 83 (2011)) of N:671,294.13' and E:919,774.34'; thence from said POINT OF BEGINNING and with said limit North 02°50'20" East 37.81 feet to an unmarked point; thence on a curve to the right having a radius of 32.00 feet, an arc length of 26.01 feet, and a chord bearing and distance of North 26°07'23" East 25.30 feet to a 6"x6" NCDOT concrete monument; thence leaving said limit on a bearing of South 12°08'31" West 61.86 feet to the point and place of BEGINNING.

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.

COUNTY: Buncombe WBS ELEMENT: 48926.1.1 PARCEL NO.: 003

IN WITNESS WHEREOF, GRANTOR, pursuant to a resolution dated \_\_\_\_\_, has caused this instrument to be signed in its corporate name by its CHAIRMAN OF THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS, its corporate seal hereto affixed, and attested by its CLERK OF THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS, by order of the BUNCOMBE COUNTY COMMISSIONERS this the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ .

BUNCOMBE COUNTY

BY: \_\_\_\_\_  
Chairman of the  
Buncombe County Board of Commissioners

(SEAL)

ATTEST: \_\_\_\_\_  
Clerk of the  
Buncombe County Board of Commissioners

(Official Seal)	North Carolina, _____ County I, _____, a Notary Public for _____ County, North Carolina, certify that _____ personally came
	before me this day and acknowledged that he/she is the CLERK of the BUNCOMBE COUNTY BOARD OF COMMISSIONERS, and that by authority duly given, the foregoing instrument was signed in its name by its CHAIRMAN of the BUNCOMBE COUNTY BOARD OF COMMISSIONERS, sealed with its corporate seal, and attested by as its CLERK. Witness my hand and official seal this the _____ day of , 20_____. _____ Notary Public My commission expires: _____