

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CONDEMNATION ACTION FOR THE PURCHASE OF EASEMENTS AND RIGHTS OF WAY ON PROPERTIES NEEDED FOR MIRROR LAKE DAM RESTORATION PROJECT

WHEREAS, the City of Fayetteville, NC, is a municipal corporation existing under and by virtue of the Constitution, statutes and laws of the State of North Carolina; and

WHEREAS, the governing body of the City of Fayetteville hereby determines that it is necessary and in the public interest to acquire certain property for the following public purpose:

Establishing, extending, enlarging, or improving storm sewer and drainage systems and works or sewer and septic tank lines and systems.

WHEREAS, North Carolina General Statute §160A-240.1 authorizes the City to acquire property by condemnation procedures; and

WHEREAS, the acquisition of said easements and rights of way are for the purpose of improving and establishing, extending, enlarging, or improving storm sewer and drainage systems and works or sewer and septic tank lines and systems which is considered a quick-take as defined by G.S. 40A-42(a); and

WHEREAS, the acquisition of the property is consistent with the City's development plans and commitments; and

WHEREAS, the City of Fayetteville shall acquire by condemnation, for the purpose stated above, the property and interest as described on attached Exhibit A:

NOW THEREFORE, BE IT RESOLVED on behalf of the people of Fayetteville, the City Council directs the City Attorney to institute the necessary proceeding under Article 1 of Chapter 40A of the North Carolina General Statutes.

IN WITNESS WHEREOF, the City of Fayetteville has caused this instrument to be signed in its name by its Mayor, attested by its City Clerk, and its corporate seal hereto affixed, all by order of its City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the 10th day of December, 2018; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

By: _____
MITCH COLVIN, Mayor

ATTEST:

PAMELA MEGILL, City Clerk

EXHIBIT A

Ray C. Vallery & wife, Martha W. Vallery

Tax Pin 0427-34-5759

Cross Creek Township

The following described Right-of-Way and Temporary Construction Easements lie within that certain parcel of land owned by Ray C. Vallery & wife, Martha W. Vallery located on the south side of Mirror Lake Drive and the west side of Meadow Wood Road as described in the deed of record duly recorded in Deed Book 4928, Page 0267 (Lot 18 – Van Story Hills – Plat Book 17, Page 65) of the Cumberland County, North Carolina Registry.

Right-of-Way:

Commencing at a rebar & cap having NC Grid Coordinates of northing= 475,065.75' and easting= 2,022,964.52; thence from said point of commencement S71°38'56"E 697.18' to a survey control point; thence N49°55'11"W 12.45' to an existing iron pipe in the western right-of-way of Meadow Wood Road; thence with the said western right-of-way as it turns into the southern right-of-way of Mirror Lake Drive 4.63' along a curve to the left having a radius of 15.00' and a chord of N35°03'51"W 4.61' to a 6" nail spike set; thence continuing with said right-of-way 16.25' along a curve to the left having a radius of 15.00' and a chord of N74°56'34"W 15.47' to a 6" nail set; thence with the southern right-of-way of Mirror Lake Drive 28.38' along a curve to the right having a radius of 216.26' and a chord of S77°49'27"W 28.36' to a computed point, said point being the **Point of Beginning**; thence leaving the said southern right-of-way S05°51'21"E 4.10' to a rebar set; thence 78.86' along a curve to the right having a radius of 277.75' and a chord of N87°43'21"W 78.59' to a rebar set in the jog of the southern right-of-way of Mirror Lake Drive; thence with the jog in the said southern right-of-way N12°12'24"E 3.59' to an existing iron pipe marking the north west corner of Ray C. Vallery and wife Marth W. Vallery as described above; thence continuing with the said southern right-of-way 77.81' along a curve to the left having a radius of 216.26' and a chord of S88°06'30"E 77.39' to the **Point and Place of Beginning** containing 262± square feet or 0.006 acres and being a proposed right-of-way dedication.

Temporary Construction Easement #1:

Commencing at a rebar & cap having NC Grid Coordinates of northing= 475,065.75' and easting= 2,022,964.52; thence from said point of commencement S71°38'56"E 697.18' to a survey control point; thence N49°55'11"W 12.45' to an existing iron pipe in the western right-of-way of Meadow Wood Road; thence with the said western right-of-way as it turns into the southern right-of-way of Mirror Lake Drive 4.63' along a curve to the left having a radius of 15.00' and a chord of N35°03'51"W 4.61' to a 6" nail set, said point being the **Point of Beginning**; thence leaving the said right-of-way S81°51'56"W 42.67' to a rebar set; thence N05°51'21"W 4.10' to a computed point in the southern right-of-way of Mirror Lake Drive; thence with the said southern right-of-way 28.38' along a curve to the left having a radius of 216.26' and a chord of N77°49'27"E 28.36' to a 6" nail set; thence continuing with the said southern right-of-way as it turns into the western right-of-way of Meadow Wood Road

16.25' along a curve to the right having a radius of 15.00' and a chord of S74°56'34"E 15.47' to the **Point and Place of Beginning** containing 202± square feet or 0.005 acres. All rights in the temporary construction easement #1 will revert to the herein grantor, their heirs and assigns upon completion of the utility installation project.

Temporary Construction Easement #2:

Commencing at a rebar & cap having NC Grid Coordinates of northing= 475,065.75' and easting= 2,022,964.52; thence from said point of commencement S71°38'56"E 697.18' to a survey control point; thence N49°55'11"W 12.45' to an existing iron pipe in the western right-of-way of Meadow Wood Road; thence with the said western right-of-way as it turns into the southern right-of-way of Mirror Lake Drive 4.63' along a curve to the left having a radius of 15.00' and a chord of N35°03'51"W 4.61' to a 6" nail set; thence S81°51'56"W 42.67' to a rebar set, said rebar being the **Point of Beginning**; thence S23°24'23"E 10.47' to a 6" nail set; thence 74.15' along a curve to the right having a radius of 287.68' and a chord of N89°06'11"W 73.95' to a 6" nail set; thence S12°13'28"W 22.88' to a 6" nail set; thence S39°51'34"W 23.68' to a 6" nail set in the eastern line of Paul Thompson Development Corporation et al as described in Deed Book 680, Page 85 and Deed Book 5796, Page 388; thence with the said eastern line N12°12'24"E 24.86' to a computed point in the southern right of way of Mirror Lake Drive, said point being the north east corner of Paul Thompson Development Corporation et al as described above; thence with a jog in the said southern right-of-way N12°12'24"E 28.46' to a rebar set; thence leaving the said southern right-of-way 78.86' along a curve to the left having a radius of 277.75' and a chord of S87°43'21"E 78.59' to the **Point and Place of Beginning** containing 1,184± square feet or 0.027 acres. All rights in the temporary construction easement #2 will revert to the herein grantor, their heirs and assigns upon completion of the utility installation project.

Temporary Construction Easement #3:

Commencing at a rebar & cap having NC Grid Coordinates of northing= 475,065.75' and easting= 2,022,964.52; thence from said point of commencement S71°38'56"E 697.18' to a survey control point; thence N49°55'11"W 12.45' to an existing iron pipe in the western right-of-way of Meadow Wood Road; thence with the said western right-of-way S26°13'57"E 79.70' to an existing iron pipe in the northern line of Wayne C. Hamm and wife, Eugenia B. Hamm as described in Deed Book 5143, Page 198 and depicted on Plat Book 17, Page 65 as parcel #19; thence S63°48'22"W 175.74' to a computed point in Hybarts Branch and the eastern line of Paul Thompson Development Corporation et al as described in Deed Book 680, Page 85 and Deed Book 5796, Page 388; thence with the said eastern line N31°32'36"W 31.66' to a 6" nail set in Hybarts Branch, said point being the **Point of Beginning**; thence continuing with the said eastern line N31°32'36"W 15.54' to a 6" nail set; thence continuing with the said eastern line N12°12'24"E 17.45' to a 6" nail set; thence leaving the said eastern line S42°39'15"E 4.00' to a 6" nail set; thence S33°50'21"E 31.97' to a 6" nail set; thence S87°08'48"W 16.09' to the **Point and Place of Beginning** containing 349± square feet or 0.008 acres. All rights in the temporary construction easement #3 will revert to the herein grantor, their heirs and assigns upon completion of the utility installation project.

Paul Thompson Development Corporation, et al

Tax Pin 0427-24-2333

Cross Creek Township

The following described Right-of-Way, Permanent Utility Easements and Temporary Construction Easements lie within that certain parcel of land owned by Paul Thompson Development Corporation, et al located on the south side of Mirror Lake Drive and west of Meadow Wood Road as described in the deed of record duly recorded in Deed Book 680, Page 85 of the Cumberland County, North Carolina Registry.

Right-of-Way:

Commencing at a rebar & cap having NC Grid Coordinates of northing= 475,065.75' and easting= 2,022,964.52; thence from said point of commencement S66°10'00"E 226.80' to an existing iron pipe in the southern right-of-way of Mirror Lake Drive marking north east corner of Juliet Mayoras and husband, Mark Mayoras as described in Deed Book 5711, Page 535 and depicted on Plat Book 18, Page 62; thence with a jog in the southern right-of-way S20°03'15"W 30.00' to a rebar set; thence continuing with the said southern right-of-way S69°56'49"E 10.53' to a rebar set, said rebar being the **Point of Beginning**; thence continuing with the said southern right-of-way S69°56'49"E 232.27' to a point; thence continuing with a jog in the said southern right-of-way S20°03'11"W 35.00' to a point; thence continuing with the said southern right-of-way S69°56'49"E 65.00' to a point; thence continuing with the jog in the said southern right-of-way N20°03'11"E 35.00' to a point; thence continuing with the said southern right-of-way S70°16'00"E 38.30' to an existing iron pipe; thence continuing with the said southern right-of-way S70°16'00"E 0.43' to a point being the north west corner of Ray C. Vallery and wife Martha W. Vallery as described in Deed Book 4928, Page 267 and depicted on Plat Book 17, Page 65; thence leaving the said southern right-of-way with the western line of Vallery S12°12'24"W 46.17' to a rebar set; thence leaving the said western line S42°03'54"W 11.59' to a rebar set; thence S50°46'51"W 4.96' to a 6" nail set; thence S50°46'51"W 7.12' to a rebar set; thence N74°42'46"W 21.17' to a 6" nail set in the eastern line of an existing 20' sewer easement; thence N74°42'46"W 32.19' to a 6" nail set in the western line of an existing sewer easement; thence N74°42'46"W 14.95' to a rebar set; thence N51°42'51"W 26.33' to a 6" nail set in the southern line of an existing 20' sewer easement; thence N51°42'51"W 22.98' to a rebar set; thence N55°14'11"W 2.24' to a 6" nail set in the northern line of an existing 20' sewer easement; thence N55°14'11"W 59.27' to a rebar set; thence N63°04'21"W 94.00' to a rebar set; thence N53°12'13"W 39.61' to a rebar set; thence 7.14' along a curve to the right having a radius of 50.00' and a chord of N49°06'53"W 7.13' to a rebar set; thence 25.52' along a curve to the right having a radius of 50.00' and a chord of N30°24'07"W 25.25' to the **Point and Place of Beginning** containing 13,414± square feet or 0.308 acres and being a proposed right-of-way dedication.

Permanent Utility Easement #1:

Commencing at a rebar & cap having NC Grid Coordinates of northing= 475,065.75' and easting= 2,022,964.52; thence from said point of commencement S66°10'00"E 226.80' to an existing iron pipe in the southern right-of-way of Mirror Lake Drive marking north east corner of Juliet Mayoras and husband, Mark Mayoras as described in Deed Book 5711, Page 535 and depicted on Plat Book 18, Page 62; thence with a jog in the southern right-of-way S20°03'15"W 30.00' to a rebar set, said rebar being the **Point of Beginning**; thence continuing with the said southern right-of-way S69°56'49"E 10.53' to a rebar set; thence leaving the said southern right-of-way 25.25' along a curve to the left having a radius of 50.00' and a chord of S30°24'07"E 25.25' to rebar set; thence S20°03'15"W 18.78' to a rebar set; thence S48°04'27"E 154.16' to a rebar set in the northern line of an existing 20' sewer easement; thence with the said northern line S75°28'28"W 36.00' to a rebar set; thence leaving the said northern line N48°04'27"W 154.55' to a rebar set in the eastern line of Juliet Mayoras and husband, Mark Mayoras as described above; thence with the said eastern line N20°03'15"E 55.14' to the **Point and Place of Beginning** containing 5,797± square feet or 0.133 acres.

Permanent Utility Easement #2:

Commencing at a rebar & cap having NC Grid Coordinates of northing= 475,065.75' and easting= 2,022,964.52; thence from said point of commencement S66°10'00"E 226.80' to an existing iron pipe in the southern right-of-way of Mirror Lake Drive marking north east corner of Juliet Mayoras and husband, Mark Mayoras as described in Deed Book 5711, Page 535 and depicted on Plat Book 18, Page 62; thence with the eastern line of Mayoras S20°03'15"W 30.00' to a rebar set; thence continuing with the said eastern line S20°03'15"W 55.14' to a rebar set; thence leaving the said eastern line S48°04'27"E 154.55' to a rebar set in the northern line of an existing 20' sewer easement; thence S48°23'53"E 24.09' to a rebar set in the southern line of an existing 20' sewer easement, said rebar being the **Point of Beginning**; thence with the said southern line N75°28'28"E 42.07' to a rebar set; thence leaving the said southern line S59°02'28"E 174.40' to a rebar set; thence N88°42'11"E 4.71' to a rebar set in the western line of an existing 20' sewer easement; thence with the said western line S36°17'49"E 36.62' to a rebar set; thence leaving the said western line S88°42'11"W 34.39' to a rebar set; thence N59°02'28"W 212.57' to the **Point and Place of Beginning** containing 6,391± square feet or 0.147 acres.

Temporary Construction Easement #1:

Commencing at a rebar & cap having NC Grid Coordinates of northing= 475,065.75' and easting= 2,022,964.52; thence from said point of commencement S66°10'00"E 226.80' to an existing iron pipe in the southern right-of-way of Mirror Lake Drive marking north east corner of Juliet Mayoras and husband, Mark Mayoras as described in Deed Book 5711, Page 535 and depicted on Plat Book 18, Page 62; thence with a jog in the southern right-of-way S20°03'15"W 30.00' to a rebar set; thence continuing with the said southern right-of-way S69°56'49"E 10.53' to a rebar set; thence leaving the said southern right-of-way 25.25' along a curve to the left having a radius of 50.00' and a chord of S30°24'07"E 25.25' to a rebar set, said rebar being the **Point of Beginning**; thence 7.14' along a curve to the left having a radius of 50.00' and a chord of S49°06'53"E 7.13' to rebar set; thence S53°12'13"E 39.61' to a rebar set; thence S63°04'21"E 94.00' to a rebar set; thence S55°14'11"E 59.27' to a 6" nail set in the northern

line of an existing 20' sewer easement; thence with the said northern line S75°28'28"W 9.30' to a 6" nail set; thence leaving the said northern line N54°08'54"W 72.51' to a 6" nail set; thence N64°21'17"W 82.31' to a 6" nail set; thence S25°38'43"W 4.50' to a 6" nail set; thence S48°04'27"E 119.62' to a 6" nail set; thence S59°02'28"E 8.15' to a 6" nail set in the northern line of an existing 20' sewer easement; thence with the said northern line S75°28'28"W 13.86' to a rebar set; thence leaving the said northern line N48°04'27"W 154.16' to a rebar set; thence N20°03'15"E 18.78' to the **Point and Place of Beginning** containing 2,721± square feet or 0.062 acres. All rights in the temporary construction easement #1 will revert to the herein grantor, their heirs and assigns upon completion of the utility installation project.

Temporary Construction Easement #2:

Commencing at a rebar & cap having NC Grid Coordinates of northing= 475,065.75' and easting= 2,022,964.52; thence from said point of commencement S66°10'00"E 226.80' to an existing iron pipe in the southern right-of-way of Mirror Lake Drive marking north east corner of Juliet Mayoras and husband, Mark Mayoras as described in Deed Book 5711, Page 535 and depicted on Plat Book 18, Page 62; thence with a jog in the southern right-of-way S20°03'15"W 30.00' to a rebar set; thence continuing with the said southern right-of-way S69°56'49"E 10.53' to a rebar set; thence leaving the said southern right-of-way 25.25' along a curve to the left having a radius of 50.00' and a chord of S30°24'07"E 25.25' to a rebar set; thence 7.14' along a curve to the left having a radius of 50.00' and a chord of S49°06'53"E 7.13' to a rebar set; thence S53°12'13"E 39.61' to a rebar set; thence S63°04'21"W 94.00' to a rebar set; thence S55°14'11"E 59.27' to a 6" nail set in the northern line of an existing 20' sewer easement; thence S55°14'11"E 2.24' to a rebar set; thence S51°42'51"E 22.98' to a 6" nail set in the northern line of an existing 20' sewer easement, said nail being the **Point of Beginning**; thence S51°42'51"E 26.33' to a rebar set; thence S74°42'46"E 14.95' to a 6" nail set in the western line of an existing 20' sewer easement; thence with the said western line S36°17'49"E 2.53' to a 6" nail set; thence leaving the said western line N87°06'32"W 17.63' to a 6" nail set; thence N54°08'54"W 33.08' to a 6" nail set in the southern line of an existing 20' sewer easement; thence N75°28'28"E 8.09' to the **Point and Place of Beginning** containing 227± square feet or 0.005 acres. All rights in the temporary construction easement #2 will revert to the herein grantor, their heirs and assigns upon completion of the utility installation project.

Temporary Construction Easement #3:

Commencing at a rebar & cap having NC Grid Coordinates of northing= 475,065.75' and easting= 2,022,964.52; thence from said point of commencement S66°10'00"E 226.80' to an existing iron pipe in the southern right-of-way of Mirror Lake Drive marking north east corner of Juliet Mayoras and husband, Mark Mayoras as described in Deed Book 5711, Page 535 and depicted on Plat Book 18, Page 62; thence with a jog in the southern right-of-way S20°03'15"W 30.00' to a rebar set; thence continuing with the said southern right-of-way S69°56'49"E 10.53' to a rebar set; thence continuing with the said southern right-of-way S69°56'49"E 232.27' to a point; thence continuing with a jog in the said southern right-of-way S20°03'11"W 35.00' to a point; thence continuing with the said southern right-of-way S69°56'49"E 65.00' to a point; thence continuing with the jog in the said southern right-of-way N20°03'11"E 35.00' to a point; thence continuing with the said southern right-of-way S70°16'00"E 38.30' to an existing iron

pipe; thence continuing with the said southern right-of-way S70°16'00"E 0.43' to a point being the north west corner of Ray C. Vallery and wife Martha W. Vallery as described in Deed Book 4928, Page 267 and depicted on Plat Book 17, Page 65; thence leaving the said southern right-of-way with the western line of Vallery S12°12'24"W 46.17' to a rebar set; thence continuing with the said western line S12°12'24"W 20.16' to a 6" nail set, said nail being the **Point of Beginning**; thence continuing with the said western line S12°12'24"W 17.45' to a point; thence continuing with the said western line S31°32'36"E 15.54' to a 6" nail set; thence leaving the said western line S87°08'48"W 6.45' to a 6" nail set; thence N45°52'57"W 10.37' to a 6" nail set in the eastern line of an existing 20' sewer easement; thence with the said eastern line N36°17'49"W 40.25' to a 6" nail set; thence leaving the said eastern line S74°42'46"E 21.17' to a rebar set; thence N50°46'51"E 7.12' to a 6" nail set; thence S42°39'15"E 10.83' to the **Point and Place of Beginning** containing 596± square feet or 0.014 acres. All rights in the temporary construction easement #3 will revert to the herein grantor, their heirs and assigns upon completion of the utility installation project.

Temporary Construction Easement #4:

Commencing at a rebar & cap having NC Grid Coordinates of northing= 475,065.75' and easting= 2,022,964.52; thence from said point of commencement S66°10'00"E 226.80' to an existing iron pipe in the southern right-of-way of Mirror Lake Drive marking north east corner of Juliet Mayoras and husband, Mark Mayoras as described in Deed Book 5711, Page 535 and depicted on Plat Book 18, Page 62; thence with the eastern line of Mayoras S20°03'15"W 30.00' to a rebar set; thence continuing with the said eastern line S20°03'15"W 55.14' to a rebar set; thence leaving the said eastern line S48°04'27"E 154.55' to a rebar set in the northern line of an existing 20' sewer easement; thence S48°23'53"E 24.09' to a rebar set in the southern line of an existing 20' sewer easement; thence with the said southern line N75°28'28"E 42.07' to a rebar set, said rebar being the **Point of Beginning**; thence continuing with the said southern line N75°28'28"E 14.02' to a 6" nail set; thence leaving the said southern line S59°02'28"E 150.70' to a 6" nail set in the western line of an existing 20' sewer easement; thence with the said western line S36°17'49"E 19.36' to a rebar set; thence leaving the said western line S88°42'11"W 4.71' to a rebar set; thence N59°02'28"W 174.40' to the **Point and Place of Beginning** containing 1,663± square feet or 0.038 acres. All rights in the temporary construction easement #4 will revert to the herein grantor, their heirs and assigns upon completion of the utility installation project.

David S. Clukey and wife, Dawn M. Clukey

Tax Pin 0427-35-2066

Cross Creek Township

The following described Permanent Utility Easement and Temporary Construction Easements lie within that certain parcel of land owned by David S. Clukey and wife, Dawn M. Clukey located on the north side of Mirror Lake Drive as described in the deed of record duly recorded in Deed Book 9766, Page 0527 0267 (Lot 60 – Revision of Van Story Hills, Section 2 – Plat Book 122, Page 100) of the Cumberland County, North Carolina Registry.

Permanent Utility Easement:

Commencing at a rebar & cap having NC Grid Coordinates of northing= 475,065.75' and easting= 2,022,964.52; thence from said point of commencement S79°06'05"E 219.22' to an existing concrete monument in the northern right-of-way of Mirror Lake Drive marking the south east corner of John H. Larch III and wife, Mary Ann Larch as described in Deed Book 10334, Page 401 and depicted on Plat Book 127, Page 25 as parcel #61 and the south west corner of David S. Clukey and wife, Dawn M. Clukey as described above, said monument also being the **Point of Beginning**; thence with the eastern line of Larch N06°50'56"E 5.24' to a rebar set; thence leaving the said eastern line N79°02'55"E 21.74' to a rebar set; thence N81°30'41"E 67.71' to a rebar set in the western line of an existing 20' sewer easement as described in Deed Book 828, Page 343; thence with the said western line of the 20' sewer easement S00°28'43"W 31.34' to a rebar set; thence continuing with said western line S29°55'17"E 29.69' to a rebar set in the northern right-of-way of Mirror Lake Drive; thence with the said northern right-of-way N69°57'40"W 110.15' to the **Point and Place of Beginning** containing 2,700± square feet or 0.062 acres and being a Permanent Utility Easement dedication.

Temporary Construction Easement #1:

Commencing at a rebar & cap having NC Grid Coordinates of northing= 475,065.75' and easting= 2,022,964.52; thence from said point of commencement S79°06'05"E 219.22' to an existing concrete monument in the northern right-of-way of Mirror Lake Drive marking the south east corner of John H. Larch III and wife, Mary Ann Larch as described in Deed Book 10334, Page 401 and depicted on Plat Book 127, Page 25 as parcel #61 and the south west corner of David S. Clukey and wife, Dawn M. Clukey as described above; thence with the eastern line of Larch N06°50'56"E 5.24' to a rebar set, said rebar being the **Point of Beginning**; thence continuing with Larch's line N06°50'56"E 97.01' to an existing concrete monument; thence continuing with Larch's line S83°19'03"E 77.88' to a 6" nail set in the western line of an existing 20' sewer easement as described in Deed Book 828, Page 343; thence with the said western line of the 20' sewer easement S00°28'43"W 73.13' to a rebar set; thence leaving the said western line S81°30'41"W 67.71' to a rebar set; thence S79°02'55"W 21.74' to the **Point and Place of Beginning** containing 6,970± square feet or 0.160 acres. All rights in the temporary construction easement will revert to the herein grantor, their heirs and assigns upon completion of the utility installation project.

Temporary Construction Easement #2:

Commencing at a rebar & cap having NC Grid Coordinates of northing= 475,065.75' and easting= 2,022,964.52; thence from said point of commencement S79°06'05"E 219.22' to an existing concrete monument in the northern right-of-way of Mirror Lake Drive marking the south east corner of John H. Larch III and wife, Mary Ann Larch as described in Deed Book 10334, Page 401 and depicted on Plat Book 127, Page 25 as parcel #61 and the south west corner of David S. Clukey and wife, Dawn M. Clukey as described above; thence with the said northern right-of-way S69°57'40"E 110.15' to a rebar set in the western line of an existing 20' sewer easement as described in Deed Book 828, Page 343; thence continuing with the said northern right-of-way S69°57'40"E 14.77' to an existing concrete monument; thence continuing with a jog in the said northern right-of-way N09°08'26"E 15.32' to point; thence continuing with the

said northern right-of-way S69°59'34"E 1.31' to a 6" nail set in the eastern line of an existing 20' sewer easement as described above, said nail also being the **Point of Beginning**; thence leaving the said right-of-way along the said eastern line of the existing 20' sewer easement N29°55'17"W 24.68' to a 6" nail set; thence continuing with the said eastern line N00°28'43"E 96.86' to a 6" nail set in the southern line of David S. Clukey and wife, Dawn M. Clukey as described above; thence with the southern line of Cluckey S83°19'03"E 44.01' to a point, said point being 0.31' from an existing concrete monument; thence continuing with the said southern line S83°19'03"E 9.88' to a 6" nail set in the western line of Mirror lake association, Inc. as described in Deed Book 5679, Page 665 and Deed Book 5796, Page 388; thence with the said western line S01°35'21"W 3.12' to a 6" nail set; thence continuing with the said western line S01°25'10"E 45.94' to a 6" nail set; thence continuing with the said western line S06°51'17"W 44.97' to a 6" nail set; thence continuing with the said western line S04°50'59"W 31.16' to an existing iron pipe in the northern right-of-way of Mirror Lake Drive; thence with the said northern right-of-way N69°59'34"W 37.33' to the **Point and Place of Beginning** containing 6,173± square feet or 0.142 acres. All rights in the temporary construction easement will revert to the herein grantor, their heirs and assigns upon completion of the utility installation project.

Mirror Lake Association Inc.

Tax Pin 0427-35-4129

Cross Creek Township

The following described Right-of-Way and Temporary Construction Easement lies within that certain parcel of land owned by Mirror Lake Association Inc. located on the north side of Mirror Lake Drive as described in the deed of record duly recorded in Deed Book 5679, Page 0665 and Deed Book 5796, Page 0388 of the Cumberland County, North Carolina Registry.

Right-of-Way:

Commencing at a rebar & cap having NC Grid Coordinates of northing= 475,065.75' and easting= 2,022,964.52; thence from said point of commencement S71°38'56"E 697.18' to a survey control point; thence N60°25'21"W 119.41' to an existing iron pipe in the northern right-of-way of Mirror Lake Drive marking the south east corner of Robert W. Bangs, Jr. and wife, Shannon C. Bangs as described in Deed Book 8389, Page 613 and depicted on Plat Book 17, Page 65 as parcel #16; thence with a jog in the said northern right-of-way N05°33'28"E 1.75' to a 6" nail set, said point being the south east corner of Mirror Lake Association Inc. as described above; thence with the said northern right-of-way N69°08'44"W 37.71' to a rebar set; said rebar being the **Point of Beginning**; thence continuing with the said northern right-of-way N69°08'44"W 7.21' to a computed point; thence with a jog in the said northern right-of-way N20°51'16"E 21.67' to a computed point; thence with the said northern right-of-way N69°08'44"W 64.96' to a computed point; thence with a jog in the said northern right-of-way S20°51'16"W 16.67' to a computed point; thence with the said northern right-of-way N69°08'44"W 12.84' to a rebar set; thence leaving the said northern right-of-way N20°16'40"E 63.70' to a rebar set; thence S69°42'12"E 84.96' to a rebar set; thence S20°16'40"W 69.52' to the **Point and Place of Beginning** containing 4,400± square feet or 0.101 acres and being a proposed right-of-way dedication.

Temporary Construction Easement:

Commencing at a rebar & cap having NC Grid Coordinates of northing= 475,065.75' and easting= 2,022,964.52; thence from said point of commencement S71°38'56"E 697.18' to a survey control point; thence N60°25'21"W 119.41' to an existing iron pipe in the northern right-of-way of Mirror Lake Drive marking the south east corner of Robert W. Bangs, Jr. and wife, Shannon C. Bangs as described in Deed Book 8389, Page 613 and depicted on Plat Book 17, Page 65 as parcel #16; thence with a jog in the said northern right-of-way N05°33'28"E 1.75' to a 6" nail set, said point being the south east corner of Mirror Lake Association Inc. as described above, said point also being the **Point of Beginning**; thence with the said northern right-of-way N69°08'44"W 37.71' to a rebar set; thence N20°16'40"E 69.52' to a rebar set; thence N69°42'12"W 84.96' to a rebar set; thence S20°16'40"W 63.70' to a rebar set in the northern right-of-way of Mirror Lake Drive; thence with the said northern right-of-way N69°08'44"W 78.95' to an existing iron pipe marking the south west corner of Mirror lake Associates Inc. and the south east corner of David S. Clukey and wife, Dawn M. Clukey as described in Deed Book 9766, Page 527 and depicted on Plat Book 122, Page 100 as parcel #60; thence with the eastern line of David S. Clukey and wife, Dawn M. Clukey N04°50'59"E 31.16' to a 6" nail set; thence continuing with the said eastern line N06°51'17"E 44.97' to a 6" nail set; thence continuing with the said eastern line N01°25'10"W 45.94' to a 6" nail set; thence continuing with the said eastern line N01°35'21"E 3.12' to a 6" nail set; point being the north east corner of David S. Clukey and wife, Dawn M. Clukey as described above and the south east corner of John H. Larch III and wife, Mary Ann Larch as described in Deed Book 10334 Page 401 and depicted on Plat Book 127, Page 25 as parcel #61; thence with the eastern line of John H. Larch III and wife, Mary Ann Larch, N01°33'58"E 4.95' to a 6" nail set; thence leaving the said eastern line and continuing along a new line across the property of Mirror Lake Association as described above, N88°33'20"E 100.35' to a 6" nail set; thence S89°29'54"E 65.78' to a 6" nail set; thence S33°33'32"E 53.25' to an existing iron pipe marking the north west corner of Robert W. Bangs, Jr. and wife, Shannon C. Bangs as described above; thence with the western line of Robert W. Bangs, Jr. and wife, Shannon C. Bangs S05°33'26"W 164.52' to the **Point and Place of Beginning** containing 26,569± square feet or 0.610 acres. All rights in the temporary construction easement will revert to the herein grantor, their heirs and assigns upon completion of the utility installation project.