

Drafted By: Arnita M. Dula, Staff Attorney
City of Hickory
PO Box 398, Hickory, NC 28603

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

**STORMWATER FACILITY
EASEMENT**

THIS DEED OF EASEMENT made this ____ day of , 200_, by and between _____ (check one) a ☐ North Carolina Limited Liability Company, ☐ North Carolina Corporation, ☐ foreign Business Organization licensed to conduct business in North Carolina, ☐ resident of the City of Hickory, North Carolina, having a mailing address of _____, (hereinafter referred to as "Grantor") and CITY OF HICKORY, a North Carolina Municipal Corporation duly organized and existing under the laws of the State of North Carolina, having a mailing address of Post Office Box 398, Hickory, North Carolina, and being situated in Catawba County, (hereinafter referred to as "Grantee");

WHEREAS, said Grantor owns a certain tract of land located in Hickory Township, Catawba County, North Carolina, the same being the land conveyed to_____. pursuant to deed recorded in Deed Book _____, Page _____, in the office of the Catawba County Register of Deeds, which deed is hereby referred to for greater certainty of description; and

WHEREAS, development of said property is subject to the National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Regulations and the Phase II Stormwater Ordinance adopted by the City of Hickory which requires the Grantor to construct, operate, and maintain a structural Best Management Practice ("BMP") device(s) on the described property according to the Operation and Maintenance Agreement and the Operation and Maintenance Manual recorded in Deed Book ____ and Page ____ and which is referenced herein; and

WHEREAS, the parties have determined that it is in the best interest for the Grantor to allow the Grantee access to the BMP device(s) in order to carry out all provisions of the City of Hickory's Phase II Stormwater Ordinance, including but not limited to inspections of said BMP device(s).

NOW, THEREFORE, said Grantor, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars and other valuable considerations paid to the Grantor by the Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto said Grantee, its successors and assigns, a perpetual non-exclusive right and easement to access the structural BMP device(s) being more particularly described as follows:

With respect to authority granted to the Grantee pursuant to this stormwater BMP facility easement for purposes of the BMP device(s)' construction, inspection, maintenance, repair, and operation pursuant to the Phase II Stormwater Ordinance adopted by the City of Hickory being all _____ foot permanent easements and access locations as described and marked on said property, as shown on a survey plat prepared by _____ and marked thereon as "Access Easement" in which was recorded in Plat Book , _____ Page , _____ of the Catawba County Registry of Deeds.

Said Grantor's property is described in Deed Book _____, at Page _____, Catawba County Registry, and has Tax Parcel Identifications of _____.

The Grantor further acknowledges that the Grantee is acquiring this easement for the purpose of performing any operation necessary to restore functionality to the BMP device(s), in the event Grantor or its subsequent successors or assigns fails to operate, maintain, or repair the BMP device(s) so that it does not function as designed.

TO HAVE AND TO HOLD the same, together with all the rights and appurtenances belonging thereto, unto the City of Hickory, its successors and assigns forever, and Grantor is hereby bound, together with all heirs, executors, administrators, or successors, to warrant and forever defend the easement granted herein unto the City of Hickory, its successors and assigns, against every person lawfully claiming the easement or any part thereof.

IN TESTIMONY WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

_____(SEAL)
Owner

_____(SEAL)
Owner

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public of _____ County, North Carolina, do hereby certify that _____ and wife, _____ personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and seal this _____ day of _____, 2018.

(SEAL)

Notary Public

My Commission Expires: _____

ACCEPTANCE

Accepted by the Hickory City Council for and on behalf of the City of Hickory, North Carolina, this _____ day of _____, 202X.

**THE CITY OF HICKORY,
A North Carolina Municipal Corporation**

ATTEST:

(SEAL)

Warren Wood, City Manager

Debbie D. Miller, City Clerk

Approved as to form on behalf of the City of Hickory this _____ day of _____, 2018.

Deputy City Attorney for the City of Hickory

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

I, _____ a Notary Public of said County and State, certify that Debbie D. Miller personally came before me this day and acknowledged that she is City Clerk of the City of Hickory, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the municipal corporation, the foregoing instrument was signed in its name and by its Mayor, sealed with its corporate seal and attested by her as its City Clerk.

Witness my hand and seal this _____ day of _____, _____.

(SEAL)

Notary Public

My Commission Expires: _____