

BK 10268 PG 0745



FILED
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS

FILED Mar 15, 2018
AT 11:02:55 am
BOOK 10268
START PAGE 0745
END PAGE 0748
INSTRUMENT # 07681
RECORDING \$26.00
EXCISE TAX (None)

BLF

Prepared By: Attorney General's Office / Property Control Section
P.O. Box 629, Raleigh, North Carolina 27602
SPO File No. 26-040.038 / DOJ File No. PC-18-00001

After Recording ^{Mail} Return to: CWMTE, 1651 Mail Service Center, Raleigh, NC 27699-1651

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

PARTIAL RELEASE OF
CONSERVATION EASEMENT

THIS PARTIAL RELEASE OF CONSERVATION EASEMENT ("Partial Release"), is made as of the date set forth in the notary acknowledgment below, by the STATE OF NORTH CAROLINA, a body politic and corporate (hereinafter the "State"), and the SANDHILLS AREA LAND TRUST, a North Carolina corporation ("Grantor");

RECITALS:

- A. In an instrument dated the 14th day of December 2007, recorded in Book 7771, Page 325, Cumberland County Registry, Grantor conveyed a conservation easement (hereinafter the "Conservation Easement") to the State.
- B. The Conservation Easement set aside that certain parcel or tract of land owned by Grantor, being more particularly identified and described in the Conservation Easement as the "Property" or "Protected Property" for the protection of wetlands, riparian areas and surface waters and for the protection and preservation of the Conservation Values and for other purposes as set forth in Conservation Easement.
- C. The Fayetteville Public Works Commission ("FPWC") desires to acquire a permanent utility easement to and upon certain portion or portions of the Property for the purpose of making improvements for a force main and lift station upgrade in accordance with FPWC's utility project, and Grantor has consented to make such conveyances to FPWC for said purpose.

D. FPWC and Grantor have requested that the State release that portion of the Property described as permanent utility easement area on Exhibit A attached hereto (the permanent utility easement area described on Exhibit A being collectively referred to herein as the "Release Area") from the terms, conditions and restrictions of the Conservation Easement so that Grantor may own and possess the Release Area unencumbered by the Conservation Easement.

E. The State has agreed to execute this Partial Release so that Grantor may grant and convey the Release Area to FPWC free of the terms, conditions and restrictions of the Conservation Easement.

F. Based on the foregoing, the North Carolina Department of Environment and Natural Resources, Clean Water Management Trust Fund has authorized the execution of this instrument for the purposes set forth herein.

G. The execution of this instrument for and on behalf of the State has been duly approved by the Council of State at a meeting held in the City of Raleigh, North Carolina, on the 9th day of January 2018.

NOW THEREFORE, for and in receipt of Ten Dollars and other valuable consideration, the State does hereby execute this Partial Release and agrees as follows:

1. The recitals stated above are substantive and are incorporated in full by this reference.
2. All capitalized terms appearing in this Partial Release and not otherwise defined shall have the meaning ascribed to such terms in the Conservation Easement.
3. The State, for itself, its successors and assigns, does hereby irrevocably and completely remise, release and quitclaim unto Grantor, its successors and assigns, all right, title, claim and interest of the State acquired pursuant to the Conservation Easement in and to the Release Area.
4. This Partial Release shall apply only to the Release Area and the remainder of the Property shall continue to be subject to the Conservation Easement, which Conservation Easement shall otherwise remain in full force and effect.

TO HAVE AND TO HOLD, the Release Area, together with all privileges and appurtenances thereunto belonging, to Grantor, its successors and assigns free, discharged and released from the Conservation Easement.

[signatures on following page]

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IN TESTIMONY WHEREOF, the STATE OF NORTH CAROLINA has caused this instrument to be executed in its name by ROY COOPER, Governor, attested by ELAINE F. MARSHALL, Secretary of State, and the Great Seal of the State of North Carolina to be hereto affixed by virtue of the power and authority aforesaid.

STATE OF NORTH CAROLINA

By: _____

Roy Cooper
Governor

ATTEST:

Elaine F. Marshall
Secretary of State

APPROVED AS TO FORM:
JOSH STEIN, Attorney General

By: _____

Lucas W. Stein
Assistant Attorney General

STATE OF NORTH CAROLINA

COUNTY OF WAKE

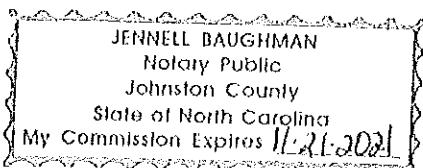
I, Jennell Baughman, a Notary Public for Johnston County, North Carolina, do certify that ELAINE F. MARSHALL, Secretary of State of the State of North Carolina, personally came before me this day and acknowledged that she is Secretary of State of the State of North Carolina, and that by authority duly given and as the act of the State, the foregoing instrument was signed in its name by ROY COOPER, Governor of the State of North Carolina, sealed with the Great Seal of the State of North Carolina, and attested by herself as Secretary of State.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this the 21st day of February, 2018.

My commission expires: 11-21-2021

Jennell Baughman
Notary Public

Print Name: Jennell Baughman



(N.P. SEAL)

EXHIBIT A**Description of Release Area**

Lying and being in the Carver's Creek Township, Cumberland County, North Carolina and being more particularly described as follows:

Permanent Utility Easement Area

BEGINNING at a point in the northern line of the subject property at a point located North 72 degrees 03 minutes 32 seconds West, a distance of 25.02 feet from an existing concrete monument lying in the western right-of-way margin of the Norfolk Southern Railroad, said beginning point being located at the northwest corner of an existing 25 foot utility easement lying adjacent to and west of the western right-of-way margin of the Norfolk Southern Railroad (100 foot right-of-way) as recorded in Deed Book 3304, Page 232 and running with the western edge of said existing easement South 15 degrees 48 minutes 53 seconds West, a distance of 870.19 feet to a point in the southern line of the subject property and in the northern line of Lot 105 of Kinwood Sec. 8 as recorded in Plat Book 57, Page 17, said point being located North 72 degrees 09 minutes 14 seconds West, a distance of 25.02 feet from an existing concrete monument lying in the western right-of-way margin of the Norfolk Southern Railroad; thence running with the property line North 72 degrees 09 minutes 14 seconds West, a distance of 20.01 feet to a point; thence leaving the property line and running on a line parallel with and 45 feet west of the western right-of-way margin of the Norfolk Southern Railroad, North 15 degrees 48 minutes 53 seconds East, a distance of 870.23 feet to a point in the northern line of the subject property; thence with said line South 72 degrees 03 minutes 32 seconds East, a distance of 20.01 feet to the PLACE AND POINT OF BEGINNING, containing 17,400 square feet or 0.40 acres, more or less as shown on the drawing by the Public Works Commission of the City of Fayetteville, NC, dated Sept. 26, 2016, identified as PWC Drawing AS-14943F, entitled "Utility Esmts Across Property of Sandhills Area Land Trust, a North Carolina corporation". And being a 20 foot wide permanent utility easement lying adjacent to and west of the existing 25 foot wide utility easement as recorded in Book 3304, Page 232.