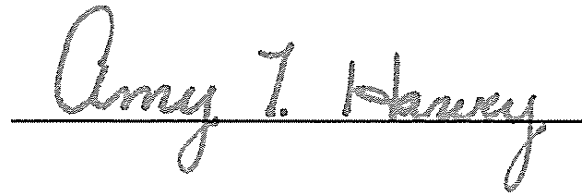


I, Amy T. Harvey, Deputy Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2023-02-15/R-1.02) adopted by the Chapel Hill Town Council on February 15, 2023.

This the 16th day of February, 2023.

A handwritten signature in cursive script that reads "Amy T. Harvey". The signature is written in black ink and is positioned above a solid horizontal line.

**Amy T. Harvey
Deputy Town Clerk**



A RESOLUTION GRANTING A NATURAL GAS UTILITY EASEMENT AT 100 E ROSEMARY (LOT 2) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE DEED OF EASEMENT. (2023-02-15/R-1.02)

WHEREAS, the 136 E. Rosemary St./137 E. Franklin St. project (136/137) is a key part of the Town's Downtown development strategy to support retaining businesses and workers in Chapel Hill and locating businesses Downtown; and

WHEREAS, Council approved rezoning for the 136/137 redevelopment project on June 24, 2020; and

WHEREAS, Public Service Company of North Carolina, Incorporated, dba Dominion Energy North Carolina (Dominion Energy), has requested a natural gas easement along the upper, eastern portion of Lot 2 (with the current address of 130 E. Rosemary Street); and

WHEREAS, this easement would be co-located with existing utilities; and

WHEREAS, the 10-foot-wide utility easement would allow for relocating a natural gas line serving the building to along the western side of the 136 E. Rosemary Street building; and

WHEREAS, allowing the utility easement to serve the 136 E. Rosemary Street building would support the Town's economic development strategy by supporting a project expected to allow more businesses and workers to remain in Chapel Hill and more businesses to locate Downtown; and

WHEREAS, Dominion Energy has offered \$1 to the Town as compensation for relocating the natural gas line onto Town property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council, in consideration of the receipt of \$1 and support of the Town's economic development strategy, grants a Utility Easement to Public Service Company of North Carolina, Incorporated, dba Dominion Energy North Carolina on Town-owned property located at 130 E. Rosemary Street.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to execute a deed of easement for a utility easement on Town-owned property substantially similar to the easement attached and described in the February 15, 2023 meeting materials.

This the 15th day of February, 2023.

UTILITY EASEMENT

PREPARED BY: Jane Foy Painter, Mullen Holland & Cooper P.A., Attorneys at Law

RETURN TO: Dominion Energy North Carolina

(Attn: Michael Davidson, Engineering Department)

2020 Energy Drive

Apex, North Carolina 27502

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

Project No. 0073170

Know all men by these presents that for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration paid to **Town of Chapel Hill**, a North Carolina municipal corporation, (hereinafter designated "Grantor"), **the receipt and sufficiency of which is hereby acknowledged, including without limitation related to Grantee's expenditures with regard to the installation and ongoing maintenance in all aspects of the gas pipeline equipment**

(as more particularly defined herein), which will promote economic development in the general vicinity thereof, protecting critical business operations and minimizing impacts to access and surrounding businesses during maintenance and service of the utility easement, the Grantor hereby bargains, sells, and conveys unto **Public Service Company of North Carolina, Incorporated**, a South Carolina corporation, dba Dominion Energy North Carolina (hereinafter designated "Grantee"), and its successors and assigns, a perpetual and exclusive, except as otherwise provided herein, ten (10) foot wide utility easement for the sole and exclusive purpose of installing, laying, constructing, maintaining, operating, repairing, altering, replacing, and removing gas pipeline equipment for the transportation and control of natural gas under, upon, over, through and across lands of Grantor, or in which Grantor has interest situate in Orange County, North Carolina as described in that deed recorded in Book 1269 at Page 442 in the Orange County Registry, together with the rights of ingress and egress over and across the easement and the remaining lands of the Grantor for the purpose of obtaining access to and from the easement. The easement shall be generally located as shown on Exhibit "A" drawing attached hereto and incorporated herein by reference and located as close to the existing building as is reasonably possible. The centerline of the pipeline as installed and/or constructed shall be the centerline of such right of way and easement hereby granted.

The Grantee shall have the right to assign this easement in whole or part at any time to a successor entity providing public natural gas service.

The Grantee shall have the right to remove all trees, undergrowth, and other obstructions which may be located within the easement that may injure, endanger, or interfere with the construction, operation, maintenance, and repair of said utility pipeline.

The Grantee shall provide Grantor with reasonable notice when installing, laying, and constructing any gas pipeline equipment, such that Grantor may specifically identify the centerline of the utility easement established at time of installation.

The Grantor, for itself, its successors and assigns, agrees to do nothing inconsistent with the rights of the Grantee hereunder, specifically including, but not limited to the following: 1) no structure nor obstruction of a temporary or permanent nature (including, but not limited to, fences and/or walls) shall be constructed or allowed to remain upon the easement herein granted; 2) nothing shall be done which would increase or decrease the depth of the pipeline below the surface of the ground; 3) roads, streets and/or public utility crossings may be built or erected by the Grantor or authorized agents over or upon the easement, subject to the above restrictions and so long as a minimum of a two (2) foot horizontal and a one (1) foot vertical separation is maintained from Grantee's facilities by such public or private facilities.

To have and to hold said utility easement unto the Grantee, its successors, and assigns, in title forever and the undersigned hereby binds itself, its successors, and assigns to warrant and forever defend all and singular said premises unto the Grantee, its successors, and assigns, against the claims of all persons whomsoever.

It is understood and acknowledged by the undersigned that the person securing this grant is without authority to make any agreement with regard to the subject matter hereof which is not expressed herein, and that no such agreement will be binding on the Grantee.

IN WITNESS WHEREOF this instrument is signed and sealed this _____ day of _____ 2023.

GRANTOR:

Town of Chapel Hill, a North Carolina
municipal corporation

By:

(Deputy) Town Manager

ATTEST:

Sabrina Oliver, Clerk

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public of _____ County,
State of _____, do hereby certify that Sabina Oliver (the "Signatory"),
personally appeared before me this day and acknowledged that she is the Clerk of the Town of Chapel Hill,
a North Carolina municipal corporation and that by authority given and as the act of the Town Chapel Hill,
the foregoing document was signed in its name by _____ its Town Manager,
sealed with its official seal, and attested by herself as its Clerk.

Witness my hand and official stamp or seal this _____ day of _____, 2023.

Notary Public

Print Name: _____

[Note: Notary Public must sign exactly as on notary seal]

My Commission Expires: _____

☞ [NOTARY SEAL] **(MUST BE FULLY LEGIBLE)**

(Official Seal)

Exhibit A



E ROSEMARY ST

NCMB ALY

PIN: 9788375557
 Bk: 1269
 Pg: 442

Proposed Natural Gas Pipeline



Public Service Company of North Carolina,
 Incorporated Pipeline Easement - The centerline
 of the pipeline as installed shall establish the
 centerline of the ten foot easement.

This map may not be a certified survey and has
 not been reviewed by a local government
 agency for compliance with any applicable land
 development regulations and has not been
 reviewed for compliance with recording
 requirements for plats.



2020 Energy Drive, Apex, NC 27502

**PROPOSED UTILITY EASEMENT
 E ROSEMARY ST, CHAPEL HILL, NC**

Author: Michael Davidson

Checked By:

Approved By:

Page: 1 of 1

CP Number

Date: 9/21/2022

Project Number

0073170