

(the above space is left blank for recording purposes)

Excise Tax: \$
PREPARED BY/RETURN TO:
Timothy D. Swanson, Attorney
Young, Morphis, Bach & Taylor, LLP
Post Office Drawer 2428
Hickory, North Carolina 28603

STATE OF NORTH CAROLINA

COUNTY OF CATAWBA

**DEED OF EASEMENT
(Stormwater Facility Easement)**

THIS DEED OF EASEMENT is made this__day of , 202_, by and between [Insert Name, Entity Type, and State of Incorporation](#), having a mailing address of [Insert Mailing Address](#) (“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 P.O. Box 398, Hickory, North Carolina 28603 (“Grantee”);

WHEREAS, said Grantor owns a certain tract of land located in Hickory Township, Catawba County, North Carolina (the “Grantor Property”), said Grantor Property being the land conveyed to Grantor pursuant to deed recorded in Deed Book [Insert Book](#), Page [Insert 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 the Grantor 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 device(s) (“BMPs”) on the Grantor Property according to the Stormwater Operation and Maintenance Agreement and the Operation and Maintenance Manual recorded in Deed Book [Insert Book](#) and Page [Insert 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 BMPs located on the Grantor Property 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 BMPs.

NOW, THEREFORE, Grantor, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars, and such other good and valuable considerations paid to Grantor by Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto Grantee, its successors and assigns, a perpetual non-exclusive right and easement to access and inspect the BMPs located on the Grantor Property, said easement being more particularly described as follows:

Being all of that permanent access easement as shown on that certain plat entitled “[Insert Title on Survey](#),” said plat being prepared by [Insert Name and License Number of Surveyor](#), and being dated [Insert Date of Survey](#), a copy of which is recorded in Plat Book [Insert Book](#) Page [Insert Page](#) of the Catawba County Registry of Deeds.

Grantor acknowledges that Grantee is acquiring this easement for the purpose of inspecting and, if necessary, performing any operation necessary to restore functionality to the BMPs, in the event Grantor or its subsequent successors or assigns fails to operate, maintain, or repair the BMPs so that they function as designed.

TO HAVE AND TO HOLD the same, together with all the rights and appurtenances belonging thereto, unto Grantee, 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 Grantee, its successors and assigns, against every person lawfully claiming the easement or any part thereof.

Signatures and Acknowledgments Appear on the Following Pages.

IN TESTIMONY WHEREOF, Grantor has duly executed the foregoing as of the day and year first above written.

GRANTOR:

_____ (Seal)

By:

Its:

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public of _____ County,
State of _____, do hereby certify that _____ appeared before me
this day and acknowledged that he/she is the _____ of _____, and
being authorized to do so, voluntarily executed the foregoing instrument for the purposes stated
therein on behalf of said corporation.

Witness my hand and notarial stamp or seal, this _____ day of _____, 20__.

Notary Public

[AFFIX NOTARIAL SEAL]

My Commission Expires: _____.

ACCEPTANCE

Accepted by the City Council for and on behalf of the City of Hickory, North Carolina, this _____ day of _____, 20__.

CITY OF HICKORY,
a North Carolina municipal corporation

By: _____ (Seal)
Warren Wood, City Manager

Attest: _____
Debbie Miller, City Clerk

Approved as to form on behalf of the City of Hickory this _____ day of _____, 20__.

Attorney for the City of Hickory

STATE OF NORTH CAROLINA
COUNTY OF _____

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

Witness my hand and notarial stamp or seal, this _____ day of _____, 20__.

Notary Public

[AFFIX NOTARIAL SEAL]

My Commission Expires: _____.