

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE THE NECESSARY DOCUMENT(S) TO GRANT A TEMPORARY RIGHT-OF-WAY TO DUKE ENERGY FOR THE INSTALLATION OF PUBLIC UTILITIES ALONG ROSEMARY STREET

Resolution No. 47/2007-08

WHEREAS, the Town owns certain land adjacent to the northern right-of-way line of Rosemary Street, identified by Orange County as PIN 97788063572 also shown on Orange County Tax Maps as 7.93.L.19; and

WHEREAS, said Town land is now used as a parking lot and adequate area is available to provide the necessary temporary vertical and horizontal clearances for the installation and maintenance of utility lines proposed for installation along the northern right-of-way line of Rosemary Street; and

WHEREAS, said temporary right-of-way will expire in three years when the proposed utility lines are relocated back onto the Greenbridge property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that the Aldermen herewith authorizes the Town Manager to execute the necessary documents to grant said temporary right-of-way, not to exceed 15 feet from the centerline, for electrical facilities to be installed along the Rosemary Street frontage of said Town parcel of land to Duke Energy as approximately shown on the attached map.

Sarah Williamson

From: James R. Harris
Sent: Monday, November 12, 2007 1:47 PM
To: Sarah Williamson
Subject: FW: Carrboro : Greenbridge ROW request
Attachments: C500 Utility.pdf

From: Tom Tucker [mailto:tom_tucker@earthlink.net]
Sent: Wednesday, October 17, 2007 11:22 AM
To: James R. Harris; Steven Stewart
Subject: Carrboro : Greenbridge ROW request

Mr. Stewart:

Greenbridge Developments, LLC has been granted a Special Use Permit and will begin Construction of a mixed use bldg towards the end of this year.

As a result of the construction of this project, would like to temporarily relocate the Duke Power Overhead Transmission Line to the north side of Rosemary Street.

In order to accomplish this Greenbridge Developments, LLC would like the Town of Carrboro to Grant a utility easement to Duke Power on the front of the town's property located at the corner of Rosemary St. and Sunset Drive:

PIN#: 9788063572
TMBL#: 7.93.L.19
TRACT#: 703102
Tax Account#: 270260
Street Address: 604 W ROSEMARY ST
Owner: CARRBORO TOWN OF

This utility easement will not have any adverse affect on the use of the town's property.

The attached .pdf files shows the location of the Duke Power Lines on the North Side of Rosemary Street.

Thank You in Advance for you consideration of this matter.

Tom Tucker
Greenbridge Developments, LLC

WR No. Resp. 5341 Project
 Drawn By: Steven Small
 Project Description: overhead line relocation
 Greenbridge project on West Rosemary St

Return Address: Duke Energy Carolinas
 Attn: J. Steven Small
 4412 Hillsborough Road
 Durham, N. C. 27705

NORTH CAROLINA

TEMPORARY RIGHT-OF-WAY AGREEMENT

ORANGE COUNTY

KNOW ALL MEN BY THESE PRESENTS, that the Town of Carrboro, a North Carolina municipality (hereinafter called "Grantor") (whether one or more), in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, does hereby grant unto DUKE ENERGY CAROLINAS, LLC, and its successors and assigns, subsidiaries and divisions, hereinafter called "Grantee," the temporary right, privilege and easement to go in and upon that certain land of Grantor (hereinafter "premises") situated in said County and State, property described as:

and over and across said premises within a right-of-way strip (check applicable):

having a width of 15 feet on each side of a centerline determined by the centerline of the electrical facilities as installed, to construct, maintain and operate with poles, crossarms, wires, guys, anchors, cables, transformers and other apparatus and appliances, overhead lines for the purpose of transporting electricity and for the communications purposes of the Grantee and regulated telephone utilities. The following rights are also granted to Grantee: to enter said premises to inspect said lines, to perform maintenance and repairs, and to make alterations and additions thereto, to remove from the right-of-way strip, now or at any time in the future, trees, structures or other obstructions that may endanger the proper maintenance and operation of said lines and trees of any species that Grantee determines will grow at maturity to a height that will endanger the proper maintenance and operation of said lines; to trim or remove and to keep trimmed or remove dead, diseased, weak or leaning trees or limbs outside of the right-of-way strip which, in the opinion of the Grantee, might interfere with or fall upon the electric or communications facilities within the right-of-way strip; and to install guy wires and anchors extending beyond the limits of the right-of-way strip.

having a width of ____ feet on each side of a centerline determined by the centerline of the electrical facilities as installed, to construct, maintain and operate underground lines and conduits with other apparatus and appliances, either above ground or below ground, to include transformers and service connections, for the purpose of transporting electricity and for the communications purposes of Grantee and its licensees. The following rights are also granted to Grantee: to enter said premises to inspect said lines, to perform maintenance and repairs, and to make alterations and additions thereto; and to clear the land within the right-of-way strip and to keep it clear of trees, structures or other obstructions; and to clear that land outside the right-of-way strip within ten feet of the service door of any transformer or cabinet located within the right-of-way strip and to keep the area within ten feet of said door clear of trees, structures or other obstructions. All underground facilities are to be installed in accordance with the provisions of Grantee's Underground Distribution Installment Plan, NCUC Docket E-7, Sub 552, receipt of a copy of which is acknowledged by Grantor.

This right-of-way is given to permit the construction or modifications of facilities presently proposed. Facilities at other locations and future extensions of presently constructed facilities are not permitted by this agreement. The foregoing notwithstanding, Grantee may relocate its facilities and right-of-way strip over the premises to conform to any future highway or street relocation, widening or improvement.

All rights and interest conveyed to Grantor by Grantee in accordance with this instrument shall expire, and the right-of-way shall cease and be of no further effect three (3) years from the date of execution hereof by Grantor, at which time Grantee shall remove all facilities from the right-of-way strip described above at its sole cost and expense, and with no cost or expense to Grantor. Provided, however, that if the Duke Energy facilities presently proposed for this right-of-way are removed sooner than three (3) years from the date of execution hereof, then this right-of-way shall cease and be of no further effect upon removal of all such facilities.

IN WITNESS WHEREOF, this instrument is executed on this ___ day of _____, 2007.

GRANTOR

By: _____

Name: _____

Title: _____

_____ County, North Carolina

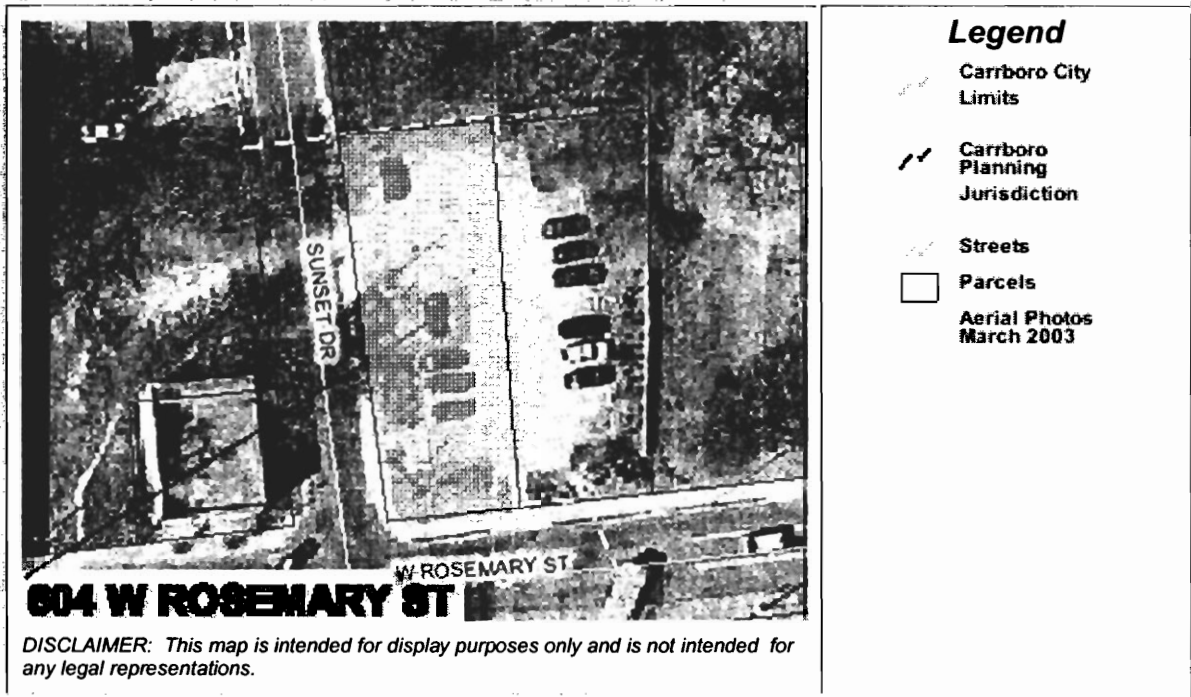
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: _____.

Date: _____

_____ My Commission Expires: _____

Notary Public

(S E A L)



Town of Carrboro Parking lot:



Coulter Jewell & James ENGINEERS ARCHITECTS LANDSCAPE ARCHITECTS 1000 WEST ROSEMARY STREET CHAPEL HILL, NC 27514



WILLIAM McDONOUGH & PARTNERS ARCHITECTS AND INTERIORS 1000 WEST ROSEMARY STREET CHAPEL HILL, NC 27514



GREENBRIDGE WEST ROSEMARY STREET CHAPEL HILL, NC 27514

PROJECT: WEST ROSEMARY STREET CHAPEL HILL, NC 27514

DRAWN BY: J. B. ...

DATE: ...

NOT FOR CONSTRUCTION

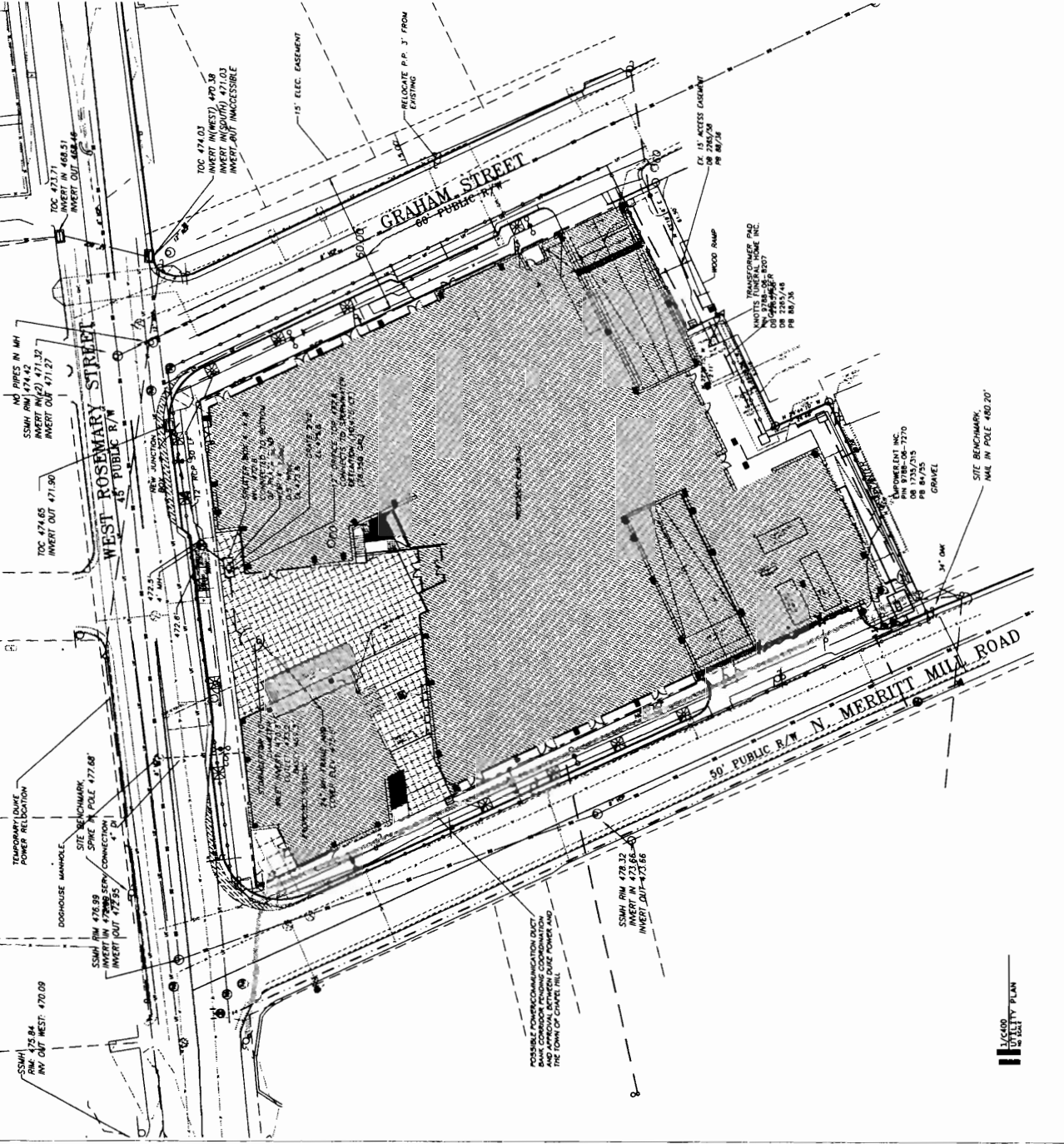
SITE UTILITIES

DD PROGRESS SET C400

- GENERAL NOTES: 1. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE TOWN OF CHAPEL HILL STANDARDS AND SPECIFICATIONS. 2. ALL UTILITIES SHALL BE DEEPER THAN THE TOWN OF CHAPEL HILL STANDARDS AND SPECIFICATIONS. 3. ALL UTILITIES SHALL BE DEEPER THAN THE TOWN OF CHAPEL HILL STANDARDS AND SPECIFICATIONS.

UTILITY NOTES

- 1. UTILITIES SHALL BE 3" OFF CURB AND CUTTER UNLESS SHOWN OTHERWISE. 2. LIFT WATER MAINS AT LEAST 10 FEET LOCALLY FROM EXISTING OR PROPOSED SURFACE FINISH TO A MINIMUM OF 12 FEET FROM THE BOTTOM OF THE STREET TO THE TOP OF THE MAINS. 3. ALL UTILITIES SHALL BE DEEPER THAN THE TOWN OF CHAPEL HILL STANDARDS AND SPECIFICATIONS.



110400 UTILITY PLAN