

Submitted electronically by Smith Anderson Blount Dorsett Mitchell Jernigan LLP in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Wake County Register of Deeds.

Instrument prepared by: Smith Anderson Blount Dorsett Mitchell & Jernigan LLP (TRC)
[Utilizing City of Raleigh Form Instrument]

Brief description for index: Sidewalk Easement
Property PIN: 1704730092 and 1704731304
City Case No.: RCMP-0185-2023

Mail after recording to: City of Raleigh
Land Development Manager
Planning and Development Department
P.O. Box 590
Raleigh, NC 27602

DEED OF EASEMENT FOR SIDEWALK PURPOSES

This Deed of Easement for Sidewalk Purposes (this "Sidewalk Easement" and/or "Easement") is made and executed this 8th day of August, 2023, by Duke Energy Progress, LLC, a North Carolina limited liability company (the "Grantor") to the City of Raleigh, a North Carolina municipal corporation, with a mailing address of PO Box 590, Raleigh, NC 27602 (the "City"). The designation Grantor as used herein shall include said party, its heirs, successors, and assigns, and shall include singular, plural, masculine, feminine, or neuter as required by context.

Grantor warrants that it is the owner of the property (the "Property") described in the instrument recorded at Book 1932, Page 497, Wake County Registry, that it is vested of the Property in fee simple, and that the Property is free from encumbrances except as expressly stated within this instrument.

For valuable consideration, the receipt of which is hereby acknowledged by the Grantor, which may include permitting and approvals of the City for development activity on the Property, and in further consideration of the mutual covenants and terms, conditions and restrictions hereinafter set forth, the Grantor hereby gives, grants, bargains, and conveys unto the City, its heirs, successors and assigns in perpetuity, those rights-of-way, privileges, and easements enumerated and described hereinbelow, and as more particularly identified and described in Exhibit A, attached hereto and incorporated herein by reference, and as follows:

SIDEWALK EASEMENT

A permanent sidewalk easement upon, under, above and across the Property now and hereafter, to construct, improve, reconstruct, replace, inspect, repair, maintain, and use for public sidewalk purposes, including related and customary uses of sidewalk right-of-way such as curb and gutter, bike path, sanitary sewer, storm drainage, water supply, cable television, fiber-optic, electric power and telephone transmission purposes, and for all other purposes for which the City is authorized by law to use the Easement.

THE PROPERTY HEREIN DESCRIBED AND CONVEYED IS: (choose one)

☐ Located on a parcel that includes the Grantor's primary residence, but the Grantor's primary residence is not a property interest being conveyed; or

☒ Does not include a primary residence.

Subordination

[Any existing deeds of trust, mortgages, or liens encumbering the Property, other than property tax liens for the current tax year or governmental improvement assessment liens, must be subordinated to this Easement. Such encumbrances must be listed and the Easement must be executed by the beneficiary and trustee (if trustee execution is necessary per the terms of the security instrument), mortgagee, or lien holder to evidence such subordination.]

GRANTOR REPRESENTS THAT NO SUPERIOR DEEDS OF TRUST, MORTGAGES, OR LIENS (OTHER THAN PROPERTY TAX LIENS FOR THE CURRENT TAX YEAR OR GOVERNMENTAL IMPROVEMENT ASSESSMENT LIENS) ENCUMBER OR AFFECT THE PROPERTY AT THE TIME OF THE EXECUTION AND RECORDING OF THIS EASEMENT, OR THAT IF ANY OF THE FOREGOING EXIST, THEY SHALL BE SUBORDINATE TO THIS EASEMENT THROUGH THE SUBORDINATION LANGUAGE HEREIN.

Grantor acknowledges that the City is acting in reliance on Grantor's authority to enter into this Easement and the terms, conditions, obligations, and restrictions imposed herein in its authorization to either subdivide the Property or in the issuance of any permits or development approvals associated with any construction of improvements on the Property and that the City may suffer irreparable harm from the violation of the terms established herein.

TO HAVE AND TO HOLD said Easement, together with all rights, privileges and appurtenances as thereunto belonging unto the City, together with the terms, conditions, obligations and restrictions imposed herein which shall be binding upon the Grantor, its successors and assigns, and shall continue as a servitude running with the land in perpetuity. Grantor covenants that it is vested of the Property in fee simple, has the right to convey the same in fee simple, that the Property is free from encumbrances except as herein stated or subordinated herein, and that Grantor will warrant and defend such title to the same against claims of all

persons. This Easement shall not divest the Grantor of any rights or interests in its Property not herein mentioned.

[Signature pages follow this page]

[Grantor Signature Page]

IN WITNESS WHEREOF, Grantor hereby executes this **Sidewalk Easement** under seal as of the day and year first above written.

GRANTOR:

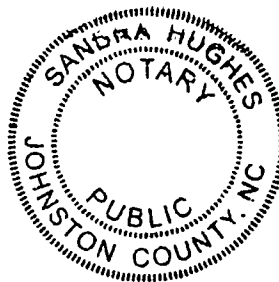
Duke Energy Progress, LLC

By: *Kevin Lee* (SEAL)Name: KEVIN LEEIts: MANAGER, LAND SERVICES II (Title)

NORTH CAROLINA

Johnston COUNTYGRANTOR
ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Kevin Lee Manager Land Services II
(Print name of signatory in blank)

Date: 8/8/23My Commission Expires: 7/31/26Signature: *Bandra Hughes*Print Name: Bandra Hughes

[Affix Notary Stamp or Seal]

APPROVED FOR RECORDING:

CITY OF RALEIGH

By: *K. M. Kidd*Name: Kevin M. KiddTitle: Sr. Transportation Engineer

[Subordination signature page follow this page.]

[Subordination Signature Page]

N/A, as Trustee, and N/A, as Beneficiary, under that certain Deed of Trust recorded in Book N/A, Page N/A N/A County Registry, North Carolina, join in this **Sidewalk Easement** for the sole purpose of expressing their consent hereto and of binding, subjecting and subordinating said Deed of Trust and their interest in the Property to the terms, covenants and conditions of this Easement.

TRUSTEE:

N/A

By: _____ (SEAL)

Name: _____

Its: _____ (Title)

BENEFICIARY:

N/A

By: _____ (SEAL)

Name: _____

Its: _____ (Title)

[Notary acknowledgments for the Trustee and Beneficiary follow this page.]

NORTH CAROLINA

_____ COUNTY

TRUSTEE

ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: _____ MA

(Print name of signatory in blank)

Date: _____

My Commission Expires:

Signature: _____

Print Name: _____

[Affix Notary Stamp or Seal]

NORTH CAROLINA

_____ COUNTY

BENEFICIARY

ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: _____ MA

(Print name of signatory in blank)

Date: _____

My Commission Expires:

Signature: _____

Print Name: _____

[Affix Notary Stamp or Seal]

Attorney Certification:

I, Tobias R. Coleman, an attorney licensed to practice law in the State of North Carolina, certify to the City of Raleigh that this **Sidewalk Easement** has been prepared in accordance with the instructions provided by the City of Raleigh, that I am familiar with the requirements of any development approvals of the City of Raleigh associated with this Easement and have prepared this instrument in accordance with such requirements. If a deed of trust is being subordinated to this Easement and the signature of the trustee is not provided, I hereby certify that I have reviewed that deed of trust and verify that the terms of the deed of trust do not require trustee consent or signature for the subordination to be effective.



Attorney at Law

NC Bar #: 41168

EXHIBIT A

Those **Sidewalk Easement** areas specifically enumerated herein located in, upon, and across the Property of the Grantor, and being more specifically identified and described on a plat prepared by ESP Associates, Inc., entitled "Recombination Plat & Sidewalk Easement Dedication." dated June 22, 2023, and recorded in Book of Maps 2024, Pages 01, Wake County Registry.