|  |  |  |
| --- | --- | --- |
| NORTH CAROLINA |  | AGREEMENT TO SETTLE |
| COUNTY OF |       |  | **RIGHT OF WAY CLAIM** |
|  |  |
| TIP/PARCEL NO.: |       |  | WBS ELEMENT |       |
|  |
|  THIS AGREEMENT entered into by and between the Department of Transportation, an agency of the State of |
| North Carolina and |       |
|       |
|       |
| owners of that certain property being designated as TIP/Parcel  |      | and described in the civil action |
| filed by the Department of Transportation against the above-named owners in the Superior Court of |
|       | County; |
|  |
|  WHEREAS, a proposed highway, namely, State Highway Project |       | is to be |
| constructed over the land referred to above; and |
|  |
|  WHEREAS, the said Department of Transportation, under the provisions of G.S. 136-103, et seq.,  |
| has deposited with the Clerk of Court of |       | County, the sum of $ |       |
| as estimated compensation for damages incurred by said owners due to the construction of said highway; and |
|  |
|  WHEREAS, the undersigned owners acknowledge that the sum of $ |       | deposited |
| by the Department of Transportation, plus the additional amount of $ |       | making a total |
| settlement of $ |       | which includes interest, represents a fair and adequate settlement and |
| just compensation for the acquisition of the right of way described in the complaint and declaration of taking filed in said civil action and for any and all damages to the above-described land resulting from the construction of State Highway  |
| Project |       | . |
|  |
|  THEREFORE, the undersigned owners agree to accept and the Department of Transportation agrees to pay, in |
| addition to the sum heretofore deposited, the sum of $ |       | Into the Office of the Clerk of Superior  |
| Court of  |       | County as full and complete settlement, the parties further agreeing that this  |
| amount is to be paid by the Department of Transportation and accepted by the undersigned owners upon the execution of a CONSENT JUDGMENT in settlement of all matters in controversy in the cause now pending in the Superior Court of  |
|       | County, and the parties hereto agree to execute a consent judgment in said cause. |
|  |
|  IT IS EXPRESSLY UNDERSTOOD that this Agreement to Settle is conditioned upon said CONSENT JUDGMENT being consented to and signed by all defendants in the pending condemnation action, with said CONSENT JUDGMENT providing for the payment or release of any and all mortgages, deeds of trust, judgments, or other encumbrances set forth in the complaint filed in that action.  |
|  |
|  IN WITNESS WHEREOF, we have hereunto set our hand and affixed our seals this the |
|       | day of |       | , |     |
|  |
| WITNESSES: |
|  |
|  | (SEAL) |  |  | (SEAL) |
|  |
|  |
|  | (SEAL) |  |  | (SEAL) |
|  |
|  |
|  | (SEAL) |  |  | (SEAL) |
|  |
|  |
|  |
| ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: |  |
|  |  | Manager of Right of Way |