



SW Creek

STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION  
P.O. BOX 25201, RALEIGH, N.C.  
27611-5201

JAMES B. HUNT JR.  
GOVERNOR

DAVID MCCOY  
SECRETARY

July 12, 2000

Mr. Michael F. Bell  
Washington Regulatory Field Office  
U. S. Army Corps of Engineers  
Post Office Box 1000  
Washington, North Carolina 27889-1000

Dear Sir:

Subject: Lenoir County, NC 11 from 0.2 miles South of Deep Run Creek to SR 1152, By-Pass of Deep Run, State Project No. 6.201014, T.I.P. No. R-2001B. AID 199705426.

The North Carolina Department of Transportation (NCDOT) proposes to upgrade NC 11 in Lenoir County from 0.2 miles south of Deep Run Creek to SR 1152. Section R-2001B is a 2.68 mile bypass on new location from just south of Deep Run Creek to SR 1158 and will be a four-lane roadway with a 46 foot wide median.

On November 29, 1999, the North Carolina Division of Water Quality issued a Section 401 permit (WQC Project # 990929). On June 12, 2000 the Section 404 permit became effective. Three of the permit conditions required that we submit materials to you within 30 days of the effective date of the permit. The purpose of this letter is to provide this information as follows:

- Permit Condition (r.): requests that we survey and identify the acreage at the Gurley Mitigation Site and the on-site restoration area utilized to satisfy Special Conditions (n.) and (o) of the permit. Attachment 1 is a drawing depicting the Gurley Mitigation Site (GMS). Attachment 2 is a drawing depicting the on-site restoration area that is known as the Southwest Creek Mitigation Site. The existing NC 11 and bridge will not be removed until the new road and bridge is completed. The existing NC 11 is within the existing highway right-of-way (ROW). The portion of the ROW that is located north of Southwest Creek totals 2.5 acres and the portion located south of the creek totals 1.11 acres for a total of 3.61 acres.

The property located north of Southwest Creek and adjacent to the ROW is the Grady Mitigation Site which is totally owned by the NCDOT. After the bridge and causeway are removed, the ROW will revert to the owner (NCDOT) of that

parcel; thus the ROW will become the property of the NCDOT. A copy of the deed documenting the transfer of the parcel from Bobbie Grady to the NCDOT is enclosed and labeled Attachment 3.

The property located south of and adjacent to Southwest Creek is owned by James Pratt. Normally, when a road is removed, the old ROW reverts to the adjacent landowner. However, the NCDOT will retain the ROW and convert the use from a transportation corridor to a conservation easement. The conservation easement will run with the property as required in Special Condition (q.) of the Section 404 permit.

- Permit Condition (u.): requests that within 30 days of the permit, we provide you with an updated mitigation ledger reflecting the utilization of mitigation acres from the GMS. The updated mitigation ledger is enclosed and labeled Attachment 4.
- Permit Condition (v.): requests that we provide a written confirmation from the NCWRP that they agree to accept responsibility for the mitigation work required for the 2,483 linear feet of unavoidable impacts to perennial stream channel. A letter of confirmation dated June 16, 2000 was sent by the NCWRP to you. A copy is enclosed with this letter and labeled Attachment 5.

If you have any questions or need additional information please call Ms. Alice N. Gordon at (919) 733-7844 extension 288.

Sincerely,

(for) 

William D. Gilmore, P.E., Manager  
Project Development & Environmental Analysis Branch

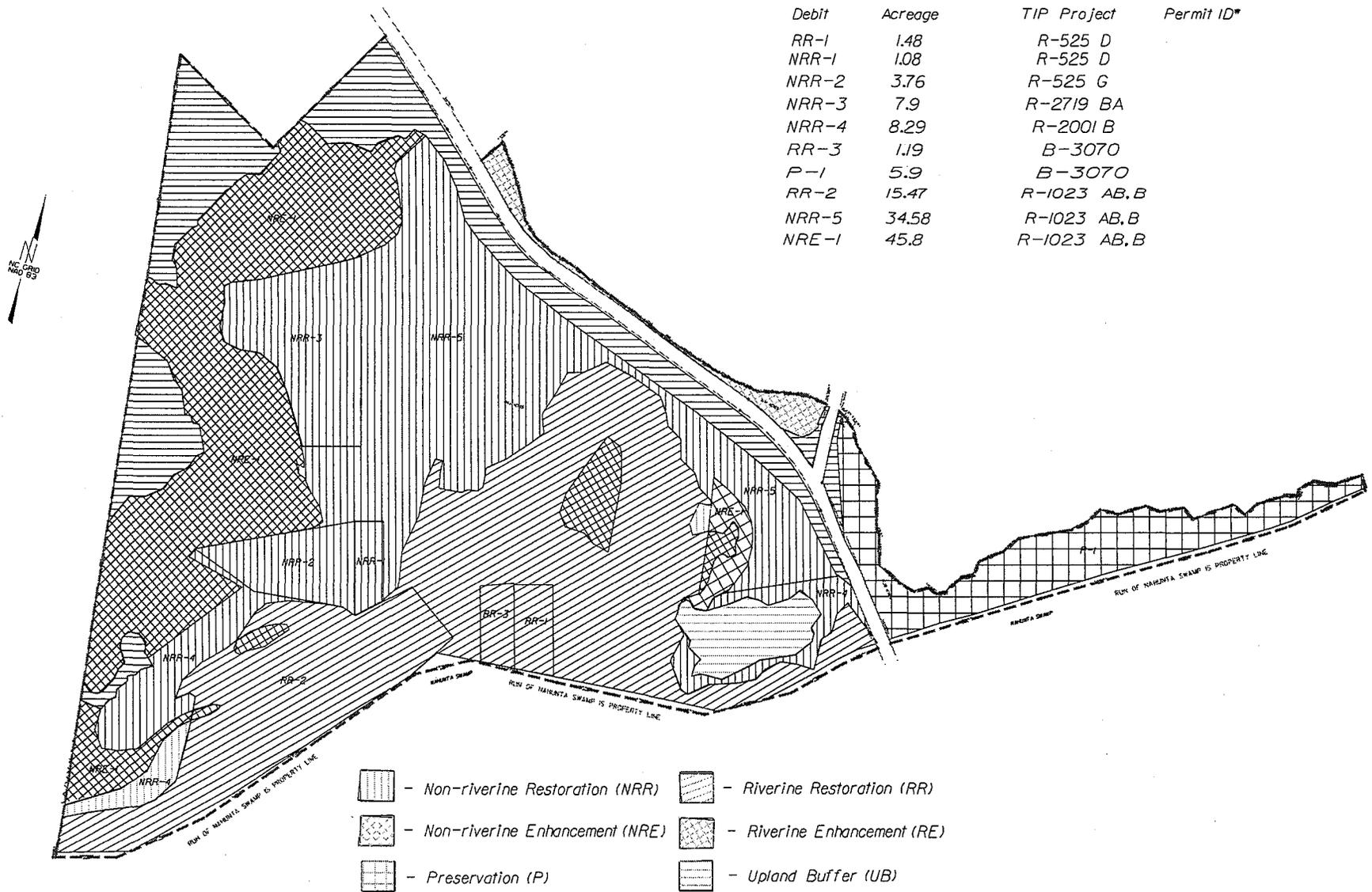
cc: w/attachment

Mr. David Franklin, Corps of Engineers, Wilmington Field Office  
Mr. Garland Pardue, USFWS, Raleigh  
Mr. N. L. Graf, P.E., FHWA  
Mr. John Dorney, NCDENR, Division of Water Quality  
Mr. Calvin Leggett, P.E. Program Development Branch  
Ms. Deborah Barbour, P.E., Highway Design Branch  
Mr. D. R. Henderson, P.E., Hydraulics Unit  
Mr. John Alford, P.E., Roadway Design Unit  
Mr. Timothy V. Rountree, P.E., Structure Design Unit  
Mr. C. E. Lassiter, Jr., P.E., Division 2 Engineer

Attachment 1

Debit Table for Gurley Tract Mitigation Site  
 (Updated July 6, 2000)

Debit	Acreage	TIP Project	Permit ID*
RR-1	1.48	R-525 D	
NRR-1	1.08	R-525 D	
NRR-2	3.76	R-525 G	
NRR-3	7.9	R-2719 BA	
NRR-4	8.29	R-2001 B	
RR-3	1.19	B-3070	
P-1	5.9	B-3070	
RR-2	15.47	R-1023 AB,B	
NRR-5	34.58	R-1023 AB,B	
NRE-1	45.8	R-1023 AB,B	



Attachment 2





Attachment 3

Return to: Mr. A. E. Joyner  
105 Eastbrook Drive  
Greenville, NC 27838

FILE COPY

11:50am

NORTH CAROLINA  
COUNTY OF Lenoir  
TAX LOT NO. \_\_\_\_\_STATE HIGHWAY PROJECT 6.201017  
F.A. PROJECT N/A  
I.D. NUMBER R-2001B  
PARCEL NUMBER 026THIS FEE SIMPLE DEED, made and entered into this the 4<sup>th</sup> day of DECEMBER 19 97  
by and between Bobby Ken Grady, (single), 3100 Pink Hill Road, Kinston, NC 28504

hereinafter referred to as the GRANTORS, and the Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the DEPARTMENT:

## WITNESSETH

That the GRANTORS, for themselves, their heirs, successors, and assigns, for and in consideration of the sum of \$ 7662.47 agreed to be paid by the DEPARTMENT to the GRANTORS, do hereby give, grant and convey unto the DEPARTMENT, its successors and assigns, in FEE SIMPLE (subject to any provisions relating to abutters' rights of access which may be hereinafter stated) the right of way located in Trent Township, Lenoir County, North Carolina, which is particularly described as follows:

Beginning at a point on the proposed northwestern right of way boundary of the project, said point located on the Grantors southwestern property line, common to James Pratt, III, now or formerly, said point located on a straight line between a point located 30 m (98.43') northwesterly of and normal to survey station 25+44.350, survey line LMEDRV and a point located 27 m (88.60') northwesterly of and normal to survey station 27+00, survey line LMEDRV; thence in a northeasterly direction along a straight line to a point located 27 m (88.60') northwesterly of and normal to survey station 27+00, survey line LMEDRV; thence in a northeasterly direction along a straight line to a point located 27 m (88.60') northwesterly of and normal to survey station 27+81.439, survey line LMEDRV; thence in a northeasterly direction along a straight line to a point located 27 m (88.60') northwesterly of and normal to survey station 28+27.254, survey line LMEDRV, this point also passes by equality -LMEDRV-PT Sta. 28+27.254, LB=LMED POT Sta. 28+32.126 LA; thence in a northeasterly direction along a straight line to a point located 27 m (88.60') northwesterly of and normal to survey station 29+50, survey line -LMED-; thence in a northerly direction along a straight line to a point located 50 m (164.04') northwesterly of and normal to survey station 30+00, survey line LMED; thence in a northeasterly direction along a straight line to the Grantors northeastern property line, common to Ruth D. Howard, now or formerly, said point located on a straight line between a point located 50 m (164.04') northwesterly of and normal to survey station 30+00, survey line LMED and a point located 53 m (173.88') northwesterly of and normal to survey station 31+40, survey line LMED; thence in a southeasterly direction along the Grantors northeastern property line, common to the southwestern property line of Ruth D. Howard, now or formerly, crossing survey line -SERV- and survey line LMED, respectively, to a point on the southeastern proposed right of way boundary of the project, said point located on a straight line between a point located 28 m (91.86') southeasterly of and normal to survey station 29+60, survey line LMED and a point located 30 m (98.43') southeasterly of and normal to survey station 31+00, survey line LMED; thence in a southwesterly direction along a straight line to a point located 28 m (91.86') southeasterly of and normal to survey station 29+60, survey line LMED; thence in a southerly direction along a straight line to a point located 32 m (104.99') southeasterly of and normal to survey station 29+40, survey line LMED; thence in a southwesterly direction along a straight line to a point located 30 m (98.43') southeasterly of and normal to survey station 29+00, survey line LMED; thence in a southwesterly direction along a straight line to a point located 26 m (85.30') southeasterly of and normal to survey station 28+80, survey line LMED; thence in a southwesterly direction along a straight line passing by equality station LMEDRV PT Sta. 28+27.254, LB=LMED POT Sta. 28+32.126 LA, to a point located 26m southeasterly of and normal to survey station 27+00, survey line LMEDRV; thence in a southerly direction along a straight line to a point located 30 m (98.43') southeasterly of and normal to survey station 26+00, survey line LMEDRV; thence in a southerly direction along a straight line to the Grantors southern property line, common to James Pratt, III, now or formerly, said point located on a straight line between a point located 33 m (108.27') southeasterly of and normal to survey station 24+80, survey line LMEDRV and a point located 30 m (98.43') southeasterly of and normal to survey station 26+00, survey line LMEDRV; thence westerly, southwesterly, westerly, northwesterly, various courses and distances along the aforesaid property line, also located in the center of South Creek to the point of beginning.

TO HAVE AND TO HOLD the aforesaid right of way and all privileges and appurtenances thereunto belonging to the DEPARTMENT in FEE SIMPLE.

The property hereinabove described was acquired by the GRANTORS by instrument(s) recorded in the Lenoir County Registry in Deed Book 818, Page 616

The final right of way plans showing the above described right of way are to be certified and recorded in the Office of the Register of Deeds for said County pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description.

This deed is subject to the following provisions only: NONE

IT IS UNDERSTOOD AND AGREED between the parties hereto that this conveyance is made for the purpose of constructing and establishing upon the right of way hereby conveyed a road or highway designated as State Highway Project 6.201017 Lenoir County, which road or highway is a controlled access facility as defined by law and the GRANTORS shall have no right of access to said road or highway, except such access as may be provided by way of local service or frontage roads and streets or specific access points as shown and designated as such on the right of way plans for said State Highway Project on file in the office of the DEPARTMENT in Raleigh, North Carolina, and to be recorded in the Register of Deeds Office of Lenoir County pursuant to N.C.G.S. 136-19.4.

The access as provided is more particularly described as follows: By means of service or frontage roads which are designated as -SERVA- and -SERV- located left (westerly) of the project controlled access right of way as shown on the project plans.

As to such local service or frontage roads and streets or specific points of access, the GRANTORS reserve unto themselves, their heirs, successors, executors, and assigns for the benefit of their remaining property abutters' right of access thereto as at common law; subject, however, to the right of the DEPARTMENT to reasonably regulate said abutters' right of access in order to protect and safeguard the traveling public.

The GRANTORS by the execution of this instrument, acknowledge that the plans for the aforesaid project as they affect their property have been fully explained to them or their authorized representative.

And the GRANTORS covenant with the DEPARTMENT, that the GRANTORS are seized of the premises in fee simple, have the right to convey the same in fee simple, that the title thereto is marketable and free and clear of all encumbrances, and that the GRANTORS will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is hereby conveyed subject to the following exceptions:

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands and seals (or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors) the day and year first above written.

\_\_\_\_\_  
(Corporate Name) Bobby Ken Grady (SEAL)  
BOBBY KEN GRADY (SEAL)  
BY: \_\_\_\_\_ (President) \_\_\_\_\_ (SEAL)  
ATTEST: \_\_\_\_\_ (Secretary) \_\_\_\_\_ (SEAL)

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION  
BY: [Signature]

FEB 9 1998

3MW/bbb  
RW/D-1.2, Page 2

NORTH CAROLINA, PITT COUNTY

I, a Notary Public of the County and State aforesaid, certify that BOBBY KEN GRADY (SINGLE)

GRANTORS personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this the 4<sup>th</sup> day of DECEMBER, 19 97.

My Commission expires: 5-12-2000 [Signature]  
Notary Public

BMW/bbb  
RW D-1.2, Page 2

11:57am 1102/38

Excise Tax

Recording Time, Book and Page

Tax Lot No. \_\_\_\_\_ Parcel Identifier No. \_\_\_\_\_

Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

by \_\_\_\_\_

Mail after recording to Albert E. Joyner, Division Right of Way Agent, NC Department of Transportation, 105 Eastbrook Drive, Greenville, NC 27858

This instrument was prepared by Bert M. Whitehurst, Right of Way Agent  
NC Department of Transportation

Brief description for the Index: Property described in Deed Book 818, Page 616, Lenoir County Registry.

**NORTH CAROLINA GENERAL WARRANTY DEED**

THIS DEED made this 4<sup>th</sup> day of DECEMBER, 19 97, by and between

GRANTOR

GRANTEE

BOBBY KEN GRADY (SINGLE)  
3100 PINK HILL ROAD  
KINSTON, NC 28504

DEPARTMENT OF TRANSPORTATION,  
AN AGENCY OF THE STATE OF NORTH CAROLINA  
105 EASTBROOK DRIVE  
GREENVILLE, NC 27858

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration of 72,717.53 paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated TRENT Township, LENOIR County, North Carolina and more particularly described as follows:

BEING all of Tract Number Twelve (12), containing 67.55 acres, as depicted and delineated on that certain " Map for Record, ALTON MOODY & JERRY G. MOODY," in Trent Township, Lenoir County, North Carolina, which is dated October 30, 1979, as made by Walter M. Reynolds, III, Registered Land Surveyor Number L-1320, which map duly appears of record in Plat Cabinet One (1), Slide 16, Page 31, Lenoir County Registry, and reference is hereby made to said map of record for a more accurate description; and being one of the tracts described in that certain record in Deed Book 751, Page 568, Lenoir County Registry.

Less and except that tract containing 6.47 acres, more or less conveyed to the Department of Transportation by the Grantor, recorded in Deed Book 1102, Page 35, Lenoir County Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 818, Page 616

A map showing the above described property is recorded in Plat Cabinet One (1), slide 16, Page 31, Lenoir County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions. None

IN WITNESS WHEREOF, the Grantor has hereunto set their hands and seals, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Bobby Ken Grady (SEAL)  
BOBBY KEN GRADY

\_\_\_\_\_ (SEAL)

\_\_\_\_\_ (SEAL)

\_\_\_\_\_ (SEAL)

SEAL-STAMP

NORTH CAROLINA COUNTY OF FITT

I, Bert Whitehurst, a Notary Public of said county do hereby certify that Bobby Ken Grady (Single)

GRANTOR,  
personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 4<sup>th</sup> day of DECEMBER, 1997.

My Commission expires:  
5-12-2000

Bert Whitehurst  
NOTARY PUBLIC

The foregoing Certificate(s) of \_\_\_\_\_

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

REGISTER OF DEEDS FOR \_\_\_\_\_ COUNTY

By \_\_\_\_\_ Deputy/Assistant - Register of Deeds

INDEXED

195 FEB 15 AM 11 03

SLS 0616

STATE OF NORTH CAROLINA  
COUNTY OF LENOIR

North Tax

Recorded Time, Book and Page

Book and Page of this Instrument: \_\_\_\_\_  
Parcel Identifier No. \_\_\_\_\_  
County on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_

This instrument recording to Wm. A. Allen, Jr., P.O. BOX 3169, Kinston, NC 28501

This instrument was prepared by Wm. A. Allen, Jr., Attorney at Law, Kinston, NC 28501.

Legal description for the index

**NORTH CAROLINA GENERAL WARRANTY DEED**  
NORTH CAROLINA - - - LENOIR COUNTY

THIS DEED made this 15th day of February, 1955, by and between

GRANTOR

GRANTEE

LESLIE CARROLL WOOD and wife,  
HELEN M. WOOD, of Lenoir County,  
North Carolina,

Bobby Ken Grady, of Lenoir County,  
North Carolina,

Enter in appropriate block for each party name, address and, if appropriate, character of entity, e.g. corporation or partnership.

The description Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine or feminine as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of \_\_\_\_\_  
Trent \_\_\_\_\_ Township,  
Lenoir County, North Carolina and more particularly described as follows:

BEING all of Tract Number Twelve (12), containing 67.55 acres, as depicted and delineated on that certain "Map for Record, ALTON HOODY & JERRY O. HOODY," in Trent Township, Lenoir County, North Carolina, which is dated October 30, 1979, as made by Walter H. Reynolds, III, Registered Land Surveyor Number L-1320, which map duly appears of record in Plat Cabinet One (1), Slide 16, Page 31, Lenoir County Registry, and reference is hereby made to said map of record for a more accurate description; and being one of the tracts described in that certain deed of record in Book 751, Page 568, Lenoir County Registry.

39

N.C. GEN. STAT. § 41-10, REVISED 1955.

774 7581-62-4632

86 of 149

7-23-616

FORWARD GRANTOR

6-11-80 75+39.564



Attachment 4: Gurley Mitigation Site Ledger

Gurley	Mit. Plan		Ratios	TIP DEBIT	TIP DEBIT	TIP DEBIT	TIP DEBIT	TIP DEBIT	
Greene Co. Habitat	Acres at Start:	Acres Remaining		R-525 D	R-1023 AB B	B-3070	R-2001B	R-2719BA	R-525 G
SPH Restoration	48.7	30.56	1.5:1	1.48	15.47	1.19			
BLH Restoration	56.2	0.59	2:01	1.08	34.58		8.29	7.9	3.76
BLH Enhancement	45.8	0	4:01		45.8				
SPH preservation	5.9	0	10:01			5.9			
TOTAL	170.2	31.15	approved	permit issued		permit issued	Permit issued		permit issued

Attachment 5



NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES

DIVISION OF WATER QUALITY

June 16, 2000

Mr. Mike Bell  
US Army Corps of Engineers  
Post Office Box 1890  
Wilmington, North Carolina 28402-1890

Dear Mr. Bell:

Subject: Project Name: NCDOT - Deep Run Creek  
TIP #: R-2001B  
DWQ #:   
County: Lenoir  
COE Permit #: 199705426

The purpose of this letter is to notify you that the North Carolina Wetlands Restoration Program (NCWRP) will accept payment for stream impacts associated with the subject project in accordance with the Memorandum of Understanding between the North Carolina Department of Environment and Natural Resources and the U.S. Army Corps of Engineers dated November 4, 1998. Based on information supplied by the applicant in a letter dated June 8, 2000, an application requesting authorization to impact 2,483 linear feet of stream channel has been submitted for the subject project. The NCWRP will provide mitigation as specified in the 401 Water Quality Certification and/or Section 404 permit (up to 4,966 linear feet of stream restoration) for impacts associated with the subject project in Cataloging Unit 03020202 of the Neuse River basin.

If you have any questions or need additional information, please contact Crystal Braswell at (919) 733-5208.

Sincerely,

Ronald E. Ferrell,  
Program Manager  
Wetlands Restoration Program

REF/cvb

cc: Alice Gordon, NCDOT  
Rob Ridings, 401 Group  
Jim Mulligan, WaRO  
file



WETLANDS RESTORATION PROGRAM

1519 MAIL SERVICE CENTER, RALEIGH, NC 27699-1619

website: h2o.enr.state.nc.us PHONE 919-733-5208 FAX 919-733-5321

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