



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.
GOVERNOR

P.O. BOX 25201, RALEIGH, N.C. 27611-5201

GARLAND B. GARRETT JR.
SECRETARY

December 16, 1997

To: Area Engineers
Group Leaders

From: D. E. Burwell, Jr., PE *D. E. B. H.*
State Location & Surveys Engineer

Subject: Right Of Way Concerns
CADD Program

On Tuesday, December 9, Charlie Brown and I meet with John Williamson, Right Of Way Branch Manager, and several members of his staff. Included in that meeting was Richard Moore from the NC State Attorney General's Office, Transportation Section. Our specific concerns were twofold:

- 1) The new CADD program developed by Engineering Automation could provide information at a precision greater than was actually obtained in the field.
- 2) Right of way agreements written from this information or from information provided to the Agents from other sources may not be accurate as to station and/or offsets.

We have determined from our discussion with the Right of Way Branch and the Attorney General's office that the accuracy of this information is not critical to the purchase of land. Each deed prepared by NCDOT Right Of Way Agents carries the statement

"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 G.S. 136-19.4, reference to which plans is hereby made for purposes of further description."

This statement on the right of way deed and the statement on the CADD plot (which may or may not be recorded) both provide clear explanation of the intent of purchase and take precedence over any bearings, distances, or station/offset information provided. As such, any error that may be created with erroneous property ties can be disregarded. This does not mean that we should not provide the best information possible within the reasonable realm of our time and capabilities. However, what it does mean is that we can continue to locate properties as we have, by the best available evidence. This also does not apply to



those specific properties where we are requested to place a monument in the property line, nor to condemnations.

It is and always has been the policy of NCDOT and this Unit that we are not in the business of establishing boundaries between adjacent property owners. The only property line for which we have ultimate responsibility is the right of way line.

Thank you for your consideration and concern on this issue. If you have questions or comments, please do not hesitate to contact this office or your Area Engineer.

DEB;cwb

cc: Mr. John Willimason, Right Of Way Branch
Mr. Richard Moore, Attorney General's Office
Mr. R. Len Hill, PE

Return to:

NORTH CAROLINA
COUNTY OF Forsyth
TAX LOT NO. _____

STATE HIGHWAY PROJECT 8.1622103
F.A. PROJECT BRF-86-2 (31)
I.D. NUMBER B-2555 A
PARCEL NUMBER 13,20,22 & 36

THIS FEE SIMPLE DEED, made and entered into this the _____ day of _____ 19 _____,
by and between Wake Forest University

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 \$ _____ and 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 Winston Township, Forsyth County, North Carolina, which is particularly described as follows:

Parcel 13:
Beginning at the point of intersection of the existing southern right of way boundary of I-40 Business/US 421, a northern property line of Wake Forest University, with the existing eastern right of way boundary of Eden Terrace and running thence in a general easterly direction along the existing southern right of way boundary of I-40 Business/US 421, a northern property line of Wake Forest University, to a point located 49 feet northeasterly and normal to Survey Station 50+90 Survey Line L; thence in a southeasterly direction along a line lying at all points 49 feet northeasterly of and normal to Survey Line L to its point of intersection with an eastern property line of Wake Forest University located in the existing western right of way boundary of an unnamed alley; thence in a southerly direction along said property line to a point located 49 feet southwesterly of and normal to Survey Station 51+99 Survey Line L; thence in a northwesterly direction along a line lying at all points 49 feet southwesterly of and normal to Survey Line L to a point located 49 feet southwesterly of and normal to Survey Station 50+48 Survey Line L; thence in a northwesterly direction a straight line to its point of intersection with the existing eastern right of way boundary of Eden Terrace located 54.98 feet southwesterly of and normal to Survey Station 47+85 Survey Line L; thence in a northerly direction along the existing eastern right of way boundary of Eden Terrace to the point and place of beginning.
Control of access shall apply to that portion of the eastern property line of Wake Forest University between a point located 49 feet southwesterly of and normal to Survey Station 51+99 Survey Line L and the southeastern property corner of Wake Forest University located at the intersection of Beach Street and an unnamed alley.

Parcel 20:
Beginning at a southwestern property corner of Wake Forest University, a common property corner with Constantionos W. Chamis now or formerly, located in the existing eastern right of way boundary of an unnamed alley and running thence along a western property line of Wake Forest University and the existing eastern right of way boundary of the unnamed alley to a point located 49 feet northeasterly of and normal to Survey Line L; thence in a southeasterly direction along a line lying at all points 49 feet northeasterly of and normal to Survey Line L to its point of intersection with a southern property line of Wake Forest University, a common property line with Constantionos W. Chamis, now or formerly, located 49 feet northeasterly of and normal to Survey Station 52+25.49 Survey Line L; thence in a westerly direction along said common property line to the point and place of beginning.

Parcel 22:
Beginning at a southeastern property corner of Wake Forest University located at the point of intersection of the existing western right of way boundary of Hawthorne Road and the existing northern right of way boundary of Beach Street and running thence South 89 degrees 28 minutes 18 seconds West 139.02 feet along the existing northern right of way boundary of Beach Street, a southern property line of Wake Forest University, to a southwestern property corner of Wake Forest University located in the existing eastern right of way boundary of an unnamed alley; thence in a northerly direction along the existing eastern right of way boundary of an unnamed alley, a western property line of Wake Forest University, to a northwestern property corner of Wake Forest University, a common property corner with Constantionos W. Chamis, now or formerly, thence North 89 degrees 28 minutes 18 seconds East 139.05 feet along a northern property line of Wake Forest University, a common property line with Constantionos W. Chamis, now or formerly, to a northeastern property corner of Wake Forest University, a common property corner with Constantionos W. Chamis, now or formerly, located in the existing western right of way boundary of Hawthorne Road; thence in a southerly direction along the existing western right of way boundary of Hawthorne Road, an eastern property line of Wake Forest University, to the point and place of beginning.

Parcel 36:
Beginning at a point in the existing eastern right of way boundary of Hawthorne Road, a western property line of Wake Forest University, located westerly of and normal to Survey Station 14+75 Survey Line Y7 and running thence in a northerly direction along the existing eastern right of way boundary of Hawthorne Road, a western

property line of Wake Forest University to its point of intersection with the existing southern right of way boundary of Lockland Avenue, a northwestern property line of Wake Forest University; thence in a general easterly to southeasterly direction along the existing southern to southwestern right of way boundary of Lockland Avenue, a property line of Wake Forest University, to a northeastern property corner of Wake Forest University, a common property corner with Dental Associates; thence in a southwesterly direction a straight line to a point located 27 feet southwesterly of and normal to Survey Station 12+30 Survey Line Y13; thence in a northwesterly direction a straight line to a point located 35 feet southwesterly of and normal to Survey Station 10+85 Survey Line Y13; thence in a westerly direction a straight line to the point and place 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 Forsyth County Registry in Deed Book 1573 Page 1958, Deed Book 1561 Page 1458
Deed Book 1563 Page 1111, Deed Book 1513 Page 1325, Deed Book 1583 Page 767

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:

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 8.1622103, Forsyth 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 Forsyth County pursuant to N.C.G.S. 136-19.4.

The access as provided is more particularly described as follows:

The access as provided is more particularly described as follows by means of local traffic roads designated as follows: Eden Terrace which is located left of and between Survey Station 12+50 and Survey Station 13+45 Survey Line Y9. Beach Street which is located left of and between Survey Station 10+35 and Survey Station 14+46.99 Survey Line Y11. Hawthorne Road which is located right of and between Survey Station 12+10 and Survey Station 12+75 Survey Line Y7 and left of and between Survey Station 14+75 Survey Line Y7 and the southern property line of Wake Forest University. Lockland Avenue which is located right of and between Survey Station 10+85 Survey Line Y13 and the eastern property line of Wake Forest University.

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: _____