

**STATE OF NORTH CAROLINA**  
**COUNTY OF CATAWBA**

**STORMWATER BMP FACILITY  
ACCESS EASEMENT**

THIS DEED OF EASEMENT ("Easement") made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_, LLC, a North Carolina Limited Liability Company licensed to conduct business in North Carolina, having a mailing address of \_\_\_\_\_ (hereinafter referred to as "Grantor") and CITY OF CONOVER, a North Carolina Municipal Corporation duly organized and existing under the laws of the State of North Carolina, having a mailing address of Post Office Box 549, Conover, North Carolina, 28613 and being situated in Catawba County, (hereinafter referred to as "Grantee");

WHEREAS, said Grantor owns a certain tract of land located in Conover Township, Catawba County, North Carolina, the same being the land conveyed to Grantor pursuant to deed recorded in Deed Book \_\_\_\_\_, Page \_\_\_\_\_, in the office of the Catawba County Register of Deeds, which deed is hereby referred to for greater certainty of description; and

WHEREAS, development of said property is subject to the National Pollutant Discharge System (NPDES) Phase II Stormwater Regulations and the Phase II Stormwater Ordinance adopted by the City of Conover which requires the Grantor to construct, operate, and maintain a structural Best Management Practice ("BMP") device(s) on the described property according to the Operation and Maintenance Agreement and the Operation and Maintenance Manual attached hereto; and

WHEREAS, the parties have determined that it is in the best interest for the Grantor to allow the Grantee access to the BMP device(s) in order to carry out all provisions of the City of Conover's Phase II Stormwater Ordinance, including but not limited to inspections of said BMP device(s).

NOW, THEREFORE, said Grantor, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars and other valuable considerations paid to the Grantor by the Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto said Grantee, its successors and assigns, a perpetual non-exclusive right and easement to access the structural BMP device(s) being more particularly described as follows:

With respect to authority granted to the Grantee pursuant to this Easement for purposes of the BMP device(s)' construction, inspection, maintenance, repair, and operation pursuant to the Phase II Stormwater Ordinance adopted by the City of Conover being all permanent easements and access locations as described and marked on said property, as shown on a survey plat prepared by \_\_\_\_\_, PLS, and marked thereon as " Stormwater Access Easement" in which was recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_, of the Catawba County Registry of Deeds.

Said Grantor's property is described in Deed Book \_\_\_\_\_, at Page \_\_\_\_\_, Catawba County Registry, and has Tax Parcel Identifications of \_\_\_\_\_.

The Grantor further acknowledges that the Grantee is acquiring this easement for the purpose of performing any operation necessary to restore functionality to the BMP device(s), in the event Grantor or its subsequent successors or assigns fails to operate, maintain, or repair the BMP device(s) so that it does not function as designed. By acceptance of this easement by Grantee, the Grantor is not in any way or fashion relieved of its obligations of operation, maintenance, or repair of the BMP devices.

**TO HAVE AND TO HOLD** the same, together with all the rights and appurtenances belonging thereto, unto the City of Conover, its successors and assigns forever, and Grantor is hereby bound, together with all heirs, executors, administrators, or successors, to warrant and forever defend the easement granted herein unto the City of Conover, its successors and assigns, against every person lawfully claiming the easement or any part thereof.

IN TESTIMONY WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

\_\_\_\_\_, LLC  
(Name)  
a North Carolina Limited Liability Company

ATTEST: (SEAL)

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Member/Manager

**STATE OF NORTH CAROLINA**  
**COUNTY OF \_\_\_\_\_**

I, \_\_\_\_\_, a Notary Public of \_\_\_\_\_ County, North Carolina, do hereby certify that \_\_\_\_\_ personally came before me this day and acknowledged that he/she is the Member/Manager of \_\_\_\_\_, LLC, a North Carolina limited liability company and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

(SEAL)

My Commission Expires: \_\_\_\_\_

**ACCEPTANCE**

Accepted by and on behalf of the City of Conover, North Carolina, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**THE CITY OF CONOVER,  
A North Carolina Municipal Corporation**

**ATTEST:**

(SEAL)

\_\_\_\_\_  
Tom Hart, City Manager

\_\_\_\_\_  
City Clerk

**STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA**

I, \_\_\_\_\_, a Notary Public of said County and State, certify that \_\_\_\_\_ personally came before me this day and acknowledged that she is City Clerk of the City of Conover, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the City Council of the City of Conover, the foregoing instrument was signed in its name and by its City Manager, sealed with its corporate seal and attested by her as its City Clerk.

Witness my hand and seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

(SEAL)

My Commission Expires: \_\_\_\_\_.