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NORTH CAROLINA

FORSYTH COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
BEFORE THE CLERK
94 SP 296

PIEDMONT NATURAL GAS COMPANY,)
INC.,)

Petitioner,)

vs.)

S & K INVESTMENTS, INC.,)

Respondent.)

JUDGMENT

This cause, coming on to be heard and being heard before The Honorable Frances Storey, Clerk of Superior Court for Forsyth County, at the Forsyth County Courthouse in Winston-Salem, North Carolina, and it appearing to the Court that the Petitioner, Piedmont Natural Gas Company, Inc., duly filed its Petition on the 11th day of May, 1994; that all parties to said proceeding were duly served with the Summons and Petition and Notice of Lis Pendens; that all necessary parties are properly before the Court; and the Court having considered the pleadings and the contentions of the parties, and being fully advised of the premises, makes the following Findings of Fact and Conclusions of Law:

1. That Petitioner is a private condemnor doing business as a public service corporation organized, duly incorporated, and existing under the laws of the State of North Carolina and is fully authorized and empowered by its charter to transact and carry on its business in the State of North Carolina; that Petitioner is a natural or manufactured gas company engaged in the business of transporting, storing, buying, manufacturing, producing, distributing, trading and dealing in natural or manufactured gas for the public generally within the State of North Carolina and that the Petitioner possesses the power and right to construct, maintain, add to, service and remove gas distribution lines and facilities for its purposes and for the transmission of natural or manufactured gas to the public; and when necessary, Petitioner has, under the laws of North Carolina, the right to acquire by the power of eminent domain rights-of-way and easement for the construction, maintenance and operation of such lines or facilities of gas distribution.

2. That Petitioner has intended in good faith to conduct and carry on the public business of manufactured or natural gas distribution and to construct and cross the land hereinafter described with one or more gas pipelines for the purpose of

distributing or transmitting gas as a part of the necessary enlargement of the Petitioner's distribution system; and that the rights and easements sought across the land hereinafter described are required by Petitioner for the purpose of conducting its business and are necessary in the public interest.

3. That Petitioner has made a good faith effort to reach agreement with Respondent but has been unable to acquire by agreement the rights and easements necessary for the transmission and distribution of gas across the land of the Respondent; and that the Petitioner has instituted this proceeding in good faith to obtain such rights and easements and to have just compensation fixed therefor in accordance with the provisions of Chapter 40A of the North Carolina General Statutes.

4. That in order to carry out the purposes of the Petitioner and in order that Petitioner can properly conduct its business it is necessary that Petitioner acquire the certain rights described in the Petition filed herein and the Exhibits thereto across the property of the Respondent.

The right-of-way and easement hereby sought to be acquired include the right from time to time to lay, construct, maintain, inspect, alter, repair, remove, change the size of and replace at any time or from time to time one or more additional lines of pipe and appurtenances thereto, including without limitation, corrosion control equipment. The pipeline and appurtenant facilities described above shall remain the property of the Petitioner.

The right-of-way and easement sought to be acquired include the right of free and full ingress and egress over and across the lands of the Respondent to and from the areas subject to the aforementioned right-of-way and easement described above (it being understood that the Petitioner shall endeavor to use, but shall not be limited to the use of any existing roadways, cartways or paths over and across said lands of the Respondent for such ingress and egress); and the right from time to time to cut all trees and undergrowth and other obstructions that may injure, endanger or interfere with the construction, operation, inspection, maintenance, repair and replacement of said pipelines.

5. That the land across which it is necessary for Petitioner to have a right-of-way and the rights and privileges described in Paragraph 4 above is described in the Petition, and particularly in Exhibits A and B of the Petition.

6. That the strip of land over which the Petitioner finds it necessary to have a right-of-way and over which it seeks to acquire certain of the rights condemned is described in the Petition to condemn and the rights which Petitioner finds it necessary to have are those rights described in the Petition to condemn.

7. The Respondent has been permitted to remove, if any there be, all buildings, structures, permanent improvements, or fixtures situated on or affixed to the land described in the Petition to condemn and have been afforded a reasonable time for such removal.

8. Duly appointed and sworn commissioners have determined and reported that \$6,060.00 is just compensation for the taking, which report has been confirmed by the Court. This sum has been paid into the Clerk of Court's office by Petitioner.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

(a) There is hereby condemned from the Respondent to the Petitioner, its successors and assigns, an easement and right-of-way over the following parcel or strip of land:

Lying and being in Forsyth County, North Carolina, and beginning at a point located on the North right of way line of Bethabara Parkway, said point being the southwest corner, in said right of way of Bethabara Parkway with property of the City of Winston-Salem; running thence with said right of way of Bethabara Parkway the five following courses and distances: 1) North 86° 42' 55" West 177.30 feet to a point; 2) North 89° 18' 55" West 243.83 feet to a point; 3) South 88° 32' 00" West 247.20 feet to a point; 4) South 86° 43' 35" West 123.73 feet to a point; and 5) South 85° 41' 10" West 169.78 feet to a point; thence leaving said North right of way line of Bethabara Parkway and running within the property described in deed recorded in Book 1151, page 455, Forsyth County Registry, North 85° 33' 35" West 164.08 feet to a point; running thence South 81° 46' 00" West 153.42 feet to a point; running thence South 06° 04' 00" West 19.18 feet to a point in the North right of way line of Bethabara Parkway; running thence with said right of way line South 81° 46' 00" West 20.39 feet to a point (said point being located 27.99 feet from the west property line of S&K Investors); running thence eight (8) courses and distances within the property described in Book 1151, page 455, Forsyth County Registry, as follows: 1) North 06° 04' 00" East 38.67 feet to a point; 2) North 81° 46' 00" East 171.18 feet to a point; 3) South 85° 33' 35" East 164.77 feet to a point; 4) North 85° 41' 10" East 168.43 feet to a point; 5) North 86° 43' 35" East 124.23 feet to a point; 6) North 88° 32' 00" East

247.89 feet to a point; 7) South 89° 18' 55" East 244.66 feet to a point; and 8) South 86° 42' 55" East 180.42 feet to a point in the west property line of the City of Winston-Salem; running thence with said property line South 10° 53' 45" West 20.18 feet to the point and place of beginning and containing 0.606 acres, more or less. The foregoing description was taken from plat of survey dated February 23, 1994 prepared by Southern Mapping and Engineering Co. for Piedmont Natural Gas Company, Inc. entitled "Proposed Right-of-Way Crossing Property of S & K Investors Co., R/W No. 134".

The property described above is a strip of land over and across the tract described in Exhibit B of the Petition, which tract is hereafter described:

Tax Block 3460, Tax Lots 101, 102 and 103, Forsyth County Tax Records.

For legal description of property see Deed recorded in Book 1151, page 455, Forsyth County Registry, a copy of which is attached hereto, SAVE AND EXCEPT therefrom the property more particularly described in the following:

- (a) Deed recorded in Book 1194, page 1554, Forsyth County Registry;
- (b) Quitclaim Deed recorded in Book 1220, page 1286, Forsyth County Registry;
- (c) Quitclaim Deed recorded in Book 1259, page 1327 and Correction Quitclaim Deed recorded in Book 1329, page 889, Forsyth County Registry;
- (d) Deed recorded in Book 1368, page 1317, Forsyth County Registry;
- (e) Deed recorded in Book 1379, page 794, Forsyth County Registry;
- (f) Deed recorded in Book 1572, page 837, Forsyth County Registry;
- (g) Deed recorded in Book 1575, page 507, Forsyth County Registry;
- (h) Deed recorded in Book 1795, page 1045, Forsyth County Registry;

- (i) Deed recorded in Book 1795, page 1050, Forsyth County Registry;
- (j) Deed recorded in Book 1802, page 429, Forsyth County Registry;
- (k) Deed recorded in Book 1802, page 432, Forsyth County Registry;
- (l) Deed recorded in Book 1802, page 435, Forsyth County Registry; and
- (m) Deed recorded in Book 1803, page 3251, Forsyth County Registry.

There is also condemned unto the Petitioner the right, privilege, and easement to from time to time go in and upon that certain land of the Respondent identified above and to lay, construct, maintain, inspect, repair, alter, remove, change the size of and replace at any time or from time to time one or more additional lines of pipe and appurtenances thereto, including without limitation corrosion control equipment. The pipeline and appurtenant facilities described herein shall remain Petitioner's property. Further, the right-of-way and easement include the right of free and full ingress and egress over and across the lands of the Respondent to and from the areas subject to the aforementioned right-of-way and easement and the right from time to time to cut all trees and undergrowth and other obstructions that may injure, endanger, or interfere with the construction, operation, inspection, maintenance, repair and replacement of said pipelines. The Petitioner shall endeavor to use for ingress and egress across remaining lands of the Respondent such reasonable routes which are available or provided by Respondent including but not limited to any existing roadways, cartways and paths.

The Petitioner shall have the right to assign or transfer, without limitation, all or any part of this right-of-way and easement.

Respondent may use and enjoy said land and premises within the right-of-way except Respondent may not construct nor permit to be constructed any house, structure, pond or other obstruction on or over the right-of-way; nor construct any road or street therein except for crossings which may cross the right-of-way at an angle; nor change the grade over the pipeline or lines; nor flood or obstruct the pipelines, lines, or right-of-way. All pipes placed within the right-of-way and easement will be of sufficient depth so as not to interfere with cultivation of the soil.

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(b) The Respondent shall have and recover of Petitioner the sum of \$6,060.00 in full payment of the compensation of the aforesaid easement and right-of-way in and across the property of the Respondent, and therefore are entitled to be paid the amount of \$6,060.00 which Petitioner has paid into the Clerk of Court's office;

(c) The Petitioner is taxed with the costs of this proceeding.

Let this Judgment be recorded in the Office of the Register of Deeds of Forsyth County, this the 29th day of November 1994, 11:20 A.M./P.M. Further, let the Notice of Lis Pendens recorded in Judgment Docket 236, at Page 18, be cancelled of record by the Clerk of Superior Court.

Further, money deposited by Petitioner in the amount of \$6,060.00 shall be dispersed to Respondent.

Frances Storey
FRANCES STOREY
CLERK OF FORSYTH SUPERIOR COURT

PRESENTED FOR
REGISTRATION
AND RECORDED

'94 NOV 30 P12:01

L.E. SPEAS
REGISTER OF DEEDS
FORSYTH CO. N.C.

*180
P. J. Speas
Garcia*