

Prepared by:

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STATE OF NORTH CAROLINA
COUNTY OF DARE

**PERPETUAL EASEMENT FOR
BEACH NOURISHMENT**

Information to be inserted prior to closing by recorder:

Land Transfer Tax Number: _____

Land Transfer Tax: _____

Tax Parcel: **«PARCEL»**

This easement is made and entered the by the Grantor named herein and in the signature section of the instrument to be effective the date of execution and for the benefit of the Town of Kitty Hawk, a municipal entity under North Carolina law, also referred to as the Grantee.

The Grantor is identified as follows

«Owner_1_First» «Owner_1_Middle» «OWNER1_Last» «Owner_1_Suffix»

«Owner2_First» «Owner_2_Middle» «Owner_2_Last»

«Owner_3»

FOR VALUABLE CONSIDERATION the Grantor(s) hereby grant a perpetual and assignable easement and right-of-way to the Town of Kitty Hawk, Grantee, in, on, over and across the hereinafter described land for use by the Grantee, its representatives, agents, contractors, and assigns, to construct, preserve, patrol, operate, maintain, repair, rehabilitate, and replace: a public beach, a dune system and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms and dunes; to nourish and re-nourish periodically; to move store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and

maintenance of the Northern Dare Beaches Shore Protection and Erosion Abatement Project, and to include future renewals and extensions of such project or similar projects of the same nature, together with the right of public use and access; to plant vegetation on said dunes and berms; to erect, maintain and remove silt screens and sand fences; to facilitate preservation of dunes and vegetation through the limitation of access to dune areas; to trim, cut, fell and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement reserving, however, to the Grantor(s), (his)(her)(its)(their)(heirs), successors and assigns, the right to construct dune walkover structures in accordance with any applicable Federal, State or local laws or regulations, provided that such structures shall not violate the integrity of the dune in shape, dimension or function, and that prior approval of the plans and specifications for such structures is obtained from the municipality of appropriate jurisdiction and provided further that such structures are subordinate to the construction, operation, maintenance, repair, rehabilitation and replacement of the project; and further reserving to the Grantor(s), (his)(her)(its)(their)(heirs), successors and assigns all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easement for public roads and highways, public utilities, railroads and pipelines.

The parcel or tract of land which is subject to the grant of easement described herein is that certain parcel or tract of land located in Dare County, North Carolina, and more particularly described as follows (and also in the attached legal description which refers to the same property in the event the space below is insufficient):

«ST_» «ST_NAME»

The easement granted by this instrument shall extend from the edge of the Atlantic Ocean in a westerly direction onto the property described herein to the western edge or limit of the nourishment project and future projects. This easement is intended to be perpetual and in the event that the location of the high water line of the ocean changes due to effects of erosion or accretion the location of the easement shall adjust accordingly.

The signature page and notary acknowledgment for this easement is attached as a separate page

Signature Page for Easement Agreement

(For Individual Grantors)

This page is attached to an instrument entitled "Perpetual Easement For Beach Nourishment" and sets forth the signature of the Grantor(s) named in that instrument.

IN WITNESS WHEREOF, the Grantor has hereunto set his/her hand and seal with the date of notarization being the date of the instrument.

_____(SEAL)

_____(SEAL)

_____(SEAL)

STATE OF
COUNTY OF

I the undersigned Notary Public for the State and County aforesaid, do hereby certify that
Insert names of grantors:

personally appeared before me this day and acknowledge the due execution of the foregoing instrument. Witness my hand and official seal this _____ day of _____, 2015.

My Commission Expires:

Notary Public

(additional notary if needed)

STATE OF
COUNTY OF

I the undersigned Notary Public for the State and County aforesaid, do hereby certify that
Insert names of grantors:

personally appeared before me this day and acknowledge the due execution of the foregoing instrument. Witness my hand and official seal this _____ day of _____, 2015.

My Commission Expires:

Notary Public

Signature Page for Easement Agreement

(For Limited Liability or Corporate Grantors)

This page is attached to an instrument entitled “Perpetual Easement For Beach Nourishment” and sets forth the signature of the Grantor(s) named in that instrument.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by the person named below, who is identified as (print or type the name of the person signing for the entity)

Such person being duly authorized to sign on behalf of the Grantor entity in the capacity of its (state capacity of person signing such as president, member, etc.)

and the signatory represents that he or she signs in the capacity noted and as the act and deed of the Grantor entity and for the purposes expressed in the instrument.

Name of Grantor entity:

Signature of officer/member: By: _____

Notary Acknowledgement:

STATE OF
COUNTY OF

I the undersigned Notary Public for the State and County aforesaid, do hereby certify that the person named above and signing in the capacity above personally appeared before me this day and executed this instrument for the purposes therein expressed. Witness my hand and official seal this _____ day of _____, 2015.

My Commission Expires:

Notary Public

NOTARY INSTRUCTIONS

GIVE THESE INSTRUCTIONS TO THE NOTARY IN ADVANCE. THE DOCUMENT CANNOT BE RECORDED UNLESS THESE INSTRUCTIONS ARE FOLLOWED.

1. Insert the name of State and the City or County in all spaces provided.
2. Insert the date the document was notarized.
3. Insert the date the Notary Commission expires.
4. The Notary must **LEGIBLY** sign his or her name in the space provided. If the signature is not legible, please print the name under the signature.
5. THE SIGNATURE OF THE NOTARY MUST READ **EXACTLY** THE SAME AS THE NAME SHOWN IN THE STAMP OR SEAL Example - Jane C. Notary in the stamp and Jane Notary in the signature (without the middle initial) will not be accepted. The signature must have the middle initial.
6. **CLEARLY** imprint the notary's seal or stamp on the same page of the document as the notary's signature, using a squeeze or embossed type of notary seal or a rubber stamp. Be sure the information in the Stamp or Seal can be easily read. **DO NOT PLACE THE SEAL OR STAMP ON TOP OF A SIGNATURE OR ON THE PRINTED/TYPED PORTION OF THE DOCUMENT. USE A CLEAR SPACE ON THE DOCUMENT SO IT CAN BE EASILY READ.**
7. In some States, (Like New Jersey) an attorney can notarize documents. For the document to be accepted in North Carolina, the attorney must also be a notary and have a notary's seal or stamp.
8. In some States (like Virginia) a Notary does not have to use a seal or stamp in all circumstances. However, the State of North Carolina requires a seal or stamp on any document which is recorded. If your notary does not have a seal or stamp, you will need to find a different notary.
9. Some States require **both** a seal and a stamp. Please comply with the requirements of your State in this respect.
10. Some States (like Ohio) require certain specific information to be shown within the seal, such as the State's logo or official symbol. If the notary uses a seal which does not match the requirements, the document will not be accepted.

Please provide the day time phone number for the notary in the space below, in case we need to contact them regarding problems with the document. Return this form with your original document.

Printed name of notary: _____

Daytime phone number for notary: _____

County and State of Commission: _____