

STATE OF NORTH CAROLINA,)
COUNTY OF TRANSYLVANIA.)

239
RIGHT OF WAY DEED

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THIS DEED, made this 1st day of November, 1979, by TRANSYLVANIA COUNTY BOARD OF EDUCATION, a body corporate, party of the first part, to HUBERT E. BATSON and wife, DOROTHY A. BATSON, Greenville Highway, Brevard, North Carolina, 28712, parties of the second part;

W I T N E S S E T H :

THAT WHEREAS, on or about the 1st day of March, 1973, the parties of the second part made and entered into a certain contract with the party of the first part by the terms of which they agreed to sell to the party of the first part a tract of land on U. S. Highway No. 276 containing 15.64 acres to be used as a site for the Brevard Elementary School; and

WHEREAS, the said contract further provided that in the event that the party of the first part should ever acquire the property known as the Grogan property lying between the property to be conveyed to it by the parties of the second part and Elm Bend Road it would grant to the parties of the second part, their heirs and assigns, a right of way across the said Grogan property to the said Elm Bend Road to be used for a road right of way and public utilities purposes in common with the party of the first part and all others entitled to the use thereof; and

WHEREAS, the party of the first part has acquired the said Grogan property and desires to fulfill the requirements of the contract hereinabove referred to;

NOW, THEREFORE, in consideration of the premises and

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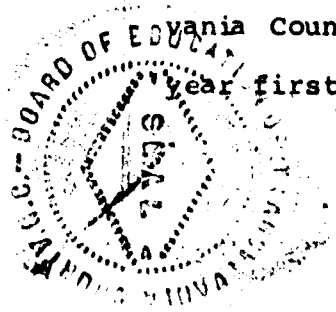
in further consideration of the sum of One Dollar to it in hand paid by the parties of the second part, the receipt of which is hereby acknowledged, the party of the first part does hereby give, grant, and convey unto the parties of the second part, their heirs and assigns, a perpetual right and easement for travel of all kinds, on foot and with all types of vehicles, and for the installation and maintenance of public utilities, over and across the property hereinafter described, in common with the party of the first part and all others entitled to the use thereof, together with the right of ingress, egress and regress over and along the same for such purposes. The said property being located in the City of Brevard, Transylvania County, State of North Carolina, and being more particularly bounded and described as follows:

BEGINNING on a concrete monument, northwest corner of a reserved 60 foot strip referred to in that certain deed from Hubert E. Batson and wife, Dorothy A. Batson, to Transylvania County Board of Education dated July 26, 1973, and recorded in Book 203, page 23, Records of Deeds for Transylvania County, and runs thence with the north margin of said 60 foot reserved strip, North 69 deg. 14 min. East 60.00 feet to a concrete monument; thence South 20 deg. 46 min. East 13.01 feet to an iron pipe; thence North 28 deg. 20 min. 30 sec. East 19.84 feet to an iron pipe; thence North 28 deg. 20 min. 30 sec. East 136.32 feet to a concrete monument; thence North 28 deg. 20 min. 30 sec. East 31.14 feet to a railroad spike in the center of the pavement on Elm Bend Road; thence with the center of said Elm Bend Road, North 39 deg. 22 min. West 41.13 feet; thence still with the center of said Elm Bend Road, North 37 deg. 26 min. West 24.01 feet to a stake in the center of said Elm Bend Road; thence leaving said Elm Bend Road, South 28 deg. 20 min. 30 sec. West 240.18 feet to an iron pipe; thence South 20 deg. 46 min. 00 sec. East to the BEGINNING.

It is understood and agreed that the 60 foot right of way hereinabove conveyed includes the 16 foot right of way which the parties of the second part now own extending from their property to the Elm Bend Road.

TO HAVE AND TO HOLD said right and easement to them, the said parties of the second part, their heirs and assigns.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be executed in its name by its Chairman and its corporate seal to be hereto affixed and attested by its Secretary, all by order of said Transylvania County Board of Education duly given, the day and year first above written.



TRANSYLVANIA COUNTY BOARD OF EDUCATION

BY: Carl Shelly
Chairman

ATTEST:

Harry C. Corbin
Secretary

STATE OF NORTH CAROLINA,)
COUNTY OF TRANSYLVANIA.)

This is to certify that personally came before me, Wilda H. Shegic, a Notary Public for said State and County, HARRY C. CORBIN, with whom I am personally acquainted, who, being by me duly sworn, deposes and says that CAROLL L. GRAHL is Chairman of the Transylvania County Board of Education and that he is the Secretary of said Board, the body corporate described in and which executed the foregoing instrument; that he knows the common seal of said Transylvania County Board of Education, and that the seal affixed to the foregoing instrument is said common seal, and that the name of the Transylvania County Board of Education was subscribed thereto by said Chairman, and said Chairman and Secretary subscribed their names thereto and said common seal was affixed, all by order of the Transylvania County Board of Education, and that said instrument is the act and deed of said Transylvania

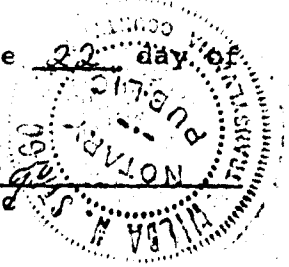
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County Board of Education.

WITNESS my hand and Notarial Seal this the 22 day of
November, 1979.

Wilda H. Strigo
Notary Public



August 26, 1981
My Commission Expires

STATE OF NORTH CAROLINA,)
COUNTY OF TRANSYLVANIA.)

The foregoing certificate of WILDA H. STRIGO,
a Notary Public, is certified to be correct. This instrument
was presented for registration and recorded in this office
in Book 239, page 541.

This the 10 day of DECEMBER, 1979, at 10:30
o'clock A M.

Irue H. Small
Register of Deeds

By: _____
Deputy Register of Deeds

