

**Instructions to Preparing Attorney
Deed of Easement for Utility Placement Easement**

The following are instructions to the drafting attorney for preparation of the form Deed of Easement for Utility Placement Easement (the “Utility Placement Easement”) in accordance with the requirements of the City of Raleigh.

This Utility Placement Easement must be recorded immediately after recording of the subdivision plat and must be the first encumbrance against the subdivided Property, with priority granted only to other easements required by the City of Raleigh. Any mortgages, non-governmental liens, or deeds of trust against the Property must be subordinated to this Utility Placement Easement.

Preparation of this form may be deemed to be the practice of law in the State of North Carolina and should only be performed by an attorney licensed to practice in the State of North Carolina.

Before preparing this form, you should have copies of all approval documents issued for the proposed development by the City of Raleigh. These approval documents may list additional conditions of approval that must be satisfied prior to authorization to record lots or issuance of permits for the project. Once completed, submit the completed Utility Placement Easement with copies of any map that will be recorded and serve as the property description for this instrument to the City at LegalDocumentReview@raleighnc.gov for review by City staff prior to execution.

The instructions below are numbered in accordance with the areas in the Utility Placement Easement requiring customization for each individual project. All fields must be filled out and none should be left blank or with the reference number remaining. The terms in this instructions document shall bear the same meaning as defined in the Utility Placement Easement.

- [1] Name of attorney (or law firm) preparing this form for submission to the City for review.
- [2] Wake County Tax Property Identification Number.
- [3] City of Raleigh Project ID Number. Typically starts with S, SP, Z, SR or R.
- [4] Legal name of Grantor, which should match name of owner in property records and in deed conveying property to Grantor.
- [5] State of legal formation of Grantor.
- [6] Type of legal entity of Grantor.
- [7] Insert “X” in the appropriate box to describe the status of the Property. Please “blank” the other box.
- [8] Print name and title of individual signing on behalf of Grantor. The individual signing the Utility Placement Easement on behalf of Grantor must be authorized to bind the Property to the terms of the instrument.
- [9] Insert legal name of trustee on deed of trust to be subordinated to Utility Placement Easement, if applicable. Multiple subordination pages must be utilized if multiple deeds of trust, mortgages, or liens must be subordinated. If not applicable, indicate “N/A” in this field.
- [10] Insert legal name of beneficiary on deed of trust to be subordinated to Utility Placement Easement. If not

applicable, indicate “N/A” in this field.

[11] Insert deed book and page information for deed of trust being subordinated to Utility Placement Easement.
If not applicable, indicate “N/A” in this field.

[12] Insert full name of attorney (as licensed) and NC State Bar identification number for the attorney that prepared this Utility Placement Easement form.

[13] Insert full name of surveyor (as licensed) that prepared the plat dedicating the subject easement.

[14] Insert the name of the plat as titled on the plat dedicating the subject easement.

[15] Insert date of the plat dedicating the subject easement.

Upon approval of the form by City staff, the instrument may be executed and recorded. Prior to recording, the date should be inserted by the Grantor or their attorney and the book/page recording information for the Plat must be inserted in the Utility Placement Easement by the attorney recording the instrument.

Instrument prepared by: _____
[Utilizing City of Raleigh Form Instrument]

Brief description for index: Utility Placement Easement

Property: _____

City Project ID: _____

Mail after recording to: City of Raleigh
Development Engineering Manager
Development Services Department
P.O. Box 590
Raleigh, NC 27602

DEED OF EASEMENT FOR UTILITY PLACEMENT EASEMENT

This Deed of Easement for Utility Placement Easement (this “Utility Placement Easement”) is made and executed this _____ day of _____, _____, by _____, a _____ (the “Grantor”) to the City of Raleigh, a North Carolina municipal corporation, with a mailing address of PO Box 590, Raleigh, NC 27602 (the “City”).

Grantor warrants that it is the owner of the property (the “Property”) described in the plat recorded at Book of Maps _____, Page _____, Wake County Registry (the “Plat”), that it is vested of the premises in fee simple, and that the premises are free from encumbrances except as expressly stated within this instrument.

For valuable consideration, the receipt of which is hereby acknowledged by Grantor, which may include permitting and approvals of the City for development activity on the Property, and in further consideration of the mutual covenants and terms, conditions and restrictions hereinafter set forth, the Grantor hereby gives, grants, bargains and conveys unto the City, its successors and assigns, in perpetuity, those rights-of-way, privileges, and easements enumerated and described hereinbelow, and as more particularly identified and described in Exhibit A, attached herein, as follows:

UTILITY PLACEMENT EASEMENT

A permanent easement five (5) feet in width for any utility purpose including electric power, cable television, telephone, communications, broadband, fiber optics, and for related purposes

whether they be wire or wireless, including the right to construct, install, improve, remove, replace, inspect, repair, maintain and use all pipes, lines, wires, poles, cables, conduit, fixtures, equipment, and related appurtenances, including but not limited to antennas, guy wires and supports, both above-ground and subsurface, that are necessary and appropriate to the utility purposes enumerated above, and for all other purposes for which City is authorized by law to use said easement.

In addition, City has the right to:

1. remove and keep removed from the easement all trees, roots, limbs, shrubs, underbrush and part(s) thereof, or other obstructions as necessary to maintain, repair, replace or protect said utilities and related infrastructure and appurtenances located within the easement;
2. trim limbs from, or cut down, any tree outside the easement area which will likely endanger overhead electric cables, other lines, related appurtenances and utilities within the easement;
3. use the easement area for access onto this and other City easements and public rights-of-way; provided nothing herein shall be construed to grant to City any right of access over the Grantor's Property except as described and dedicated herein;

Following completion of any utility improvement work within the easement area, any disturbed lands resulting from such work will be restored by the person or entity doing the work in accordance with generally accepted engineering and landscape practices.

Grantor shall in all other respects remain the fee owner of the Property and area subject to said easement, and may make all lawful uses of the Property not inconsistent with this easement and its terms and conditions.

THE PROPERTY HEREIN DESCRIBED AND CONVEYED IS: (choose one)

Located on a parcel that includes the Grantor's primary residence, but the Grantor's primary residence is not a property interest being conveyed; or

Does not include a primary residence.

Subordination

[Any existing deeds of trust, mortgages, or liens encumbering the Property, other than property tax liens for the current tax year or governmental improvement assessment liens, must be subordinated to this Utility Placement Easement. Such encumbrances must be listed and the Utility Placement Easement must be executed by the beneficiary and trustee, mortgagee, or lien holder to evidence such subordination.]

GRANTOR REPRESENTS THAT NO SUPERIOR DEEDS OF TRUST, MORTGAGES, OR LIENS (OTHER THAN PROPERTY TAX LIENS FOR THE CURRENT TAX YEAR OR GOVERNMENTAL IMPROVEMENT ASSESSMENT LIENS) ENCUMBER OR AFFECT THE PROPERTY AT THE TIME OF THE EXECUTION AND RECORDING OF THIS

UTILITY PLACEMENT EASEMENT, OR THAT IF ANY OF THE FOREGOING EXIST, THEY SHALL BE SUBORDINATE TO THIS UTILITY PLACEMENT EASEMENT THROUGH THE SUBORDINATION LANGUAGE HEREIN.

Grantor acknowledges that the City is acting in reliance on Grantor's authority to enter into this Utility Placement Easement and the terms, conditions, obligations, and restrictions imposed herein in its authorization to either subdivide the Property or in the issuance of any permits or development approvals associated with any construction of improvements on the Property and that the City may suffer irreparable harm from the violation of the terms established herein.

TO HAVE AND TO HOLD the terms, conditions, obligations and restrictions imposed herein shall be binding upon the Grantor, its successors and assigns, and shall continue as a servitude running with the land in perpetuity. Grantor covenants that it is vested of the Property in fee simple, has the right to convey the same in fee simple, that the Property is free from encumbrances except as herein stated or subordinated herein, and that Grantor will warrant and defend such title to the same against claims of all persons. This Utility Placement Easement shall not divest the Grantor of any rights or interests in its Property not herein mentioned.

[Signature pages follow this page]

[Grantor Signature Page]

IN WITNESS WHEREOF, Grantor hereby executes this Utility Placement Easement under seal as of the day and year first above written.

GRANTOR:

By: _____ (SEAL)

Name: _____

Its: _____ (Title)

NORTH CAROLINA

WAKE COUNTY

GRANTOR
ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

(Print name of signatory in blank)

Date: _____

My Commission Expires:

Print Name: _____

[Affix Notary Stamp or Seal]

APPROVED FOR RECORDING:
DEVELOPMENT SERVICES DEPARTMENT

By: _____

Name: _____

Title: _____

[Subordination signature page follow this page.]

[Subordination Signature Page]

_____, as Trustee, and _____, as Beneficiary, under that certain Deed of Trust recorded in Book _____, Page _____ Wake County Registry, North Carolina, join in this Utility Placement Easement for the sole purpose of expressing their consent hereto and of binding, subjecting and subordinating said Deed of Trust and their interest in the Property to the terms, covenants and conditions of this Utility Placement Easement.

TRUSTEE:

By: _____ (SEAL)
Name: _____
Its: _____ (Title)

BENEFICIARY:

By: _____ (SEAL)
Name: _____
Its: _____ (Title)

[Notary acknowledgments for the Trustee and Beneficiary follow this page.]

NORTH CAROLINA

WAKE COUNTY

TRUSTEE
ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: _____

(Print name of signatory in blank)

Date: _____

My Commission Expires:

Print Name: _____

[Affix Notary Stamp or Seal]

NORTH CAROLINA

WAKE COUNTY

BENEFICIARY
ACKNOWLEDGMENT

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: _____

(Print name of signatory in blank)

Date: _____

My Commission Expires:

Print Name: _____

[Affix Notary Stamp or Seal]

Attorney Certification:

I, _____, an attorney licensed to practice law in the State of North Carolina, certify to the City of Raleigh that this Utility Placement Easement has been prepared in accordance with the instructions provided by the City of Raleigh, that I am familiar with the requirements of any development approvals of the City of Raleigh associated with this Utility Placement Easement and have prepared this instrument in accordance with such requirements.

Attorney at Law

NC Bar #: _____

EXHIBIT A

Those easement areas specifically enumerated herein located in, upon, and across the property of the Grantor, and being more specifically identified and described on a plat prepared by _____, entitled “_____,” dated _____, and recorded in Book of Maps _____, Pages _____, Wake County Registry.

(The balance of this page is intended to be blank)