

PROJECT SOUTH

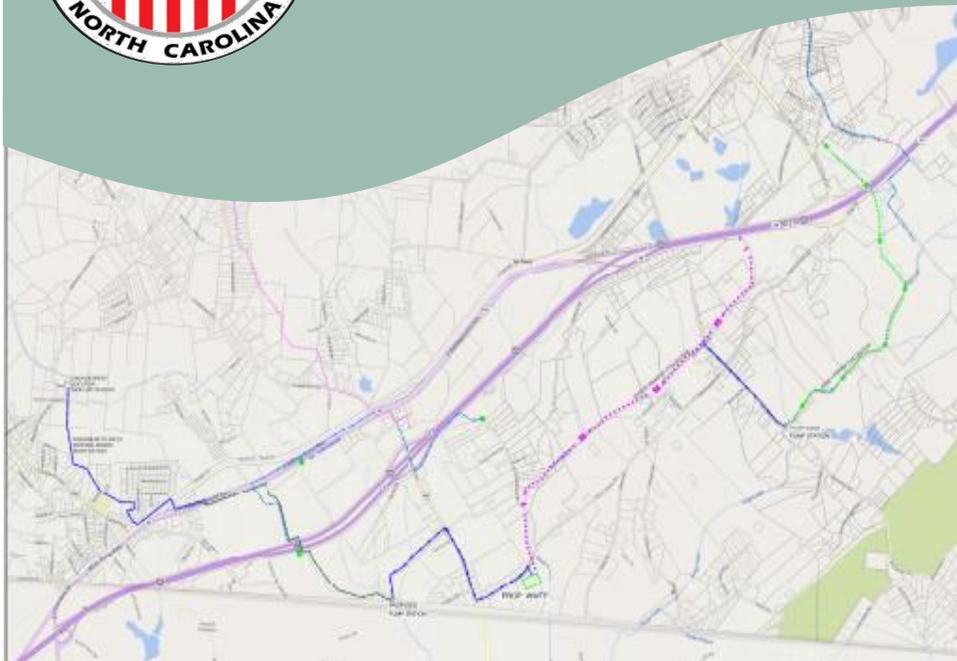
Permanent Right of Way Easement Process



Cleveland County
NORTH CAROLINA



KINGS MOUNTAIN
— NORTH CAROLINA —



Introduction

The Project South Team has prepared this brochure to describe the processes that will be followed for obtaining permanent right of way easements within the project area. The City of Kings Mountain will be taking the lead on the right of way easement process and will be following a standardized method of compensation for the rights to utilize property for the construction and maintenance of the project.

Also, the City of Kings Mountain is looking to extend their natural gas distribution system into this project area and will be contacting property owners to see if there is an interest in receiving natural gas service.

Why does Project South need a Right of Way Easement

The County, the City, and the Town of Grover have long recognized the need for sewer capacity along the I-85 corridor and believe that the best alternative to provide sewer service to the I-85 corridor is to develop a regional approach to solving the problem of needed sewer capacity. Joel E. Wood & Associates, PLLC, the engineer for the City, and TGS Engineers, Inc. have assisted the County, City and Town of Grover in seeking a regional solution to the problem of limited wastewater collection and treatment capacity in the southwest portion of the County. After reviewing various alternatives, the group believes the best alternative is to provide a stand-alone wastewater collection and treatment facility in the service area that can meet the current and long-term needs for wastewater collection and treatment. The plan would provide a major collection line to provide gravity sewer service along the I-85 corridor from Kings Mountain (Exit 8) to the Town of Grover and construct a new 4.0 million gallon per day wastewater treatment facility that can be expanded to 6.0 million gallons per day.

If you are asked to grant a Right of Way Easement it is because a portion of your property has been deemed appropriate for the installation of the wastewater collection line.

The Project South Team appreciates your understanding and willingness to negotiate in the matter.

****It is important to note that this project does not involve annexation . Only a property owner may request annexation and the process is strictly voluntary per NC Law.****

What does it mean to grant a Right of Way Easement

There are different types of easements. A Permanent Right of Way Easement is generally used to give access through your property to a person or entity which will allow them get to another location permanently. Property ownership is maintained by you. In the case of a Right of Way Easement for the purpose of a wastewater collection line it means the following:

Granting personnel along with equipment access and use of your property for the purpose of:

- Clearing, if not already clear
- Installation of erosion and sediment control measures, such as silt fence and check dams
- Excavation of the pipeline route
- Storage of materials prior to installation if needed
- Installation of the piping along with designated manholes and vent piping if necessary
- Periodic access of the right of way to access infrastructure conditions, perform infrastructure maintenance and repairs, and to perform right of way management such as mowing, removal of debris, etc.

Maintaining use of your property within reasonable limitations, such uses you may maintain are:

- Area may be used for livestock grazing
- Fencing, as long as there is an access gate and the wastewater pipeline owner has a key or combination
- Area may be allowed to grow up for hay harvest. If this is known to the owner of the wastewater pipeline, effort will be made to avoid or limit accessing the property during harvesting times
- Generally wastewater collection lines run along creeks and within floodplain areas or just outside of floodplain areas, where there is already limited use of property, other than certain farming activities

Please remember that each right of way easement has different circumstances and the goal is to ensure that you have complete understanding of what will happen on your property and an opportunity to discuss your specific requests for a use not noted above.

What can I expect to see happening on the Right of Way



Example of clearing and sediment and erosion control measures

Installation of piping and manholes



Newly completed right of way easement



Established right of way easement



Steps in the Right of Way Easement Process

Once the most affective and least impactful route is determined by the engineers, the owners of the properties that are identified as being best suited for the construction and installation of the wastewater collection line, will be contacted. Below are the steps those property owners can expect.

1. Receive a letter or telephone call notifying the property owner that that a certain area of their property is needed for the project. At this time the owner will be given a general idea of the location and width of the right of way easement that is needed.
2. Request for written permission to allow surveyors on the property or properties in order to survey the specific area needed. This could be end up being more or less area than the initial general location and width.
3. Once the survey is complete, the property owner will be given the opportunity to review and approve the survey area.
4. At this point, the City will request a right of way easement for the surveyed area. The standard compensation for right of way easements for the City of Kings Mountain utilizes the following formula:

$$\text{COMPENSATION} = [\{ (LTV/TA) \times AN \} \times 1.5]$$

LTV = Land Tax Value of Property Parcel

TA = Total Acreage of Parcel

AN = Acreage Needed

Example: If your parcel Land Tax Value = \$100,000
Your Total Acreage of Parcel = 10.0 Acres
Acreage Need = 0.5 Acres Then,

$$\begin{aligned} \text{COMPENSATION} &= [\{ (\$100,000/10.0) \times 0.5 \} \times 1.5] \\ &= [\{ \$10,000 \times 0.5 \} \times 1.5] \\ &= [\$5000 \times 1.5] \\ &= \$7,500.00 \text{ would be the one time Compensation Offer*} \end{aligned}$$

****This would be in the form of a written offer for the property owners to sign if they accept.***

Steps in the Right of Way Easement Process – continued

Acceptance of Offer

5. If the offer from the City of Kings Mountain is accepted by the property owner, the City will have their attorney draft a Right of Way Easement Agreement with a copy of the survey as an attachment, for the property owner to sign.

6. Once the Right of Way Easement Agreement is signed, the property owner may expect payment within 60 days from the date the City or the City's attorney receives the fully executed easement agreement.

The easement will be specific to The City of Kings Mountain's wastewater collection line. No other use may be permitted under this easement agreement unless agreed upon by the property owner and the City. Any other uses agreed upon would not be permissible until the original easement agreement was amended.

The permanent right of way easement will be a recorded easement for such purpose and will be subject to any future property owners.

It is the City's desire along with the other members of our Project Team that this process be transparent and that there be no need to have any property acquired through the Courts. If you have any questions regarding this project, please contact:

Nick Hendricks, Assistant City Manager, Kings Mountain at 704-734-4516

Eminent Domain Process

If no agreement may be made, or an appropriate and efficient alternate route is not found then the City must consider acquisition of the needed area through the court system.

In Conclusion

The Project South Team understands that a wastewater collection project requiring use and access of your private property may cause concern and generate questions. We have asked our consulting engineer and some of our staff to put together some answers to some of the more frequently asked questions. These are listed below.

The Project South Team appreciates your attendance and participation in this process as we move forward.

Frequently Asked Questions

Q. Why do you need the area near the creek, why not just put it in the road right of way?

A. To be able to serve the area with gravity sewer, the collection lines must be installed at the lowest point possible point along natural contours while maintaining proper distance from stream buffers and flood plains.

Q. What happens if there is a break or a spill?

A. If a break or spill occurs, it is isolated by the City's maintenance staff and vacuum trucks are used to clean up the spill. In the case of a break, the flow is rerouted around the break with portable emergency pumps (owned by the City) that can pump the wastewater around the break. The break will then be repaired and normal use of the line restored.

Q. How tall will the manholes be above grade?

A. Approximately 12" above grade to the lid.

Q. Where will the vent piping be located?

A. Vent, if needed, will be attached to the manhole, and shall extend no less than 24" above grade.

Q. How wide is a typical sewer line easement?

A. A permanent 30-foot wide easement is the typical permanent easement for gravity sewer lines with an additional 20-foot wide "Temporary Construction Easement" that will revert to the property owner after the construction process is completed.

Q. Will there be odor associated with the sewer line and manholes?

A. Typically there is minimal or no odor associated with gravity sewer lines, and force mains.

Q. Water Quality concerns for livestock and people living along the creek?

A. Gravity sewer lines will be located outside of a 50-foot buffer from the center of creeks and outside the 100 year flood plain.

Frequently Asked Questions

Q. Why do you need the area near the creek, why not just put it in the road right of way?

A. To be able to serve the area with gravity sewer, the collection lines must be installed at the lowest point possible point along natural contours while maintaining proper distance from stream buffers and flood plains.

Q. What happens if there is a break or a spill?

A. If a break or spill occurs, it is isolated by the City's maintenance staff and vacuum trucks are used to clean up the spill. In the case of a break, the flow is rerouted around the break with portable emergency pumps (owned by the City) that can pump the wastewater around the break. The break will then be repaired and normal use of the line restored.

Q. How tall will the manholes be above grade?

A. Approximately 12" above grade to the lid.

Q. Where will the vent piping be located?

A. Vent, if needed, will be attached to the manhole, and shall extend no less than 24" above grade.

Q. How wide is a typical sewer line easement?

A. A permanent 30-foot wide easement is the typical permanent easement for gravity sewer lines with an additional 20-foot wide "Temporary Construction Easement" that will revert to the property owner after the construction process is completed.

Q. Will there be odor associated with the sewer line and manholes?

A. Typically there is minimal or no odor associated with gravity sewer lines, and force mains.

Q. Water Quality concerns for livestock and people living along the creek?

A. Gravity sewer lines will be located outside of a 50-foot buffer from the center of creeks and outside the 100 year flood plain.