STATE OF NORTH CAROLINA
COUNTY OF CRAVEN

DEED OF EASEMENT

THIS DEED OF EASEMENT made and entered into this the 15 day of November, 1984, by and between the CITY OF NEW BERN, a North Carolina Municipal Corporation, party of the first part; to NEW BERN PRESERVATION FOUNDATION, INC. of Craven County, North Carolina, party of the second part;

W I T N E S S E T H :

WHEREAS, the party of the second part is purchasing the property within the City of New Bern, North Carolina bearing the postal numeration of 413 Metcalf Street; and,

WHEREAS, a survey has disclosed that the steps leading to the porch on the premises encroach slightly onto the right of way of Metcalf Street; and,

WHEREAS, the party of the second part, through its attorney, has requested that the party of the first part grant to it an easement for this encroachment to exist so long as the steps presently constructed on said property exist; and,

WHEREAS, it is obvious that the grant of said easement would not substantially impair or hinder the use of the street as a way of passage, said steps having been so located for many years; and,

WHEREAS, the City of New Bern is authorized to grant such easement pursuant to the provisions of N.C.G.S. 160A-273 and the Board of Aldermen of the City of New Bern deems it advisable to do so.

NOW, THEREFORE, said party of the first part, for and in consideration of Ten and No/100 Dollars ($10.00) to it in hand paid and in consideration of the premises, hereby gives, grants, and conveys unto the party of the second part, said party's successors and assigns, a right and easement over that portion of Metcalf Street which is more particularly described as follows:

WARD AND SMITH, P.A., ATTORNEYS AT LAW, 1001 COLLEGE COURT, NEW BERN, N. C. 28560-0867

Beginning at an iron pipe in the western line of Metcalf Street which iron pipe marks the southeastern corner of the property conveyed by Steiner, et ux. to Ben O. Jones, et al. as Trustees of Tabernacle Baptist Church by Deed recorded in Book 851, Page 374, in the office of the Register of Deeds of Craven County. Thence from this point of beginning so located along and with the western line of Metcalf Street North 7° 30' 0" East 69.50 feet to a point; thence North 86° 17' 50" East 1.6 feet to a point; thence South 7° 30' 0" West 69.50 feet to a point; thence South 86° 17' 50" West 1.6 feet to the point of beginning.

TO HAVE AND TO HOLD said right and easement unto the party of the second part, said party's successors and assigns, as an appurtenance to the property described by deed to the party of the second part and recorded in Book 1070, Page 264, in the office of the Register of Deeds of Craven County and to run with said land, so long only as the steps hereinabove described continue to exist, and no longer. Said right and easement as herein granted shall exist only during the period of existence of said steps located on said property as hereinabove stated.

IN TESTIMONY WHEREOF, the City of New Bern has caused this instrument to be executed in its name by its Mayor, attested by its City Clerk and its corporate seal to be hereto affixed, all by order of its Board of Aldermen, this the day and year first above written.

CITY OF NEW BERN

By: Paul M. Cox
Paul M. Cox, Mayor

Attest:

Annette F. West
Annette F. West, City Clerk

WARD AND SMITH, P.A., ATTORNEYS AT LAW, 1001 COLLEGE COURT, NEW BERN, N. C. 28560-0867

STATE OF NORTH CAROLINA
COUNTY OF CRAVEN

I, Ora Thomas Shearin, a Notary Public in and for said County and State, do hereby certify that on the 15th day of November, 1984, before me personally appeared PAUL M. COX with whom I am personally acquainted, who, being by me duly sworn, says that he is Mayor and that ANNETTE F. WEST is City Clerk of the CITY OF NEW BERN, the municipal corporation described in and which executed the foregoing instrument; that he knows the common seal of said municipal corporation; that the seal affixed to the foregoing instrument is said common seal; that the name of the municipal corporation was subscribed thereto by the said Mayor; that the said Mayor and Town Clerk subscribed their names thereto and the said common seal was affixed, all by order of the governing body of said municipal corporation; and that the said instrument is the act and deed of said municipal corporation.

WITNESS my hand and notarial seal, this the 15th day of November, 1984.

Ora Thomas Shearin
Notary Public

My Commission expires:

March 23, 1987

STATE OF NORTH CAROLINA
COUNTY OF CRAVEN

The foregoing certificate of Ora Thomas Shearin a Notary Public of Craven County, North Carolina, is certified to be correct. This instrument was presented for registration this day and hour and duly recorded in the office of the Register of Deeds of Craven County, North Carolina, in Book 1070 Page 268.

This 16 day of Nov., 1984, at 11:55 o'clock A.M.

Register of Deeds

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