

**FORSYTH COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: SEPTEMBER 26, 2019

AGENDA ITEM NUMBER: _____

14

SUBJECT: RESOLUTION AUTHORIZING THE GRANT OF A RIGHT OF ENTRY AGREEMENT TO THE CITY OF KING, NORTH CAROLINA, TO ACCESS REAL PROPERTY LOCATED AT 4071 ROLLING HILL DRIVE, TOBACCOVILLE, N.C. (GENERAL SERVICES DEPARTMENT)

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION: See Attached

ATTACHMENTS: YES NO

SIGNATURE: _____

G. Dudley Watta, Jr. /AMS
COUNTY MANAGER

DATE: _____

September 20, 2019

**RESOLUTION AUTHORIZING THE GRANT OF A RIGHT OF ENTRY
AGREEMENT TO THE CITY OF KING, NORTH CAROLINA, TO ACCESS REAL
PROPERTY LOCATED AT 4071 ROLLING HILL DRIVE, TOBACCOVILLE, N.C.
(GENERAL SERVICES DEPARTMENT)**

WHEREAS the City of King, North Carolina, requests a Right of Entry Agreement to access Forsyth County real property known as Rolling Hills located at 4071 Rolling Hill Drive, Tobacoville, N.C., to evaluate land for a potential sewer easement; and

WHEREAS Forsyth County grants a right of entry to the real property for a three-month term;

NOW, THEREFORE, BE IT RESOLVED, that the Forsyth County Board of Commissioners hereby authorizes the grant of a Right of Entry Agreement to the City of King to access Forsyth County real property located at 4071 Rolling Hill Drive, Tobacoville, N.C., to evaluate land for a potential sewer easement; and

BE IT FURTHER RESOLVED, by the Forsyth County Board of Commissioners that the Chairman or County Manager and Clerk to the Board are hereby authorized to execute, on behalf of Forsyth County, the attached Right of Entry Agreement document and any other necessary documents to grant the above-described access to the City of King, North Carolina, subject to a pre-audit certificate thereon by the County Chief Financial Officer, if applicable, and approval as to form and legality by the County Attorney.

Adopted this the 26th day of September 2019.

NORTH CAROLINA

FORSYTH COUNTY

RIGHT OF ENTRY AGREEMENT

THIS AGREEMENT made this 1 day of October 2019, between Forsyth County, herein called "Landowner", and the City of King, North Carolina, herein called "City".

In consideration of the mutual promises herein contained, the parties agree as follows:

I.

The Landowner of record authorizes the City and its authorized representatives to enter upon the property located at 4071 Rolling Hill Drive, Tobacoville, North Carolina and grants access to the City for evaluation of the land to investigate a potential sewer easement for the City.

II.

The property may be entered by the City for the purposes of conducting the above-mentioned evaluation during the period beginning the day of the Agreement and continuing for three (3) months after the date of this Agreement. The Landowner grants the City and its authorized representatives access to the property Monday - Friday 8am - 5pm.

The City's access and evaluation shall not interfere with the Landowner's timber harvesting and/or any Landowner and activities on the property. Any interference by the City or its representatives with the Landowner's or its representatives' activities shall be considered a breach of this agreement and constitute immediate termination.

III.

The City shall keep the property free of any liens. The City may not alter the property without prior consent, in writing, from the Landowner. The City shall also at its sole cost restore any material or physical property damage, which may result from the above-described evaluations and access.

IV.

To the extent allowed by applicable law, the City agrees to release and hold harmless the Landowner and its representatives from any liability arising from any such access or evaluation. To the extent allowed by applicable law, the City further agrees to indemnify the Landowner and its representatives from any liability arising out of the above-described access or evaluation and any fees incurred with such access and evaluation.

CITY:

City of King,
North Carolina

By: [Signature]
Name: Scott Barrow

Its: CITY ENGINEER

Date: 9-3-19

LANDOWNER:

Forsyth County
North Carolina

By: _____
Name: _____

Its: _____

Date: _____

APPROVED BY KING CITY COUNCIL
AT 9-3-19 REGULAR MEETING