



**DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS**

**B. EVERETT JORDAN DAM AND LAKE  
P.O. Box 144  
MONCURE, NORTH CAROLINA 27553**

May 6, 2005

**LETTER OF CONSENT AGREEMENT FOR IMPROVEMENTS  
WITHIN NORTH CAROLINA DEPARTMENT OF TRANSPORTATION  
ROAD RIGHT-OF-WAY EASEMENT NO. DACW21-2-84-1716 (NCSR #1716)  
B. EVERETT JORDAN DAM AND LAKE PROJECT  
CHATHAM COUNTY, NORTH CAROLINA**

**BACKGROUND:**

Contentnea Creek Development Company, in conjunction with Chatham County requests permission to construct roadway improvements and waterline improvements within the above referenced road right-of-way easement. The improvements include road widening with a turn lane and paving; expansion/extension of existing waterline Easement No. DACW21-2-01-5402 and are part of a development plan for a proposed Chatham County subdivision entitled "Estates at Windfall".

In accordance with provisions of Easement No. DACW21-2-84-1716, Contentnea Creek Development Company and the North Carolina Department of Transportation (NCDOT) have coordinated with the US Army Corps of Engineers, Wilmington District, hereinafter referred to as "the Corps", for the approval of the subject construction. The Corps hereby grants approval to Contentnea Creek Development Company, its agents contractors and assigns, hereinafter referred to as "the Grantee", for the above referenced improvements subject to the following conditions:

1. That in accordance with the terms and conditions in Easement No. DACW21-2-84-1716, NCDOT shall assume complete responsibility for the operation and maintenance of the roadway improvements.
2. All work to construct the facilities on Federal property shall occur within the authorized areas consisting of 0.5 acre for construction of a permanent access turnlane and entrance, 5.6 acres for temporary construction of the waterline, 2.9 acres of utility easement for permanent location of Chatham County waterline, and 0.03 acre for temporary access road, all of which are depicted on plans and specifications submitted by the Grantee.
4. The Grantee shall notify the Corps prior to beginning work and when the work is complete.

5. The Grantee is responsible for carrying out all measures necessary to avoid, contain, and/or cleanup spills of petroleum, oils, lubricants, solvents, hazardous or toxic materials that may occur as a result of their activities on Federal property.
6. The Grantee will be responsible for the security of all equipment located on Federal property.
7. That the maintenance of any powered, mechanical, or other equipment, which may result in a spill of a petroleum, oil, lubricant, fuel, solvent or any other hazardous or toxic material is not allowed on the easement premises. Minor service of such equipment may be allowed with prior approval of the Corps Jordan Lake Operations Manager.
8. The Grantee is responsible for proper removal of all waste generated by its activities on Federal property. Waste will not be stored on Federal property.
9. The Grantee is responsible for the proper marking of any safety hazards associated with its activities on property of the United States, and assumes all liability for accidents or injuries that may result from those activities.
10. Once the temporary access road approved in License No. DACW21-3-05-2210 is abandoned, it shall be closed to vehicular traffic either by barricading or planting of tree species from a list of acceptable plant species provided by the Corps.
11. Neither signs (with the exception of approved NCDOT road markers) nor entrance decoration will be located on Government property.
12. Upon completion of the waterline, the Grantee will provide As-Built drawings and a certified survey plat of the addition/expansion of Chatham County waterline Easement No. DACW21-2-01-5402. This survey must comply with the requirements of the Corps and local recordation requirements of Chatham County.
13. Any boundary line markings, markers or signage located on property of the United States that are disturbed by the activities of the Grantee, shall be carefully re-established by the Grantee to the satisfaction of the US Army Corps of Engineers Jordan Lake Operations Manager. Any *boundary line monuments or corner markers* of property of the United States disturbed by the activities of the Grantee, shall be re-established or relocated by a professional land surveyor at the expense of the Grantee and a copy of a certified metes and bounds survey plat and CADD file will be provided to the Corps.
14. The Grantee understands that this approval is subject to all existing and subsequently granted easements within the authorized areas.

**CONTENTNEA CREEK DEVELOPMENT COMPANY**

NAME \_\_\_\_\_

TITLE

DATE \_\_\_\_\_

## NAME \_\_\_\_\_

TITLE

DATE \_\_\_\_\_

R. C. DUCKSON

**ACTING OPERATIONS MANAGER**

### B. EVERETT JORDAN DAM AND LAKE PROJECT

DATE \_\_\_\_\_