

Prepared by SZ Rosenthal, Attorney. Return after recording to City of Durham, Real Estate Div., David Fleischer.

NORTH CAROLINA - DURHAM COUNTY

DEED of AIR RIGHTS EASEMENT

This Deed of Air Rights Easement is made and entered into this the _____ day of _____, 2014, by and between CITY OF DURHAM ("City") and Empress Development LLC ("Grantee"), 617 Wellingham Drive, Durham, NC 27713.

For valuable consideration of Two Thousand Four Hundred Dollars AND NO/100 (\$2,400.00) to the City in hand paid, the receipt of which is hereby acknowledged, City has given, granted, bargained and sold and does by these presents, give, grant, bargain, sell and convey unto Grantees, and their heirs, successors, and assigns, the following interests in land, lying and being in said County and State, described as follows:

An Air Rights Easement over a 30 foot wide strip of land on the western boundary of Durham County parcel #102776, beginning 30 feet east of the southwest corner of said parcel and extending north approximately 99 feet until reaching the parcel's northern line bounded by an alley, then running west 30 feet along the northern boundary of the parcel, then running south approximately 99 feet along the parcel's western boundary line until reaching the southwest corner, and then running east along the southern border of the parcel back to the place of beginning, which strip totals approximately 1,134 square feet. For a more particular description, see Exhibit A.

TO HAVE AND TO HOLD all and singular the aforesaid air rights easement, Grantee, and his heirs, successors, and assigns forever, with the easement hereby granted and conveyed being appurtenant to and running with and benefitting the parcel immediately to the west of, and adjoining, parcel 102776, such adjacent parcel being owned by Empress Development LLC, and shall run with and burden parcel 102776, owned by the City.

The designation "Grantors" and "City" as used herein shall include said parties, their heirs, successors, and assigns. The plural in this deed shall include the singular unless the context otherwise requires. All books referred to are in the office of the Register of Deeds of Durham County, unless otherwise stated.

The City makes no warranty, express or implied, with respect to said property.

IN TESTIMONY WHEREOF, the City has caused this Deed of Air Rights Easement to be signed in its name by its City Manager, and attested by its _____ City Clerk and its corporate seal to be affixed, all by order of its City Council.

ATTEST:

CITY OF DURHAM

_____ City Clerk

By: _____
THOMAS J. BONFIELD, CITY MANAGER

NORTH CAROLINA - DURHAM COUNTY

I, a notary public in and for said county and state, certify that _____ personally appeared before me this day, and acknowledged that she is _____ City Clerk of the City of Durham, a municipal corporation, and that by authority duly given and as the act of the City, the foregoing Deed was signed in its corporate name by its City Manager, Thomas J. Bonfield, sealed with its corporate seal, and

attested by herself as its said City Clerk or Deputy City Clerk. This the _____ day of _____, 2014.

My commission expires:

Notary Public

EXHIBIT A

