STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS

Western Carolina Regional Sewer Authority, Respondent (Condemnor) v. Clinton Stables, Inc., Trustee for Alfred E. Burgess, Fannie I. Cromwell, J. Wesley Davis, D. I. Corporation, David L. Freeman, James C. Parham, James M. Shoemaker, Jr., and C. T. Wyche; and C & S National Bank, Appellant (Landowner)

EXHIBIT "B"

The right of way is to be acquired by Western Carolina Regional Sewer Authority, its successors and assigns, for the following purposes:

The right and privilege of entering the aforesaid strip of land and to construct, maintain and operate within the limits of same, a roadway for ingress and egress; to construct and maintain electrical lines, telephone lines, water lines, gas lines, sewer lines, together with any utility adjuncts deemed by Western Carolina Regional Sewer Authority to be necessary for the purpose of serving the sewer treatment plant site; to make such location or relocation of such lines either above or below ground and other such change, renewals, substitutions, replacements and additions of or to the same from time to time as said Western Carolina Regional Sewer Authority may deem desirable; to cut away and keep clear of said lines any and all vegetation that might, in the opinion of the Western Carolina Regional Sewer Authority endanger or injure the lines or their appurtenances, or interfere with their proper operation or maintenance; and to exercise the right of ingress and egress over and across said strip of land; to assign such right of way as required by any utility service agency or company; provided that the failure of the Western Carolina Regional Sewer Authority to exercise any of the rights herein taken shall not be construed as a waiver or abandonment of the right thereafter at any time and from time to time to exercise any or all of same.

The Landowner, nevertheless, may use such strip of land for access to his own property for his own benefit and for the use and benefit of its successors and assigns, so long as such use is not inconsistent with the use by Western Carolina Regional Sewer Authority.

The Contractor, upon reasonable and timely request by the Landowner to Western Carolina Regional Sewer Authority, will cut and stack such usable timber as is upon the right of way on the property line in usable lengths so the same may be removed by the Landowner. It shall be the responsibility of the Landowner to notify Western Carolina Regional Sewer Authority within reasonable time of his desire to have said timber.

The acquisition of this right of way is not a taking of the land in fee simple, but only for the purposes stated above.

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