

STATE OF NORTH CAROLINA

COUNTY OF Cherokee

IN THE MATTER OF THE APPLICATION
OF _____ TO THE APPLICATION
NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION PURSUANT TO
SECTION 35.18 of H1030.

TO: The Honorable Mr. J. Eric Boyette
Secretary, North Carolina Department of Transportation
1 South Wilmington Street
Raleigh, North Carolina 27601

NOW COMES _____ and petitions the Division of Railroads of the North Carolina Department of Transportation pursuant to Section 35.18 *et seq.* of Session Law 2016-94, House Bill 1030 entitled Lease and Conveyance of Murphy Branch Rail Line and alleges and says as follows:

1. That the North Carolina Department of Transportation is an agency of the State of North Carolina with its principle office in Raleigh, North Carolina; and that it possesses the powers, duties and authority vested in the Department by the General Assembly of North Carolina.

2. That _____ owns in fee simple a tract of real property which adjoins, or through which the right-of-way of the former Andrews to Murphy Branch rail line of the Great Smoky Mountain Railroad traverses, the said right-of-way running from approximately 400 feet west from the intersection of Whitaker Land (Railroad Milepost 100.1) in Andrews, North Carolina to the end of the rail line (Railroad Milepost T 114.2) in Murphy, North Carolina.

3. That the tract of real property owned by _____ adjoins the right-of-way of the former Andrews to Murphy Branch rail line of the Great Smoky Mountain Railroad are described as follows:

A tract of property containing _____ acres more or less, more particularly described in a deed recorded in Deed Book _____ at page _____ Cherokee County Registry.

4. That pursuant to Section 35.18(b) of House Bill 1030, the North Carolina Department of Transportation determines a portion of the rail corridor described in subsection (a) of House Bill 1030 and as described in paragraph 2 of this Application is not needed for future transportation or utility purposes, the Department of Transportation is authorized to convey to _____ the Department of Transportation's interest in the portion of rail corridor which adjoins or which traverses the tract of real property more particular described in paragraph 3.

5. That because the portion of the rail corridor described in subsection (a) of House Bill 1030 and as described in paragraph 2 of this Application is not needed for future transportation or utility purposes by the Department of Transportation, the Department of Transportation should convey

to _____, the Department of Transportation's interest in the portion of rail corridor which adjoins or which traverses the tract of real property more particular described in paragraph 3, except as may be needed to maintain the said rail corridor.

WHEREFORE, _____ respectfully applies to, and petitions, the North Carolina Department of Transportation, that the Department of Transportation convey to _____, the Department of Transportation's interest in the portion of rail corridor which adjoins or which traverses the tract of real property owned by _____, which is more particularly described in paragraph 3, except as may be needed to maintain the said rail corridor.

This the ____ day of _____, _____.

Signature of authorized representative