

DIOCESE OF NORTH CAROLINA

Checklist C

Easements and Rights of Way

(Updated through September 15, 2014)

To obtain the consent of the Standing Committee and the Ecclesiastical Authority for a grant of an easement or right of way appurtenant to Real Property, a Governing Body should provide the following documents to the President of the Standing Committee at least fourteen (14) days prior to the next regularly scheduled Standing Committee meeting:

- ___ Resolutions. A copy of resolutions of the Governing Body authorizing the easement or right of way. For sample resolutions, please refer to **Exhibit C-1**. The resolutions shall:
- (a) Identify the property;
 - (b) Set forth the proposed details of the easement or right of way
 - (c) State the consideration or lack of consideration to be paid and the Governing Body's opinion as to the adequacy thereof;
 - (c) State whether the Governing Body considers that the grant will enhance or injure the property;
 - (d) State the application or use to be made of any consideration to be paid for the grant; and
 - (e) State whether the grantee has the power of eminent domain.
- ___ Map. A map locating the right of way or easement on the property.
- ___ Grant Document. A copy of the proposed easement or right of way document.
- ___ Required Statement in Transaction Documents. If the Standing Committee consents to the transaction, every transaction document that is executed shall contain a recital that it is executed with the consent of the Bishop of North Carolina who has obtained the

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advice and consent of the Standing Committee of the Diocese. [Ref: Canons 23, § 2 (parishes); 10, § 2 (missions/Diocesan institutions).]

— Final Documents. Within thirty (30) days after a transaction has been completed, a full set of copies of the final executed legal documents shall be forwarded to the Diocesan House, office of the Bishop.