

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

A G R E E M E N T

THIS AGREEMENT, Made this 26th day of August, 1973, by and between W. S. Baird, W. Marvin Martin, Mrs. F. L. Baird, Jack Cook, and Willis N. Hanna, Trustees for CONCORD CEMETERY ASSOCIATION, an ~~un~~^{incorporated} association, parties of the first part, and DUKE POWER COMPANY, a North Carolina corporation, party of the second part;

W I T N E S S E T H :

THAT WHEREAS, W. S. Baird, W. Marvin Martin, Mrs. F. L. Baird, Jack Cook, and Willis N. Hanna are the duly elected and acting trustees for the CONCORD CEMETERY ASSOCIATION, an ~~un~~^{incorporated} association, and said trustees are the owners of the following described real estate:

ALL that certain piece, parcel or lot of land situated, lying and being in the State of South Carolina, County of York, more particularly described as follows:

BEGINNING at the northeasterly corner of the property of the parties of the first part and runs thence with the line of the Duke Power Company property the following courses and distances: S 4-00 E 459.0 ft.; S 21-56 W 301.0 ft.; S 75-50 E 65.0 ft.; S 8-52 W 167.0 ft.; N 65-23 W 297 ft.; N 3-06 W 96.8 ft.; N 82-04 W 95.7 ft.; N 3-40 E 255.7 ft.; N 5-38 E 121.7 ft.; N 51-10 E 493.0 ft. to the BEGINNING, containing 6.0 acres, as shown on print dated October 11, 1971, marked Catawba Dwp. No. 435, copy of which is attached hereto and made a part hereof.

AND WHEREAS, the property lies within the "exclusion area" (as that term is defined in Section 100.3 of the Rules and Regulations of the United States Atomic Energy Commission) for Duke Power Company's proposed Catawba Nuclear Station, and the parties hereto desire to make this Agreement concerning the use and occupancy thereof.

AND WHEREAS, by a resolution duly adopted at the regular annual meeting of the Association on the 26th day of August, 1973, the Association authorized and directed the trustees of the Association to execute and deliver this Agreement.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, receipt of which is hereby acknowledged, the parties of the first part agree with the party of the second part as hereinafter set out and have granted and by these presents do hereby grant and convey unto the party of the second part, the following rights and interests in the above described property, which rights and interests shall be deemed appurtenant to and to run with the land and shall be binding upon the parties of the first part, their successors and assigns, for so long as the party of the second part shall operate the said Catawba Nuclear Station for the generation of electric power or for a period of forty years from the date hereto, whichever is greater:

1. The property shall be used solely as a historical shrine and for the purpose of conducting memorial and burial services.

2. Notwithstanding the provisions of the immediately preceding paragraph, the use and occupancy of the property shall at all times be subject to (a) all provisions of the Atomic Energy Act of 1954, as amended and as may be further amended hereafter, (b) all Rules and Regulations of the Atomic Energy Commission or its successor which now or may hereafter pertain to the use and occupancy of land within an "exclusion area" for a nuclear electric generating plant, and (c) all conditions and requirements which may hereafter be imposed by the Atomic Energy Commission or its successor in any permit or license for the construction, operation or maintenance of the said Catawba Nuclear Station.

3. The party of the second part shall have (a) the right to evacuate the property of all persons at any time without any prior notice if in its opinion such evacuation is necessary or desirable in the interest of public health and safety, and (b) in the event such evacuation is deemed necessary or desirable, the right to exclude all persons from the property until such time as the party of the second part shall determine that such exclusion is no longer necessary or desirable in the interest of public health and safety.

The party of the second part hereby acknowledges that it has no rights in or to the property not herein expressly provided, it being the intent of this Agreement to give the party of the second part only such rights therein as

would enable it to construct and operate its Catawba Nuclear Station in accordance with applicable laws and regulations and to determine the nature and kind of activities to be conducted on the property, including exclusion or removal of persons and property, in the interest of public health and safety.

WITNESS our hands and seals this 26th day of August in the year of our Lord 1973 and in the 198th year of the Independence of the United States of America.

Signed, Sealed and Delivered in the Presence of:

Hancy H. Hanna
Arthur L. Montgomery
William L. Porter

W. S. Baird
W. Martin Martin
Wm F. L. Baird
Willis H. Hanna

TRUSTEES for CONCORD CEMETERY ASSOCIATION

Signed, Sealed and Delivered in the Presence of:

William L. Porter
Wendell R. Wilmott

DUKE POWER COMPANY

C. J. Black
Vice President
Attest:
Walter B. Thompson
Assistant Secretary

STATE OF ~~SOUTH~~ NORTH CAROLINA)
COUNTY OF ~~XXXX~~ MECKLENBURG)

PERSONALLY appeared before me William L. Porter and

made oath that he saw the within named W. S. Baird, W. Marvin Martin, Mrs. F. L. Baird, Jack Cook and Willis N. Hanna, Trustees for Concord Cemetery Association,

sign, seal and as their act and deed deliver the within written deed, and that he with Nancy W. Hanna and Arthur L. Montgomery witnessed the execution thereof.

SWORN to before me this 27th)
day of August, 1973)
XXXX)

Elizabeth A. Hammond)
Notary Public for)
North Carolina)

William L. Porter

My Commission Expires November 21, 1974

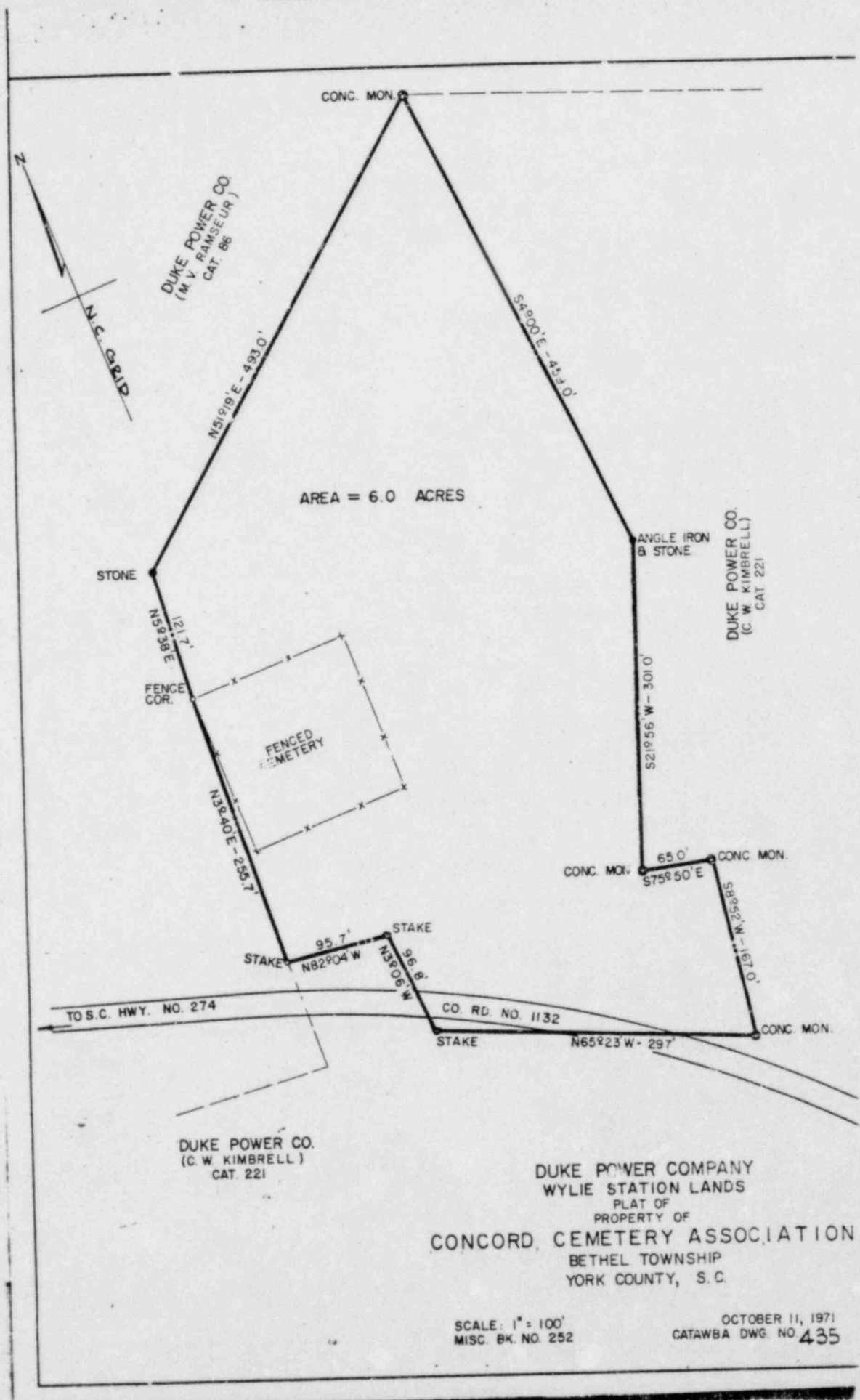
NORTH
STATE OF ~~NORTH~~ CAROLINA)
:
COUNTY OF MECKLENBURG)

PERSONALLY appeared before me William L. Porter,
and made oath that he saw the within named Duke Power Company
by C. J. Blades,
Vice President, and Dorothea B. Stroupe, Asst.
Secretary, sign, seal, and as its act and deed deliver the within written
instrument, and that he with Wendell R. Wilmoth witnessed
the execution thereof.

SWORN to before me this 27th)
day of August, 1973.)
Elizabeth A. Hammond)
Notary Public)

William L. Porter

My Commission Expires November 21, 1974.



AREA = 6.0 ACRES

DUKE POWER CO.
(M. V. RAMSEUR)
CAT. 88

DUKE POWER CO.
(C. W. KIMBRELL)
CAT. 221

DUKE POWER CO.
(C. W. KIMBRELL)
CAT. 221

DUKE POWER COMPANY
WYLIE STATION LANDS
PLAT OF
PROPERTY OF
CONCORD CEMETERY ASSOCIATION
BETHEL TOWNSHIP
YORK COUNTY, S.C.

SCALE: 1" = 100'
MISC. BK. NO. 252

OCTOBER 11, 1971
CATAWBA DWG. NO. 435

RESOLVED, that the following officers and trustees be elected for the Concord Cemetery Association and that said officers and trustees be authorized to enter into certain Agreements with Duke Power Company, copies of which are attached hereto and made a part of these Minutes:

President, W. S. Baird

Vice President, W. Marvin Martin

Secretary-Treasurer, Mrs. F. L. Baird

Trustee, Jack Cook

Trustee, Willis N. Hanna

I hereby certify that the foregoing is a true copy of the Minutes of Concord Cemetery Association dated Sunday, August 26, 1973.

Mrs F. L. Baird
Secretary-Treasurer
Concord Cemetery Association