

2009-19 Exhibit B

Prepared By: Karol P. Mack, Associate General Counsel, .Duke Energy Corporation

Mail To: Duke Energy Carolinas, LLC

Records Management ST30C

P.O. Box 1007

Charlotte, NC 28201

Site 001514

Land Unit 1173982

Project No. 001514-373055

Siren No. 35

STATE OF SOUTH CAROLINA )

:

EASEMENT AGREEMENT

COUNTY OF OCONEE )

THIS EASEMENT AGREEMENT, made this \_\_\_\_ day of \_\_\_\_\_ 2009, by and between OCONEE COUNTY, hereinafter referred to as "Grantor," and DUKE ENERGY CAROLINAS, LLC, a NC limited liability company, hereinafter referred to as "Grantee";

WITNESSETH:

That for and in consideration of the sum of Ten (\$10.00) Dollars, receipt whereof is hereby acknowledged, Grantor has this day bargained and sold and by these presents does hereby grant, bargain, sell and convey unto Grantee, the rights and easements specified herein across and upon the property of Grantor in Oconee County, South Carolina, conveyed to the Grantor by deed recorded in Book 15-0, Page 84, in the Office of the Clerk of Court for Oconee County (the "Property").

Grantor hereby grants to Grantee a perpetual easement across, under, upon and over the Property, at the Siren Easement Area, as defined below, to construct, maintain and operate a rotating siren rated at not more than 127 decibels, mounted upon a utility pole (such siren and pole installation being the "Siren"), and to construct, operate and maintain across, under, upon, and over the Siren Easement Area all equipment and utility connections required by Grantee for the operation thereof (such related equipment and connections collectively being the "Siren Equipment"). As used herein, the "Siren Easement Area" shall refer to those areas or parcels of land upon the Property containing 0.002 +/-acres, described as "Area Within Siren Easement = 100 SQ.FT. or 0.002 AC," and the "Siren Access Easement Area" shall refer to those areas or parcels of land upon the Property containing 0.112+/-acres, described as "Area within Access Easement = 4,882 SQ.FT. or 0.112 AC" all as shown on a plat of survey entitled "Easement to be Acquired from Oconee County Regional Airport," dated May 5, 2008, marked MAP: 001514-373093, attached hereto as Exhibit A and incorporated herein by reference. Grantee's rights hereunder shall include, but not be limited to, removing any and all trees and other vegetation from, and otherwise keeping clear, the circular area within a ten (10) foot radius from the Siren. Grantee shall be entitled at any time, and from time to time, to relocate the Siren to a location within ten (10) feet of the location agreed upon by the parties, as provided above.

Grantor hereby grants to Grantee a perpetual easement across and upon the Siren Access Easement Area for the purposes of vehicular and pedestrian access as required by Grantee, and to the extent necessary, in Grantee's reasonable opinion, for the inspection, maintenance and operation of the Siren and Siren Equipment.

Further, Grantor hereby grants to Grantee and to the United States Nuclear Regulatory Commission, the United States Department of Homeland Security, the Federal Emergency Management Agency, the South Carolina Department of Health and Environmental Control, and the Institute of Nuclear Power Operations a perpetual easement across and upon the Siren Easement Area and the Siren Access Easement Area for the purpose of testing or sounding, at any time and without notice, the Siren for evacuation drills and similar exercises or as required in the event of any emergency situation.

Grantor acknowledges that title to the Siren and to the Siren Equipment placed or installed upon the Siren Easement Area by Grantee shall at all times remain in Grantee.

TO HAVE AND TO HOLD the said easement unto the Grantee, the United States Nuclear Regulatory Commission, the United States Department of Homeland Security, the Federal Emergency Management Agency, the South Carolina Department of Health and Environmental Control, and the Institute of Nuclear Power Operations, and their successors and assigns, forever.

**IN WITNESS WHEREOF**, the said Grantor has caused this instrument to be executed by its duly authorized officials, on this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord two thousand nine and in the two hundred and thirty-third year of the Independence of the United States of America.

**GRANTOR:**

\_\_\_\_\_  
Witness

**Oconee County**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_  
as \_\_\_\_\_ for Oconee County.

My Commission Expires: \_\_\_\_\_ Notary Public