



# Setback and Easement Agreement

## Inspections Department

One Exchange Plaza Suite 404, Raleigh, NC 27601 phone 919-516-2495 fax 919-516-2685

I am aware that the proposed structure on this project is located at or very close to the required zoning setback and/or easement. The Permit Office has informed me that encroachments on the required setbacks/easements are unlawful. I understand that utmost caution must be taken by the contractor to ensure that the structure does not encroach on any setback or easement and that the structure otherwise complies with zoning ordinances. The contractor covenants and agrees to take extra precautions to ensure that no setbacks or easements are violated. The contractor agrees to remove any and all parts of the structure that violate setback or easement requirements and to bear all costs and expenses to bring the structure into compliance. The contractor acknowledges that the contractor is solely responsible for obtaining any information necessary to confirm setback and easement compliance, including surveys, if needed.

**If the contractor fails to remedy an unlawful encroachment, the owner understands and agrees that the owner is responsible to remove any and all parts of the structure that violates setback and easement requirements and to bear all costs and expenses to bring the structure into compliance.**

Contractor and owner understand and accept that the City Building Inspectors do not conduct surveys and that proper and reasonable inspections during construction WILL NOT determine whether a setback or easement violation exists on the project. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND THE OWNER ONLY TO ENSURE THAT NO SETBACK OR EASEMENT VIOLATION OCCURS. The building permit for the structure is conditioned on the terms set forth in this agreement. The parties understand that this agreement will be presented to the Board of Adjustment, if a variance is requested for a setback violation.

<b>Project Address</b>
<b>Print Names of Contractor and Owner</b>
<b>Contractor's Signature</b>
<b>Owner's Signature</b>

Contractor	Seal
I _____, a Notary Public, do hereby certify that _____ (contractor) personally appeared before me this day and acknowledged due execution of the foregoing document. Witness my hand and notary seal, this the _____ day of _____, 20____.  Notary Public _____ My commission expires _____	

Owner	Seal
I _____, a Notary Public, do hereby certify that _____ (owner) personally appeared before me this day and acknowledged due execution of the foregoing document. Witness my hand and notary seal, this the _____ day of _____, 20____.  Notary Public _____ My commission expires _____	