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Raleigh, North Carolina 27604
919.600.6270

StyersKemerait.com

June 21, 2010

Ms. Sally Kost
Mr. George Lucier
Mr. Allen Michael "Mike" Cross
Mr. Carl E. Thompson
Mr. Tom Vanderbeck
80-A East Street
Pittsboro, North Carolina 27312

**Re: Waiver Request Pursuant to Section 15 of the Chatham
County Compact Communities Ordinance**

Dear Board of Commissioners:

Our firm is representing The John R. McAdams Company, Inc. in this matter. On behalf of Newland Communities and The John R. McAdams Company, we are requesting that the Chatham County Board of Commissioners grant a waiver to Newland Communities for Phase 5, Section 1, of the Briar Chapel Compact Community pursuant to Section 15 of the Chatham County Compact Communities Ordinance. Specifically, we are requesting a waiver of Section 9 of the Compact Communities Ordinance that states that "[b]uildings and other features that require grading and construction shall be set back at least ten (10) feet from the edge of the buffer." A waiver of the "no build" area is necessary since Newland and The John R. McAdams Company recently discovered that large retaining walls (which in some locations are twenty feet in height) slightly encroach in two locations in the "no build" area outside the fifty-foot stream buffer. The two areas of encroachment are located in Phase 5, Section 1, of the Briar Chapel community which has already received final plat approval.

As background, the Briar Chapel Compact Community consists of 2,389 dwelling units on 1,589 acres, located off Highway 15-501 North and Mann's Chapel Road. The Briar Chapel Compact Community was approved by the Board of Commissioners on February 15, 2005. (A copy of "An Ordinance Amending the Zoning Ordinance of Chatham County" is attached hereto as Exhibit "A".) On January 19, 2010, the Board of Commissioners approved the subdivision final plat for "Briar Chapel, Phase 5, Section 1", which consists of 28 lots on 5.11 acres, located off Briar Chapel Parkway. (A copy of the approval of the final with the final plat for the 28 lots is attached hereto as Exhibit "B".)

In May 2010, several months after receiving final plat approval for Briar Chapel, Phase 5, Section 1, The John R. McAdams Company discovered that retaining walls in that area of the development slightly encroach in the "no build" area. The encroachment was due to an honest, but unfortunate, mistake in measurement by a contractor for The John R. McAdams Company. The mistake was first discovered when The John R. McAdams Company was obtaining measurements for a certification that the retaining walls in a different phase of the Briar Chapel development (Phase 5, Section 2) do not

M. Gray Styers, Jr.
Karen M. Kemerait
Charlotte A. Mitchell
Deborah K. Ross

encroach in the “no-build” area. While measuring for the certification for that phase of the development, The John R. McAdams Company also obtained measurements for Phase 5, Section 1, and discovered at that time that the retaining walls in Phase 5, Section 1, slightly encroach in the “no-build” area. It is important to note, however, that the retaining walls are well outside the fifty-foot stream buffer and do not encroach in the buffer. The Overall Wall Exhibit for Phase 5 South, Section 1, that is attached as Exhibit “C”, shows the two areas of encroachment. Specifically, Wall No. 1 encroaches in the “no build” area by 98 square feet, and Wall No. 2 encroaches by 82 square feet. Therefore, the two walls encroach a total of 180 square feet, while the overall area between the “no build” area and the walls consists of 979 square feet.

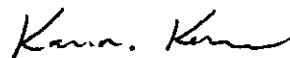
Specifically, Newland Communities and The John R. McAdams Company request a waiver for the encroachment of the retaining walls in the “no build” area. Waivers are expressly permitted pursuant to Section 15 of the Compact Communities Ordinance, and that provision provides:

With the approval of the Board of Commissioners, the requirements of this ordinance may be adjusted, modified, reduced or waived based upon the absence of any reasonable relationship or nexus between the impact of the compact community development and the inclusionary or other requirements set forth herein.

In accordance with Section 15, we are requesting that the Commissioners allow a waiver to the ordinance’s requirement that buildings that require grading and construction shall be outside the “no build” area. It would be exceedingly difficult and problematic to remove the walls that are encroaching and replace them outside the ten-foot “no build” area since they have already been constructed and are sizeable. Furthermore, we believe that there is a better and more environmentally sensitive solution to the mistake that would not require the destruction of the large walls.

Newland Communities and The John R. McAdams Company sincerely regret this mistake, and they intend to work with the County to find a way to mitigate or negate the effect of the encroachment. We request that this waiver request be heard by the Board of Commissioners at the next meeting on July 19.

Sincerely yours,



Karen M. Kemerait

Cc: Jason Sullivan

Enclosures

**A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL
USE PERMIT FOR A REQUEST BY MITCH BARRON ON BEHALF
OF NEWLAND COMMUNITIES FOR BRIAR CHAPEL
PLANNED RESIDENTIAL DEVELOPMENT**

WHEREAS, Mitch Barron on behalf of Newland Communities, has applied to Chatham County for a conditional use permit for a certain tract or parcel of land containing approximately 1,589 acres in the vicinity of US 15-501 N., Mann's Chapel Road and Andrews Store Road for use as a Planned Residential Development as indicated in the; and

WHEREAS, the Chatham County Board of Commissioners hereby finds as follows:

1. The uses requested are among those listed as eligible conditional uses in the district in which the subject property is located or is to be located.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare.
3. The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.
4. The requested permit is consistent with the objectives of the Land Development Plan and the Compact Community Ordinance.
5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CHATHAM COUNTY BOARD OF COMMISSIONERS as follows:

That a Conditional Use Permit be, and it hereby is, approved for the reasons hereinabove stated subject to the additional stipulations and conditions set forth hereinafter; and

BE IT RESOLVED FURTHER that the Chatham County Board of Commissioners hereby approves the application for the conditional use permit in accordance with the plan of Briar Chapel dated June 29, 2004 attached hereto and incorporated herein by reference with specific conditions as listed below:



Stipulations Specific to the Development

1. Construction Deadlines. This permit shall automatically expire on the second anniversary of its issuance unless (a) construction has commenced; or (b) a timely filed application for an extension of time has been approved by the County. This permit shall automatically expire on the fifteenth anniversary of its issuance unless the construction of all required improvements has been completed or extended by the County upon request prior to the expiration of the term.

2. Land Use Intensity. This special use permit approves:

Gross Land Area	1589 acres
Max Impervious surface area	24%
Maximum Number of Dwelling Units	2389

3. Watershed Management. A detailed watershed protection plan for the entire project area, which shall include impervious surface calculations, as well as a monitoring plan for each phase as it is submitted for plat approval, to assure compliance with the maximum impervious surface area allowed herein for the entire project, shall be approved by the Planning Department prior to issuance of a Zoning Determination Permit. Prior to issuance of a Certificate of Occupancy, the developer shall submit evidence satisfactory to the Planning Department of compliance with the approved plan.

4. Storm Water Management. A storm water management plan shall be approved by the Planning Department prior to issuance of a Zoning Determination Permit for each phase of the project. Such plan shall include final construction drawings for storm water management control measures and an impervious surface calculation sheet for that phase. The developer shall construct storm water management control measures sufficient to serve each phase of the project area prior To issuance of a Certificate of Occupancy.

5. Fire flow. A fire flow report indicating adequate design be approved by the Chatham County Fire Marshal and Planning Department prior to issuance of a Zoning Determination Permit. Adequate fire flow shall be demonstrated prior to issuance of a certificate of occupancy. Any final plan shall indicate adequate access for pumper trucks.

6. Lighting Plan Approval. All area lighting shall meet County standards and not adversely affect adjoining residential areas.

7. Utility and Access Easements. Easement documents as required by the County for any public utilities used or furnished to the project area shall be recorded prior to issuance of a Zoning Determination Permit.

8. Unity of Development. Prior to issuance of a Zoning Determination Permit, guidelines for the future development of the project as a unified whole shall be approved by the Planning Department. Such guidelines shall delineate architectural elements relating to building materials, roof treatments, and low impact from water runoff and water quality. More particularly, such guidelines shall specify the following at a minimum:

- (a) The dominant building material or combination of materials;
- (b) The means by which the materials or combination is dominant;
- (c) The dominant color or pattern of colors;
- (d) The means by which the colors or pattern of colors is dominant and the use of color on the facades of any structures;
- (e) If selected, the dominant architectural feature or combination of features;
- (f) Architectural features such as roof treatments including style, materials, and color, facade treatments including fenestration patterns and ornamentation; and building form including overhangs, canopies, protected exterior walkways, and entrance treatments; and to the extent practicable, such features shall be consistent with the existing businesses in the area.
- (g) Provisions for the guidelines to be made applicable and binding upon all development within the project including all outparcels.

Stipulations Regarding State and Federal Government Approvals

9. Permits. Any required State or Federal permits or encroachment agreements, including a commercial driveway permit(s) from NC DOT be obtained and copies submitted to the County prior to the issuance of a Zoning Determination Permit.

10. Improvements. Off-site improvements required by N.C. DOT or any other agency shall be constructed at no cost to the County including the traffic improvements as stated in the most recent TIA and others as ultimately deemed warranted by the NCDOT following its analysis. The County shall forward to NCDOT its peer review comments and request consideration thereof.

Stipulations Regarding Required Improvements

11. Parking and off-street loading areas. Parking and off-street loading areas shall be installed in accordance with the ordinances and policies of the County. Future submittals for preliminary subdivision plat approval will designate park-and-ride parking spaces (such as additional spaces in proposed parking lots above the minimum number required for retail or office uses) and transit stops, pedestrian and bicycle facilities, and traffic calming devices, as reasonable and necessary to accommodate then-existing multi-modal transit needs at those locations.

12. Streets. Roads will be stubbed-out and/or areas will remain underdeveloped as reasonably necessary to allow for future connections with currently undeveloped parcels, so long as such access takes into account physical features and other access points and are no more than necessary, and with the understanding that future connecting roads will be designed and constructed to approximately the same standards as the connecting roads in Briar Chapel. Where roads are constructed they will be built to required standards up to the perimeter buffer. The exact location of said roads may be determined during preliminary plat review. Signs shall be posted on the property advising of the future extension of said roads.

13. Utilities.

(a) The developer shall demonstrate availability of adequate water and wastewater supplies to serve the property and plans for provision of the same shall be approved by the Planning Department prior to issuance of a Zoning Determination Permit for each phase. Such plans shall be in conformity with any County policies then in effect and the developer shall pay all fees and charges associated with the project, including then current utility fees, review and inspection charges prior to issuance of a Zoning Determination Permit or final subdivision plat approval for each phase, whichever is earlier. The entire cost of extending public utility services if desired or required under County regulations shall be borne by the developer.

(b) Adequate water service may include the provision of an above-ground storage facility at a site satisfactory to the County if necessary to adequately provide fire flow pressures for the project and surrounding area.

(c) Adequate wastewater treatment service for the entire project area shall be designed and approved by the appropriate regulatory agency prior to issuance of a Zoning Determination Permit and constructed at no cost to the County. Adequate facilities for the spray irrigation of treated effluent from each phase of the project shall be designed, approved by the appropriate regulatory agency, and constructed at no cost to the County prior to issuance of a Certificate of Occupancy for any building within that phase of the project.

(i) Equipment such as pumps and blowers will be appropriately insulated or buffered to ensure that no motor noise from them will be noticeable on a typical day at the boundary of the wastewater plant lot.

(ii) A water circulation or aeration system and/or a surface-floating intake will be installed in the 110-day holding ponds.

14. Public Facilities.

(a) A fire station/EMC building site will be donated to Chatham County, but re-located and oriented to the entrance road to Briar Chapel, and a natural buffer will be undisturbed along the south side of Mann's Chapel Road at that location.

(b) The applicant shall donate suitable sites for a water storage facility, library, charter and public schools, recreation facility acceptable to the County or the public body intended to benefit thereby, not substantially inconsistent with the approximate location and size as set forth in the master plan attached to the conditional use permit application and below. The applicant will cooperate with the County in the exact location and area of said facilities. Future maintenance of any public recreation facility shall be acceptable to the County. The school site shall be sufficient for an elementary or middle school facility up to 34 acres in area. The library facility, including parking and site work, shall be constructed by the developer, with input from the County, subject to satisfactory leaseback arrangements with the County or its assignee.

Stipulations Related to Landscape Elements

15. Landscaping/Screening. All required screening and buffers shall be in place prior to issuance of a certificate of occupancy. Existing vegetation may be used to fully or partial fulfill the landscaping and buffer requirements of the County. The extent to which the same can be used shall be determined by the Planning Department prior to issuance of the Zoning Determination certificate.

(a) At the time of construction of the road entering Briar Chapel next to the Tripp property, a six-foot opaque fence shall be erected along the east side of Ms. Tripp's property, consistent with NCDOT regulations, and landscaped on the side facing Ms. Tripp's property to the extent allowed by Ms. Tripp and landscaped with 6-8 foot tall trees on the east side of the fence. To the extent practicable, the developer shall meet and consult with Ms. Tripp to try to resolve any issues relating to the exact location and timing of the road in light of the stream buffer requirements and design criteria of the Compact Community ordinance as well as the requirements of NCDOT.

(b) There shall be constructed a pedestrian bridge and trail over Pokeberry Creek to connect Briar Chapel to Polks Landing Subdivision.

Miscellaneous Stipulations

16. Archaeological Survey. A preliminary field reconnaissance archaeological survey to determine the existence or absence of any site of likely archaeological significance will be performed by a professional archaeologist (as listed on the NC Dept. of Cultural Resources website). The reconnaissance survey shall be performed in areas of ground disturbance which would adversely impact potential sites, such as areas of future roadways, active recreation areas to be graded, and lots to be developed (i.e. not including buffers, open space or irrigation areas). Areas determined by the NC Department of Cultural Resources, Archaeology/Historic Preservation Section as a low probability of likely significant sites are not required to be surveyed. Any site identified with likely archaeological significance shall have an intensive survey to determine significance. If a site is determined as a candidate for nomination to the "National Register of Historic Places" it shall be preserved or documented prior to being disturbed. The field reconnaissance survey shall be performed prior to preliminary plat submission. Any recommended intensive survey shall be performed prior to ground disturbing activity in the area of concern. The surveys shall be performed at Newland's expense.

17. Solid Waste Management Plan. A detailed solid waste management plan, including residential curbside recycling and solid waste pick-up, management for construction debris, and non-residential solid waste removal by a licensed contract removal company, shall be approved by the Planning Department prior to the issuance of a Zoning Determination Permit. The final plans shall include a detail of proposed service. Solid waste services shall be at least comparable to County-provided services, or make arrangements for differences in services.,

18. Detailed Site Plan. A final detailed site plan, grading plan, utility/lighting plans, storm water management plan with hydraulic calculations, moderately priced dwelling plan and landscape plan for the entire project area as a unified development shall be approved by the Planning Department before the issuance of any Zoning Determination Permit and such plans shall conform to the plans approved in the application and demonstrate compliance with all applicable conditions hereof and of the County's ordinances. Non-residential subdivision of the project area shall also require the developer to comply with the site plan requirements of the County's subdivision regulations, including approval thereof by the Board of Commissioners. Such subdivision review may allow modification of the master site plan approved hereunder so long as not substantially inconsistent with this permit.

19. Stages. If desired, the applicant may construct the project in stages or phases. Each such stage shall be subject to approval by the County pursuant to its subdivision regulations. No final plat of a stage or phase of the development shall be approved if there is any uncorrected violation of any provision of this permit. Upon subdivision review of each phase, the applicable Recreation and Open Space, Community Facilities, Community Design, including housing, standards of the Compact Community Ordinance provisions shall be satisfied. Such subdivision review may allow mutually agreeable modification of the standards referred to therein so long as not

substantially inconsistent therewith. For each phase, a "Zoning Determination Permit," as used elsewhere in this resolution, shall be issued by the Planning Department on a phase-by-phase basis, prior to the issuance of any building permit for structures in that phase.

20. Moderate Income Housing. With the consent of the Applicant, and as an approximately equivalent alternative to and in lieu of the housing standards for Moderate Income persons set forth in Option A of the Compact Community Ordinance, the developer shall contribute 2.5% of the approved lots in the overall development, or each phase if developed in stages, for ultimate sale as directed by the County to persons or families whose income is 80% or less of the Area Median Family Income standard by family size and shall contribute \$1,100,000.00 to the County for the purpose of ameliorating the housing needs of Chatham County citizens. Said contribution shall be payable to Chatham County on a prorated basis upon final subdivision plat approval of each phase of the development. Such contribution represents the approximate value of 2.5% of the approved lots in said overall development or phase thereof as applicable.

21. Environment. The lots on Bennett Mountain shall be relocated to lessen the impact of the development on the primary and secondary environmental areas as described in the Natural Areas Inventory. The Bennett Mountain area will be one of the last areas for line installation and spray irrigation. If future regulatory changes, and/or approved system flow reductions, will ultimately result in this area not being needed for irrigation, lines will not be installed in this area unless otherwise required by the State. Before any lines are installed in the Bennett Mountain area, Newland will seek further flow reduction approval or other necessary state permission under the then existing applicable regulations so as not to be required to install irrigation lines in this area in order to comply with permit requirements and the then existing applicable regulations.

22. Erosion Control. If applicable, an erosion and sedimentation control plan be approved by the North Carolina Department of Environmental Health and Natural Resources or other authorized governmental entity and submitted to the Planning Department prior to the issuance of a Zoning Determination Permit.

23. Silt Control. The applicant shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.

24. Appeal. In the event it becomes necessary for the County to respond to or defend any action, cause of action, claim, or appeal involving this resolution or the decision taken herein, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all actions, causes of action, claims, demands, damages, costs, loss, expenses, and compensation, either known and unknown, resulting to or from this decision.

25. Fees. Applicant shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, building inspection, recreation and impact fees established from time to time. In addition to any fees or charges otherwise required by the County, the applicant shall pay or cause to be paid to the County as a voluntary contribution the sum of \$2,000.00 per dwelling unit upon the sale of each lot or unit.

26. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.

27. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.

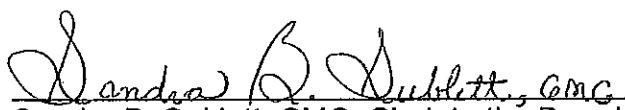
28. Non-Waiver. Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

BE IT FURTHER RESOLVED that the Board of Commissioners of the County of Chatham hereby approves the application for a conditional use permit in accordance with the plans and conditions listed above.

Adopted this the 15th day of February, 2005, and signed the 21st day of March, 2005.


Bunkey Morgan, Chairman

ATTEST:


Sandra B. Sublett, CMC, Clerk to the Board
Chatham County Board of Commissioners

Planning Division
Sustainable Communities
Development Department
Post Office Box 54
80-A East Street - Duniap Building
Pittsboro, NC 27312-0054



Phone: 919-542-8204
Fax: 919-542-2698
www.chathamnc.org/planning

January 20, 2010

Bill Mumford, Sr. Project Manager
NNP Briar Chapel LLC
16 Windy Knoll Circle
Chapel Hill, NC 27516

Dear Mr. Mumford:

During their meeting January 19, 2010, the Chatham County Board of Commissioners considered your request as described below:

Request by Bill Mumford, Sr., Project Manager on behalf of NNP Briar Chapel, LLC for subdivision final plat approval of "Briar Chapel, Phase 5, Section 1", consisting of 28 lots on 5.11 acres located off Briar Chapel Parkway, Baldwin Township.

After considering your written request and recommendations of the County Planning Department and Planning Board, the Board of Commissioners granted approval of the request as submitted with the following three (3) conditions:

1. The plat not be recorded until the county attorney has approved the form and amount of the financial guarantee.
2. The plat not be recorded until the roadways, Serenity Hill Circle and Hill Creek Boulevard, have sufficient gravel for emergency vehicle access in order for the public health and safety to be protected.
3. The plat shall not be recorded until either sufficient spray irrigation field capacity has been installed to accommodate the current total number of approved lots, including Phase 5, Section 1, the county school site within Briar Chapel and Woods Charter School or a financial guarantee for the installation has been submitted and approved by the county attorney.

Minutes of the meeting are available from Ms. Sandra Sublett, Clerk to the Board of County Commissioners, at 542-8200. If you have any questions about the Board's action or would like to discuss uses of your land, please call our office at 542-8204.

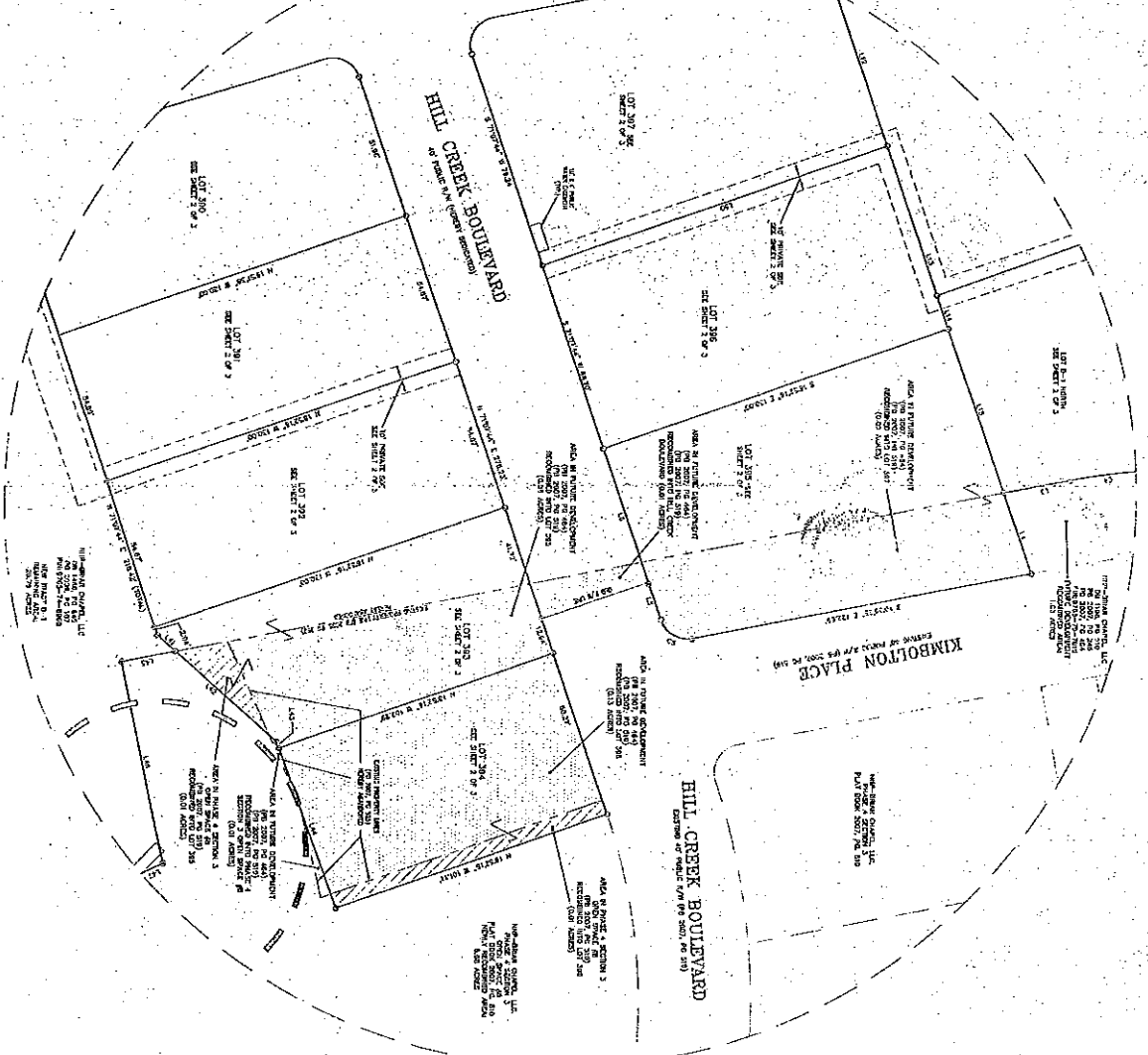
Sincerely yours,

Lynn W. Richardson
Lynn W. Richardson
Subdivision Administrator

LWR/ke



LOT NO.	ACRES	OWNER
1	1.15	THE JOHN R. McADAMS COMPANY, INC.
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GENERAL NOTES

1. SEE SHEET 1 OF 2 FOR GENERAL NOTES.

2. SEE SHEET 2 OF 2 FOR LINE AND CURVE DATA TABLES.

THE JOHN R. McADAMS COMPANY, INC.
 ENGINEERS • PLANNERS • SURVEYORS • ENVIRONMENTAL

RESURVEYED PLAT - CHALLOTTES - WILMINGTON
 2025 Monday Parkway, Suite 102 27111
 800-731-5414 • www.jrmccompany.com • License No. C-4553

DATE: 07/13/2010
 DRAWN BY: JRM
 CHECKED BY: JRM
 APPROVED BY: JRM

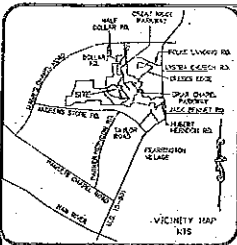
LEGEND

- PROPERTY LINE
- EASEMENT
- ENCROACHMENT
- RIGHT-OF-WAY DEDICATION
- AREA TO BE REMOVED
- AREA IN FUTURE DEVELOPMENT
- LAND AREA

GRAPHIC SCALE
 1" = 100' ±

2010-97

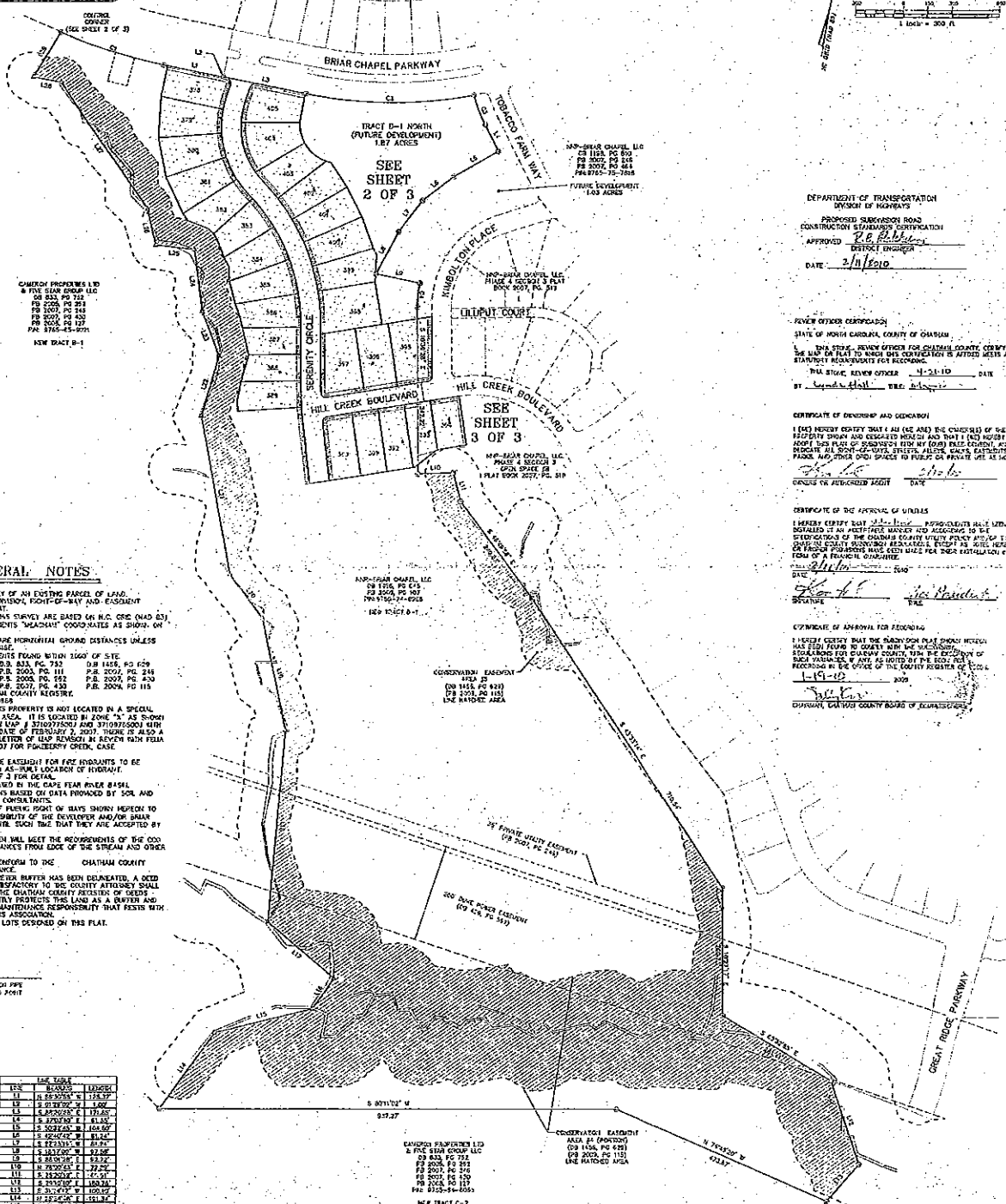
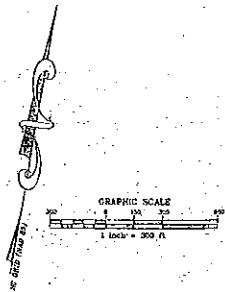
<p>THE JOHN R. McADAMS COMPANY, INC. ENGINEERS • PLANNERS • SURVEYORS • ENVIRONMENTAL</p>	<p>BRIAR CHAPEL PHASE 5 SOUTH, SECTION 1 SUBDIVISION, EASEMENT DEDICATION & RIGHT-OF-WAY DEDICATION PLAT</p>	<p>OWNER: BRIAR CHAPEL NNP - BRIAR CHAPEL, L.L.C. 14 WINDY HOLLOW CIRCLE CHAPEL HILL, NORTH CAROLINA 27616</p>	<p>REVISIONS:</p> <table border="1"> <tr><td>NO.</td><td>DATE</td><td>DESCRIPTION</td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	NO.	DATE	DESCRIPTION									
	NO.	DATE	DESCRIPTION												
<p>PROJECT NO.: NNC-00000001 DRAWING NO.: 10-00000001 DATE: 12/07/2010 SHEET NO.: 93</p>	<p>BALDWIN TOWNSHIP, CHATHAM COUNTY, NORTH CAROLINA</p>	<p>DATE: 07/13/2010 DRAWN BY: JRM CHECKED BY: JRM APPROVED BY: JRM</p>	<p>DATE: 07/13/2010 DRAWN BY: JRM CHECKED BY: JRM APPROVED BY: JRM</p>												



I, JOHN R. McADAMS, CERTIFY THAT THIS PLAN WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM DATA PROVIDED FOR RECORD BY JOHN AND PAUL... (SEE NOTES) THAT THE DIMENSIONS AND LOCATIONS ARE CORRECTLY PLACED AND PLANNED FROM INFORMATION RECEIVED BY ME AND FROM... (SEE NOTES) THAT THE RANGE OF FREQUENCIES AS CALCULATED IS REASONABLE AND THAT THIS PLAN WAS FORWARDED BY ACCORDANCE WITH G.S. 17-22 AND APPROVED BY THE ORIGINAL SURVEYOR, TERENCE HARRIS, AND SEAL 045

DATE OF SURVEY: 11/11/2010
 JOHN R. McADAMS, PLS. L-13371

I HEREBY CERTIFY THAT THIS PLAN IS OF THE FOLLOWING TYPE: A.S. 17-22 (C) (1) (A) THIS SURVEY CREATES SUBDIVISION OF LAND WITHIN A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
 JOHN R. McADAMS, PLS. L-13371



GENERAL NOTES

- THIS IS A SURVEY OF AN EXISTING PARCEL OF LAND... THIS IS A SUBDIVISION, EASEMENT, WAY AND EASEMENT... (SEE NOTES) THAT THE DIMENSIONS AND LOCATIONS ARE CORRECTLY PLACED AND PLANNED FROM INFORMATION RECEIVED BY ME AND FROM... (SEE NOTES) THAT THE RANGE OF FREQUENCIES AS CALCULATED IS REASONABLE AND THAT THIS PLAN WAS FORWARDED BY ACCORDANCE WITH G.S. 17-22 AND APPROVED BY THE ORIGINAL SURVEYOR, TERENCE HARRIS, AND SEAL 045
- REQUIREMENTS FOR THIS SURVEY ARE BASED ON N.C. CODE (G.S.) 17-22, UNLESS INDICATED OTHERWISE. COORDINATES AS SHOWN ON SHEET 2 OF 3.
- ALL DISTANCES ARE HORIZONTAL UNLESS OTHERWISE NOTED.
- NO CURB OR SIDEWALKS SHOWN WITHIN 10 FEET OF SITE.
- REFERENCES: D.S. 833, PG. 732; D.S. 1416, PG. 629; P.R. 2004, PG. 111; P.R. 2007, PG. 249; P.R. 2004, PG. 152; P.R. 2004, PG. 420; P.R. 2007, PG. 430; P.R. 2004, PG. 115; P.R. 9745-74-3168.
- FLOOD HAZARD: THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA. IT IS LOCATED IN ZONE "A" AS SHOWN ON FEMA FIRM MAP # 17007R0010 AND 17007R0010 WITH AN EFFECTIVE DATE OF FEBRUARY 2, 2007. THERE IS ALSO A CONDITIONAL LETTER OF MAP REVISION IN REVIEW WITH FEMA AS OF 4-1-2007 FOR FLOODWAY CREEK, CASE #07-01-3168.
- PUBLIC WATERLINE EASEMENT FOR FIRE INSURANTS TO BE CONTAINED WITHIN AS-SHOWN LOCATION OF HYDRANT. (SEE SHEET 2 OF 3 FOR DETAIL).
- PROJECT IS LOCATED IN THE CREEK PEAR RIVER BASIN.
- STREAM LOCATIONS BASED ON DATA PROVIDED BY SOE AND ENVIRONMENTAL CONSULTANTS.
- MAINTENANCE OF PUBLIC POINT OF ENTRY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER AND/OR BRIAR CHAPEL HOA (AFTER SUCH TIME THAT THEY ARE ACCEPTED BY HOA).
- THE TRAIL SYSTEM SHALL MEET THE REQUIREMENTS OF THE OOS REGARDING DISTANCES FROM EDGE OF THE STREAM AND OTHER REQUIREMENTS.
- LOWING SHALL CONFORM TO THE CHATHAM COUNTY LOWING ORDINANCE.
- ONCE THE PROPOSED BARRIER HAS BEEN SEPARATED, A SUDS REPORTING SYSTEM TO THE COUNTY ATTORNEY SHALL BE FILED WITH THE CHATHAM COUNTY ATTORNEY OF RECORDS THAT PERMANENTLY PROTECTS THIS LAND AS A BARRIER AND COORDINATES THE MAINTENANCE RESPONSIBILITY THAT EXISTS WITH THE HOMEOWNERS ASSOCIATION.
- NO AFFORDABLE LOTS DESIGNED ON THIS PLAN.

LEGEND

- EXISTING FOOT PRINT
- CALCULATED POINT

LINE NUMBER	BEARING	DISTANCE
1	N 89°12'12" E	137.87
2	S 89°12'12" W	137.87
3	S 89°12'12" W	137.87
4	S 89°12'12" W	137.87
5	S 89°12'12" W	137.87
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CURVE	BEARING	LENGTH	CHORD BEARING	CHORD DISTANCE	PI TO TANGENT
1	N 89°12'12" E	137.87	S 89°12'12" W	137.87	137.87
2	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87
3	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87
4	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87
5	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87
6	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87
7	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87
8	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87
9	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87
10	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87
11	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87
12	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87
13	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87
14	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87
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17	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87
18	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87
19	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87
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21	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87
22	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87
23	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87
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47	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87
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49	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87
50	S 89°12'12" W	137.87	N 89°12'12" E	137.87	137.87

DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 PROJECT: SUBDIVISION ROAD
 CONSTRUCTION SEVERANCE CERTIFICATION
 APPROVED: [Signature]
 DISTRICT ENGINEER
 DATE: 2/11/2010

REVIEW OFFICER CERTIFICATION
 STATE OF NORTH CAROLINA, COUNTY OF CHATHAM
 I, [Signature], REVIEW OFFICER FOR CHATHAM COUNTY, CERTIFY THAT THE MAP OR PLAN TO WHICH THIS CERTIFICATION IS ATTACHED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
 THIS STATE REVIEW OFFICER: 4-21-10 DATE
 BY: [Signature] TITLE: [Title]

CERTIFICATE OF OWNERSHIP AND RECORDING
 I HEREBY CERTIFY THAT I AM (THE AND) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (AND MYSELF) HAVE ADOPTED THIS PLAN OF SUBDIVISION FROM MY (OUR) FREE CONSENT AND UNDER THE SIGNATURE OF ALL INTERESTED PARTIES. ALL EASEMENTS, RIGHTS, RIGHTS OF WAY, RIGHTS OF FIRST REFUSAL, AND OTHER SUCH RIGHTS TO WHICH THIS PLAN IS SUBJECT, ARE SHOWN ON THIS PLAN AND APPROVED AS SHOWN.
 [Signature] DATE: 2/11/2010
 OWNER(S) OR AUTHORIZED AGENT

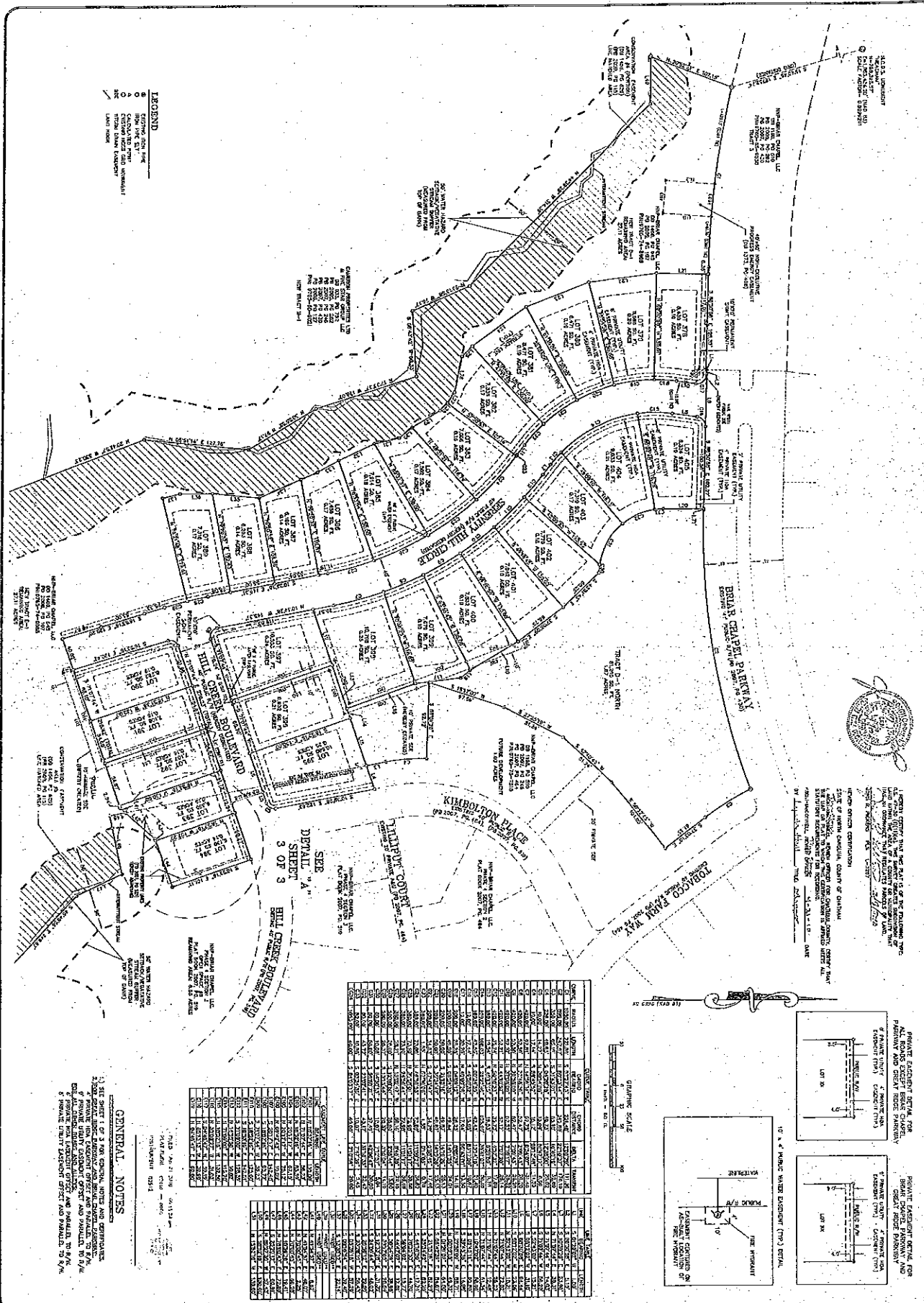
CERTIFICATE OF THE APPROVAL OF UTILITIES
 I HEREBY CERTIFY THAT [Signature] REPRESENTS ALL UTILITIES INSTALLED AT AN INTERFERED UNDER AND ACCORDING TO THE SPECIFICATIONS OF THE CHATHAM COUNTY UTILITY DEPT. AND OF THE CHATHAM COUNTY BOARD OF UTILITIES. THAT THE SPECIFICATIONS OR ENGINE DRAWINGS WERE KEPT ON FILE FOR THEIR INSTALLATION IN THE FORM OF A RECORD COPY.
 [Signature] DATE: 2/11/2010
 UTILITIES REPRESENTATIVE

CERTIFICATE OF APPROVAL FOR RECORDING
 I HEREBY CERTIFY THAT THE SUBDIVISION PLAN SHOWS NECESSARY RECORDING FOR CHATHAM COUNTY, WITH THE EXCEPT OF SUCH VARIANCES, IF ANY, AS NOTED BY THE DEPT. OF RECORDING IN THE OFFICE OF THE COUNTY RECORDER OF DEEDS.
 [Signature] DATE: 1-19-10
 CHATHAM COUNTY BOARD OF SUPERVISORS

SITE DATA

TOTAL NUMBER OF LOTS: 58	
LOT AREA: 322,475 SF / 7.31 AC	
AREA IN FUTURE DEVELOPMENT: 41,395 SF / 0.94 AC	
TRACT D-1 (EQUATED): 1,819,945 SF / 41.61 AC	
AREA IN PUBLIC PARK: 42,335 SF / 0.96 AC	
TOTAL AREA IN PHASE 5 (SOUTH): 1,824,430 SF / 41.59 AC	
SECTION 5	
IDEAL FEET OF BUFFER FROM: 144 FT	
PROPOSED BUFFER SURFACE FOR: 144 FT, 144 AC	
NO AFFORDABLE LOTS DESIGNED BY THIS PLAN	

<p>BRIAR CHAPEL PHASE 5 SOUTH, SECTION 1 SUBDIVISION, EASEMENT DEDICATION & RIGHT-OF-WAY DEDICATION PLAN</p> <p>BALDWIN TOWNSHIP, CHATHAM COUNTY, NORTH CAROLINA</p>	<p>OWNER: BRIAR CHAPEL Medical Properties NNP-BRIAR CHAPEL, L.L.C. 16 WINDY KNOLL CIRCLE CHAPEL HILL, NORTH CAROLINA 27516</p>	<p>REVISIONS: 1. 2/11/2010 DRAWN TO COMPLETE</p>	<p>THE JOHN R. McADAMS COMPANY, INC. ENGINEERS • PLANNERS • SURVEYORS • ENVIRONMENTAL 2955 WINDY PARK DRIVE • CHARLOTTE • NORTH CAROLINA 28218 704-533-8214 • www.jrmcadams.com • License # 341-0-0391</p>
	<p>STANDARD PLAN NO. 1-3</p>	<p>DATE: 2/11/2010</p>	<p>SCALE: 1" = 100'</p>



LEGEND

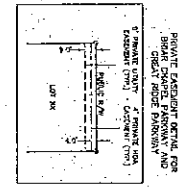
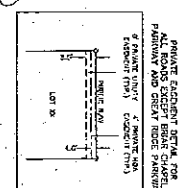
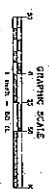
- EXISTING ROAD LINE
- NEW ROAD LINE
- EXISTING LOT BOUNDARY
- EXISTING RIGHT-OF-WAY BOUNDARY
- NEW LOT BOUNDARY
- NEW RIGHT-OF-WAY BOUNDARY



I HEREBY CERTIFY THAT THE PART OF THE PLANNING AND ENGINEERING WORK SHOWN ON THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF NORTH CAROLINA. My License No. 12345.

SEE SHEET 3 OF 3
DETAIL "A"

LOT NO.	AREA (SQ. FT.)	AREA (AC.)	OWNER
1	10,000	0.23	...
2	10,000	0.23	...
3	10,000	0.23	...
4	10,000	0.23	...
5	10,000	0.23	...
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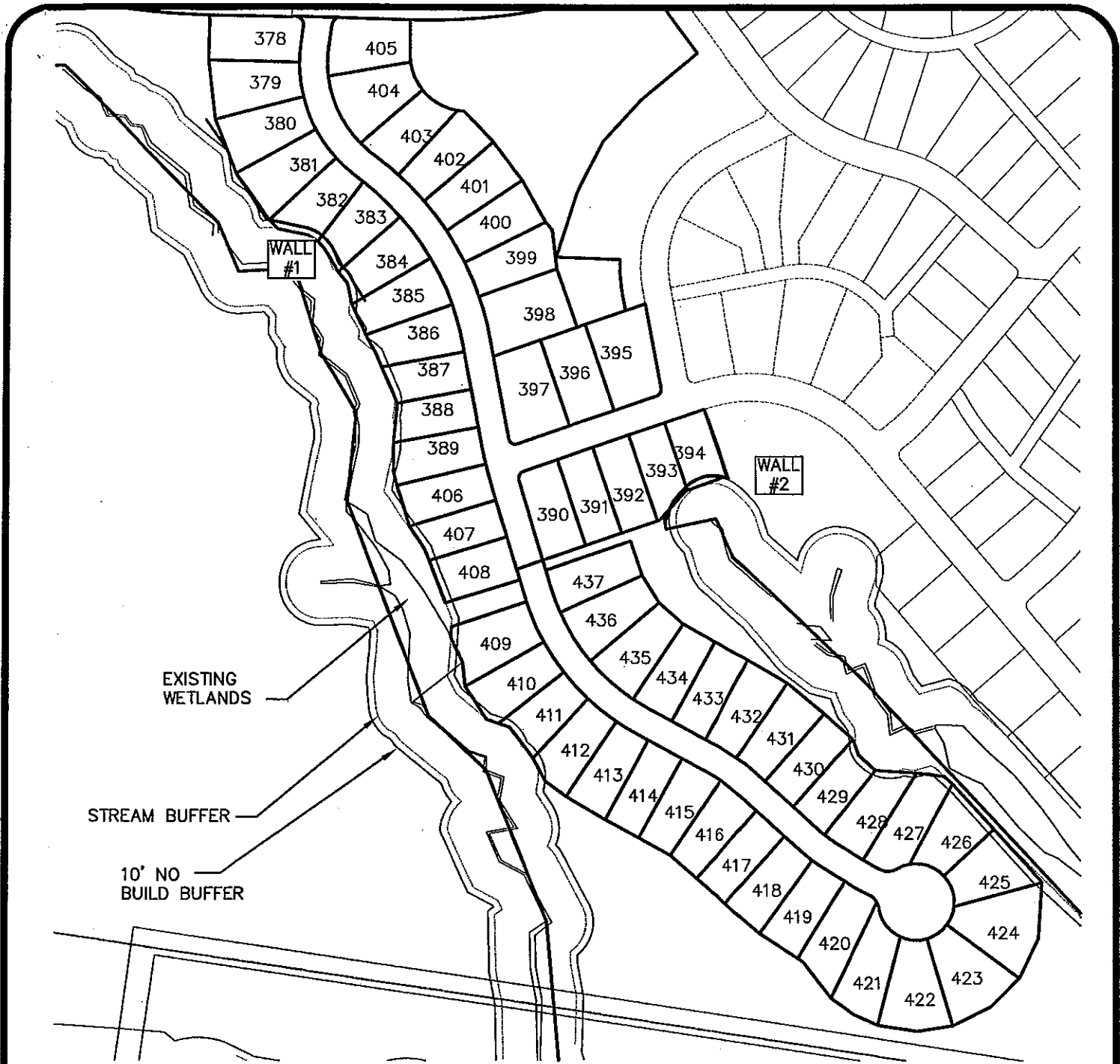


GENERAL NOTES

- SEE SHEET 1 OF 3 FOR GENERAL NOTES AND DIMENSIONS.
- OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM LOCAL, STATE AND FEDERAL AGENCIES.
- OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS FROM ADJACENT PROPERTY OWNERS.
- OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RIGHTS-OF-WAY FROM ADJACENT PROPERTY OWNERS.
- OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES FROM ADJACENT PROPERTY OWNERS.
- OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS FROM ADJACENT PROPERTY OWNERS.
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- OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS FROM ADJACENT PROPERTY OWNERS.

2010-96

<p>THE JOHN R. McADAMS COMPANY, INC. ENGINEERS - PLANNERS - SURVEYORS - ENVIRONMENTAL 2900 Yorkville Parkway, Durham, NC 27713 919-753-5655 • www.johnr-mcAdams.com • License No. C-655</p>	<p>BRIAR CHAPEL PHASE 5 SOUTH, SECTION 1 SUBDIVISION, EASEMENT DEDICATION & RIGHT-OF-WAY DEDICATION PLAT</p>	<p>OWNER: BRIAR CHAPEL Newland Developer NNP-BRIAR CHAPEL, L.L.C. RUBY HOLLOW CIRCLE CHAPEL HILL, NORTH CAROLINA 27516</p>	<p>REVISIONS:</p> <table border="1"> <tr><td>NO. 1</td><td>DATE</td><td>DESCRIPTION</td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	NO. 1	DATE	DESCRIPTION									
	NO. 1	DATE	DESCRIPTION												
<p>DATE: 06/27/2010 09:11:34 DRAWN BY: JRM CHECKED BY: JRM SCALE: AS SHOWN</p>	<p>DATE: 06/27/2010 09:11:34 DRAWN BY: JRM CHECKED BY: JRM SCALE: AS SHOWN</p>	<p>DATE: 06/27/2010 09:11:34 DRAWN BY: JRM CHECKED BY: JRM SCALE: AS SHOWN</p>	<p>DATE: 06/27/2010 09:11:34 DRAWN BY: JRM CHECKED BY: JRM SCALE: AS SHOWN</p>												



EXISTING WETLANDS

STREAM BUFFER

10' NO BUILD BUFFER

<u>WALL NUMBER</u>	<u>AREA OF ENCROACHMENT</u>	<u>AREA BETWEEN 10' NO BUILD AND WALL</u>
WALL #1	98 SF.	885 SF.
WALL #2	82 SF.	94 SF.
TOTAL	180 SF.	979 SF.

McADAMS
 PROJECT NO. NEW-09007
 FILENAME: RETWALL.DWG
 SCALE: 1"=20'
 DATE: 05-17-2010

**BRIAR CHAPEL
 PHASE 5 SOUTH SECTION 1
 OVERALL WALL EXHIBIT**

**THE JOHN R. McADAMS
 COMPANY, INC.**
 ENGINEERS • PLANNERS • SURVEYORS • ENVIRONMENTAL
 RESEARCH TRIANGLE PARK
 2006 Meridian Pk
 919-733-5544 • www.johnr.com

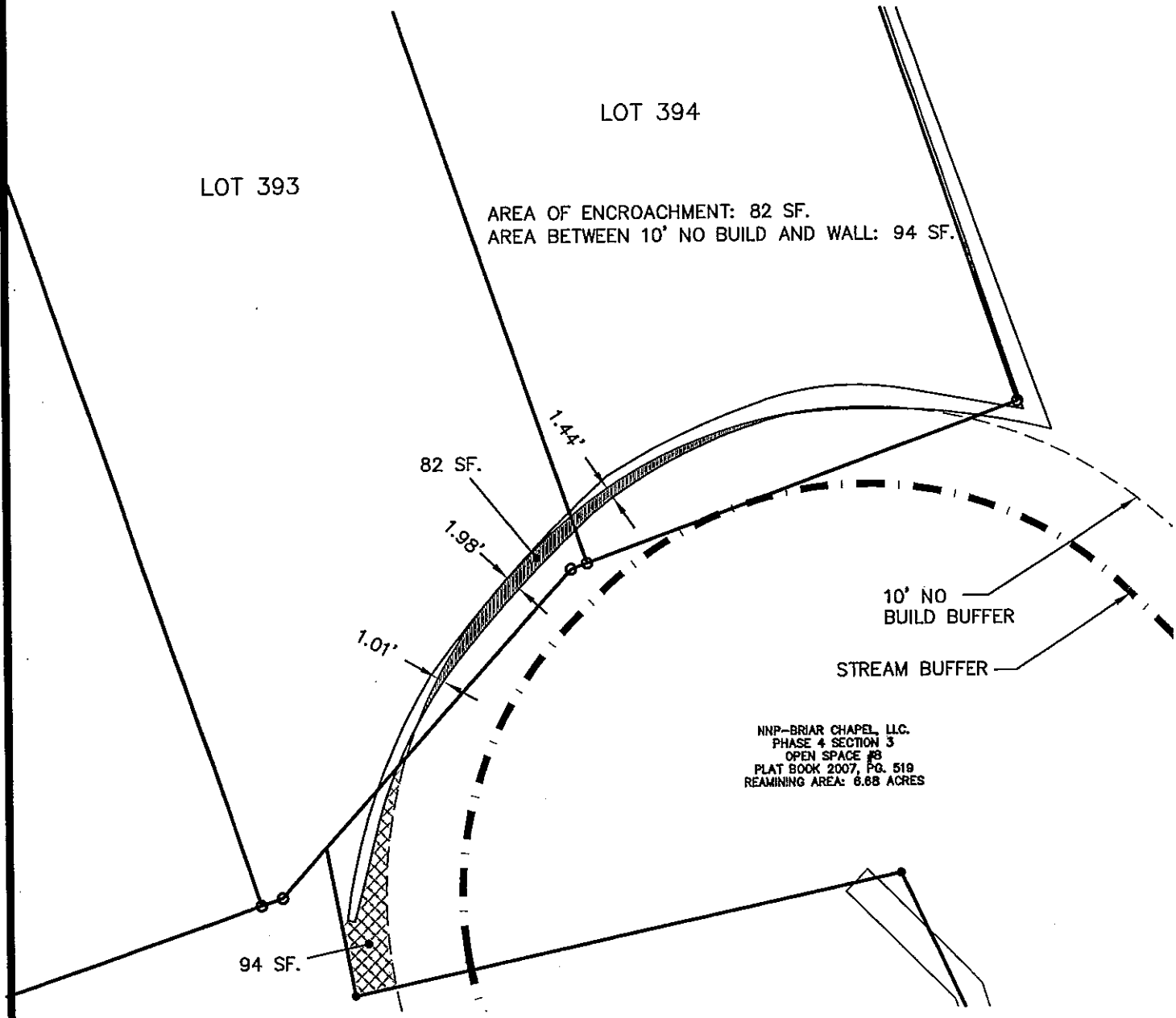
EXHIBIT
C



AREA BETWEEN WALL AND 10' NO BUILD BUFFER



AREA OF ENCROACHMENT



NNP-BRIAR CHAPEL, LLC.
 PHASE 4 SECTION 3
 OPEN SPACE #8
 PLAT BOOK 2007, PG. 519
 REMAINING AREA: 6.68 ACRES

McADAMS

PROJECT NO. NEW-09007
 FILENAME: RETWALL.DWG
 SCALE: 1"=20'
 DATE: 05-17-2010

BRIAR CHAPEL
PHASE 5 SOUTH SECTION 1
WALL #2 EXHIBIT



THE JOHN R. McADAMS
COMPANY, INC.

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