

US STEEL – TRACT NO. 2177
CONSERVATION SUBDIVISION
FIRST PLAT APPLICATION



Chatham County Planning Department
80-A East Street
P.O. Box 54, Pittsboro, NC 27312-0054
Phone: 919-542-8204

First Plat Review Fee: \$250.00 + \$50.00 per Lot

MAJOR SUBDIVISION - FIRST PLAT REVIEW APPLICATION

Proposed Subdivision Name: U.S. Steel Tract - Parcel No. 2177

Property Owner/Applicant:

Representative (Surveyor, Engineer, Etc.):

Name: NNP-Briar Chapel, LLC

Name: Nicolas P. Robinson

Address: 16 Windy Knoll Circle
Chapel Hill, NC 27516

Company Name: Bradshaw & Robinson, LLP
Address: 128 Hillsboro St., P.O. Box 607

Phone: (W) (919) 951-0712

Pittsboro, NC 27312

(H)

Phone: (W) (919) 542-2400

(C)

(C)

Fax:

Fax:

Email: lbowman@newlandco.com

Email: Robinson@bradshawrobinson.com

Who should staff contact (circle one)? Property Owner/Applicant Consultant

PROPOSAL

Parcel # (AKPAR): 2177 P.I.N. # 9765-47-2252.000 Zoning District: R-1

Flood Map # 9765J Zone: AE Watershed District: WS IV PA

Existing Access Road (S. R. # and name): Briar Chapel Parkway/ Cliffdale Road

Total Acreage 131.384 Total # of Lots 127/126 Min. Lot Size (Acres) 6,000 sf

Max. Lot Size 7,200 sf Avg. Lot Size 6,680 sf # Exempt Lots (over 10 ac.) N/A

Phased Development/Development Schedule? YES X NO How Many Phases? 2

If Subdivision will be Phased or Developed under a Development Schedule, Please attached a DETAILED Phasing Schedule or Development Schedule (for subdivisions consisting of 50 Lots or More). Attached.

Mixed-Use YES NO X Multi-Family (Townhomes, Apts., etc.) YES NO X

Proposed Number of Lots: Residential 127/126 Commercial Other 4

If Other, Specify (i.e. recreation) Recreation lot(s). Two recreation area lots have been shown. In all likelihood, only one will be used. Whichever lot is not used will be folded into general common area. Likewise, two alternative pump station lot locations have been shown. Whichever one is not used will be folded into common area.

Wastewater Disposal: Individual Septic Community Septic Public System **X**

Briar Chapel Utilities, LLC will provide for wastewater treatment and disposal.

Water System: Individual Well Community Well(s) Public System **X**

Public Water System Name: Chatham County Water Department

Public Wastewater System Name (ex. Aqua NC): Briar Chapel Utilities, LLC

Will New Road(s) be constructed? YES **X** NO Internal **X** External/Access

Type of Road: Private Length (mi.): _____ Public **X** Length (mi.): +/- 7,700 sf

Road Surface: Paved **X** Gravel Width of Road Surface (feet) 40' RoW; 27' Back of Curb to Back of Curb

Will this be a Conservation Subdivision (See Section 7.7 of Subdivision Ordinance) YES **X** NO

Type and Acreage of Other Facilities (ex. Recreation, Mixed-Use, Commercial, etc.):

Two alternative recreational amenity areas Two alternative Pump Station lots

approx. 2AC; Exact nature of amenity unknown at this time

Date of Community Meeting: Feb. 27, 2014 Location: Bradshaw & Robinson, LLP

Provide At Least two (2) separate dates for County Staff and Board (Volunteer Advisory and Elected) site visits – Please provide at least one date when site will be available between 8am and 5pm, and one date when site will be available after 5pm

<u>DATE</u>	<u>TIME(S)</u>
<u>April 8, 2014</u>	<u>3:30 p.m.</u>
<u>April 10, 2014</u>	<u>5:30 p.m.</u>
_____	_____



Please See Attached for Submittal Requirements

Signature of Property Owner/Applicant

Date

For Staff Use Only

Date Received _____ By _____

Date Fee Paid _____ Received By _____

Date Review Completed _____ Date Applicant Contacted _____

First Plat Submission Checklist

Subdivision Name: U.S. Steel Tract – Parcel No. 2177

Submit the following with this application:

- 20** paper copies (folded) of the Plat showing proposed subdivision (minimum size 18” x 24”) *See Section 6.1 of Subdivision Regulation for information required to be on Plat*
- 1 digital copy of all documents conforming to Digital Document Submission Guideline
- 1 Reduced copy of plat (8.5” x 11”)
- List (1 copy) of adjoining property owners with mailing addresses. List must include all adjoining property owners within 400 feet of property boundaries. A Microsoft Excel spreadsheet listing the names and addresses shall be submitted with the digital submission.

Submit two (2) paper copies and one (1) digital copy of the following:

- Utility Plan (proposed layouts for sewer and water where applicable, showing feasible connections to the existing utility system, or any proposed utility system).

Submit 20 bound packets of the following information:

- Completed First Plat Review Application (2 Pages)
- Location Map (with Aerial Photo) from County GIS System (8.5” x 11”)
- Topographic Map (contours at vertical intervals of not more than five [5] feet, at the same scale as the First Plat), if required by staff.
- N/A Comments from Chatham County Historical Association from Concept Review (If any)

- N/A Comments from Chatham County Schools from Concept Review (If any)
- X Copy of Environmental Documentation or Environmental Impact Assessment and report from Environmental Quality Department.
- X Community Meeting Report Form
- X Recommendation(s) from Technical Review Committee Meeting at Concept (If any)
- N/A Detailed Soil Scientist Report and Soils Map
- X Road name submittal form from Chatham County Emergency Operations office
- X Copy of Riparian Buffer Review (Submitted and see EIA)
- N/A Army Corps of Engineers Permit, if required (to be determined)
- N/A NC Division of Water Quality Permit, if required (to be determined)

If submitting a Conservation Subdivision, must also submit the following documentation along with 15 paper copies (bound in a 3 ring binder) and 1 digital copy:

- X Documentation (i.e. deed, easement document) of Ownership of Conservation Space
- X Conservation Space Management Plan (See Section 7.7 [G])
- X Legal Instrument for Permanent Protection (See Section 7.7 [H])

PRELIMINARY PROPOSED PHASING SCHEDULE

The following is an estimated phasing plan for this subdivision. The phasing plan anticipates two phases. The actual phasing may be accelerated and/or the phases may be combined into one phase, depending on market conditions.

Phase 1 (63 Lots) Final Plat Application by December 31, 2019

Phase 2 (63 Lots) Final Plat Application by December 31, 2025

ADJOINING PROPERTY OWNERS FOR PARCEL 2177

Weekley Homes, LLC
15401 Weston Parkway, Suite 175
Cary, NC 27513
Attn: Jeff Akin

The Drees Home Company
7701 Six Forks Road, Suite 132
Raleigh, NC 27615
Attn: David Hausfeld

Briar Chapel Utilities, LLC
13777 Ballentyne Corporate Place, Suite 550
Charlotte, NC 28277
Attn: Bill Mumford

Briar Chapel Community Association, LLC
1600 Briar Chapel Parkway
Chapel Hill, NC 27516

NNP-Briar Chapel, LLC
16 Windy Knoll Circle
Chapel Hill, NC 27516

Wade Meacham
530 E Mass Avenue
Southern Pines, NC 28387-6140

Twin Lakes Golf Course, Inc.
c/o John K. Wilkins
305 Penney Circle
Chapel Hill, NC 27514-7804

Mr. Marvin Meacham
2915 Meacham Road
Chapel Hill, NC 27516

NNP-Briar Chapel, LLC
13777 Ballentyne Corporate Place, Suite 550
Charlotte, NC 28277
Attn: Bill Mumford

U.S. STEEL – TRACT 2177 CONSERVATION SUBDIVISION

FIRST PLAT APPLICATION NARRATIVE

After having successfully submitted and completed the Concept Plan review with the County and the community input process as well, Applicant hereby submits its First Plat Application for this Conservation Subdivision in accordance with the applicable sections of the Chatham County Subdivision Ordinance, including Section 7.7 thereof. It is Applicant's intent to obtain First Plat Approval of this Conservation Subdivision in order to allow it to proceed to development in accordance with its approved development schedule. The Application seeks the ten percent (10%) standard density bonus for Conservation Subdivisions as well as the additional five percent (5%) Agricultural Preservation Density Bonus (the "Agricultural Bonus"). The Conservation Space will ultimately be owned and managed by the applicable property owners association for the subdivision.

As part of this Application, Applicant has submitted not only the standard materials required for a First Application but has also submitted all of the materials related specifically to seeking approval of a Conservation Subdivision and the Agricultural Bonus. Such materials include, but are not limited to:

1. Base Density Calculation and accompanying Conservation Subdivision Density Calculation.
2. Draft Conservation Management Plan
3. Draft Deed to property owners association
4. Draft Legal Instrument for Permanent Protection
5. Environmental Impact Assessment (previously submitted and approved)

The site plan presents alternatives with respect to three open issues at this time:

1. Pump station lot location (2 alternative locations presented);
2. Recreation area lot location (2 alternative locations presented);
3. Impact of possible pocket wetland (first alternative assumes the presence of the a wetland and avoids it; second alternative assumes no wetland)

Community Meeting Report Form

REPORT OF DEVELOPMENT INPUT MEETING REQUIRED BY THE CHATHAM COUNTY SUBDIVISION ORDINANCE

To: Lynn Richardson, Chatham County Subdivision Administrator

Subdivision Name: TC&I Timber Co. Tract (Parcel No. 2177)

Approximate Location (or Address): Half Dollar Road (NW of and adjacent to Briar Chapel

Proposed Number Lots: +/- 129 Residential (Y/N): Y

The undersigned hereby certifies that the required sign(s) was posted on the property proposed for subdivision, on each road frontage of said subdivision on (date) February 6, 2014.


A photo of the sign posted is recommended to be attached to this form.

The meeting was held at the following time and place: February 27, 2014

The persons in attendance at the meeting: **See attached Attendance sheet**

The following issues were discussed at the meeting (**Attach additional sheet(s) if needed**):
A question was raised as to the type of structures intended to be built.

As a result of the meeting, the following changes were made to the subdivision proposal (**Attach additional sheet(s) if needed**): N/A

Date: February 27, 2014
Applicant: NNP-Briar Chapel, LLC
By: 

Please submit this Report to the Chatham County Planning Department located at 80-A East Street or mail it to Lynn Richardson, Subdivision Administrator, PO Box 54, Pittsboro, NC 27312-0054. If you have any questions, please contact Lynn Richardson at (919) 542-8207 or lynn.richardson@chathamnc.org.

A Community Input Meeting will be held on ~~Thursday, February 27, 2014~~ from 5:00 p.m. until 7:00 p.m. to discuss a proposed subdivision located on the TC&I Timber Company, LLC tract (Chatham County Parcel Number 2177), located to the northwest of and adjacent to the existing Briar Chapel community. The meeting will be held at the Offices of Bradshaw & Robinson, LLP in the historic Hall-London House at 128 Hillsboro Street, Pittsboro, NC 27312. The open house will run for two hours but you are welcome to arrive and depart at any time during the open house. The proposed Conservation Subdivision will consist of approximately 129 lots on 132 acres, with an average lot size of 6,000 to 7,000 square feet. At least 40% of the acreage will be designated as Conservation Space, of which at least 80% will be preserved as Natural Space. Lots are proposed to be served by Chatham County water and Briar Chapel Utilities wastewater service. A representative will be available to answer any questions there may be, and all interested parties are encouraged to attend to offer feedback. The location of the property to be subdivided, detailed directions to the meeting site, and the proposed development plan are available below. Please contact Nicolas P. Robinson at (919) 542-2400 for more information.

Development Input Meeting Notice

Open House To Discuss Proposed Subdivision

At Bradshaw & Robinson

128 Hillsboro, St. Pittsboro, NC

February 27th, 2014 5:00-7:00 pm

Contact: Nick Robinson (919)-542-2400

For More Information

www.ChathamNC.org/Planning

North Carolina

Signs

919.663.SIGN (7446)

www.ncsigns.net

1120 Industrial W. - Ste. 100 - NC 27714

Notes: 24" X 18" Corrugated Plastic, 2-sided - \$32.50 Each + tax

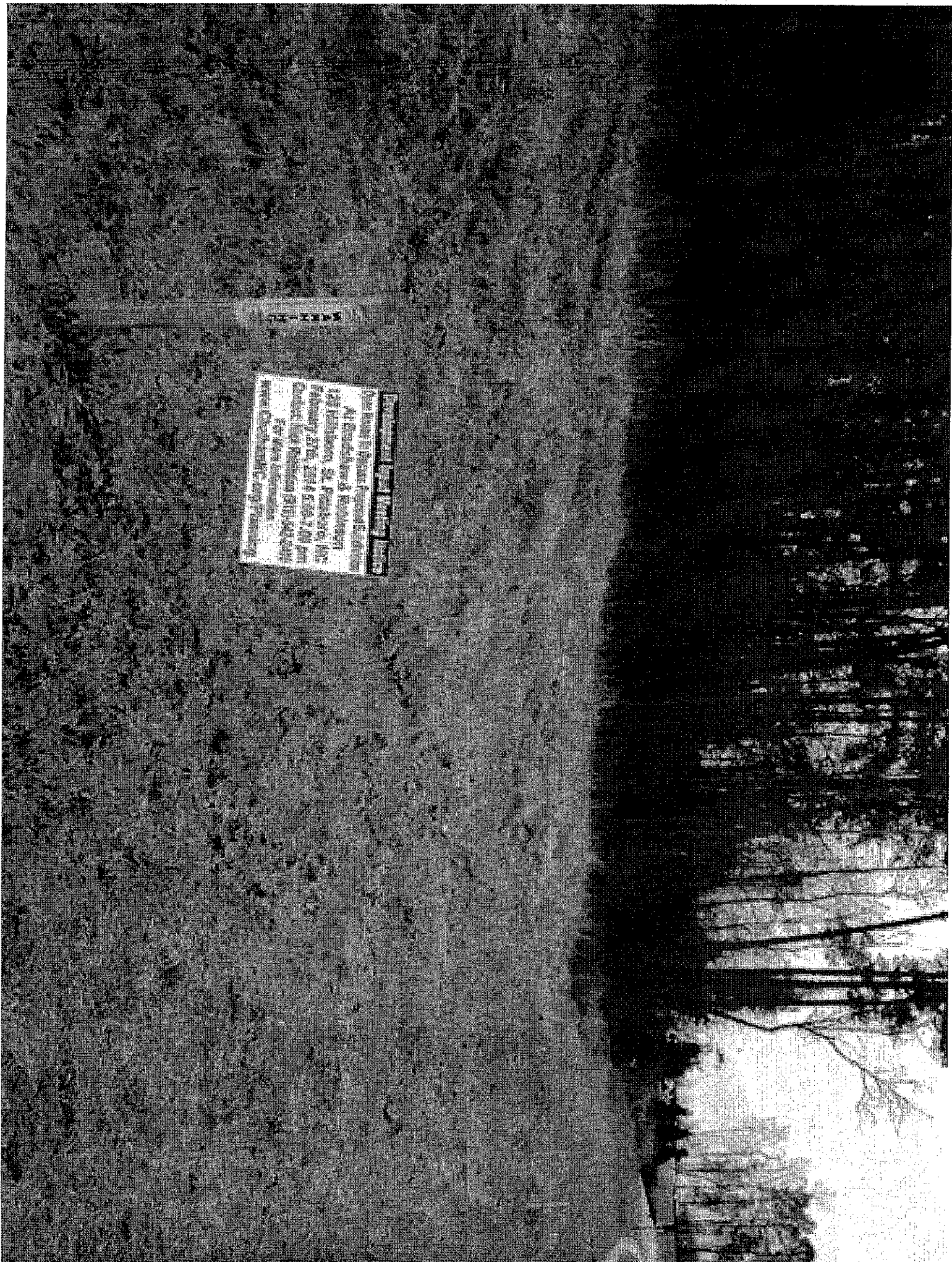
*Please verify that all information, spellings, and details are correct prior to approving. ONCE APPROVED, YOU ARE RESPONSIBLE FOR 1/2 OF THE REMAKE COST SHOULD ANY ERRORS BE FOUND AFTER PRODUCTION BEGINS. NO EXCEPTIONS.

**A 50% DEPOSIT IS REQUIRED ON ALL PROJECTS ONCE THEY ARE APPROVED.

***Please Note: There is NO ART CHARGE for the FIRST REVISION and a minimum charge after that one related to a 25% art revision. Thank you!

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TC&I TIMBER CO. TRACT (PARCEL NO. 2177)

COMMUNITY MEETING: FEBRUARY 27, 2014

ATTENDANCE SHEET

NAME

ADDRESS

Bill Wilkins

305 Teuney Cir., Chapel Hill, NC 27514

Conservation Subdivision Option

Total Acreage	131.384 AC		
Minimum Area in Conservation	52.6 AC	(40%)	
	42.0 AC		80% Required Natural Space
	10.5 AC		20% Developed (Impacted) Open Space
Area Provided in Conservation	53.4 AC	(41%)	Overall Conservation Area
	42.72 AC		Approximate total natural space
	11 AC		Maximum Open Space in Conservation Area
	30 AC		Approximate conservation space within riparian buffers and floodplain

Base Density Calculation (Section I of Subdivision Ordinance)

131.384 AC	Acreage
<u>-29.95</u> AC	Floodplain & Riparian Buffers (per prel.info from Chris Huysman)
101.4 AC	Net Land Area Available (AC)

127.0 Lots ***Allowable**

*Divide Net Land Area Available by 0.918 AC units and Multiply by 1.15

(Note-the 1.15 multiplier is derived from the 10% Conservation Subdivision Bonus and the 5% Agricultural Preservation Bonus as described in Sections 7.7 and 7.7J of the Chatham County Subdivision Ordinance.)

Area Breakdown

Roads	7.47 AC
Lots	26.80 AC
Lot ISA	11.25 AC
Stormwater	1.47 AC
Conservation Area	53.40 AC

Lee Bowman

From: Julie Daniel
Sent: Monday, March 17, 2014 1:59 PM
To: Lee Bowman
Subject: FW: new street names
Attachments: Street Names for Briar Chapel 11.21.13.xlsx

Email from e-911

From: Lesa Chavis [<mailto:lesa.chavis@chathamnc.org>]
Sent: Monday, November 25, 2013 10:08 AM
To: Julie Daniel
Cc: Denise Suits
Subject: FW: new street names

Denise had a list that had Caterpillar Dr being held for another subdivision. I have marked it off this list. Please let Denise know which names you will be using from this list.

Thank you,

Lesa Chavis, E-911 Specialist
Chatham County Emergency Operations

"In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying."

From: Lesa Chavis
Sent: Friday, November 22, 2013 1:43 PM
To: 'Julie Daniel'
Subject: FW: new street names

I have put duplicate beside the road names that can't be used. Please resubmit any additional road names if you need more that we could approve.

Thank you,

Lesa Chavis, E-911 Specialist
Chatham County Emergency Operations

"In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying."

From: Julie Daniel [<mailto:JDaniel@newlandco.com>]
Sent: Thursday, November 21, 2013 10:51 AM

To: Lesa Chavis
Subject: RE: new street names

Thank you. Is the attached file an acceptable format? If so, we'd like to submit that list for approval. Thanks again. JAD

From: Lesa Chavis [<mailto:lesa.chavis@chathamnc.org>]
Sent: Thursday, November 21, 2013 10:17 AM
To: Julie Daniel
Subject: RE: new street names

Yes, please add a type to any road names you send for approval.

Thank you,

Lesla Chavis, E-911 Specialist
Chatham County Emergency Operations

"In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying."

From: Julie Daniel [<mailto:JDaniel@newlandco.com>]
Sent: Thursday, November 21, 2013 10:14 AM
To: Lesa Chavis
Subject: new street names

Hi Lesa,

I'm trying to put together a list of street names to go through the approval process. Do they need to have Dr. Rd. Ln. associated with them? For example if we are interested in the name "Windsong" does it have to be specified that we would want "Windsong Drive"?

Thank you – I'm still learning all the details. I appreciate your help!

Julie Daniel
Construction Manager
Newland Communities
16 Windy Knoll Circle
Chapel Hill, NC 27516
T. 919.951.0702
C. 919.548.7730
F. 919.951.0701
jdaniel@newlandco.com
www.newlandco.com
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Adventure Trail	
applewood lane	duplicate
ashwood Drive	
Aububon Trail	duplicate
Beacon Ridge Boulevard	
Birch Hollow Road	
Birchwood Dr	duplicate
Birdsong lane	duplicate
blackberry trail	duplicate
Blue Heron Lane	duplicate
bluffwood Avenue	
Cardinal Ridge Road	
Caterpillar Drive	duplicate
Chapel Lawn Ave	
Cobblestone Lane	duplicate
cold spring road	
coneflower road	duplicate
Cottonwood Drive	duplicate
Cricket Road	duplicate
Crooked Creek Road	duplicate
Crowfoot Court	
Dew Drop Run	
Elk Creek Drive	
evergreen trail	duplicate
Farmbrooke Lane	
fieldstone trace	duplicate
Fir Hollow Trace	
Fire Tower Road	duplicate
Fog Hollow Lane	
Foggy Trace	
Fontaine Way	
forest lane	duplicate
Forest Ridge Rd	duplicate
Fox Creek Road	
fox run drive	duplilcate
foxbrook place	
Grouse Trail	
hawk point road	
hearthstone Road	duplicate
Hickory Hill Lane	
Hidden Creek Drive	duplicate
Highland trace	duplicate
Highveld Avenue	
Honey Flower Street	
Hummingbird Avenue	duplicate
huntingridge Road	duplicate
landover circle	

Lantern Hill Trace	
laurel run	duplicate
Laurel Trial	duplicate
Lillian Road	duplicate
Loblolly Place	duplicate
Logbridge Rd	
Long Meadow Avenue	duplicate
longbow Road	
Lovegrass lane	
Mallard Landing Drive	
Manorwood Drive	
Meadow Lilly Drive	
meadowcliff Ave	
meadowlands Road	duplicate
Meadowlark Lane	duplicate
meadowlark lane	duplicate
meadowridge Run	duplicate
Meadows Edge Drive	
Melville Drive	duplicate
Mimosa Trail	duplicate
Misty Meadow Drive	
Mockingbird Street	duplicate
Mooreland Avenue	
Morning Light Trace	
Oaks Hollow Lane	duplicate
Old Coach Road	
Old Post Road	duplicate
Old Tobacco Barn Boulevard	
Old Valley Road	
Pathfinder lane	
Pheasant Run Drive	duplicate
pineland street	
Piney Grove Lane	duplicate
Pintail Ct	duplicate
Pioneers Blvd	duplicate
Pleasant Acres Loop	
post oak road	
Quail Place Trail	
Quarter Gate Trace	
rabbit trail	duplicate
Red Oak Road	duplicate
Redbud Drive	duplicate
Ridgeline Boulevard	duplicate
River Birch Circle	duplicate
Rock Ledge Drive	
Rolling Hills Port	duplicate located off Moss Spring St @ 67 in Briar Chapel
Rose Briar Trace	duplicate

rosebank Drive	
Ryegrass Run Trail	
savanna trail	duplicate
Sawgrass Place	
sawmill circle	duplicate
Settlers Trail	duplicate
Shade Tree street	duplicate
shady oak trail	
Singing Wood Run	
Sisley Ln	
Smokerise Road	
Smokey Hill Road	
Southwoods Road	duplicate
Spilt Rail Drive	duplicate
Spring Garden Way	
Star Grass Trail	
Starview Lane	
Still Meadow Run	duplicate
Summerwalk Street	duplicate
Sunny Hill Lane	
Sunnyfield Trail	duplicate
Sunnyvale Park Drive	
Sweet Spring Avenue	
Sweetbriar Street	duplicate
Tanglewood Run	duplicate
Thistle Lane	duplicate
timber lane	duplicate
timberlane trail	duplicate
timberwood avenue	duplicate
trading path trace	duplicate
Tranquility Trace	
Trappers Run	
Trelauny Drive	
Turkey Foot Run	
Twin brook Trail	duplicate
Tyner Loop Circle	
Whippoorwill Drive	duplicate
whipporwill drive	duplicate
Whispering Wind Drive	
wild indigo way	
Wildfire Trail	duplicate
windsong way	duplicate
Woodland Trail	duplicate

DRAFT

Prepared by and after recording return to:
Nicolas P. Robinson.
Bradshaw & Robinson, LLP
PO Box 607
Pittsboro, NC 27312

DECLARATION OF COVENANTS AND RESTRICTIONS –
CONSERVATION SPACE WITHIN _____ CONSERVATION SUBDIVISION

THIS DECLARATION OF COVENANTS AND RESTRICTIONS (“**Restrictive Covenant**”), is made on this ____ day of _____, 201_ by NNP-Briar Chapel, LLC, (the “**Declarant**”);

WITNESSETH:

THAT WHEREAS, the Declarant is the developer of Tract #2177 Conservation Subdivision, located in Baldwin Township, Chatham County, North Carolina (“the Subdivision”);

WHEREAS, _____ is a Conservation Subdivision within the meaning of the Chatham County Subdivision Ordinance (the “Ordinance”);

WHEREAS, the Ordinance requires that a certain amount of “Conservation Space” be retained within the Subdivision and that the same shall be protected in perpetuity by a binding recorded legal document; and

WHEREAS, the Conservation Space established for Briar Chapel is depicted upon the plat recorded at PS-_____ (hereinafter, the “Conservation Space”), Chatham County Registry, and the Declarant now wishes to protect the Conservation Space in perpetuity through the recordation of this Restrictive Covenant;

NOW THEREFORE, the Declarant hereby unconditionally and irrevocably declares that the Conservation Space depicted at PS-_____, Chatham County Register of Deeds and recorded by the Declarant, or its successors or assigns, shall be held and shall be subject to the following restrictions, covenants and conditions, as set out herein, all of which are for the purposes of conservation and to comply with the Conservation Subdivision provisions of the Ordinance, to run with the subject real property and to be binding on all parties that now have or shall hereafter acquire any right, title, or interest in said property.

1. **Purposes.** The purposes of this Restrictive Covenant are to prevent any use of the Conservation Space that will violate the current terms of the Ordinance, the provisions of which are incorporated herein by reference.

2. **Enforcement.** The covenants and restrictions contained in this Restrictive Covenant shall be perpetual, shall run with the land, and shall be binding on Declarant and its successors and assigns.

3. **Restrictions on Use.** No portion of the Conservation Space shall be used in a manner that violates the Ordinance or any other regulation imposed by Chatham County, North Carolina. In addition, the Natural Space portion of the Conservation Space shall be compliant with any existing forestry management plan created and overseen by a North Carolina registered forester until such time as said plan is completed.

4. **Maintenance of Conservation Space.** The Conservation Space shall be maintained and preserved as provided in Section 7.7 of the Ordinance. The Conservation Space shall be “Common Area,” as that term is defined in the Declaration of Covenants, Conditions and Restrictions for _____, recorded in Book _____, Page _____, Chatham County Registry, _____, and shall be maintained by the _____ Community Association, Inc., any other association designated by Declarant, and their respective successors and assigns.

5. **Additional Rights of Declarant.** No provision of this Restrictive Covenant shall be construed to impair the ability of Declarant, its successors or assigns, to convey the Conservation Space subject to this Restrictive Covenant or to use the Conservation Space for collateral for borrowing purposes, provided that any mortgage or lien arising from any such loan shall be subordinated to this Restrictive Covenant. Any deed to secure debt, deed of trust, or mortgage affecting any portion of the Conservation Space shall at all times be subject and subordinate to the terms of this Restrictive Covenant, and any party foreclosing any such deed to secure debt, deed of trust, or mortgage, or acquiring title by deed in lieu of foreclosure, shall acquire title subject to all of the restrictions and covenants of this Restrictive Covenant.

6. **Amendment.** This Restrictive Covenant may not be amended, modified, or terminated by Declarant or its successors or assigns without the express prior written consent of Chatham County, which may be withheld in the County’s sole and absolute discretion. It is the intent of this instrument to permanently maintain and protect the Conservation Space as provided in the Ordinance.

7. **Interpretation.** This Restrictive Covenant shall be construed and interpreted under the laws of the State of North Carolina. Any ambiguities herein shall be resolved so as to give maximum effect to the purposes of this Restrictive Covenant.

8. **Severability.** If any covenant or restriction of this Restrictive Covenant is found to be invalid, the remaining provisions of this Restrictive Covenant, and the application of such provision to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

IN WITNESS WHEREOF, the undersigned has executed the foregoing instrument the day and year first above written.

Declarant:

NNP-Briar Chapel, LLC

By: _____

Its: _____

STATE OF NORTH CAROLINA

COUNTY OF CHATHAM

I certify that the following person personally appeared before me this day, acknowledging to me that (s)he signed the foregoing document:

[INSERT NAME(S) OF INDIVIDUAL(S) SIGNING IN BLANK ABOVE]

Date: _____

Notary Public

Print Name:

[Official Seal]

My commission expires

DRAFT

CONSERVATION SPACE MANAGEMENT PLAN
FOR U.S. STEEL TRACT 2177 SUBDIVISION

March 21, 2014

NNP-Briar Chapel, LLC

16 Windy Knoll Circle, Chapel Hill, NC 27516

Introduction

Below is the Conservation Space Management Plan (the “Plan”) for the U.S. Steel Parcel 2177 site (the “Property”). The Property will be developed as a Conservation Subdivision under Section 7.7 of the Chatham County Subdivision Ordinance.

The Property is comprised of +/- 131.364 acres. At least 40% of that amount (52.55 acres) will be preserved as Conservation Space. Up to 20% of the Conservation Space (10.51) acres may be used as Open Space while at least 80% of the Conservation Space (42.04 acres) will be preserved as Natural Space.

In addition to being a Conservation Subdivision, the project will also sustain a bona fide timber management area within the Natural Space. The immediate prior owners of the land managed the Property for timber.

Management Plan

The Natural Space within the project will not be developed (except for uses allowed under section 7.7D of the Subdivision Ordinance) and will be subject to timber management in accordance with a forestry management plan to be developed by a North Carolina registered forester. The Open Space will likely accommodate possible active recreation area (no more than 5% of Conservation Space) as well as trails and possible spray irrigation area.

- (1) Both the Natural Space and the Open Space will be maintained by the applicable homeowners association. Maintenance and upkeep guidelines will be incorporated in the declaration of covenants establishing the association and, to the extent necessary, will be incorporated into the by-laws and other governing documents of the association.
- (2) Costs associated with maintenance of the Conservation Space will be borne by the association (or the developer until such time as the association is funded and operational). The applicable covenants for the subdivision will establish mechanisms for ordinary and special assessments for maintenance of the Conservation Space. To the extent a portion of the Open Space may be used for spray irrigation, the facilities and infrastructure associated with the same will be maintained the utility. In such case, the Open Space will also be subject to easements in favor of the utility for installation, maintenance, repair, replacement and upkeep of the infrastructure.
- (3) The covenants will provide mechanisms and criteria for enforcement of the Plan.
- (4) Prior to grading of any developed area, the southern boundary of the Conservation Space, along with any area adjoining a graded portion of the Open Space, will receive protective fencing as contemplated by the Subdivision Ordinance.

In addition to the foregoing, the a permanent restrictive covenant will be recorded to provide for protection for the Conservation Space in accordance with the terms set forth herein and in the Subdivision Ordinance.

DRAFT

This instrument prepared by and return to:

Bradshaw & Robinson, LLP

Post Office Box 607

Pittsboro, N.C. 27312

PARCEL NOS.

Excise Tax: \$0.00

Brief description for the Index:

NORTH CAROLINA NON-WARRANTY DEED

THIS DEED made this _____ day of _____, 20____, by and between:

NNP-BRIAR CHAPEL, LLC,
a Delaware limited liability company
16 Windy Knoll Circle
Chapel Hill, North Carolina 27516
("Grantor")

and

_____,
a North Carolina non-profit corporation

("Grantee")

The designation, Grantor and Grantee as used herein, shall include said parties, their heirs, successors and assigns and shall include singular, plural, masculine, feminine or neuter as required by context.

WHEREAS, the property described hereby is the Conservation Space within a Conservation Subdivision know as _____ and located on Chatham County parcel no. 2177;

WHEREAS, pursuant to the Chatham County Subdivision Ordinance, the Conservation Space is to be conveyed and subjected to protective covenants

WITNESSETH, that Grantor, for valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in Chatham County, North Carolina, and more particularly described as follows (the “**Property**”):

See “Exhibit A,” a copy of which is attached hereto and incorporated herein by reference, for the legal description of the Property.

The Property described herein does not include the primary residence of the Grantor.

Grantor hereby reserves unto itself, and its successors and assigns, all rights of the Declarant with regard to the Property, as set forth in the Declaration of Covenants, Conditions and Restrictions for _____ recorded in the Chatham County, North Carolina Office of the Register of Deeds on _____, 20____ in Book _____, Page _____, *et seq.* (the “Declaration”).

Grantee, by accepting this North Carolina Non-Warranty Deed acknowledges that the property described and conveyed herein is taken subject to the rights of Grantor and the rights of Briar Chapel Utilities, LLC, a Delaware limited liability company (“BC Utilities”) under that certain Effluent Easement and Irrigation Agreement between the Grantor and BC Utilities, dated _____, 20____ and recorded at Book _____, Page _____, Chatham County Registry (the "BC Utilities Agreement"); which rights are hereby reserved unto Grantor and the BC Utilities, their respective successors and assigns. To the extent any item or items of real or personal property to be conveyed pursuant to the Agreement referenced in this paragraph is/are deemed to have been conveyed to Grantee by this deed, Grantee agrees that it shall convey the same to Grantor, BC Utilities or their respective designees, successors or assigns upon demand by Grantor.

Without limiting the foregoing reservation and acknowledgment, the Grantor specifically reserves for itself, and its successors and assigns, and for BC Utilities, a non-exclusive, perpetual easement under, over and upon the portions of the Property indicated on the attached map for (a) the installation, operation, repair, replacement and maintenance of irrigation lines, pumps, booster pumps, irrigation and spray devices, controls and other devices or facilities used in the distribution, collection or discharge of effluent or wastewater treated by BC Utilities, (b) the spray of effluent treated by BC Utilities upon the Property, (c) any other use reasonably related to the wastewater system and (d) access, ingress, egress and regress between any such irrigation, spray, retention, collection, distribution or holding facilities and the public or private roads within Briar Chapel, over and across the Property.

Grantor further reserves for itself, its successors and assigns, an easement of access on and over the Property for the purpose of construction, location, installation, inspection, maintenance, repair, and operation of any improvements on the Property for the benefit of Grantee and its members, and for purposes of correcting (in Grantor's discretion and without obligation) any drainage or other condition on the Property or adjacent property which adversely impacts the Property or other real property, which easement shall terminate automatically with no further documentation on that date which is twenty (20) years after the date hereof.

All of the Property conveyed hereby is “Common Area,” as that term is defined in the Declaration, and is conveyed subject to all easements, rights and obligations pertaining to Common Area and otherwise under the Declaration.

By acceptance and recordation of this Deed, Grantee acknowledges that the Property is conveyed in its "as is" condition, and Grantor expressly disclaims any warranty, express or implied, of any kind or any nature whatsoever with respect to the condition of the Property or any improvements thereon.

TO HAVE AND TO HOLD, the aforesaid Property and all privileges and appurtenances thereto belonging to Grantee in fee simple.

Grantor makes no warranty, express or implied, as to the title to the Property hereinabove described. Title to the Property is conveyed subject to the following exceptions:

1. All restrictions, general notes, and other matters shown on the plats referenced on Exhibit A, attached hereto, and all other recorded plats for the _____ project;
2. All easements, obligations, restrictions and other encumbrances set forth in the Declaration, as amended;
3. The Community Covenant for _____ recorded in the Chatham County, North Carolina Office of the Register of Deeds on _____, 20____ in Book _____, Page _____, *et seq.*, as it may be supplemented and amended;
4. Subdivision and other similar governmental regulations and approval conditions now existing relating to the _____ subdivision, including the terms and conditions contained in the Conditional Use Permit, as amended, for the _____ project, and the Compact Communities Ordinance;
5. The covenants and reservations contained in this deed;
6. All other easements, rights of way, limitations, conditions, covenants, restrictions and other matters of record;
7. Rights of others in and to all easements and rights-of-way that abut or cross the Property, including, but not limited to, utility and drainage easements, whether appearing of record or shown on any recorded plat identified or referred to in this Deed;
8. Rights of upper and lower riparian owners in and to the waters of streams, creeks or branches crossing or adjoining the Property, and the natural flow thereof, free from diminution or pollution;
9. Matters that would be disclosed by an accurate survey of the Property;
10. Any and all utility, drainage or other similar appurtenances, improvements and fixtures located on or in the Property;
11. Ad valorem property taxes not yet due and payable;
12. The terms of that certain Declaration of Covenants and Restrictions - Conservation Space Within _____ Conservation Subdivision, recorded at Book ____, Page ____, Chatham County Registry; and
13. The requirement that the Natural Space portion of the Conservations Space of the Property must be compliant with its forestry management until the completion of such plan.

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its company name the day and year first above written.

NNP-BRIAR CHAPEL, LLC,
a Delaware limited liability company

By: _____(SEAL)
_____, Vice President

STATE OF NORTH CAROLINA
COUNTY OF CHATHAM

I, _____, a Notary Public of _____ County and State aforesaid do hereby certify that _____, Vice President for NNP-BRIAR CHAPEL, LLC, a Delaware limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company for the purposes therein expressed.

Witness my hand and official stamp or seal, this _____ day of _____, 20_____.

Notary Public

My commission expires: _____

SEAL-STAMP

EXHIBIT A TO NON-WARRANTY DEED

Property Description

[insert legal description]

BUT SPECIFICALLY EXCLUDING THEREFROM all lines, pumps, booster pumps, irrigation and spray devices, controls and other devices or facilities used in the distribution, collection or discharge of effluent or wastewater treated by BC Utilities that Grantor is obligated to convey to BC Utilities pursuant to the BC Utilities Agreement referenced in this Non-Warranty Deed.

----- Original Message -----

Subject:TC&I Timber tract Concept notes

Date:Mon, 17 Mar 2014 14:04:57 +0000

From:Lynn Richardson <lynn.richardson@chathamnc.org>

To:Nick Robinson <robinson@bradshawrobinson.com>

Nick, here are my notes from the TRC meeting. Please note that the road names are approved at First Plat since this may be the one and only time the BOC reviews the project. Let me know if I have addressed the items and if any changes need to be made to the notes. Thanks,

Request by Nick Robinson, Attorney-at-Law, on behalf of NNP Briar Chapel, LLC, for a subdivision **Concept Plan review for a Conservation Subdivision**, consisting of 129 +/- lots, on 132 acres, located on parcel #2177 /TC&I Timber tract, adjacent to the existing Briar Chapel community. (Mr. Robinson will be available to answer questions)

Nick Robinson, Lee Bowman, and Mark Ashness were present.

Project is accessed through Briar Chapel, but is not a part of the compact community; will be a stand-alone conservation subdivision. Project will be reviewed under current Subdivision Regulations, i.e. stormwater, erosion control, Jordan Lake Buffer Rules; may be age restricted, was a timber tract previously; will have county water; public roads; will tie into Briar Chapel, WWTP; permitting for the public roads and the water lines will include the portions that will also extend back into Briar Chapel; per developer will probably have natural walking/biking trails, will have some sort of amenity....may be a clubhouse or may just be a park....will show options on First Plat; will include a 'pump station lot' on First Plat ; will have 52 acres +/- of open/conservation space ; has isolated wetland from prior timber operation that the Corps is deciding whether it has to be buffered or not and which may impact the road layoutwill be either determined at First plat or options will be shown; per EOC, once road names are approved during First Plat process they should not be changed ; open space will be classified as a 'Bona Fide Farm' for timber management; therefore allowing for 5% increase in # of lots, need to provide a draft of the Timber Management Plan at First Plat, if timber management conservation area has a community garden or playground or any type feature that is not timber management, the acreage of feature must be deducted from area considered Bona Fide Farm; No grading or land disturbance allowed prior to Construction Plan approval; must have 75% infrastructure completed prior to final plat submittal; 150% financial guarantee bond; requires a 'roads maintenance bond' to be held until roads taken over by NCDOT (this bond is put in place when money being held for construction of the road is released).