BOOK 1084 PAGE 631 (9)

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This document presented and filed:
05/27/2010 01:28:00 PM

Joyce W. Pritchard
JOYCE W. PRITCHARD, Pasquotank County, NC

STATE OF NORTH CAROLINA
DECLARATION OF PERMANENT
COVENANTS AND RESTRICTIONS

PASQUOTANK COUNTY
SPO File Number 70-A, 70-32.1
EEP Parcel ID 569
Prepared by and return to
State Property Office
1321 Mail Service Center
Raleigh, NC 27699-1321

THIS DECLARATION OF COVENANTS AND RESTRICTIONS, made this 18th day of May, 2010, by the State of North Carolina, whose address is State of North Carolina, Department of Administration, State Property Office, 1321 Mail Service Center, Raleigh, NC 27699-1321. This declaration of covenants and restrictions is meant to be binding on the owner, their heirs, successors and assigns.

WITNESSETH:

WHEREAS, pursuant to the provisions of N.C. Gen. Stat. § 143-214.8 et seq., the State of North Carolina has established the Ecosystem Enhancement Program (formerly known as the Wetlands Restoration Program) within the Department of Environment and Natural Resources for the purposes of acquiring, maintaining, restoring, enhancing, creating an preserving wetland an riparian resources that contribute to the protection an improvement of water quality, flood prevention, fisheries, aquatic habitat, wildlife habitat, and recreational opportunities; and

WHEREAS, the Ecosystem Enhancement Program in the North Carolina Department of Environment and Natural Resources ("EEP") has approved the acceptance of this instrument; and

WHEREAS, the State of North Carolina has received funding from EEP for the acquisition of the Property conveyed and described in the attached General Warranty Deed ("the Property") recorded in Deed Book 708 at Page 382 of the Pasquotank County Registry.

WITNESSETH

In consideration of the funding provided by EEP for the acquisition of the Property and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the following Permanent Covenants and Restrictions are hereby placed upon the Property in perpetuity.

The State hereby sets aside, declares, reserves and recognizes a perpetual protected area, hereinafter identified as the ("**Restricted Area**"). The Restricted Area extends over the entire parcel. The Restricted Area as defined is subject to the restrictions as recited below and will be forever conserved and managed in a manner that will improve and protect the quality of the waters of the Knobbs Creek Run and otherwise promote the public purposes authorized under the provisions of N.C. General Statute § 143-214.8 and pursuant to the mitigation requirements associated with section 404 of the Clean Water Act (33 U.S.C. 1344).

The purposes of these Covenants and Restrictions are to maintain, restore, enhance, create and preserve wetland and/or riparian resources within the Restricted Area that contribute to the protection and improvement of water quality, flood prevention, fisheries, aquatic habitat, wildlife habitat, and recreational opportunities; to maintain permanently the Restricted Area in its natural condition, consistent with these purposes; and to prevent any use of the Restricted Area that will significantly impair or interfere with these purposes. To achieve these purposes, the following restrictions are permanently placed upon the Property:

RESERVED USES AND RESTRICTED ACTIVITIES

A. Motorized Vehicles. Usage of motorized vehicles in the Restricted Area is prohibited, except as they are used exclusively for management, maintenance, or stewardship purposes, and on existing trails, paths or roads for the purposes recited above.

B. Vegetative Cutting. Except as related to the removal of non-native plants, diseased or damaged trees, and vegetation that obstructs destabilizes or renders unsafe the Restricted Area to persons or natural habitat, all cutting, removal, mowing, harming, or destruction of any trees and vegetation in the Restricted Area is prohibited.

C. Industrial, Agricultural, Residential and Commercial Uses. All are prohibited in the Restricted Area.

D. New Construction. There shall be no building, facility, mobile home, antenna, utility pole, tower, or other structure constructed or placed in the Restricted Area.

E. Roads and Trails. There shall be no new construction of roads, trails, walkways, or paving in the Restricted Area. Existing roads or trails located in the Restricted Area may be maintained with loose gravel, soil, or permanent vegetation in order to minimize runoff, prevent sedimentation and for access to the interior of the Property for management, maintenance, stewardship purposes, or undeveloped recreational and educational uses of the Restricted Area.

F. Signs. No signs shall be permitted in the Restricted Area except interpretive signs describing restoration activities and the conservation values of the Restricted Area, signs identifying the owner of the Property, signs giving directions, or signs prescribing rules and regulations for the use of the Restricted Area.

G. Dumping or Storing. Dumping or storage of soil, trash, ashes, garbage, waste, abandoned vehicles, appliances or machinery, or other material in the Restricted Area is prohibited.

H. Grading, Mineral Use, Excavation, Dredging. Unless related to approved restoration activities, there shall be no grading, filling, excavation, dredging, mining, or drilling within the Restricted Area.

I. Water Quality and Drainage Patterns. Unless related to approved restoration activities, there shall be no diking, draining, dredging, channeling, filling, leveling, pumping, impounding or diverting, causing, allowing or permitting the diversion of surface or underground water in the Restricted Area. There shall be no altering or tampering with water control structures or devices, or disruption or alteration of the restored, enhanced, or created drainage patterns. Any use of pesticide or biocides is prohibited.

J. Subdivision and Conveyance. No further subdivision, partitioning, or dividing of the Restricted Area is allowed.

K. Disturbance of Natural Features. Any change, disturbance, alteration or impairment of the natural features of the Restricted Area or any intentional introduction of non-native plants, trees and/or animal species is prohibited.

L. Restoration Activities Are Permitted. Includes but not limited to planting of trees, shrubs and herbaceous vegetation, installation of monitoring wells, utilization of heavy equipment to grade, fill, and prepare the soil, modification of the hydrology of the site, and installation of natural and manmade materials as needed to direct in-stream, above ground, and subterraneous water flow according to a restoration plan as provided, contracted, or managed by the N.C. Ecosystem Enhancement Program, successors or assigns.

M. Enforcement. The right of enforcement of these Restrictions is hereby granted to and vested entirely with the N.C. Ecosystem Enhancement Program, its successors and assigns.

N. Notice. The owner of the Property shall notify the U.S. Army Corps of Engineers in

writing sixty (60) days prior to the initiation of any amendment or change to these Covenants and Restrictions or any transfer of all or any part of the Property. Such notification shall be addressed to : Justin McCorkle, General Counsel, US Army Corps of Engineers, 69 Darlington Avenue, Wilmington, NC 28403.

IN TESTIMONY WHEREOF, the State of North Carolina has caused this instrument to be executed in its name by BEVERLY E. PERDUE, Governor, attested by ELAINE F. MARSHALL, Secretary of State, and the Great Seal of the State of North Carolina hereunto affixed, by virtue of the power and authority aforesaid, all as of the date set forth in the notary acknowledgment below.

STATE OF NORTH CAROLINA

By: _____
Governor

ATTEST:

By: _____
Secretary of State

APPROVED AS TO FORM:

ROY COOPER
Attorney General

By: _____
Assistant Attorney General

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, Jennell Baughman, a Notary Public of Johnston County and State of North Carolina, do hereby certify that ELAINE F. MARSHALL, Secretary of State of North Carolina, personally came before me this day and acknowledged that she is Secretary of State of North Carolina, and that by authority duly given and as the act of the State, the foregoing instrument was signed in its name by BEVERLY E. PERDUE, Governor of the State of North Carolina, sealed with the Great Seal of the State of North Carolina, and attested by herself as Secretary of State of North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal, this the 18th day of May, 2010.

JENNELL BAUGHMAN
Notary Public
Johnston County
State of North Carolina
My Commission Expires Nov 21, 2011

Jennell Baughman
Notary Public
Print Name: Jennell Baughman

My Commission Expires: 11-21-2011

"Attachment"

FILED

MAY 02 2002

SECRETARY OF STATE

Issued Dec 31 2001
$29.00
State of North Carolina
Pasquotank County
Real Estate Excise Tax

70-32.1

Excise Tax

FILED in Pasquotank County, NC
on Dec 31 2001 at 04:53:48 PM
by: Dollie J. Summerour
Register of Deeds

Recording Time, Book and Page

Tax Lot No. ..... Parcel Identifier No. 840404638181

Verified by ..... County on the ..... day of ....., ...

by .....

Mail after recording to H.T. Mullen, Jr., Attorney at Law
Post Office Box 365 Elizabeth City, NC 27907

This instrument was prepared by H.T. Mullen, Jr.

Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 31st day of December, 2001, by and between

GRANTOR	GRANTEE
Calvin Lamb and wife, Lottie Mae Lamb and Carolyn Scott and husband, Garland Scott	State of North Carolina 1619 Mail Service Center Raleigh, NC 27699-1619

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

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.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of ....., Providence Township, Pasquotank County, North Carolina and more particularly described as follows:

See attached "Exhibit A".

PASQUOTANK COUNTY
Deed number 01-1159
Transfer tax $ 142.00 pd dj
Pasquotank County Assessor's Office

N.C. Bar Assoc. Form No. 3 © 1976, Revised 1977.
Printed by Agreement with the N.C. Bar Assoc.-1981

The property hereinabove described was acquired by Grantor by instrument recorded in

Deed Book 586 Page 536

A map showing the above described property is recorded in Plat Book ..... page .....

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.
Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

USE BLACK INK ONLY

..... (Corporate Name)

By: .....

..... President

ATTEST:

..... Secretary (Corporate Seal)

Calvin Lamb (SEAL)
Calvin Lamb

Lottie Mae Lamb By Calvin Lamb (SEAL)
Lottie Mae Lamb, By: Calvin Lamb, Atty in Fact

Carolyn Scott (SEAL)
Carolyn Scott

Garland Scott (SEAL)
Garland Scott

SEAL-STAMP

K. ALISON BRAY NOTARY PUBLIC CAMDEN COUNTY, N.C.

Use Black Ink

NORTH CAROLINA, Pasquotank County.

I, a Notary Public of the County and State aforesaid, certify that Calvin Lamb & Carolyn Scott & husband, Garland Scott Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 31st day of December, 2001

My commission expires: 9-21-03 K. Alison Bray Notary Public

SEAL-STAMP

Use Black Ink

NORTH CAROLINA, ... County.

I, a Notary Public of the County and State aforesaid, certify that .....,

personally came before me this day and acknowledged that ..... he is ..... Secretary of

..... a North Carolina corporation, and that by authority duly

given and as the act of the corporation, the foregoing instrument was signed in its name by its .....

President, sealed with its corporate seal and attested by ..... as its ..... Secretary.

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

My commission expires: ..... Notary Public

The foregoing Certificate(s) of .....

.....

.....

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

..... REGISTER OF DEEDS FOR ..... COUNTY

By ..... Deputy/Assistant - Register of Deeds

Exhibit A

Beginning at a point, said point being presently designated by a pin located in the centerline of a 9 foot cmp's under road from said point of beginning; thence North 20 degrees 33' 21" East 424.90 feet to a point; thence North 74 degrees 51' 20" West 241.40 feet to a point, said point being presently designated by a 1 inch pipe; thence North 14 degrees 13' 34" East 53.18 feet to a point; thence North 14 degrees 05' 03" East 222.61 feet to a point; thence North 44 degrees 11' 24" East 671.60 feet to a point; thence North 69 degrees 28' 30" East 285.55 feet to a point; thence North 40 degrees 36' 44" East 253.44 feet to a point; thence North 14 degrees 05' 56" East 205.96 feet to a point; thence North 69 degrees 13' 22" West 97.37 feet to a point; thence North 23 degrees 22' 31" West 83.21 feet to a point; thence North 14 degrees 42' 24" West 272.98 feet to a point; thence North 16 degrees 49' 25" West 192.67 feet to a point; thence North 45 degrees 49' 04" West 33.57 feet to a point; thence South 63 degrees 35' 47" West 127.65 feet to a point; thence North 31 degrees 53' 59" West 129.13 feet to a point; thence North 05 degrees 21' 59" West 510.21 feet to a point, said point being designated as a controlled corner and designated presently by a pump pipe; thence South 77 degrees 23' 52" East 382.52 feet to a point, being the said point located in the centerline of Knobbs Creek Run and from said point; thence South 13 degrees 17' 13" East 90.15 feet to a point; thence South 17 degrees 31' 41" East 80.44 feet to a point; thence South 32 degrees 35' 44" East 102.50 feet to a point; thence South 03 degrees 59' 37" East 38.74 feet to a point; thence South 26 degrees 21' 12" East 42.88 feet to a point; thence South 27 degrees 33' 37" East 140.92 feet to a point; thence South 16 degrees 37' 32" East 101.51 feet to a point; thence South 07 degrees 51' 21" East 172.33 feet to a point; thence South 21 degrees 54' 08" East 35.49 feet to a point; thence South 16 degrees 35' 29" East 131.82 feet to a point; thence South 09 degrees 13' 44" West 136.52 feet to a point; thence South 18 degrees 45' 42" West 129.85 feet to a point; thence South 21 degrees 05' 01" West 92.77 feet to a point; thence South 00 degrees 35' 26" West 185.53 feet to a point; thence South 05 degrees 59' 27" East 191.28 feet to a point; thence South 36 degrees 08' 45" West 60.85 feet to a point; thence North 81 degrees 23' 15" West 64.87 feet to a point; thence South 84 degrees 12' 23" West 55.00 feet to a point; thence South 40 degrees 15' 40" West 31.63 feet to a point; thence South 24 degrees 37' 27" West 316.45 feet to a point; thence South 75 degrees 24' 41" West 172.79 feet to a point; thence South 34 degrees 02' 47" West 42.38 feet to a point; thence South 20 degrees 30' 16" West 98.43 feet to a point; thence South 22 degrees 50' 14" West 96.91 feet to a point; thence South 17 degrees 24' 34" West 147.28 feet to a point; thence South 33 degrees 57' 15" West 59.89 feet to a point; thence South 52 degrees 09' 14" West 98.53 feet to a point; thence South 51 degrees 26' 09" West 94.33 feet to a point; thence South 29 degrees 25' 46" West 81.55 feet to a point; thence South 42 degrees 58' 36" West 118.44 feet to a point; thence South 37 degrees 46' 51" West 130.97 feet to a point; thence North 30 degrees 55' 00" West 29.53 feet to a point, being the point and place of beginning.

Reference is made to that certain map or plat being entitled "Perimeter Boundary Survey for NC Wetlands Restoration Program, prepared by Edward T. Hyman, Registered Surveyor, and being dated December 28, 2001.

STATE OF NORTH CAROLINA

COUNTY OF PASQUOTANK

I, as the undersigned Notary Public, do hereby certify that CALVIN LAMB, Attorney-In-Fact for LOTTIE MAE LAMB, personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of LOTTIE MAE LAMB, and this authority to execute and acknowledge said instrument is contained in instrument duly executed, acknowledge and recorded in the Office of the Register of Deeds of Pasquotank County, North Carolina, same being recorded on July 2, 1987, in Book 477, at Page 600, of said Public Registry, and that this instrument was executed under and by virtue of the authority given by said instrument granting him Power of Attorney; that the said CALVIN LAMB,,acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said LOTTIE MAE LAMB.

Witness my hand and notarial seal, this 31st day December, 2001.

K. Alison Bray
Notary Public

MY COMMISSION EXPIRES:
9-21-03

K. ALISON BRAY NOTARY PUBLIC CAMDEN COUNTY, N.C.

NORTH CAROLINA

Pasquotank COUNTY

The foregoing certificates of K. Alison Bray, a Notary Public of Camden County, State of North Carolina, ~~is~~ are certified to be correct. This instrument duly filed and recorded in this Office at the date and time in the Book and Page as shown in the first page hereof.

Nellie J. Summerour
REGISTER OF DEEDS

By: _____
Deputy