MAR 26 2001

STATE OF NORTH CAROLINA

GUILFORD COUNTY

RECORDED - 440174
KATHERINE LEE PAYNE
REGISTER OF DEEDS
GUILFORD COUNTY, NC
BOOK: 5184
PAGE(S):0273 TO 0276
03/27/2001 15:40:55

FIRST MODIFICATION TO CONSERVATION EASEMENT

This First Modification to Conservation Easement is made as of the 15th day of March, 2000, by and between the **CITY OF GREENSBORO**, a municipal corporation whose mailing address is Post Office Box 3136, Greensboro, NC 27402-3136 ("Grantor"), and the **STATE OF NORTH CAROLINA**, whose mailing address is North Carolina State Property Office, 116 West Jones Street, Raleigh, North Carolina 27603-888003 ("Grantee").

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1 MISC DOCUMENTS 440174 $6.00
2 MISC DOC ADDN PGS $4.00
1 PROBATE FEE $2.00

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RECITALS:

Grantor and Grantee heretofore entered into a Conservation Easement Deed ("Easement") dated the 22nd day of July, 1999, wherein Grantor granted to Grantee a conservation easement within the property described therein for the purposes of mitigating certain impacts to the stream and creating, improving and preserving the stream and raparian area located thereon and therein, and preventing certain specified uses or development of the Protected Property (as defined in the Easement). Grantee has determined that Grantee best can carry out the purposes for which the Easement was granted by performing certain remediation and reconstruction work in connection with the stream located within the Protected Property. Grantee has requested that Grantor give Grantee the right to go within the property dedicated to Grantor as drainageway and open space by plat recorded in the Guilford County Registry, Plat Book 132 at Page 60, and perform such work on the stream deemed desirable by Grantee and that thereafter, the Protected Property be an area included within 50 feet on either side of the stream as reconstructed. Grantor has agreed with the foregoing and has agreed to this First Modification of Conservation Easement to allow and permit the accomplishment of the stream remediation and reconstruction as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants, terms, conditions and restrictions set forth in the Easement and other good and valuable consideration to it, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby gives and grants to Grantee the right to enter upon that area (the "Dedicated Area") shown as "dedicated to City of Greensboro as drainageway and open space," as shown and described in plat recorded in the Guilford County Registry in Plat Book 132 at Page 60, to perform such remediation, reconstruction and reconfiguration work upon the stream located within the Dedicated Area as Grantee deems advisable. Grantor and Grantee hereby further agree that after the work on the stream is completed, that the Protected Property thereafter shall be an area included within 50 feet on either side of the stream located within the Dedicated Area as reconfigured and reestablished by Grantee.

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Mail: State of North Carolina
1606 MSC
Raleigh, NC 27699-1606

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Grantor and Grantee agree that except as herein specifically modified, the Easement shall remain in full force and effect as herein set forth.

TO HAVE AND TO HOLD the said rights and easements perpetually unto Grantee for the aforesaid purposes.

IN TESTIMONY WHEREOF, the Grantor has caused this instrument to be executed in its name by its President and attested by its Secretary, and its Corporate Seal affixed thereto by authority duly given.

CITY OF GREENSBORO

(SEAL)

By: _____
Mayor

ATTEST:

_____
City Clerk 3-15-00

(SEAL)

Approved as to form

_____
City Attorney

384861.1

STATE OF NORTH CAROLINA

COUNTY OF GUILFORD

I, ~~Juanita F. Cooper~~ Wendy L. Underwood a Notary Public in and for the County and State aforesaid, do hereby certify that Juanita F. Cooper personally came before me this day and acknowledged that he/she is ~~Clerk~~ City of the CITY OF GREENSBORO, and that by authority duly given and as an act of the CITY, the foregoing instrument was signed by Keith Holliday, its Mayor, attested by himself/herself as ~~Clerk~~ City, and sealed with the seal of the CITY.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this the 15th day of March, 2000.

Wendy L. Underwood
Notary Public

My Commission expires:
8/20/02

OFFICIAL SEAL
WENDY L. UNDERWOOD
Notary Public
Davidson County, NC
My Commission Expires 8/20/02

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KATHERINE LEE PAYNE, REGISTER OF DEEDS
GUILFORD COUNTY
201 SOUTH EUGENE STREET
GREENSBORO, NC 27402

* *

State of North Carolina, County of Guilford

The foregoing certificate of Wendy L. Underwood

A Notary (Notaries) Public is (are) certified to be correct. This instrument and this certificate are duly registered at the date and time shown herein.

KATHERINE LEE PAYNE, REGISTER OF DEEDS

By: Peggy H. Boone
Deputy - Assistant Register of Deeds

* *

THIS CERTIFICATION SHEET MUST REMAIN WITH THE DOCUMENT

03/29/00

GC - 1046 (Rev. 3/00)