CITY MANAGER
W. LANE BAILEY

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

CITY COUNCIL
T. H. PERDUE
M. F. PERRY
H. L. PRICE
T. J. ROHR
D. F. STEVENS
R. R. STILWELL
B. K. WILLIS

September 11, 2013

Stephanie Horton
EEP Land Protection Supervisor
1652 Mail Service Center
Raleigh, NC 27699-1652

RE: EEP Project ID 432 (Addendum to Conservation Easement)

Dear Ms. Horton:

Please find enclosed the recorded original Addendum to the Conservation Easement for the purpose of clarification and technical correction for EEP Project ID 432.

Thank you in advance for your assistance regarding this matter.

Sincerely,

CITY OF LENOIR

Shirley M. Cannon
City Clerk

Enclosure

RECEIVED
SEP 13 2013
NC ECOSYSTEM
ENHANCEMENT PROGRAM

Workflow No. 0000062166-0001

Doc ID: 009234030003 Type: CRP
Recorded: 09/11/2013 at 10:32:59 AM
Fee Amt: $26.00 Page 1 of 3
Workflow# 0000062166-0001
Caldwell County, NC
WAYNE L RASH Register of Deeds
BK 1833 PG 301-303

City of Lenoir

STATE OF NORTH CAROLINA
CONSERVATION EASEMENT

CALDWELL COUNTY

SPO File Number 14-AR
EEP Project ID 432
Approved by: Office of the Attorney General
Property Control Section
Return to: NC Department of Administration
State Property Office
1321 Mail Service Center
Raleigh, NC 27699-1321

ADDENDUM TO THE
CONSERVATION EASEMENT FOR
THE PURPOSE OF CLARIFICATION
AND TECHNICAL CORRECTION

RECEIVED
SEP 13 2013
NC ECOSYSTEM
ENHANCEMENT PROGRAM

THIS ADDENDUM IS MADE TO THE CONSERVATION EASEMENT as granted to the State of North Carolina, Department of Administration, State Property Office, whose mailing address is 1321 Mail Service Center, Raleigh, NC 27699-1321 by the City of Lenoir, whose mailing address is 801 West Avenue NW, Lenoir, NC 28645. Said Conservation Easement was recorded on May 1, 2003, in Deed Book 1445, Page 69 in the Caldwell County Register of Deeds.

WITNESSETH:

WHEREAS: The purpose of this Addendum is to clarify activities allowed within certain areas at the Zack's Fork Creek full-delivery mitigation site in Caldwell County.

WHEREAS: The City of Lenoir donated a Conservation Easement to the State of North Carolina, which permanently restricts activities on approximately fourteen acres of the property, so that wetland and stream restoration could be carried out on the property by the compensatory mitigation provider, Spalding and Norris, on behalf of the Department of Environment and Natural Resources' Ecosystem Enhancement Program. The Conservation Easement extends for seventy-five feet on both sides of the center line of Zack's Fork Creek.

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WHEREAS: Cutting, trimming, damaging and destruction of the native vegetation and the use of motorized vehicles within the Conservation Easement is prohibited, except as required to maintain or protect the existing utilities, soccer fields, tennis courts, and greenway trails.

WHEREAS: Pursuant to Section II, Subsection A of the Conservation Easement, as recorded in Caldwell County Register of Deeds, the City reserved the right to maintain and repair "developed appurtenances, including playing fields, and paved and unpaved multi-use greenways and trails".

WHEREAS: The Grantor and Grantee (hereafter, "the Parties") desire to more clearly define the areas in which vegetative cutting and use of motorized vehicles are allowed. The Parties agree that no cutting, removal, mowing, harming or destruction of native vegetation, no herbicide use, and no other activities that are prohibited in the Conservation Easement are allowed within the conservation easement area unless agreed to by the Grantee in writing.

WHEREAS: Notwithstanding the foregoing, maintenance of existing soccer fields, tennis courts, greenway path, yard inlet and pipes, and sanitary sewer rights-of-way, as depicted on the "Zack's Fork Stream Restoration (AW03003A) Asset Map" (Exhibit A), may be maintained by the City.

WHEREAS: Mowing of grass is allowed within two feet of the edge of the paved Greenway Path and in all areas to the west of the Greenway Path depicted on Exhibit A.

WHEREAS: The Grantor agrees that all greenway paths, yard inlets and pipes, culverts and sewer lines are accurately depicted on Exhibit A and are labeled as "Existing Feature" on the Zack's Fork Current Condition Map (Exhibit B). Maintenance and repairs of these existing appurtenances are allowed. The disturbance zones for such activities shall extend no more than five feet from the existing pipes or yard inlets, two feet from the edge of the paved greenway trail, and within the existing fifteen foot wide sewer line maintenance corridor, which extends 7.5 feet on each side of the sewer manholes shown on Exhibit A and Exhibit B. Erosion control devices shall be utilized to contain all disturbed materials and will conform to State and local requirements.

WHEREAS: The Ecosystem Enhancement Program has installed bollards within two feet of the existing Greenway Path along the eastern edge of that Path and has marked trees with surveyors' paint or placed square steel posts within the wooded areas and along the western edge of the Sanitary Sewer Line. Any cutting of vegetation, dumping, or disturbance between the marked areas or bollards and the center line of the stream is prohibited unless otherwise allowed in this addendum. The locations of the markers are depicted as "Marked Boundary" on Exhibit B. Any disturbance to these markers is prohibited.

WHEREAS: The original Conservation Easement, recorded on May 1, 2003, remains in full effect.

(Remainder of page intentionally left blank)

The Grantor hereby certifies that he has authority to sign on behalf of the Grantor, and certifies, on behalf of the Grantor, its agents, successors and assigns, that Exhibits A and B, attached hereto, is an accurate rendering of all appurtenances or rights-of-way in existence at the time of the execution of this instrument.

September 3, 2013

Mayor
City of Lenoir
North Carolina County of Caldwell

(Attest)

Shirley M. Cannon

Shirley Cannon
City Clerk

September 3, 2013

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851
SEAL

Exhibit A.

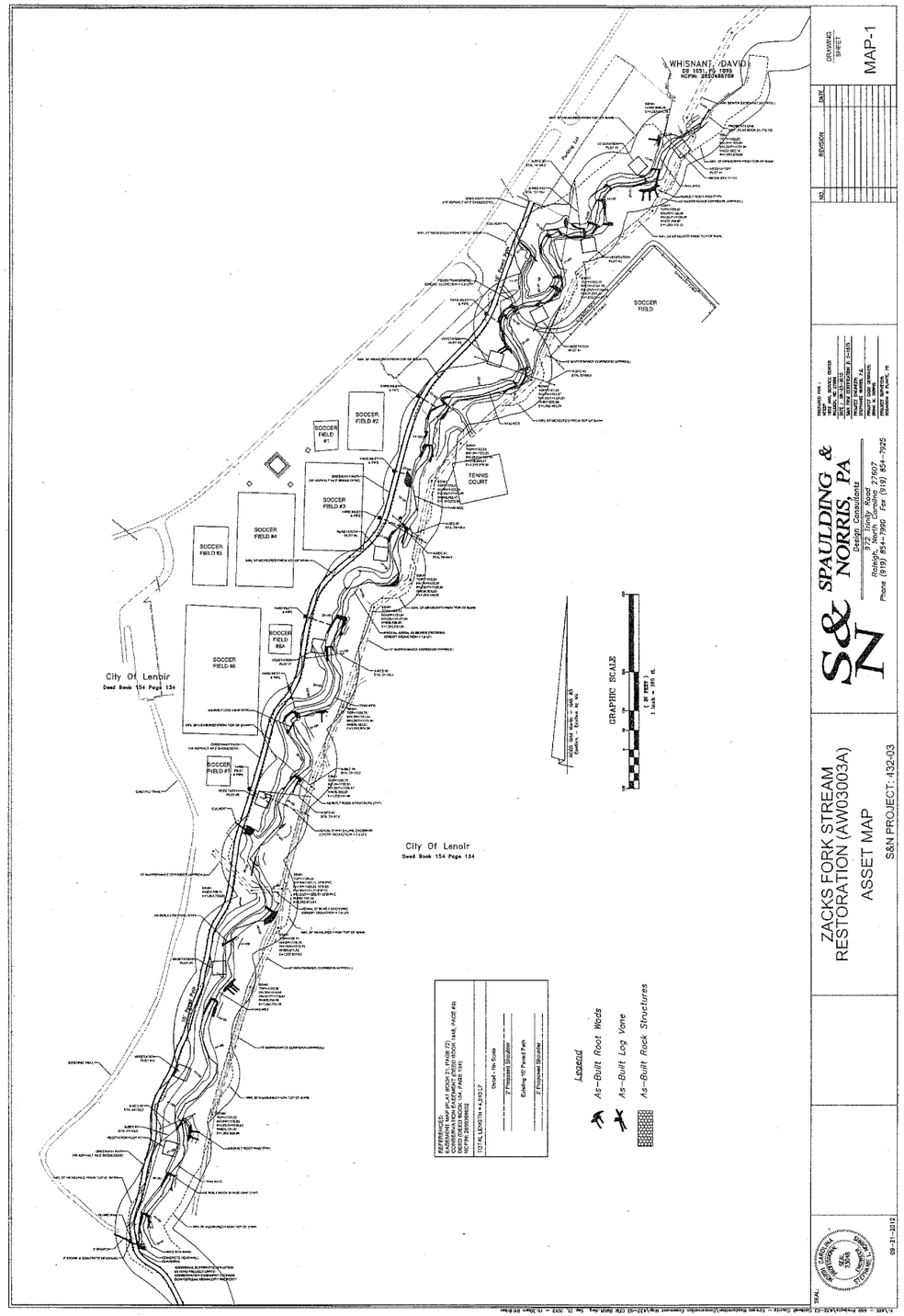
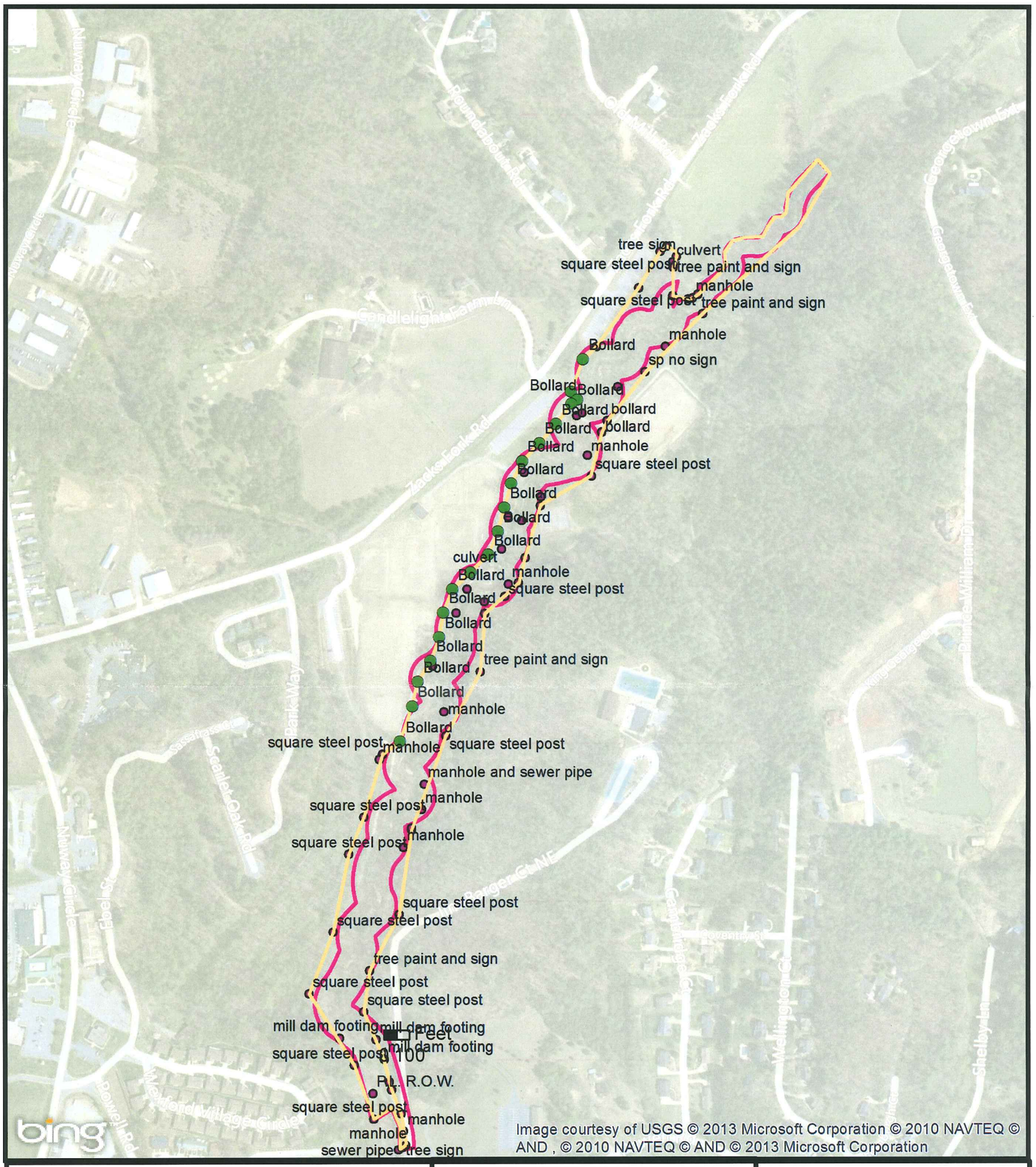
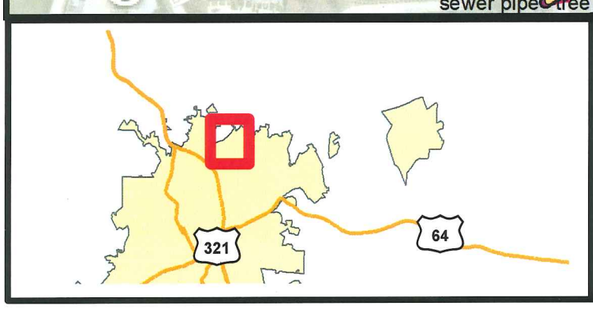

WHISNANT, DAVID
DB 1051, PG 1093
NCPIN: 2692488709
SOCCER FIELD
SOCCER FIELD #2
SOCCER FIELD #1
TENNIS COURT
SOCCER FIELD #3
SOCCER FIELD #4
SOCCER FIELD #5
SOCCER FIELD #6
SOCCER FIELD #6A
SOCCER FIELD #7
City Of Lenoir
Deed Book 154 Page 134
City Of Lenoir
Deed Book 154 Page 134
GRAPHIC SCALE
REFERENCES:
BOUNDARY SURVEY (PLAT BOOK 21, PAGE 72)
CONSERVATION EASEMENT (DEED BOOK 1445, PAGE 89)
NCPIN: 2693598602
TOTAL LENGTH = 2,943 LF
Detail - No Scale
2' Proposed Stockpile
Existing 10' Paved Path
2' Exposed Structure
Legend
As-Built Root Wads
As-Built Log Vane
As-Built Rock Structures
S&N
SPAULDING & NORRIS, PA
Design Consultants
878 Trinity Road
Raleigh, North Carolina 27607
Phone (919) 854-7990 Fax (919) 854-7925
ZACKS FORK STREAM
RESTORATION (AW03003A)
ASSET MAP
S&N PROJECT: 432-03
09-21-2012
DRAWING SHEET
MAP-1
REVISION
DATE
NO.

Exhibit. B.





Legend

- Conservation Easement Boundary
- Marked Boundary
- Existing Feature
- Bollard

Site Location Map

Zack's Fork Creek
EEP IMS 432

N
W E
S

Ecosystem Enhancement