North Carolina
Department of Administration

Michael F. Easley, Governor
W. Britt Cobb, Jr., Secretary

State Property Office
June W. Michaux, Director

February 19, 2008

Chancellor James E. Moeser
University of North Carolina at Chapel Hill
Office of the Chancellor
Campus Box 9100
Chapel Hill, NC 27599-9100

Secretary William G. Ross, Jr.
N. C. Department of Environment and Natural Resources
Mail Service Center 1601
Raleigh, North Carolina 27699-1601

Re: Reallocation of 5.153 acres for stream restoration project
University of North Carolina at Chapel Hill to
N.C. Department of Environment and Natural Resources,
Ecosystem Enhancement Program

Dear Chancellor Moeser and Secretary Ross:

Pursuant to an agreement between the University of North Carolina at Chapel Hill and the N.C. Department of Environment and Natural Resources, Ecosystem Enhancement Program dated June 3, 2005, (the "Agreement") and pursuant to the authority vested in me by the N.C.G.S. § 143-341(4) (g), the following described property located in Orange County, North Carolina, is reallocated by conservation easement for the restoration, enhancement, and stabilization project of Chapel Creek.

The University of North Carolina at Chapel Hill has management interest in real property as allocated by the N.C. Department of Administration that is situated, lying, and being in Chapel Hill Township, Orange County, North Carolina (the **"Property"**), and being more particularly described as that certain parcel of land containing approximately 21.76 acres and being previously conveyed to the Grantor by deed as recorded in **Deed Book 130 at Page 530** of the Orange County Registry, North Carolina.

Mailing Address:
1321 Mail Service Center
Raleigh, N.C. 27699-1321

Telephone (919) 807-4650
Fax (919) 733-1431
State Courier #52-71-78

Location:
116 West Jones Street
Raleigh, North Carolina

An Equal Opportunity / Affirmative Action Employer
Web: http://spo.doa.state.nc.us

The University of North Carolina at Chapel Hill agrees to an administrative reallocation of a conservation easement over the herein described areas of the Property, thereby restricting and limiting the use of the included areas of the Property to the terms and conditions and purposes hereinafter set forth and set forth in the Agreement. This administrative reallocation by conservation easement shall be for the protection and benefit of the waters of Chapel Creek.

REALLOCATION DECLARATIONS AND RESTRICTIONS

It is the intent of the N.C. Ecosystem Enhancement Program to perform stream and/or wetland restoration and enhancement on the Property as described in this Letter of Reallocation. In consideration of this project, the N.C. Ecosystem Enhancement Program has required that these Declarations and Restrictions be observed, and the State sets aside, declares, reserves and recognizes, for all related State Agencies, administratively reallocates a perpetual riparian buffer by conservation easement,

Being a reallocation of a conservation easement of the nature and character and to the extent hereinafter set forth, over the described areas of the Property, referred to hereafter as the "**Allocated Easement Area**", and being all of Area A containing 0.337 acres, Area B containing 4.486 acres, and Area C containing 0.330 acres as identified on the attached survey entitled, "Allocated Conservation Easement Survey for the State of North Carolina, NC Department of Administration, Ecosystem Enhancement Program, EEP-Chapel Creek Restoration, UNC-Chapel Hill, SPO # 68-ZX and certified by L. Dennis Lee, NC PLS Number 1544, dated December 14th, 2007.

The Allocated Easement Area 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 Chapel Creek, and otherwise promote the public purposes authorized under the provisions of N.C. General Statute § 143-214.8.

[See Attached Survey Exhibit]

The purposes of these restrictions are to maintain, restore, enhance, create and preserve wetland and/or riparian resources within the Allocated Easement 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 Allocated Easement Area in its natural condition, consistent with these purposes; and to prevent any use of the Allocated Easement Area that will significantly impair or interfere with these purposes. To achieve these purposes, the following conditions and restrictions are set forth:

RESERVED USES AND RESTRICTED ACTIVITES

A. Motorized Vehicles. Usage of motorized vehicles in the Allocated Easement Area is prohibited, except as they are used exclusively for management, maintenance, or stewardship purposes.

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 Allocated Easement Area to persons or natural habitat, all cutting, removal, mowing, harming, or destruction of any trees and vegetation in the Allocated Easement Area is prohibited.

C. Industrial, Agricu ral, Residential and Commercial U . All are prohibited in the Allocated Easement Area.

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

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

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

G. Dumping or Storing. Dumping or storage of soil, trash, ashes, garbage, waste, abandoned vehicles, appliances or machinery, or other material in the Allocated Easement 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 Allocated Easement 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 Allocated Easement Area. 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, except for their use in the control and removal of exotic invasive species. In the event of an emergency interruption or shortage of all other water sources, water from within the Allocated Easement Area may temporarily be used for good cause shown as needed for the survival of livestock and agricultural production.

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

K. Disturbance of Natural Features. Any change, disturbance, alteration or impairment of the natural features of the Allocated Easement 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, removal of invasive exotic species, 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.

M. Permission. Permission to vary from the above restrictions may be granted by the N.C. Ecosystem Enhancement Program for good cause shown, provided that any such request is consistent with the purposes of these restrictions. Permission and approval to vary must be obtained in writing from the N.C. Ecosystem Enhancement Program, whose mailing address is 1652 Mail Services Center, Raleigh, NC 27699-1652.

N. 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. All remaining rights not restricted by the terms of this reallocation of conservation easement shall be retained by the University of North Carolina at Chapel Hill.

O. Ingress, Egress, and Inspection. The N.C. Department of Environment and Natural Resources, Ecosystem Enhancement Program, its employees and agents, successors and assigns, receive the perpetual right of general ingress, egress, and inspection to the Allocated Easement Area over the Property at reasonable times to undertake any activities to restore, manage, maintain, enhance, and monitor the wetland and riparian resources of the Allocated Easement Area, in accordance with restoration activities or a long-term management plan. Unless otherwise specifically set forth in this reallocation of Conservation Allocated Easement, the rights granted herein do not include or establish for the public any access rights.

This allocation is made at no cost or consideration to the N.C. Department of Environment and Natural Resources, Ecosystem Enhancement Program other than performance, completion and management of the restoration activities as described.

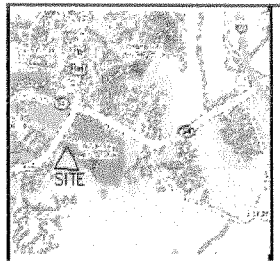
Sincerely,

W. Britt Cobb, Jr., Secretary
Department of Administration

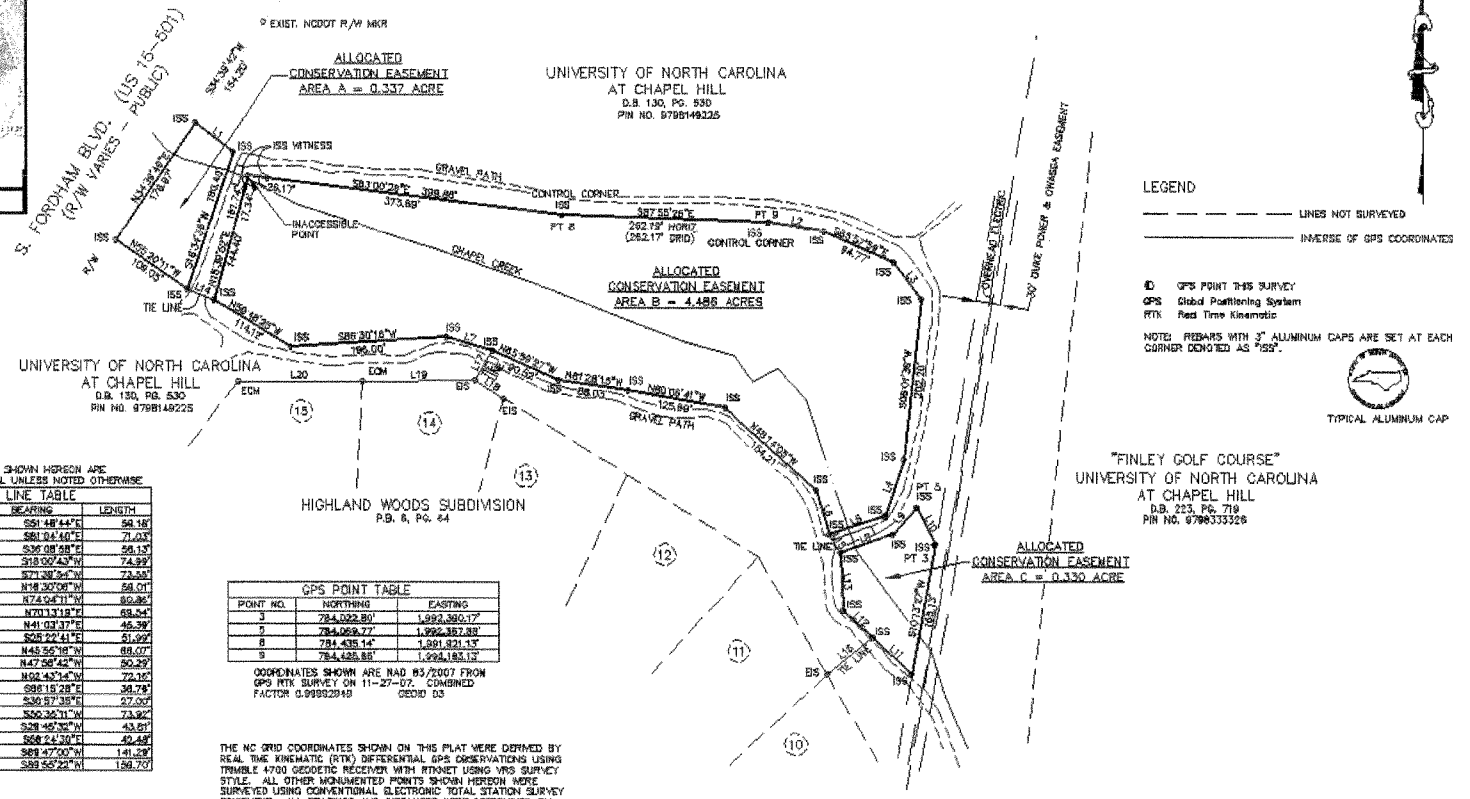
CONSENTED AND AGREED TO:

James C. Moeser, Chancellor
University of North Carolina at Chapel Hill

William G. Ross, Jr., Secretary
Department of Environment and Natural Resources



VICINITY MAP



LEGEND

— — — — — LINES NOT SURVEYED

——————— INVERSE OF GPS COORDINATES

ID GPS POINT THIS SURVEY
GPS Global Positioning System
RTK Real Time Kinematic

NOTE: REBARS WITH 3" ALUMINUM CAPS ARE SET AT EACH CORNER DENOTED AS "ISS".

TYPICAL ALUMINUM CAP

DISTANCES SHOWN HEREON ARE HORIZONTAL UNLESS NOTED OTHERWISE

LINE TABLE

LINE	BEARING	LENGTH
L1	S51°48'44"E	58.18'
L2	S81°04'40"E	71.03'
L3	S36°08'58"E	56.13'
L4	S18°00'42"W	74.99'
L5	S71°29'34"W	73.58'
L6	N18°30'06"W	58.01'
L7	N74°04'11"W	89.86'
L8	N70°13'19"E	68.54'
L9	N41°03'37"E	45.39'
L10	S05°22'41"E	51.99'
L11	N45°56'18"W	68.07'
L12	N47°58'42"W	80.29'
L13	N02°43'14"W	72.16'
L14	S86°15'28"E	38.78'
L15	S36°57'35"E	27.00'
L16	S55°35'11"W	73.92'
L17	S28°45'32"W	43.61'
L18	S68°24'39"E	42.48'
L19	S89°47'00"W	141.29'
L20	S89°55'22"W	158.70'

GPS POINT TABLE

POINT NO.	NORTHING	EASTING
3	784,022.80'	1,992,360.17'
5	784,069.77'	1,992,357.85'
8	784,435.14'	1,991,821.13'
9	784,425.85'	1,992,183.13'

COORDINATES SHOWN ARE NAD 83/2007 FROM GPS RTK SURVEY ON 11-27-07. COMBINED FACTOR 0.99992949 GEOID 03

THE NC GRID COORDINATES SHOWN ON THIS PLAT WERE DERIVED BY REAL TIME KINEMATIC (RTK) DIFFERENTIAL GPS OBSERVATIONS USING TRIMBLE 4700 GEODETIC RECEIVER WITH RTKNET USING VRS SURVEY STYLE. ALL OTHER MONUMENTED POINTS SHOWN HEREON WERE SURVEYED USING CONVENTIONAL ELECTRONIC TOTAL STATION SURVEY EQUIPMENT. ALL BEARINGS AND DISTANCES WERE DETERMINED BY INVERSE FROM COORDINATES ESTABLISHED BY GPS AND TOTAL STATION SURVEYS

I, L. DENNIS LEE, PLS L-1544, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS DASHED LINES; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000±; THAT THE GPS OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 2: STANDARDS FOR GEODETIC NETWORKS AT THE 2-CENTIMETER (0.020m) ACCURACY CLASSIFICATION (95% CONFIDENCE) USING REAL TIME KINEMATIC FIELD PROCEDURES. THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.
I, L. DENNIS LEE, CERTIFY THAT THIS PLAT MEETS THE REQUIREMENT OF G.S. 47-30 SECTION F-11-D.
WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS 14TH DAY OF DECEMBER, A.D., 2007.

L. DENNIS LEE, PLS L-1544

DATE	FIELD WORK NOV. 2007
JOB NUMBER	UNC-CH
SCALE	1" = 100 FEET
DRAWN BY	LDL
CHECKED BY	DRT
SURVEYED BY	MGB-LDL
REVISIONS	

NORTH CAROLINA PROFESSIONAL SEAL L-1544 LAND SURVEYOR L. DENNIS LEE

GRAPHIC SCALE IN FEET 1 inch = 100'

NORTH CAROLINA GEODETIC SURVEY
Department of Environment and Natural Resources

312 N. SALISBURY ST., STE. 425, RALEIGH, NORTH CAROLINA 27604 (919) 733-3836

ALLOCATED CONSERVATION EASEMENT SURVEY
FOR THE STATE OF NORTH CAROLINA, NC DEPARTMENT OF ADMINISTRATION, ECOSYSTEM ENHANCEMENT PROGRAM, EEP - CHAPEL CREEK RESTORATION UNC - CHAPEL HILL SPO # 68 - ZX

SCALE 1" = 100' DATE OF FIELD SURVEY NOV., 2007
CHAPEL HILL TOWNSHIP ORANGE COUNTY, NC