FOR REGISTRATION
J. David Granberry
REGISTER OF DEEDS
Mecklenburg County, NC
2014 OCT 13 03:41:07 PM
BK:29504 PG:948-955
FEE:$26.00
INSTRUMENT # 2014119033

YISRASB

2014119033

STATE OF NORTH CAROLINA

MECKLENBURG COUNTY

MODIFICATION OF CONSERVATION EASEMENT AREA

SPO File Number: 060-I
Prepared 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

THIS MODIFICATION OF CONSERVATION EASEMENT, made this 7th day of October, 2014, by TOWN OF DAVIDSON, a North Carolina municipal corporation, whose mailing address is Post Office Box 579, Davidson, North Carolina, 28036, (**"Grantor"**), to the STATE OF NORTH CAROLINA, (**"Grantee"**), whose mailing address is State of North Carolina, Department of Administration, State Property Office, 1321 Mail Service Center, Raleigh, NC 27699-1321. The designations of 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:

This instrument is intended to modify the Conservation Easement as recorded in **Deed Book 26344, Pages 424 through 437, of the Mecklenburg County Registry of Deeds** (the "**Conservation Easement**"). Grantor and Grantee (collectively, the "**Parties**") have agreed to modify the description of the Property and land area included in the easement area to include an additional 49.0195 acres. All areas which the parties previously agreed should be encumbered will continue to be subject to the terms of the Conservation Easement conveyed to the Grantee.

ROD
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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 and preserving wetland and riparian resources that contribute to the protection and improvement of water quality, flood prevention, fisheries, aquatic habitat, wildlife habitat, and recreational opportunities; and

WHEREAS, The State of North Carolina is qualified to be the Grantee of a Conservation Easement pursuant to N.C. Gen. Stat. § 121-35; and

WHEREAS, the Ecosystem Enhancement Program in the Department of Environment and Natural Resources has approved acceptance of this instrument; and

WHEREAS, the Department of Environment and Natural Resources, the North Carolina Department of Transportation and the United States Army Corps of Engineers, Wilmington District entered into a Memorandum of Agreement, (MOA) duly executed by all parties in Greensboro, NC on July 22, 2003, which recognizes that the Ecosystem Enhancement Program is to provide for compensatory mitigation by effective protection of the land, water and natural resources of the State by restoring, enhancing and preserving ecosystem functions; and

WHEREAS, the acceptance of this instrument for and on behalf of the State of North Carolina was granted to the Department of Administration by resolution as approved by the Governor and Council of State adopted at a meeting held in the City of Raleigh, North Carolina, on the 5th day of June 2007; and

WHEREAS, the Ecosystem Enhancement Program in the Department of Environment and Natural Resources, which has been delegated the authority authorized by the Governor and Council of State to the Department of Administration, has approved acceptance of this instrument; and

WHEREAS, Grantor owns in fee simple certain real property situated, lying, and being in Deweese Township, Mecklenburg County, North Carolina (the "**Property**"), and being more particularly described as that certain parcel of land containing approximately **200** acres and being conveyed to the Grantor by deed as recorded in **Deed Book 14620 at Page 750** of the Mecklenburg County Registry, North Carolina; and

WHEREAS, Grantor is willing to modify the Conservation Easement to include the described areas of the Property in "**Exhibit A**" attached hereto and incorporated by reference, thereby restricting and limiting the use of the included areas of the Property to the terms and conditions and purposes set forth in the Conservation Easement recorded in **Deed Book 26344, Page 424, of the Mecklenburg County Registry**, and Grantee is willing to accept such Conservation Easement. This Conservation Easement shall be for the protection and benefit of **West Branch Rocky River, NCEEP Project # 92684.**

NOW, THEREFORE, in consideration of the mutual covenants, terms, conditions, and restrictions hereinafter set forth, Grantor unconditionally and irrevocably hereby modifies the Conservation Easement **Area** and grants and conveys unto Grantee, its successors and assigns, forever and in perpetuity, a Conservation Easement along with a general Right of Access.

The Easement Area consists of the following:

Being the same Easement consisting of **58.8629 acres,** more or less, as shown on the plat of survey entitled "CONSERVATION EASEMENT SURVEY FOR THE STATE OF NORTH CAROLINA, ECOSYSTEM ENHANCEMENT PROGRAM, WEST BRANCH ROCKY RIVER, EEP ID 92684, SPO NUMBER: 060-I and dated March 1, 2013, by A.G. Zoutewelle Surveyors, PLS Number L-3098, and recorded in the Mecklenburg County, North Carolina Register of Deeds at **Plat Book 56, Page 557.** Reference to said plat is hereby made for a more perfect and accurate description.

See attached **"Exhibit A"** for the Legal Description of the area of the Property hereinafter referred to as the "Easement Area"

TO HAVE AND TO HOLD, the said rights and easements perpetually unto the State of North Carolina for the aforesaid purposes.

AND Grantor covenants that Grantor is seized of said premises in fee and has the right to convey the permanent Conservation Easement recorded in **Deed Book 26344, Page 424, of the Mecklenburg County Registry of Deeds,** and modified by this instrument; that the same is free from encumbrances and that Grantor will warrant and defend title to the same against the claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the Grantor has hereunto set Grantor's hand and seal, the day and year first above written.

GRANTOR: TOWN OF DAVIDSON

_____ (SEAL)
Leamon B. Brice, Town Manager

NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Richard J. Kline, a Notary Public of Mecklenburg County, North Carolina, do hereby certify that Leamon B. Brice, personally appeared before me this day and acknowledged that he/she is Town Manager for the Town of Davidson, a municipal corporation of the State of North Carolina, and that by authority duly given and as an act of the Town of Davidson, the foregoing instrument was signed in its name.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal this the 9th day of September, 2014.

Richard J. Kline
Notary Public

My commission expires:

10/26/2018

RICHARD J. KLINE
NOTARY
PUBLIC
MECKLENBURG COUNTY, N.C.

IN TESTIMONY WHEREOF, the STATE OF NORTH CAROLINA has caused this instrument to be executed in its name by SPEROS FLEGGAS, Senior Deputy Secretary, NC Department of Administration.

STATE OF NORTH CAROLINA

By: _____
Speros Fleggas
Senior Deputy Secretary

STATE OF NORTH CAROLINA

COUNTY OF Wake

I, Marion B. Patrick, a Notary Public in and for the aforesaid County of Wake and the State of North Carolina, do certify that Speros Fleggas, personally came before me this day and acknowledged that he is Senior Deputy Secretary, Department of Administration, State of North Carolina, and that by authority duly given and as the act of the State, has signed the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this the 7th day of October, 2014.

_____
Notary Public

Print name: Marion B. Patrick

My Commission Expires: August 10, 2019

(Seal)

MARION B. PATRICK
NOTARY
PUBLIC
WAKE COUNTY, N.C.

EXHIBIT A

to MODIFICATION OF CONSERVATION EASEMENT DEED BY TOWN OF DAVIDSON, Grantor, to the STATE OF NORTH CAROLINA, Grantee, dated the 7th day of October, 2014.

Legal Description
State of North Carolina Ecosystem Enhancement Program
West Branch Rocky River
EEP ID: 92684, SPO Number: 060-I

BEING all that certain Conservation Easement & Right of Access tract or parcel of land located within Deweese Township, Mecklenburg County, North Carolina, and being located off Shearer Road, and being located within that certain Town of Davidson Active Recreation Conservation Easement known as the "Fisher Farm" as described in Deed Book 14620 Page 756 of the Mecklenburg County Registry, and being more particularly described as follows:

BEGINNING at an existing nail in a poplar stump located at the southwesterly corner of John G. Fisher, Jr., and Family Trust under the Will of Hattie White Fisher as described in Deed Book 23265 Page 509 of the Mecklenburg County Registry, said existing nail in a poplar stump Beginning Point being located South 19-55-43 East 583.24 feet from an iron spike Reference Point, said iron spike Reference Point having North Carolina State Plane coordinates of Northing = 639,064.08 feet and Easting = 1,464,554.81 feet as based on the Epoch 2002.0000 realization of the North American Horizontal Datum of 1983, said datum having a combined grid conversion factor of 0.99984822 from the ground distances referenced herein, said existing nail in a poplar stump Beginning Point being also located the following six (6) calls from an existing iron pin located near the westerly right-of-way margin of Shearer Road: (1) South 47-20-04 West 552.31 feet, (2) South 07-25-54 East 21.61 feet, (3) South 42-54-12 West 131.87 feet, (4) South 39-38-56 West 136.98 feet, (5) South 03-05-32 West 515.04 feet and (6) South 16-39-17 West 250.16 feet, and running thence from said POINT AND PLACE OF BEGINNING along the common boundary with the said John G. Fisher, Jr., and Family Trust under the Will of Hattie White Fisher the following two (2) calls: (1) South 74-41-19 East 261.86 feet to a 30-inch sweet gum tree and (2) North 65-54-42 East 304.69 feet to an existing iron pin; thence along the common boundary with Craig M. Roseman and Virginia D. Roseman as described in Deed Book 5593 Page 772 of the Mecklenburg County Registry South 48-21-48 East 548.73 feet to an existing stone at a fence corner; thence along the common boundary with James Franklin Ritchie as described in Deed Book 4754 Page 138 and continuing with the common boundary with William Henry Ritchie as described in Deed Book 4754 Page 142 of the Mecklenburg County Registry the following three (3) calls:

(1) South 15-01-46 West (passing an existing axle iron at 70.25 feet) a total distance of 510.19 feet to an existing iron stake, (2) South 43-41-38 West 947.48 feet to an existing nail located in the top of a wooden fence post and (3) South 14-38-48 East 688.48 feet to an existing #6 iron rebar; thence along the common boundary with Ted Wayne Ritchie as described in Deed Book 4754 Page 140 of the Mecklenburg County Registry South 14-40-07 East 59.54 feet to an existing iron pin; thence along the westerly boundary of Lots 5 and 6 as depicted on that certain plat recorded in Map Book 50 Page 360 of the Mecklenburg County Registry but apparently deviating from the westerly boundary of the property described in the said Deed Book 4754 Page 140 the following two (2) calls: (1) South 50-17-21 West 36.91 feet to an existing 1-inch iron pipe and (2) South 11-50-34 East 954.77 feet to an existing iron pin; thence along the common boundary with Alan J. Grunsky and Sue S. Grunsky as described in Deed Book 17249 Page 659 of the Mecklenburg County Registry South 34-56-31 West 556.04 feet to an existing iron pipe; thence along the common boundary with Mecklenburg County as described in Deed Book 22305 Page 159 of the Mecklenburg County Registry the following two (2) calls: (1) North 37-24-37 West 268.65 feet to an existing iron pipe and (2) North 45-23-46 West 622.65 feet to a new State of North Carolina Conservation Easement disk; thence along the following six (6) new lines: (1) North 25-38-23 West 524.32 feet to a new State of North Carolina Conservation Easement disk, (2) North 25-07-48 East 899.37 feet to a new State of North Carolina Conservation Easement disk, (3) North 12-14-30 East 185.71 feet to a new State of North Carolina Conservation Easement disk, (4) North 02-19-31 East 534.00 feet to a new State of North Carolina Conservation Easement disk, (5) North 31-29-42 East 509.76 feet to a new State of North Carolina Conservation Easement disk and (6) North 07-13-30 West 541.76 feet to the point and place of BEGINNING, containing 58.8629 acres, more or less, as shown on a survey prepared by Andrew G. Zoutewelle, North Carolina Professional Land Surveyor Number L-3098, dated March 1, 2013.

GPS Survey Metadata

(1) Class of Survey: "A"
(2) Positional Accuracy: Horizontal :
(3) Type of GPS field procedure: Static/OPUS (Online Position User Service)
(4) Date of survey: July 21, 2008
(5) Datum/Epoch: NAD 83 (CORS96)(Epoch:2002.0000)
(6) Published/Fixed-control used: CORS Network Stations
(7) Geoid Model: GEIOD03
(8) Combined Grid Factor: 0.99984822
(9) Units: U.S. Survey Feet

Shearer Road Line Table:

NUMBER	DIRECTION	DISTANCE
L1	S 06°34'09" W	77.55 FT
L2	S 01°43'42" W	65.00 FT
L3	S 01°41'33" E	57.55 FT
L4	S 04°17'16" E	60.11 FT
L5	S 06°46'48" E	60.89 FT
L6	S 10°25'02" E	61.42 FT
L7	S 13°38'07" E	58.52 FT
L8	S 16°43'48" E	64.03 FT

I, Ben McCrary, Review Officer of Mecklenburg County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer 12/4/13 Date

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon is exempt from the subdivision provisions of the Davidson Planning Ordinance, and is therefore exempt from its provisions. This plat has been found to comply with the zoning regulations of the Davidson Planning Ordinance, and has been approved by the Town of Davidson for recording in the Office of the Register of Deeds of Mecklenburg County.

12/4/13 Date — Planning Director, Davidson, North Carolina

I certify that this plat is not within a designated Public Water Supply Watershed.

12/4/13 Date — Watershed Administrator, Town of Davidson

CERTIFICATE OF OWNERSHIP AND DEDICATION

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Davidson and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, preserve and protect all significant trees over 18 inches in diameter in the tree and root protection area, plant supplementary trees if required, and dedicate all streets, alleys, walks, parks, and other sites and easements, to public or private uses as noted. Furthermore, I hereby dedicate all sanitary sewer, storm sewer, and water lines that are located in public utility easements or rights-of-way to the Town of Davidson and the Charlotte-Mecklenburg Utility Department.

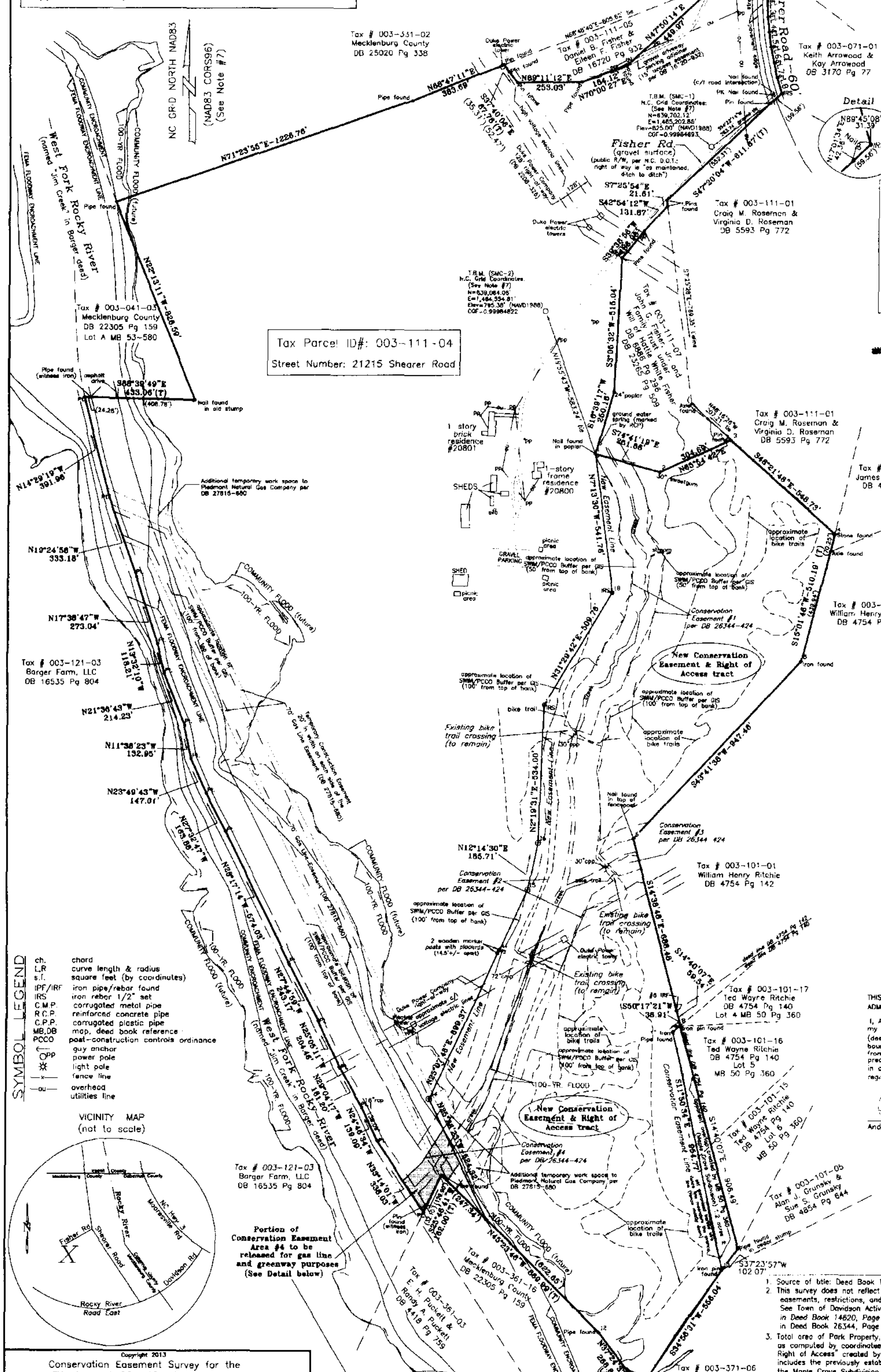
2-18-14 Date — Owner

Date — Owner

MAP BOOK 56 PAGE 557

2014073067

FILED FOR REGISTRATION JUN 27 2014 3:02 PM



Conservation Easement Coordinate Table

Node ID	Northing (ft)	Easting (ft)
1	638515.77	1464753.61
2	638446.62	1465006.17
3	638570.98	1465284.32
4	638206.40	1465694.42
5	637713.66	1465562.12
6	637028.60	1464907.60
7	636362.49	1465081.68
8	636304.89	1465096.76
9	636281.31	1465068.37
10	635346.86	1465264.31
11	634891.05	1464945.84
12	635104.44	1464782.64
13	635541.67	1464339.33
14	636014.35	1464112.45
15	636828.60	1464494.39
16	637010.09	1464533.77
17	637543.65	1464555.43
18	637978.31	1464821.74
44 (post)	636596.59	1464385.59
45 (post)	636583.55	1464379.35

THIS PLAT CERTIFIED TO ONLY THE NORTH CAROLINA DEPARTMENT OF ADMINISTRATION, REAL PROPERTY DIVISION (STATE PROPERTY OFFICE):

I, Andrew G. Zoutewelle, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed descriptions recorded in the Deeds noted hereon); that the boundaries not surveyed are clearly indicated as dashed lines drawn from adjoining deed information as shown hereon; that the ratio of precision as calculated is greater than 1:11,400; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 15th day of December 2013.

Andrew G. Zoutewelle, N.C. P.L.S.# L-3098

NORTH CAROLINA PROFESSIONAL SEAL L-3098 LAND SURVEYOR ANDREW G ZOUTEWELLE

SYMBOL LEGEND

ch.	chord
L,R	curve length & radius
s.f.	square feet (by coordinates)
IPF/IRF	iron pipe/rebar found
IRS	iron rebar 1/2" set
C.M.P.	corrugated metal pipe
R.C.P.	reinforced concrete pipe
C.P.P.	corrugated plastic pipe
MB,DB	map, deed book reference
PCCO	post-construction controls ordinance
←	guy anchor
OPP	power pole
☼	light pole
—x—	fence line
—ou—	overhead utilities line

VICINITY MAP (not to scale)

Copyright 2013

Conservation Easement Survey for the
State of North Carolina, Ecosystem Enhancement Program, West Branch Rocky River,
EEP ID: 92684, SPO Number: 060-I
Deweese Township, Mecklenburg County, N.C.
Owner: Town of Davidson, N. C.
Tax Parcel ID#: 003-111-04
Parcel Address: 21215 Shearer Road
Survey Date: March 1, 2013

Scale: 1" = 200'

A.G. ZOUTEWELLE SURVEYORS
1418 East Fifth St. Charlotte, NC 28204
Phone: 704-372-9444 Fax: 704-372-9555
Firm Licensure Number: C-1054

General Notes:

1. Source of title: Deed Book 14620, Page 750.
2. This survey does not reflect a complete title examination which may reveal additional easements, restrictions, and other matters of title. See Town of Davidson Active Recreation Conservation Easement (Fisher Property) recorded in Deed Book 14620, Page 756 and "Conservation Easement and Right of Access" recorded in Deed Book 26344, Page 424.
3. Total area of Park Property, including road rights-of-way and overlap area: 200.5382 acres, as computed by coordinates. The area within the "New Conservation Easement and Right of Access" created by this plat: 58.8629 acres (2,564,066 s.f.). [Note: This easement area includes the previously established Conservation Easements and excludes the overlap area of the the Maple Grove Subdivision.]
4. The zoning of this property, per GIS, is Town of Davidson "RPA" (Rural Planning Area). This survey does not reflect a zoning analysis. Any development of this parcel is subject to approval of the Town of Davidson.
5. This survey does not reflect complete utilities. Contact NC ONECALL Utility Location Service (1-800-632-4949) before any digging or design. Per Charlotte-Mecklenburg Utility Department, this site is not served by municipal water or sewer. If additional utilities information is required, the owner should contract with a private utility location specialist to investigate the areas of concern.
6. This property is partially located within a FEMA flood hazard district as per graphic scaling of FEMA Flood Insurance Rate Map, Community Panel No. 370158 4663K, which bears an effective date date of March 2, 2009. See approximate flood lines from FIRM shown hereon.
7. NC GRID Control provided by Survey and Mapping Control, 12727 Dorman Road, Pineville, N.C. Reference Frame: NAD 83(CORS96)(Epoch: 2002.0000) coordinates are consistent with NAD 83(NSRS2007) coordinates per Gary Thompson, North Carolina Geodetic Survey office, Phone: 1-919-733-3836.
8. Linear error of traverse closure 1: 11,400, which is within the precision level for a Suburban Land Survey (Suburban Land Survey requirement: 1: 7,500; Rural and Farmland Surveys: 1: 5,000.)
9. Iron Pins (#5 rebar) with "State of North Carolina Conservation Easement" discs set at all new easement corners, unless otherwise shown. New corners are also witnessed by 6" diameter wooden posts displaying orange, diamond-shaped "Conservation Area" placards.
10. The purpose of this plat is to: (1) describe the new expanded "Conservation Easement and Right of Access" area to be conveyed by the Town of Davidson to the State of North Carolina. This easement area encompasses those certain existing "Conservation Easement and Right of Access" areas described in Deed Book 26344 Page 424; and (2) describe the portion of Easement Area #4, Deed Book 26344 Page 424 that is to be released by the State of North Carolina to the Town of Davidson and/or Mecklenburg County for purposes of a gas line easement and a proposed Mecklenburg County greenway crossing.
11. Bike trails shown hereon are per a sketch provided by Town of Davidson. These were not field-located.