STATE OF NORTH CAROLINA

MECKLENBURG COUNTY

SECOND AMENDMENT OF TOWN OF DAVIDSON ACTIVE RECREATION CONSERVATION EASEMENT (Fisher Property)

THIS AMENDMENT OF DEED OF CONSERVATION EASEMENT ("Amendment') is made as of the 9 day of November, 2012, by and between the **TOWN OF DAVIDSON**, a North Carolina municipal corporation (hereinafter "Grantor") and **MECKLENBURG COUNTY**, a political subdivision of the State of North Carolina (hereinafter "Grantee").

W I T N E S S E T H:

WHEREAS, Grantor and Grantee entered into that certain "TOWN OF DAVIDSON ACTIVE RECREATION CONSERVATION EASEMENT (Fisher Property)" dated December 30, 2002 which is recorded at Book 14620 at Page 756 in the Mecklenburg Public Registry, as amended by the Amendment of Town of Davidson Active Recreation Conservation Easement (Fisher Property) dated April 12, 2010 and recorded in Book 25569 Page 627 Mecklenburg County Public Registry (hereinafter "Conservation Easement"), which Conservation Easement imposed certain restrictions on the parcel of property described in the Exhibit A attached to the Conservation Easement (the "Property"); and

WHEREAS, Grantor and Grantee wish to further amend the Conservation Easement by (1) removing an area from the Property so that the Grantor can grant an easement on that area to the State of North Carolina in connection with a grant to the Grantor as part of 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 (2) permitting the construction, maintenance and repair of a natural gas pipeline easement within the Property.

NOW THEREFORE, in consideration of the premises, Grantor and Grantee agree as follows:

1. Exhibit A to the Conservation Easement is amended by deleting from the Property described therein the area shown in Attachment A to this Amendment so that Grantor can grant a conservation easement on said area to the State of North Carolina as required by the Ecosystem Enhancement Program grant conditions.

2. A new paragraph 4(i) is added as follows:

"(i) to grant an easement to Piedmont Natural Gas Company, Inc. for the purpose of laying, constructing, maintaining, operating, repairing, altering, replacing, removing and protecting one or more pipelines for the transportation of natural gas across the Property in the area shown on Attachment B to this Amendment."

3. Except for the removal of the area shown in Attachment A to this Amendment, and the addition of paragraph 4(i), the Conservation Easement shall remain in full force and effect.

IN TESTIMONY WHEREOF, the Grantor and Grantee have caused this Amendment to be executed by their authorized representatives as of the day and year first above written.

GRANTOR:

TOWN OF DAVIDSON

_____(SEAL)
Leamon B. Brice, Town Manager

NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Heather N. Birch, a Notary Public of ~~Mecklenburg~~ Forsyth County, North Carolina, do hereby certify that Leamon B. Brice, personally appeared before me this day and acknowledged that he 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 9 day of November, 2012.

Heather N. Birch
Notary Public

My commission expires:

4/3/2016

HEATHER N BIRCH
NOTARY PUBLIC
FORSYTH COUNTY, NC

GRANTEE

MECKLENBURG COUNTY

_____ (SEAL)
Harry L. Jones, Sr., County Manager

APPROVED AS TO FORM:

M A Bethune
COUNTY ATTORNEY

NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Marvin A. Bethune, a Notary Public of Mecklenburg County, North Carolina, do hereby certify that Harry L. Jones, Sr., personally appeared before me this day and acknowledged that he is County Manager for Mecklenburg County, a political subdivision of the State of North Carolina, and that by authority duly given and as an act of Mecklenburg County, the foregoing instrument was signed in its name.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal this the 20th day of November, 2012.

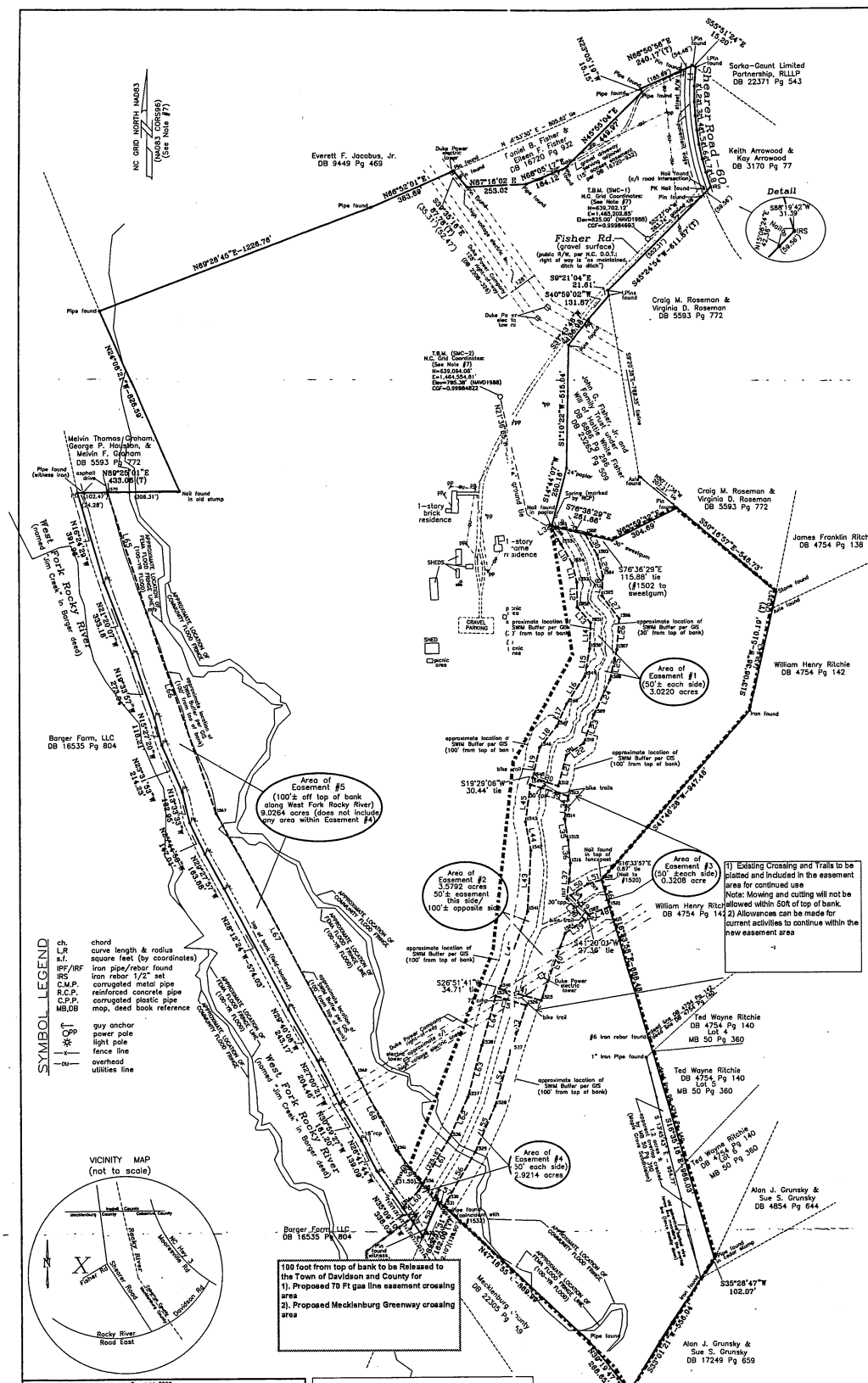
Marvin A. Bethune
Notary Public

My commission expires:

August 17, 2015

MARVIN A. BETHUNE
NOTARY
PUBLIC
MECKLENBURG COUNTY, N.C.

EXHIBIT A



Shearer Road Line Table:

NUMBER	DIRECTION	DISTANCE
L1	S 04°39'00" W	77.55 FT
L2	S 00°11'27" E	65.00 FT
L3	S 03°36'42" E	57.55 FT
L4	S 06°12'25" E	60.11 FT
L5	S 08°41'27" E	60.89 FT
L6	S 12°20'11" E	61.42 FT
L7	S 15°33'16" E	58.52 FT
L8	S 18°38'58" E	64.03 FT

Conservation Easements:

	NUMBER	DIRECTION	DISTANCE
Easement #1	L9	S 30°16'08" E	70.34 FT
	L10	S 31°05'36" E	92.82 FT
	L11	S 13°33'28" E	82.06 FT
	L12	S 00°48'23" E	104.15 FT
	L13	S 40°28'31" E	85.77 FT
	L14	S 02°19'29" W	108.07 FT
	L15	S 10°33'53" W	118.26 FT
	L16	S 33°48'14" W	138.68 FT
	L17	S 24°10'40" W	102.34 FT
	L18	S 39°28'01" W	114.89 FT
	L19	S 13°32'14" W	129.63 FT
	L20	S 72°11'04" E	113.94 FT
	L21	N 15°22'04" E	132.10 FT
	L22	N 55°04'34" E	89.76 FT
	L23	N 19°52'53" E	126.23 FT
	L24	N 25°22'21" E	160.59 FT
	L25	N 12°57'01" E	131.68 FT
	L26	N 04°28'03" E	129.26 FT
	L27	N 36°51'27" W	119.21 FT
	L28	N 02°31'48" E	83.34 FT
	L29	N 15°02'55" W	91.26 FT
	L30	N 29°44'40" W	100.35 FT
	L31	N 76°36'29" W	124.60 FT
	L32	S 58°00'35" W	20.21 FT
Easement #2	L33	S 73°24'21" E	167.99 FT
	L34	S 09°31'13" W	97.77 FT
	L35	S 09°39'59" E	89.87 FT
	L36	S 05°34'18" E	95.97 FT
	L37	S 05°34'18" W	151.93 FT
	L38	S 39°49'03" E	113.65 FT
	L39	S 55°47'47" W	98.68 FT
	L40	S 20°24'07" W	297.54 FT
	L41	N 74°02'13" W	183.34 FT
	L42	N 20°43'39" E	341.04 FT
	L43	N 03°10'55" E	257.89 FT
	L44	N 10°25'37" W	119.96 FT
	L45	N 07°39'28" E	157.92 FT
	L46	S 16°33'57" E	118.05 FT
	L47	(not assigned)	
Easement #3	L48	S 69°28'50" W	93.39 FT
	L49	N 42°53'42" W	110.50 FT
	L50	N 55°45'20" E	85.81 FT
	L51	N 74°08'36" E	60.43 FT
	L52	S 72°44'11" E	135.19 FT
	L53	S 19°17'12" W	200.89 FT
Easement #4	L54	S 16°25'59" W	239.90 FT
	L55	S 24°14'30" W	209.45 FT
	L56	S 38°49'56" W	264.40 FT
	L57	N 47°18'55" W	33.13 FT
	L58	S 23°51'31" W	162.00 FT
	L59	N 35°09'10" W	149.22 FT
	L60	N 44°08'31" E	99.01 FT
	L61	N 31°16'07" E	256.66 FT
	L62	N 24°55'54" E	187.01 FT
	L63	N 15°38'12" E	223.59 FT
	L64	N 16°31'04" E	215.09 FT
Easement #5	L65	S 18°01'15" E	530.41 FT
	L66	S 19°13'40" E	889.72 FT
	L67	S 28°29'19" E	237.17 FT
	L68	S 27°25'26" E	361.61 FT
	L69	S 37°42'56" E	179.62 FT

Conservation Easements:
Corners Coordinate Table
(ground coordinates)

Node ID	Northing	Easting
1500	638507.08	1464775.51
1501	638517.78	1464792.65
1502	638488.92	1464913.87
1503	638401.79	1464963.66
1504	638313.66	1464987.35
1505	638230.41	1464983.67
1506	638135.02	1465055.18
1507	638006.15	1465045.11
1508	637877.83	1465015.60
1509	637738.72	1464946.79
1510	637614.02	1464903.86
1511	637562.63	1464830.26
1512	637435.25	1464795.25
1513	637393.44	1464837.62
1514	637297.02	1464821.45
1515	637208.43	1464836.54
1516	637112.92	1464845.89
1517	636961.69	1464831.10
1518	636975.79	1464846.80
1519	637024.08	1464917.73
1520	637040.72	1464975.82
1521	636927.58	1465009.48
1522	636894.91	1464921.99
1523	636874.37	1464903.92
1524	636818.93	1464822.27
1525	636540.05	1464718.54
1526	636519.38	1464655.69
1527	636329.76	1464589.34
1528	636099.66	1464521.47
1529	635908.69	1464435.48
1530	635708.39	1464315.92
1531	635681.65	1464299.96
1532	635704.11	1464275.60
1533	635555.96	1464210.08
1534	635677.96	1464124.16
1535	635749.01	1464193.12
1536	635968.39	1464326.34
1537	636137.97	1464405.17
1538	636353.28	1464465.43
1539	636559.50	1464526.59
1540	636590.47	1464542.27
1541	636909.43	1464662.97
1542	637166.93	1464677.29
1543	637284.91	1464655.58
1544	637441.42	1464676.62
1545	637470.11	1464686.77
1546	637596.14	1464717.12
1547	637684.84	1464790.15
1548	637778.16	1464832.04
1549	637893.42	1464909.21
1550	638009.69	1464930.50
1551	638117.68	1464935.28
1552	638182.92	1464879.61
1553	638287.07	1464878.14
1554	638366.84	1464858.90
1555	638446.32	1464810.97
1556	638775.94	1464209.47
1561	639918.03	1464099.58
1562	636239.01	1463933.04
1567	637326.37	1463342.93
1573	638166.46	1463049.92
1575	638670.85	1462885.83

Copyright 2008

Conservation Easement Survey for the
State of North Carolina,
Ecosystem Enhancement Program,
West Branch Rocky River,
EEP ID: 62684, 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: September 23, 2008
(Revision 11-7-2008: add Area #5)

200 0 200 400 600
Scale: 1" = 200'

A.G. ZOUTEWELLE
SURVEYORS
1418 East Fifth St. Charlotte, NC 28204
Ph: 704-372-9444 Fax: 704-372-9555

Z:\EPTTONY\2008\SHEARER\SHE21215

This plat is not subject to the provisions of the Mecklenburg County or Town of Davidson Subdivision Ordinance and does not require the approval of the Charlotte-Mecklenburg Planning Commission. However, any further division of this property may be subject to these provisions.

CHARLOTTE-MECKLENBURG PLANNING COMMISSION

Signature Date

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 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 12th day of November, 2008.

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

NORTH CAROLINA PROFESSIONAL SEAL L-3098 LAND SURVEYOR

General Notes:

1. Source of title: Deed Book 14620, Page 750.
   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.
2. Total area of Subject Property, including areas within road rights-of-way: 200.5382 acres, as computed by coordinates.
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 the 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 0028E, which bears an effective date date of February 4, 2004. See approximate flood zones 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) set at all new easement corners, unless otherwise shown. New corners also marked with durable witness posts.

ATTACHMENT B

AREA OF:	SQ. FT.	ACRE
PROPOSED EASEMENT	211,467	4.85
TEMPORARY WORK SPACE	120,827	2.78
ADDITIONAL TEMPORARY WORK SPACE	32,359	0.74

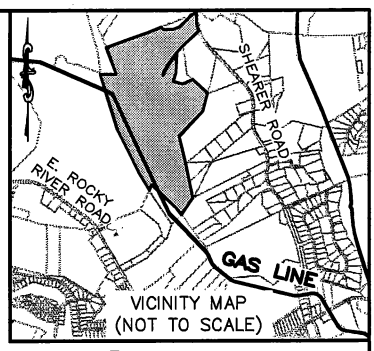
PROJECT LOCALIZED FROM POINT #11
#5 REBAR
GRID COORDINATES
N: 621321.76
E: 1469997.84
CF: 0.99996915

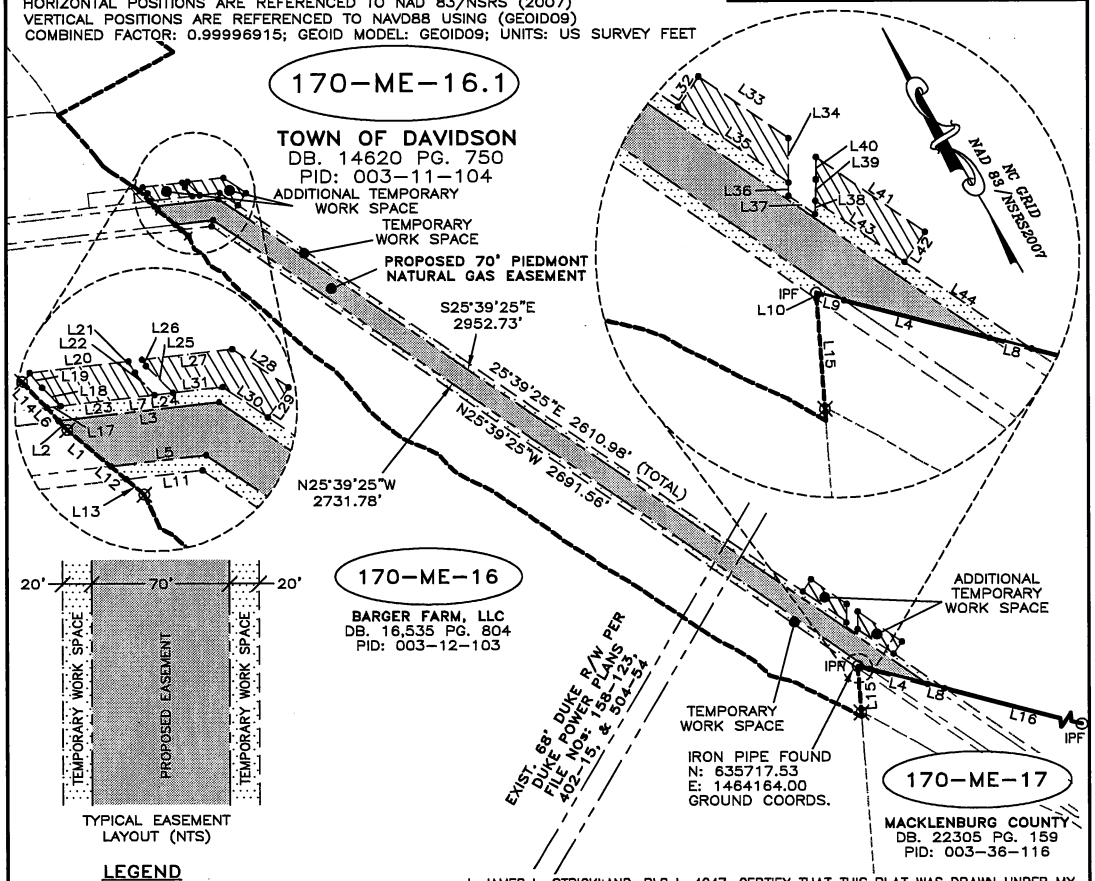
THE STATE PLANE COORDINATES (SPC) FOR THIS PROJECT WERE PRODUCED WITH STATIC GPS OBSERVATIONS AND PROCESSED WITH ONLINE POSITIONING USER SERVICE (OPUS) ON FEBRUARY 9, 2011.

THE NETWORK POSITIONAL ACCURACY OF THE OPUS DERIVED POSITIONAL INFORMATION IS 0.15 AND SURVEY CLASS MEETS OR EXCEEDS CLASS C.

THE FOLLOWING CORS WERE USED BY OPUS-RS:
DF6318 NC77 I77 WELCOME CNTR CORS ARP
DH3838 NCMO MOORESVILLE CORS ARP
DF7471 NCCO CONCORD CORS ARP

HORIZONTAL POSITIONS ARE REFERENCED TO NAD 83/NSRS (2007)
VERTICAL POSITIONS ARE REFERENCED TO NAVD88 USING (GEOID09)
COMBINED FACTOR: 0.99996915; GEOID MODEL: GEOID09; UNITS: US SURVEY FEET





TYPICAL EASEMENT LAYOUT (NTS)

LEGEND

IPF ○ IRON PIPE FOUND
⊠ COMPUTED POINT
• EASEMENT POINT

PROPERTY BOUNDARY AS SURVEYED
PROPERTY BOUNDARY BY DEED.
PROPOSED EASEMENT
EASEMENT AS DESCRIBED
TEMPORARY WORK SPACE
ADJOINER PROPERTY

SCALE 1"= 500'

0 250 500 1000

NOTES:

- FOR SOURCE OF TITLE REFER TO DEEDS AND PLATS REFERENCED HEREON.
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN US SURVEY FEET UNLESS OTHERWISE NOTED.
- AREA BY COORDINATE COMPUTATION.
- PROPERTY SUBJECT TO ANY VALID & ENFORCEABLE EASEMENTS, RESTRICTIONS & RIGHTS OF WAY OF RECORD.

I, JAMES L. STRICKLAND, PLS L-4247, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 22305 PAGE 159; THAT THE BOUNDARY LINES NOT SURVEYED ARE INDICATED WITH DASHED LINES AS DRAWN FROM INFORMATION IN BOOK 22305 PAGE 159 OR OTHER REFERENCE SOURCE; THAT THE RATIO OF PRECISION IS 1:10,000; THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600);

THAT THIS PLAT WAS PREPARED FOR THE PURPOSE OF EASEMENT ACQUISITION ONLY, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN HEREON. IT IS THE INTENT OF THIS PLAT THAT THE EASEMENT SHALL CROSS THE ENTIRE PARCEL;

THAT THE CONTROL AND TIES TO THIS SURVEY WERE PERFORMED USING GPS METHODS;

THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISITNG PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS ____ DAY OF _____, AD 2012.

PRELIMINARY PLAT:
NOT FOR RECORDATION, CONVEYANCES, OR SALES

_____
JAMES L. STRICKLAND
PROFESSIONAL LAND SURVEYOR L-4247

EASEMENT SURVEY PREPARED FOR
PIEDMONT NATURAL GAS COMPANY

EASEMENT TO BE ACQUIRED FROM OWNER:
TOWN OF DAVIDSON
E. ROCKY RIVER ROAD

170-ME-16.1
EXHIBIT

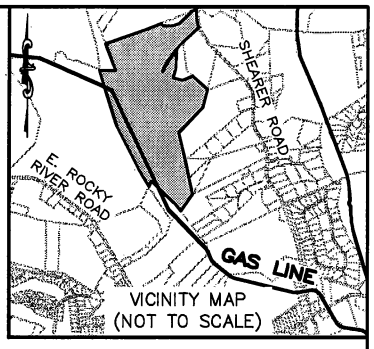
DEWEESE TOWNSHIP
MECKLENBURG COUNTY
NORTH CAROLINA

McKIM&CREED
ENGINEERS, PLANNERS, SURVEYORS
8020 TOWER POINT DRIVE
CHARLOTTE, NORTH CAROLINA 28227
PHONE (704) 841-2588
FAX (704) 841-2567
F-1222

SHEET 1 OF 2 08/01/2012

AREA OF:	SQ. FT.	ACRE
PROPOSED EASEMENT	211,467	4.85
TEMPORARY WORK SPACE	120,827	2.78
ADDITIONAL TEMPORARY WORK SPACE	32,359	0.74

PROJECT LOCALIZED FROM POINT #11
#5 REBAR
GRID COORDINATES
N: 621321.76
E: 1469997.84
CF: 0.99996915



VICINITY MAP
(NOT TO SCALE)

THE STATE PLANE COORDINATES (SPC) FOR THIS PROJECT WERE PRODUCED WITH STATIC GPS OBSERVATIONS AND PROCESSED WITH ONLINE POSITIONING USER SERVICE (OPUS) ON FEBRUARY 9, 2011.

THE NETWORK POSITIONAL ACCURACY OF THE OPUS DERIVED POSITIONAL INFORMATION IS 0.15 AND SURVEY CLASS MEETS OR EXCEEDS CLASS C.

THE FOLLOWING CORS WERE USED BY OPUS-RS:
DF6318 NC77 I77 WELCOME CNTR CORS ARP
DH3838 NCMO MOORESVILLE CORS ARP
DF7471 NCCO CONCORD CORS ARP

HORIZONTAL POSITIONS ARE REFERENCED TO NAD 83/NSRS (2007)
VERTICAL POSITIONS ARE REFERENCED TO NAVD88 USING (GEOID09)
COMBINED FACTOR: 0.99996915; GEOID MODEL: GEOID09; UNITS: US SURVEY FEET

LINE TABLE

LINE	LENGTH	BEARING
L1	77.72	N19°58'57"W
L2	17.00	N13°16'12"W
L3	222.46	S66°29'40"E
L4	207.08	N45°24'50"W
L5	132.74	N66°29'40"W
L6	24.97	N13°16'12"W
L7	244.86	S66°29'40"E
L8	59.17	N45°24'50"W
L9	40.25	N45°24'50"W
L10	8.18	S25°44'20"W
L11	106.32	N66°29'40"W
L12	27.57	N19°58'57"W
L13	32.41	N19°58'57"W
L14	48.62	S13°16'12"E
L15	151.17	N25°44'20"E
L16	563.54	N45°24'50"W
L17	19.47'	S66°29'40"E
L18	35.85'	N15°31'52"W
L19	26.43'	N09°33'15"W
L20	136.49'	S66°29'40"E
L21	18.21'	S00°21'54"E
L22	40.61'	S11°17'19"E
L23	130.03'	N66°29'40"W
L24	25.95'	S66°29'40"E
L25	52.30'	N15°21'36"W
L26	10.29'	N02°06'00"W
L27	125.28'	S66°29'40"E
L28	92.79'	S25°39'25"E
L29	50.00'	S64°20'35"W
L30	74.18'	N25°39'25"W
L31	69.40'	N66°29'40"W
L32	50.00'	N64°20'35"E
L33	150.00'	S25°39'25"E
L34	60.63'	S29°54'18"W
L35	184.28'	N25°39'25"W
L36	18.19'	S29°54'18"W
L37	44.18'	S25°39'25"E
L38	17.85'	N31°30'20"E
L39	29.21'	N31°30'20"E
L40	30.77'	N30°09'28"E
L41	181.91'	S25°39'25"E
L42	50.00'	S64°20'35"W
L43	148.78'	S25°39'25"E
L44	211.31'	S25°39'25"E

NOTES:

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EASEMENT SURVEY PREPARED FOR
PIEDMONT NATURAL GAS COMPANY

EASEMENT TO BE ACQUIRED FROM OWNER:
TOWN OF DAVIDSON
E. ROCKY RIVER ROAD

170-ME-16.1
EXHIBIT

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F-1222

SHEET 2 OF 2 08/01/2012