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Kaye G. Norris, Montgomery County, NC

BOOK 632 PAGE 729(5) 316010

$ 26.00

Prepared by and Return to:
Robert H. Merritt, Jr.
Bailey & Dixon, LLP
P. O. Box 1351
Raleigh, NC 27602

STATE OF NORTH CAROLINA

COUNTY OF MONTGOMERY

**RELEASE OF PORTION OF CONSERVATION EASEMENT**

**THIS RELEASE OF PORTION OF CONSERVATION EASEMENT**, made this 8th day of January, 2009, by the STATE OF NORTH CAROLINA ("Grantor"), whose mailing address is State of North Carolina State Property Office, 116 West Jones Street, Raleigh, NC 27603-8003.

**WITNESSETH:**

**WHEREAS**, pursuant to a Conservation Easement Deed recorded at Book 610, Page 75, Montgomery County Registry, RL Kern Properties, LLC granted a conservation easement to the State of North Carolina (the "Conservation Easement"), which Conservation Easement covers an area further described in a plat entitled "Conservation Easement Survey for State of North Carolina-Ecosystem Enhancement Program" dated January 17, 2008, and recorded at Plat

Cabinet E, Slide 116-B and 116-C, Montgomery County, North Carolina, Registry (hereinafter "Original CE Plat"); and

**WHEREAS**, Martin Marietta Materials Real Estate Investments, Inc., a Delaware corporation having its principal office at 2710 Wycliff Road, Raleigh, North Carolina 27607 ("Martin Marietta"), subsequently purchased from RL Kern Properties, LLC the two tracts of land which are encumbered by the Conservation Easement, said two tracts of land being described as Parcel Identification Number 7663-00-53-1752 and Parcel Identification Number 7663-00-53-9738 in the Montgomery County Tax Records; and

**WHEREAS**, Martin Marietta also obtained a Deed of Easement which is recorded at Book 612, Page 625, Montgomery County Registry (hereinafter "Access Easement") in order to secure access to the Little River on property north of Black Ankle Road, otherwise known as State Road 1354,; and

**WHEREAS**, the State of North Carolina and Martin Marietta have agreed that the State of North Carolina will revise the Conservation Easement as herein set forth by releasing a certain portion of Tract CE-2, Parcel Identification Number 7663-00-53-1752, as shown on the Original CE Plat from the Conservation Easement to allow Martin Marietta access to the Little River across the portion of Tract CE-2 which will be released from the Conservation Easement in consideration of Martin Marietta's release of the Access Easement which will no longer be necessary due to the access to the Little River being provided for herein; and

**WHEREAS**, the State of North Carolina and Martin Marietta wish to further describe and identify the revision to the Conservation Easement contemplated by this instrument, and the State of North Carolina is concurrently filing a new plat entitled "Revised Conservation Easement Survey for State of North Carolina-Ecosystem Enhancement Program" which plat

dated January 17, 2008, was revised on April 22, 2008, and shows the change in the portion of the easement labeled CE-2 designated "Released Area" on such revised plat which "Released Area" provides the access to the Little River for Martin Marietta through this revision;

**NOW, THEREFORE**, the State of North Carolina, as Grantor, through its authorized representative signing below for and in consideration of the premises hereinabove set forth, the sum of Ten Dollars ($10.00) and other valuable consideration, including the contemporaneous release of the Access Easement by Martin Marietta, the receipt and sufficiency of which is hereby acknowledged, does hereby release, quitclaim and convey unto Martin Marietta, its successors and assigns, any and all property interests of every nature in that portion of real property situated in Montgomery County, North Carolina, more particularly described as follows:

> Commencing at an iron bar and cap with NC Grid coordinates of X=1,765,978.03, Y=634,160.78, and identified as Control Point # 109 on plat entitled "Revised Conservation Easement Survey for State of North Carolina – Ecosystem Enhancement Program on the property of Martin Marietta Materials Real Estate Investments, Inc." recorded in Plat Cabinet E, Slide 151-D, and 152-A, of the Montgomery County Registry, running N 68°25'05" W, 145.59 feet to an iron bar, thence N 56° 03'00" W, 6.12 feet, thence S 84°34'24" W, 87.52 feet, thence S 56°39'33" W, 169.72 feet to an iron bar, which iron bar is the POINT AND PLACE OF BEGINNING; thence continuing the following courses and distances:
> S54°36'23" E, 89.53 feet, thence
> S35°23'37" W, 25.00 feet, thence
> N54°36'23" W, 77.58 feet, thence
> N09°51'00" E, 27.71 feet to the POINT AND PLACE OF BEGINNING, said parcel containing 0.048 acres, more or less, and being designated as the "Released Area" on the aforesaid plat.

**TO HAVE AND TO HOLD** said real property together with all privileges and appurtenances thereto free and clear of any conservation easement and other rights of every nature previously granted to the State of North Carolina. The State of North Carolina and Martin Marietta, by its acceptance hereof, acknowledge that the Conservation Easement, as amended by

this document and shown in the revised plat recorded at Plat Cabinet E, Slide 151-D and 152-A, Montgomery County Registry (the "Revised Plat"), shall continue and remain in full force and effect upon all of the property encumbered by the Conservation Easement which is not specifically released herein.

**IN TESTIMONY WHEREOF**, the State of North Carolina, as Grantor, has caused this instrument to be executed in its name by MICHAEL F. EASLEY, Governor, attested by ELAINE R. MARSHALL, Secretary of State, and the Great Seal of the State of North Carolina hereunto affixed, by virtue of the power and authority aforesaid, all as of the date set forth in the notary acknowledgment below.

STATE OF NORTH CAROLINA

By: _____
Governor

ATTEST:

By: _____
Elaine R. Marshall,
Secretary of State

APPROVED AS TO FORM:

Roy Cooper,
Attorney General

By: _____
Assistant Attorney General

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, Jennell Baughman, a Notary Public of Johnston County and State aforesaid, certify that ELAINE R. MARSHALL, Secretary of State of North Carolina, personally appeared before me this day and acknowledged that she is Secretary of State of North Carolina, and that by authority duly given and as the act of the State, the foregoing instrument was signed in its name by MICHAEL F. EASLEY, Governor of the State of North Carolina, sealed with the Great Seal of the State of North Carolina, and attested by herself as Secretary of State of North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this 8th day of January, 2009.

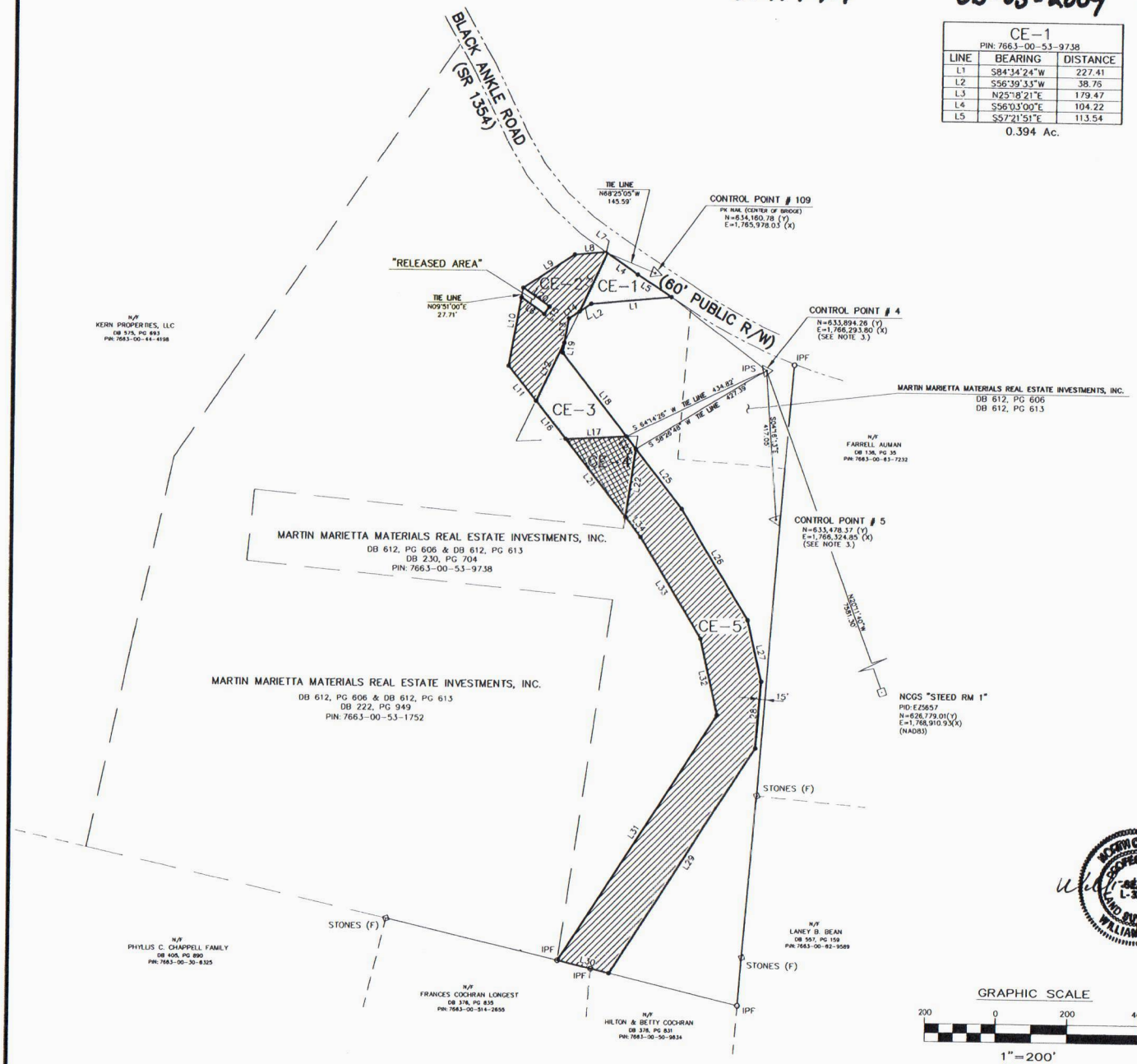
JENNELL BAUGHMAN
Notary Public
Johnston County
State of North Carolina
My Commission Expires Nov 21, 2011

Jennell Baughman
Notary Public
Print Name: Jennell Baughman

My Commission Expires: 11-21-2011

Book 1, Page 152 A

5:11 PM 03-03-2009 #21.00 pd E-152-A




| CE-1 PIN: 7663-00-53-9738 | | |
|---|---|---|
| LINE | BEARING | DISTANCE |
| L1 | S84°34'24"W | 227.41 |
| L2 | S56°39'33"W | 38.76 |
| L3 | N25°18'21"E | 179.47 |
| L4 | S56°03'00"E | 104.22 |
| L5 | S57°21'51"E | 113.54 |

0.394 Ac.

| CE-2 PIN: 7663-00-53-1752 | | |
|---|---|---|
| LINE | BEARING | DISTANCE |
| L3 | S25°18'21"W | 179.47 |
| L7 | S56°03'00"E | 6.12 |
| L8 | N84°34'24"E | 87.52 |
| L9 | N56°39'33"E | 169.72 |
| L10 | N09°51'00"E | 220.75 |
| L11 | N38°19'07"W | 123.63 |
| L12 | S25°18'21"W | 179.67 |
| L13 | S09°51'00"W | 69.43 |
| L14 | S56°39'33"W | 35.56 |
| L6 | S54°36'23"E | 77.58 |
| L15 | N35°23'37"E | 25.00 |
| L20 | N54°36'23"W | 89.53 |

1.148 Ac.

| CE-3 PIN: 7663-00-53-9738 | | |
|---|---|---|
| LINE | BEARING | DISTANCE |
| L12 | N25°18'21"E | 179.67 |
| L16 | N38°19'07"W | 134.44 |
| L17 | S86°58'21"W | 171.52 |
| L18 | S38°19'07"E | 294.58 |
| L19 | S09°51'00"W | 28.14 |

0.705 Ac.

| CE-4 PIN: 7663-00-53-1752 | | |
|---|---|---|
| LINE | BEARING | DISTANCE |
| L17 | N86°58'21"E | 171.52 |
| L21 | N38°19'07"W | 276.19 |
| L22 | S08°10'21"W | 193.03 |
| L23 | S38°19'07"E | 44.20 |

0.515 Ac.

| CE-5 PIN: 7663-00-53-9738 | | |
|---|---|---|
| LINE | BEARING | DISTANCE |
| L22 | N08°10'21"E | 193.03 |
| L25 | S38°19'07"E | 211.07 |
| L26 | S31°28'54"E | 362.70 |
| L27 | S12°53'46"E | 174.27 |
| L28 | S04°09'59"W | 188.02 |
| L29 | S32°48'23"W | 748.25 |
| L30 | N76°36'37"W | 149.06 |
| L31 | N32°50'55"E | 815.89 |
| L32 | N12°53'46"W | 218.28 |
| L33 | N31°28'54"W | 331.43 |
| L34 | N38°19'07"W | 69.81 |

4.963 Ac.

NAD 83

NORTH CAROLINA PROFESSIONAL SEAL L-3703 LAND SURVEYOR WILLIAM RIGNY

1.27.09

GRAPHIC SCALE

200 0 200 400

1"=200' (US Ft.)

## LEGEND

PROPERTY LINE SURVEYED
PROPERTY LINE(R/W) NOT SURVEYED
CONSERVATION EASEMENT
EXISTING IRON PIPE/REBAR ..... EIP o
EASEMENT MONUMENT SET ..... •
CONTROL POINT SET ..... IPS
PIN ..... PARCEL IDENTIFICATION NUMBER

REVISED: SEPTEMBER 23, 2008


Baker
Michael Baker Engineering, Inc.
8000 Regency Parkway
Suite 200
Cary, North Carolina 27518
Phone: 919.463.5488
Fax: 919.463.5490


REVISED CONSERVATION EASEMENT SURVEY
FOR
STATE OF NORTH CAROLINA — ECOSYSTEM ENHANCEMENT PROGRAM
ON THE PROPERTY OF
MARTIN MARIETTA MATERIALS REAL ESTATE INVESTMENTS, INC.
LITTLE RIVER & STAR TOWNSHIPS MONTGOMERY COUNTY NORTH CAROLINA

BE Project No.: 113115
Date: JANUARY 17, 2008
Scale: 1"=200'
Drawing No.113115CE.DWG

SHEET 2 of 2