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Fee Amt: $26.00 Page 1 of 9
Pitt County, NC
Lisa P. Nichols REG OF DEEDS
BK3308 PG476-484

STATE OF NORTH CAROLINA
PITT COUNTY

SPO File Number 74-BM-MOD
EEP Site ID 94016
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

AMENDMENT OF CONSERVATION EASEMENT PROVIDED PURSUANT TO FULL DELIVERY MITIGATION CONTRACT 16-001383 TO MODIFY THE EASEMENT AREA

THIS AMENDMENT OF CONSERVATION EASEMENT AND RIGHT OF ACCESS (this "Amendment"), made this 25th day of March, 2015, by and between Murphrey Properties, LLC, a North Carolina limited liability company whose mailing address is 3987 Moye-Turnage Road, Farmville, North Carolina 27828, and the State of North Carolina whose mailing address is, Department of Administration, State Property Office, 1321 Mail Service Center, Raleigh, NC 27699-1321 ("**Grantee**"). The designations Grantor and Grantee as used herein (collectively, the "**Parties**") shall include said Parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine, or neuter as required by context.

WITNESSETH:

WHEREAS, this Amendment is intended to modify that certain Conservation Easement Provided Pursuant to Full Delivery Mitigation Contract recorded in **Deed Book 2799, Pages 662-670** (the "**Original Conservation Easement**") **and Map Book 73, Page 179 (the "Original Conservation Easement Plat") of the Pitt County Registry**. To the degree they are not identified herein, capitalized terms shall have the meaning set forth in the Original Conservation Easement.

WHEREAS, Grantor is the successor in interest to the grantor of the Original Conservation Easement, and owns in fee simple, certain real property situated, lying, and being in Pitt County, North Carolina (the "**Property**"), and being more particularly described as that certain parcel of land containing approximately 45.76 acres, conveyed to the Grantor by deeds as recorded in **Deed Book 3050, Page 234 and Deed Book 3290, Page 767** of the Pitt County Registry, North Carolina; and further identified as PINs# 4636352677 and 4636458030 in the Pitt County Tax Office; and

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WHEREAS, Grantor and Grantee have agreed to relocate a portion of the access easement serving the Original Conservation Easement, identified as "Existing 30" Access Easement to be Removed" on **Exhibit A**, attached hereto and incorporated herein by reference (the "**Old Access Easement**"). The Old Access Easement shall be relocated to the location as shown on Exhibit A and identified as the "New 40'Access Easement" (the "**New Access Easement**"). The portion of the Property that was subject to the Old Access Easement shall be incorporated into Conservation Easement A (as set forth on the Original Conservation Easement Plat), and a portion of Conservation Easement B (as set forth in the Original Conservation Easement Plat) shall be terminated in order to make way for the New Access Easement. The relocation of the Old Access Easement shall result in changes to the acreage for both Conservation Easement A and Conservation Easement B (the "**Revised Easement Area**"). The metes and bounds descriptions of the Revised Easement Area and the New Access Easement are set forth on **Exhibit B**, attached hereto and incorporated herein by reference.

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) (as defined in N.C. Gen. Stat. 143-214.8) within the Department of Environment and Natural Resources for the purposes of acquiring, maintaining, restoring, enhancing, and creating 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 in Greensboro, NC on July 22, 2003. This MOA 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 function; and

WHEREAS, the acceptance of this instrument for and on behalf of the State of North Carolina has been 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 2011; and

WHEREAS, Grantor is willing to allow the Conservation Easement to remain in place on the Revised Easement Area, thereby restricting and limiting the use of the included areas of the Property to the terms and conditions and purposes set forth, and Grantee is willing to accept such Revised Easement Area. This Amendment shall be for the protection and benefit of the waters of **Buckhorn Creek.**

NOW, THEREFORE, in consideration of the mutual covenants, terms, conditions, and restrictions hereinafter set forth, the sufficiency of which are hereby acknowledged, the Parties do hereby agree to the following:

1. The recitals as set forth in this Amendment are hereby incorporated herein.
2. Grantee, through the signature of its authorized representative below, does hereby remise, release and forever quitclaim unto Grantor, its heirs, successors and assigns that portion of the Original

Conservation Easement lying in the New Access Easement, as shown on Exhibit A, the metes and bounds description of which is set forth on Exhibit B.

3. Grantor hereby grants and conveys unto Grantee, its successors and assigns, a permanent, non-exclusive, and perpetual easement for ingress, egress and regress over the New Access Easement as shown on Exhibit A, the metes and bounds description of which is set forth on Exhibit B.

4. Grantee, through the signature of its authorized representative below, does hereby remise, release and forever quitclaim unto Grantor, its heirs, successors and assigns all its right, title and interest in Old Access easement, as shown on Exhibit A, the metes and bounds description of which is set forth on Exhibit B.

5. Grantor unconditionally and irrevocably hereby grants and conveys unto Grantee, its successors and assigns, forever and in perpetuity, a Conservation Easement of the nature and character as set forth in the Original Conservation Easement, over the area described as the Old Access Easement, as shown on Exhibit A, the metes and bounds description of which is set forth on Exhibit B, to be a part of Conservation Easement A, as set forth under the Original Conservation Easement.

6. The effective date of this Amendment shall relate back to the Effective Date of the Original Conservation Easement, October 28, 2010.

7. Except to the extent expressly modified in this Amendment, all other terms and conditions of the Original Conservation Easement are hereby ratified and affirmed and shall remain in full force and effect.

[Remainder of page left blank intentionally.]

IN TESTIMONY WHEREOF, Grantee, the **STATE OF NORTH CAROLINA** has caused this instrument to be executed in its name by SPEROS FLEGGAS, Senior Deputy Secretary, 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 11th day of March, 2015.

_____
Notary Public

Print name: Marion B. Patrick

My Commission Expires: 8/10/19

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

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

Diane R. Murphrey (SEAL)
Diane R. Murphrey, Manager/Member

NORTH CAROLINA
COUNTY OF PITT

I, Anita D. Sutton, a Notary Public in and for the County and State aforesaid, do hereby certify that Diane R. Murphrey, Managing Member of Murphrey Properties, LLC, A North Carolina Limited Corporation, Grantor, personally appeared before me this day and acknowledged that she is Manager/Member and that by authority duly given and as the act of the North Carolina Corporation the foregoing instrument was signed in its name by her as its Managing Member for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal this the 25th day of March, 2015.

Anita D Sutton
Notary Public

My commission expires:

5-23-2019

ANITA D SUTTON NOTARY PUBLIC PITT COUNTY, NC

Exhibit B:

FOX RUN RIPARIAN
BUFFER MITIGATION SITE

<u>New 40' Access Easement</u>
(To replace a portion of Conservation Easement B)

All of the New 40' Access Easement to be Added of the Fox Run Riparian Buffer Mitigation Site lying and being situated in Farmville Township, Pitt County, North Carolina and particularly described as follows (all distances are ground distances unless otherwise noted):

Beginning at an iron stake (No. 5 Rebar with Yellow Plastic Cap inscribed: "Conservation Easement"), the Point of Beginning labeled as Point No. 4 and being the Southwestern most corner of the New 40' Access Easement to be Added with N.C. Grid Coordinates N=665,121.5219', E=2,434,350.4754' (NAD '83, 2011).

Thence from the Point of Beginning (Point No. 4), North 14°44'34" East 89.93 feet to an iron stake (No. 5 Rebar with an aluminum 3 ¼" cap inscribed: "Conservation Easement") labeled as Point No. 1; thence North 41°09'12" East 164.79 feet to an iron stake (No. 5 Rebar with an aluminum 3 ¼" cap inscribed: "Conservation Easement") labeled as Point No. 2; thence South 63°09'03" East 41.28 feet to an iron stake (No. 5 Rebar with Yellow Plastic Cap inscribed: "Conservation Easement") labeled as Point No. 3; thence South 41°09'12" West 255.53 feet to an iron stake (No. 5 Rebar with an aluminum 3 ¼" cap inscribed: "Conservation Easement") which is the Point of Beginning (Point No. 4), having an area of 8406.44 square feet (0.19 acres).

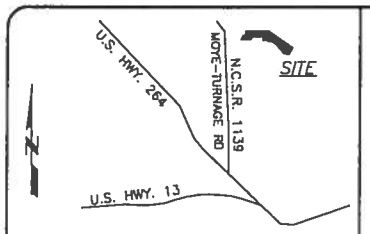
<u>Existing 30' Access Easement</u>
(To be removed and become part of Conservation Easement A)

All of the Existing 30' Access Easement to be Removed of the Fox Run Riparian Buffer Mitigation Site lying and being situated in Farmville Township, Pitt County, North Carolina and particularly described as follows (all distances are ground distances unless otherwise noted):

Beginning at an iron stake (No. 5 Rebar with an aluminum 3 ¼" cap inscribed: "Conservation Easement") the Point of Beginning labeled as Point No. 1 and being a Southeastern corner of the Existing 30' Access Easement to be Removed and being located North 14°44'34" East 89.93 feet from an iron stake (No. 5 Rebar with Yellow Plastic Cap inscribed: "Conservation Easement") labeled as Point No. 4 with N.C. Grid Coordinates N=665,121.5219', E=2,434,350.4754' (NAD '83, 2011).

Thence from the Point of Beginning (Point No. 1), North 14°44'34" East 163.31 feet to a non-monumented corner; thence South 63°09'03" East 74.97 feet to an iron stake (No. 5 Rebar with an aluminum 3 ¼" cap inscribed: "Conservation Easement") labeled as Point No. 2; thence North 11°26'16" East 31.12 feet to an iron stake (No. 5 Rebar with Yellow Plastic Cap inscribed: "Conservation Easement"); thence North 63°09'03" West 103.81 feet to a non-monumented corner; thence South 14°44'34" West 266.61 feet to an iron stake (No. 5 Rebar with Yellow Plastic Cap inscribed: "Conservation Easement"); thence North 39°07'43" East 72.66 feet to an iron stake (No. 5 Rebar with an aluminum 3 ¼" cap inscribed: "Conservation Easement") which is the Point of Beginning (Point No. 1) having an area of 9130.52 square feet (0.21 acres).

FNL THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.



VICINITY MAP (NTS)

DEED REFERENCE(S):
BEING A PORTION OF THE PROPERTY RECORDED IN D.B. D-24, PG. 540-541 (FIRST PARCEL) OF THE PITT COUNTY REGISTER OF DEEDS.

MAP REFERENCE(S):
BEING A PORTION OF THE PROPERTY RECORDED IN M.B. 73, PG. 179 OF THE PITT COUNTY REGISTER OF DEEDS.

EXHIBIT A
SHEET 1 OF 2

THE AREA REPRESENTED BY THIS PLAT IS NOT LOCATED IN A FLOOD HAZARD BOUNDARY ACCORDING TO FEMA MAP NUMBER(S) 3720463600J ZONE(S): X, DATED: JANUARY 2, 2004.

GENERAL NOTES:

THE PURPOSE OF THIS PLAT IS FOR THE RELOCATION FOR THE EXISTING ACCESS EASEMENT.

ONLY THE NEW ACCESS EASEMENT WAS SURVEYED AT THIS TIME.

THE ORIGINAL CONSERVATION EASEMENT WAS SURVEYED DURING OCTOBER 2010 AND WAS RECORDED IN M.B. 73, PG. 179.

ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.

ONLY CORNER #4 IS A TRUE NORTH CAROLINA STATE PLANE COORDINATE. COORDINATES SHOWN ARE BASED ON GROUND DISTANCES TO MATCH PLAT.

THE NCSPC SHOWN ON CORNER #4 WAS OBTAINED WITH TOPCON HYPER SR RECEIVER. GEOID MODEL 2012A CONUS. UNITS: US SURVEY FEET. GRID FACTOR: CLASS A 95% CONFIDENCE (0.10 FEET), COMBINED SCALE FACTOR (GRID TO GROUND) = 1.000109200501 AND COMBINED SCALE FACTOR(GROUND TO GRID) = 0.999890811423

LINE DATA

LINE	LENGTH	BEARING
L15	379.64'	S00°45'54"E
L18	171.90'	N88°31'21"W
L19	197.58'	N02°58'53"W
L20	64.23'	N87°50'30"W
L21	132.88'	N89°57'57"W
L22	183.05'	S89°25'24"W
L23	114.00'	N84°19'09"W
L35	339.52'	N44°49'32"W
L36	63.50'	N82°09'30"W
L39	197.63'	N38°47'56"E
L40	56.69'	S47°21'54"E
L41	396.14'	S47°21'54"E
L69	402.20'	N00°45'54"W
L80	114.12'	S84°19'09"E
L81	184.53'	N89°25'24"E
L82	132.16'	S89°57'57"E
L83	36.25'	S87°50'30"E
L84	197.91'	S02°58'53"E
L85	223.40'	S88°31'21"E

LINE DATA

LINE	LENGTH	BEARING
L89	72.66'	N39°07'43"E
L90	164.79'	N41°09'12"E
L91	41.28'	S63°09'03"E
L92	255.53'	S41°09'12"W
L93	89.93'	N14°44'34"E
L94	163.31'	N14°44'34"E
L95	74.97'	S63°09'03"E
L96	31.12'	N11°26'16"E
L97	103.81'	N63°09'03"W
L98	266.61'	S14°44'34"W

COORDINATES ALONG NEW 40' ACCESS EASEMENT

PT	NORTHING	EASTING
1	665208.4895	2434373.3605
2	665332.5686	2434481.8050
3	665313.9250	2434518.6348
4	665121.5219	2434350.4754

NOTE: ONLY CORNER #4 IS A TRUE NORTH CAROLINA STATE PLANE COORDINATE. COORDINATES SHOWN ARE BASED ON GROUND DISTANCES TO MATCH PLAT.

I, CERTIFY THAT THIS SURVEY DOES NOT MEET G.S. 47-30 AS AMENDED AND THAT THIS SURVEY IS FOR THE PURPOSE OF AN EXHIBIT TO BE ATTACHED TO A DEED OF A NEW 40' ACCESS EASEMENT FOR INGRESS, EGRESS, REGRESS.

I, CERTIFY THAT THE SURVEY IS OF ANOTHER CATEGORY (NEW 20' INGRESS, EGRESS, REGRESS AND UTILITY EASEMENT), SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

I, JOHN A RUDOLPH, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. THAT THE RATIO OF PRECISION IS ONE:10,000+. THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYORS IN NORTH CAROLINA. WITNESS MY HAND AND SEAL THIS 20th DAY OF MARCH 2014.

This document originally issued and sealed by John A. Rudolph, license number L-4194, on February 6th, 2015. This electronic media shall not be considered a certified document. See the project report for certificate and seal.

SURVEYOR L-4194

SURVEY
OF A NEW 40' ACCESS EASEMENT
AND REMOVAL OF A PORTION OF AN EXISTING
30' ACCESS EASEMENT
FOR

STATE OF NORTH CAROLINA, ECOSYSTEM ENHANCEMENT PROGRAM
&
RESTORATION SYSTEMS, LLC

FOX RUN RIPARIAN BUFFER MITIGATION SITE
FARMVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA

FIRM LICENSE No.: C-2111

DRAWN BY: FGR
DATE: 02/06/15
DWG. NO.: CLT076PP13
SURVEYED BY: J.A.R.

K2 DESIGN GROUP, P.A.
5688 U.S. Hwy. 70 East
Goldsboro, NC 27534
Tel.: (919) 751-0075
k2design@suddenlink.net

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THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

EXHIBIT A

SHEET 2 OF 2

LEGEND:

ISS - IRON STAKE SET
M.B. - MAP BOOK
D.B. - DEED BOOK
PG. - PAGE

● No. 5 Rebar with Yellow Plastic Cap Inscribed: "Conservation Easement" Flush with Grade & Witnessed by Metal T-Post (4'-4.5' Above Grade) set 1'± from ISS.

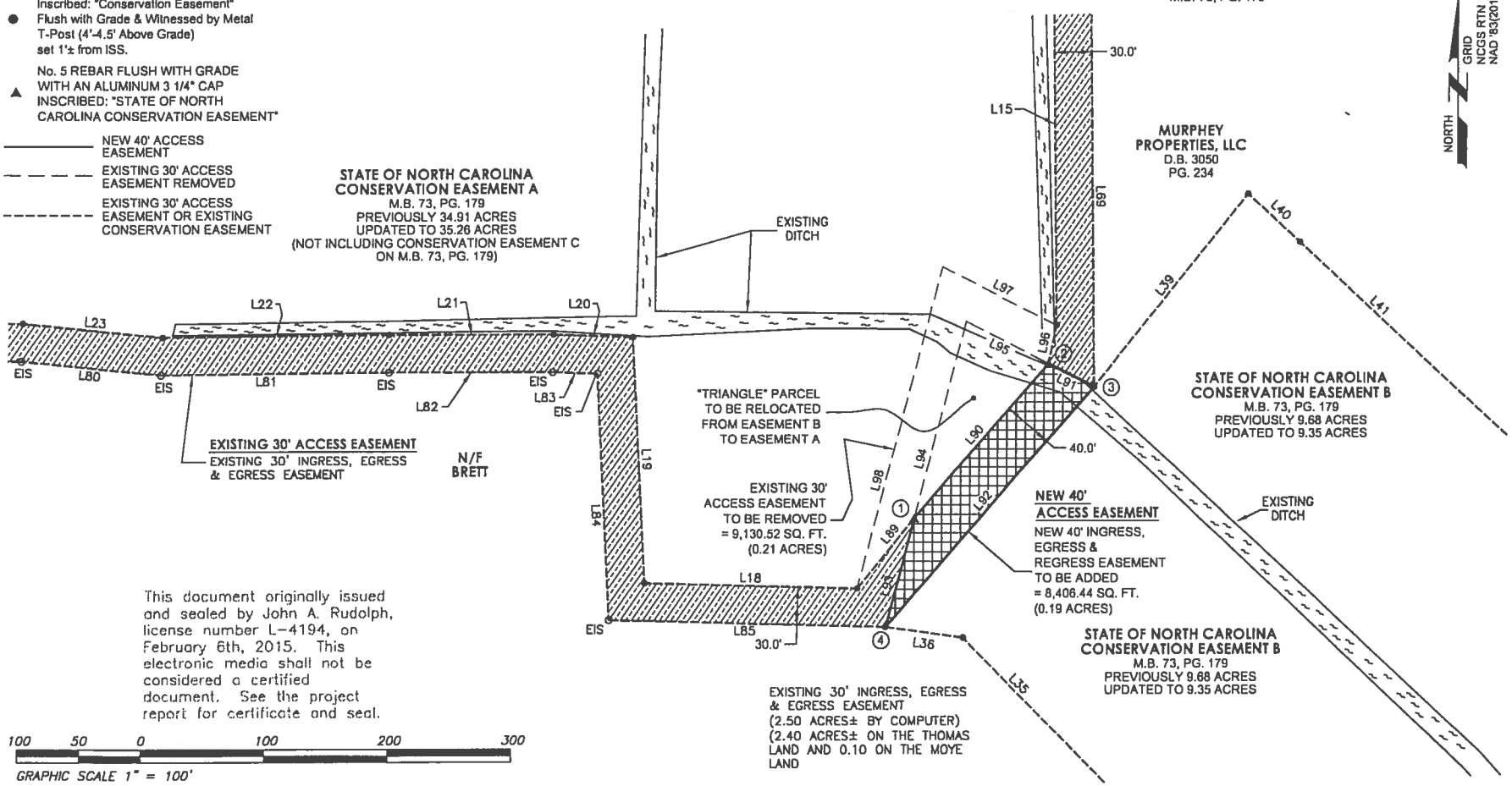
▲ No. 5 REBAR FLUSH WITH GRADE WITH AN ALUMINUM 3 1/4" CAP INSCRIBED: "STATE OF NORTH CAROLINA CONSERVATION EASEMENT"

NEW 40' ACCESS EASEMENT

EXISTING 30' ACCESS EASEMENT REMOVED

EXISTING 30' ACCESS EASEMENT OR EXISTING CONSERVATION EASEMENT

**NOTE:
ALL LINE LABEL NUMBERS MATCH THE LINES AS PRERECORDED IN M.B. 73, PG. 179



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