FILED
CABARRUS COUNTY NC
WAYNE NIXON
REGISTER OF DEEDS

FILED	Aug 02, 2019
AT	10:48 am
BOOK	13639
START PAGE	0241
END PAGE	0246
INSTRUMENT #	19817
EXCISE TAX	$0.00

BJW

Prepared By:
Attorney General's Office / Property Control Section
P.O. Box 629, Raleigh, North Carolina 27602

After Recording Return to:
E/2
Department of Administration, State Property Office
1321 Mail Service Center, Raleigh, NC 27699-1321
SPO File 13-BO / DMS PROJECT No. 94147

STATE OF NORTH CAROLINA

COUNTY OF CABARRUS

PARTIAL RELEASE OF
CONSERVATION EASEMENT

THIS PARTIAL RELEASE OF CONSERVATION EASEMENT ("Partial Release"), is made as of the date set forth in the notary acknowledgment below, by the STATE OF NORTH CAROLINA, a body politic and corporate (hereinafter the "State"), and PHILLIP W. CLINE and spouse, ANN C. CLINE (hereinafter, collectively, the "Grantor");

RECITALS:

A. Grantor conveyed a conservation easement to the State in that certain instrument dated the 11th day of July 2012, recorded in Book 10070, Page 249, and recorded in Plat Book 61, Pages 82-86, Cabarrus County Registry (hereinafter the "Conservation Easement").

B. A certain portion of real property owned by Grantor is preserved and protected by the Conservation Easement for the purposes as set forth therein.

C. The property that is subject to preservation and protection under the Conservation Easement consists of a total of 25.754 acres, more or less, and is more particularly identified and described therein as the "Conservation Easement Area" or "Easement Area."

20/6.

D. The parties hereto desire to release a 0.037-acre portion of Easement Area PC-3 and a 0.040-acre portion of Easement Area PC-2 of the property as shown on Plat Book 61, Pages 82-86 because these two sections were included in error by the survey.

E. The portions to be released from the Conservation Easement as conveyed in Deed Book 10070, Page 249 and recorded in Plat Book 61, Pages 82-86 are identified as "Release Area B" containing 0.037 acres and "Release Area C" containing 0.040 acres and are more particularly described on attached Exhibit "A" and further identified as shown on attached Exhibit "B".

F. Based on the foregoing, the North Carolina Department of Environmental Quality, Division of Mitigation Services has authorized the execution of this instrument for the purposes set forth herein.

G. Authority to approve and execute this Partial Release was delegated to the North Carolina Department of Administration by resolution adopted by the Governor and Council of State at a meeting held in the City of Raleigh, North Carolina, on the 13th day of September 2011.

NOW THEREFORE, for and in receipt of Ten Dollars ($10.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the State does hereby execute this Partial Release and agrees as follows:

1. The recitals stated above are substantive and are incorporated in full by this reference.

2. All capitalized terms appearing in this Partial Release and not otherwise defined shall have the meaning ascribed to such terms in the Conservation Easement.

3. The State, for itself, its successors and assigns, does hereby irrevocably and completely remise, release and quitclaim unto Grantor, its successors and assigns, all right, title, claim and interest of the State acquired pursuant to the Conservation Easement in and to the Release Areas.

4. This Partial Release shall apply only to the Release Areas and the remainder of the Conservation Easement Area shall continue to be subject to the Conservation Easement, which Conservation Easement shall otherwise remain in full force and effect.

TO HAVE AND TO HOLD, the Release Areas, together with all privileges and appurtenances thereunto belonging, to Grantor, their successors and assigns free, discharged and released from the Conservation Easement.

[signature on following page]

IN TESTIMONY WHEREOF, the STATE OF NORTH CAROLINA has caused this instrument to be executed in its name by the undersigned as of the date set forth in the notary acknowledgement below.

STATE OF NORTH CAROLINA

By: Tim Walton

Tim Walton, Director of the State Property Office
North Carolina Department of Administration

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 Tim Walton, personally came before me this day and acknowledged that he is Director, State Property Office, NC 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 19th day of June, 2019.

MARION B. PATRICK
My Commission Expires
NOTARY
PUBLIC
08-10-2019
WAKE COUNTY, NC

Marion B Patrick

Notary Public

Print name: Marion B Patrick

My Commission Expires: August 10, 2019

EXHIBIT A

Release Area "B" Legal Description

Description for Conservation Easement Partial Release Area for the State of North Carolina, Division of Mitigation Services, DMS Site ID# 94147, "Little Buffalo Creek", on the property of Phillip W. Cline (see Deed Book 1852, Pg. 332 and Deed Book 10070, Pg. 249) located in No. 7 Township, Cabarrus County, North Carolina.
(All references to the Cabarrus County Register of Deed.)

PIN: 5693-24-1299

CE Release Area "B"

Beginning at an existing ½" iron rod in the northern line of Phillip W. Cline et ux. (see Deed Book 794, Pg. 250), said iron rod also being a common corner of Hammill Farms, Inc. (See Deed Book 455, Pg. 238) and Phillip W. Cline (see Deed Book 1852, Pg. 332), and said point being located N 84°27'40" W a distance of 118.51' from existing Site Control Corner CE33 (5/8" rebar w/ aluminum cap) having localized NC Grid Coordinates [NAD83(2007)] N= 635,570.26 usft, E= 1,593,055.04 usft (see Plat Book 61, Pg. 82-86);

thence, from the point of Beginning, with the common line of Hammill Farms and Phillip W. Cline, N 29°23'06" E a distance of 29.98' to a calculated point in the line;

thence, with the Little Buffalo Creek Conservation Easement, S 70°00'22" E a distance of 109.86' to an existing rebar with aluminum cap (CE33);

thence, with a new line, N 84°27'40" W a distance of 118.51' to the point of Beginning;

containing 0.037 acres, more or less, and shown as Release Area "B" on a map entitled "Conservation Easement Release Areas, Little Buffalo Creek Mitigation Site, On the Property of: Phillip W. & wife, Ann C. Cline and Hammill Farms, Inc.", prepared by Turner Land Surveying, PLLC (P-0702) of Swannanoa, NC, dated September 3rd, 2018; and being a portion of area PC-3 as described in Deed Book 10070, Pg. 249 and shown on a plat entitled "Conservation Easement Survey for the State of North Carolina, Ecosystem Enhancement Program: "Little Buffalo Creek", prepared by Sepi Engineering & Construction, dated 11-14-11 and recorded in Plat Book 61, Pages 82-86 in the Cabarrus County Register of Deeds.

Release Area "C" Legal Description

Description for Conservation Easement Partial Release Area for the State of North Carolina, Division of Mitigation Services, DMS Site ID# 94147, "Little Buffalo Creek", on the property of Phillip W. Cline and wife, Ann C. Cline (see Deed Book 794, Pg. 250 and Deed Book 10070, Pg. 249) located in No. 7 Township, Cabarrus County, North Carolina. (All references to the Cabarrus County Register of Deed.)

PIN: 5693-24-1299

CE Release Area "C"

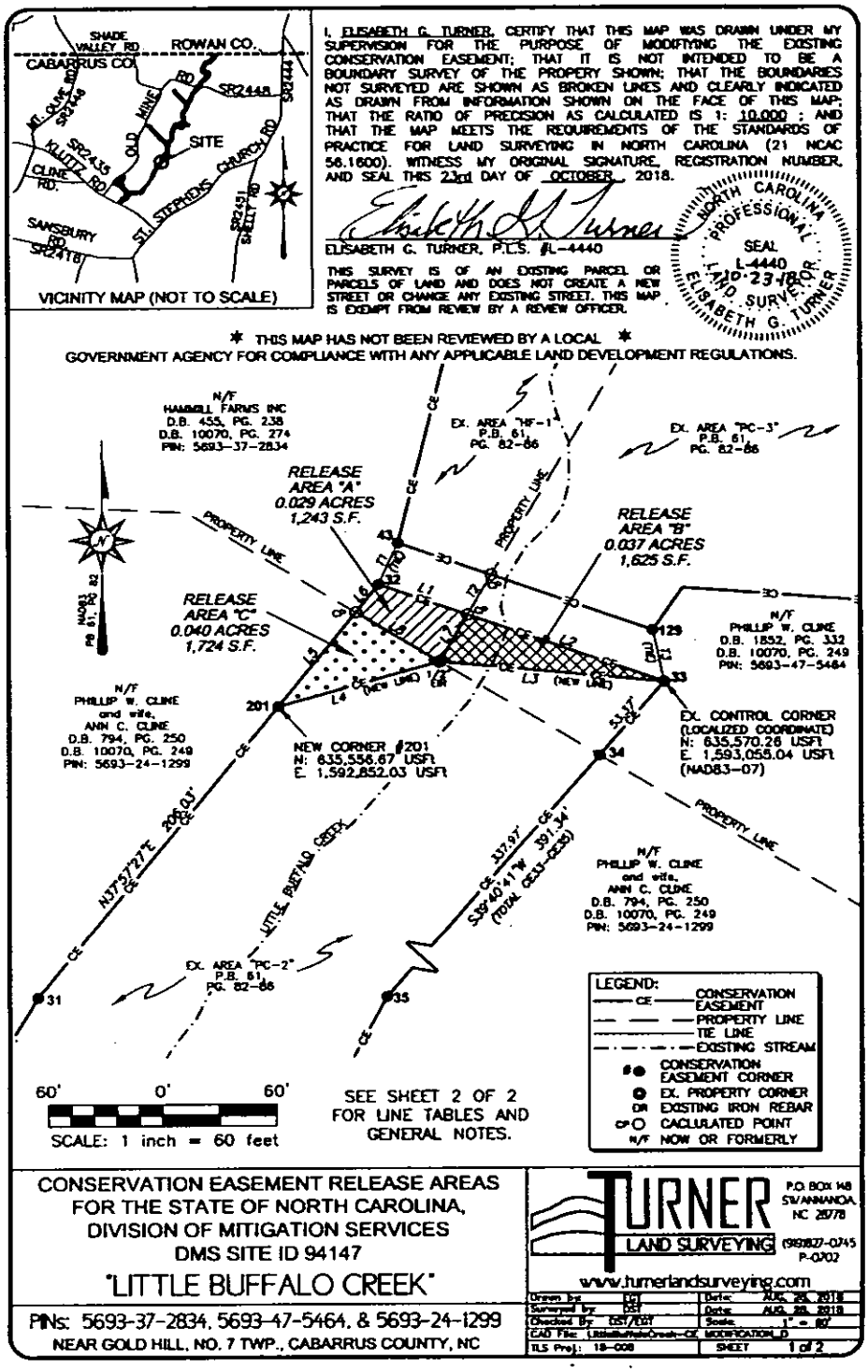
Beginning at an existing ½" iron rod in the northern line of Phillip W. Cline et ux. (see Deed Book 794, Pg. 250), said iron rod also being a common corner of Hammill Farms, Inc. (See Deed Book 455, Pg. 238) and Phillip W. Cline (see Deed Book 1852, Pg. 332), and said point being located N 84°27'40" W a distance of 118.51' from existing Site Control Corner CE33 (5/8" rebar w/ aluminum cap) having localized NC Grid Coordinates [NAD83(2007)] N= 635,570.26 usft, E= 1,593,055.04 usft (see Plat Book 61, Pg. 82-86);

thence, from the point of Beginning, with a new line, S 73°36'44" W a distance of 88.68' to a rebar with aluminum cap set on the Little Buffalo Creek Conservation Easement line;

thence, with Conservation Easement line, N 37°57'27" E a distance of 66.71' to a calculated point in the common line of Hammill Farms and Phillip W. Cline et ux.;

thence S 57°56'56" E a distance of 51.97' to the point of Beginning;

containing 0.040 acres, more or less, and shown as Release Area "C" on a map entitled "Conservation Easement Release Areas, Little Buffalo Creek Mitigation Site, On the Property of: Phillip W. & wife, Ann C. Cline and Hammill Farms, Inc.", prepared by Turner Land Surveying, PLLC (P-0702) of Swannanoa, NC, dated September 3rd, 2018; and being a portion of area PC-2 as described in Deed Book 10070, Pg. 249 and shown on a plat entitled "Conservation Easement Survey for the State of North Carolina, Ecosystem Enhancement Program: "Little Buffalo Creek", prepared by Sepi Engineering & Construction, dated 11-14-11 and recorded in Plat Book 61, Pages 82-86 in the Cabarrus County Register of Deeds.

EXHIBIT B

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