

NORTH CAROLINA
ORANGE COUNTY

Book Page
2124 0183

TOWN OF CARRBORO

CONDITIONAL USE PERMIT - AMENDMENT

THIS DOCUMENT IS FILED TO AMEND THE ORIGINAL CONDITIONAL USE PERMIT DATED January 16, 1996, THAT IS ON FILE IN THE ORANGE COUNTY REGISTRY IN BOOK 1451, PAGE 156.

The Board of Aldermen granted the amendment to the conditional use permit requested by the Yaggy Corporation on March 14, 2000.

9778-83-6729 MR per phone MAB

The following condition replaces Condition #16 of the January 16, 1996 conditional use permit:

16. As a continuing condition of approval, subject to the conditions set forth herein, the applicant shall fully cooperate with the Town in its efforts to obtain the following agreement to allow access from Old Mill Village (now called Roberson Place) to South Greensboro Street:

- a. An easement from Rogers-Triem, Inc. appurtenant to the Roberson Place property, authorizing egress for the vehicular traffic from the Roberson Place property to South Greensboro Street, and allowing ingress and egress to and from South Greensboro Street for emergency service vehicles and bicycles, such easement to expire automatically upon the acquisition by the town of a public right-of-way providing access from Greensboro Street to the Roberson Place property. The location and configuration of this easement shall be substantially as shown on the attached diagram, which shall become Exhibit "A" to the permit, except that it is understood that this easement may provide that it can be relocated by Rogers-Triem, Inc. at its expense so long as the relocated easement continues to serve the same function. It is further understood that this easement shall be granted contingent upon abandonment by the Town of the existing Rand Road right-of-way, and that the easement shall also recite that, upon redevelopment of the Rogers-Triem property, it is expected that the town will require that a public street be constructed and dedicated providing access from South Greensboro Street through the Rogers-Triem property and connecting to the public street at the southern terminus of the Roberson Place property.
- b. To the extent necessary, an agreement to the matters set forth in paragraph (a) shall be executed by the owners of the property immediately adjoining the Rogers-Triem tract to the southeast.

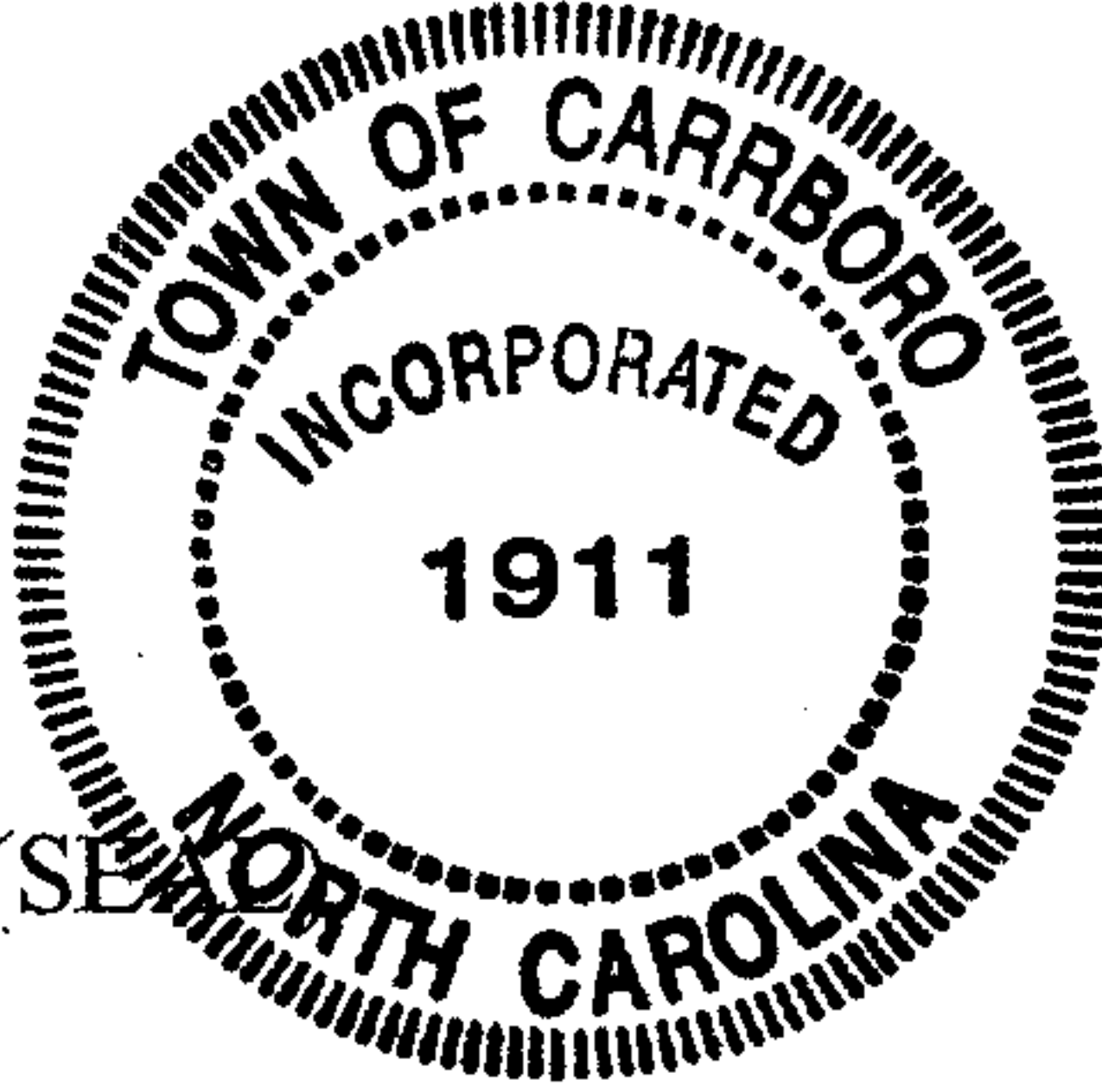
In addition, the applicant shall post a financial security equal to or in excess of 125% of the cost of construction of the improvements associated with the connection which shall remain in effect for a period of five (5) years. During the five-year period, the Town may draw against the Letter of Credit if, once the necessary easements have been secured, the Yaggy Corporation declines to undertake the construction or fails to complete the construction within six (6) months. The Letter of Credit would expire five years from the date of the recording of this minor modification approval.

NORTH CAROLINA

CHATHAM
ORANGE COUNTY

IN WITNESS WHEREOF, the Town of Carrboro has caused this permit to be issued in its name, and the undersigned being all of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding upon them and their successors in interest.

9778-83-6729
MAB



THE TOWN OF CARRBORO

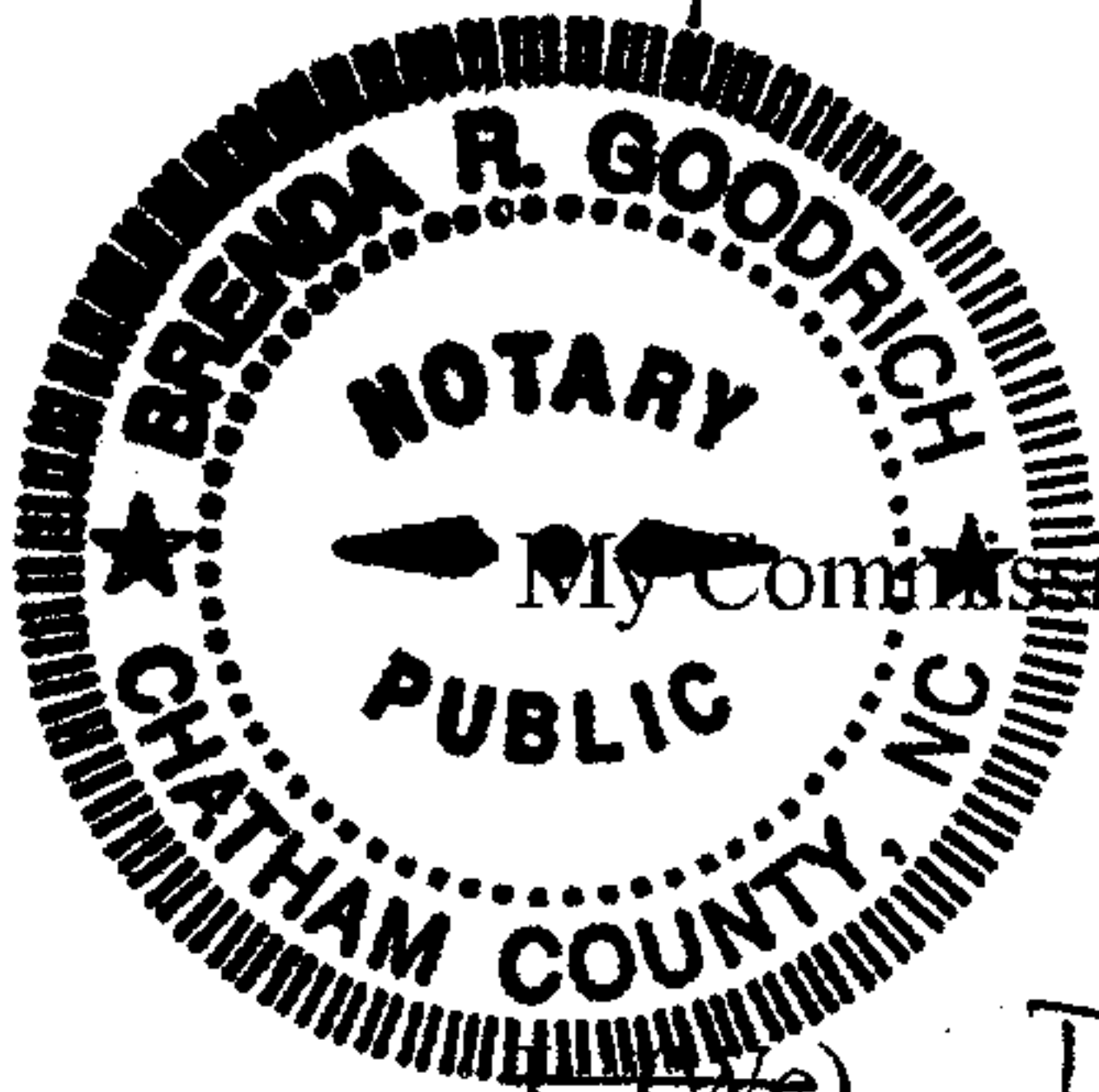
ATTEST:

Sarah C. Williamson (SEAL)
Town Clerk

BY Robert W. Morgan
Town Manager

I, BRENDA R. GOODRICH a Notary Public in and for said County and State, do hereby certify that Sarah C. Williamson, Town Clerk for the Town of Carrboro, personally came before me this day and being by me duly sworn says each for himself that she knows the corporate seal of the Town of Carrboro and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Carrboro, that Robert W. Morgan, Town Manager of said Town of Carrboro and Sarah C. Williamson, Town Clerk for the Town of Carrboro subscribed their names thereto; that the corporate seal of the Town of Carrboro was affixed thereto, all by virtue of a resolution of the Board of Aldermen, and that said instrument is the act and deed of the Town of Carrboro.

IN WITNESS THEREOF, I have hereunto set by hand and notarial seal this the 3rd day of August, 2000



Brenda R. Goodrich (SEAL)
Notary Public

My Commission Expires: 09/08/2004

I (we) The Yaggy Corporation, owner(s), do hereby acknowledge receipt of this Conditional Use Permit. The undersigned owner(s) do further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding upon them and their successors in interest.



Attest:

O. Kenneth Powell, Jr. (SEAL)
Asst. Secretary

The Yaggy Corporation
(Corporate Name)

Duncan Yaggy
President

NORTH CAROLINA
ORANGE COUNTY

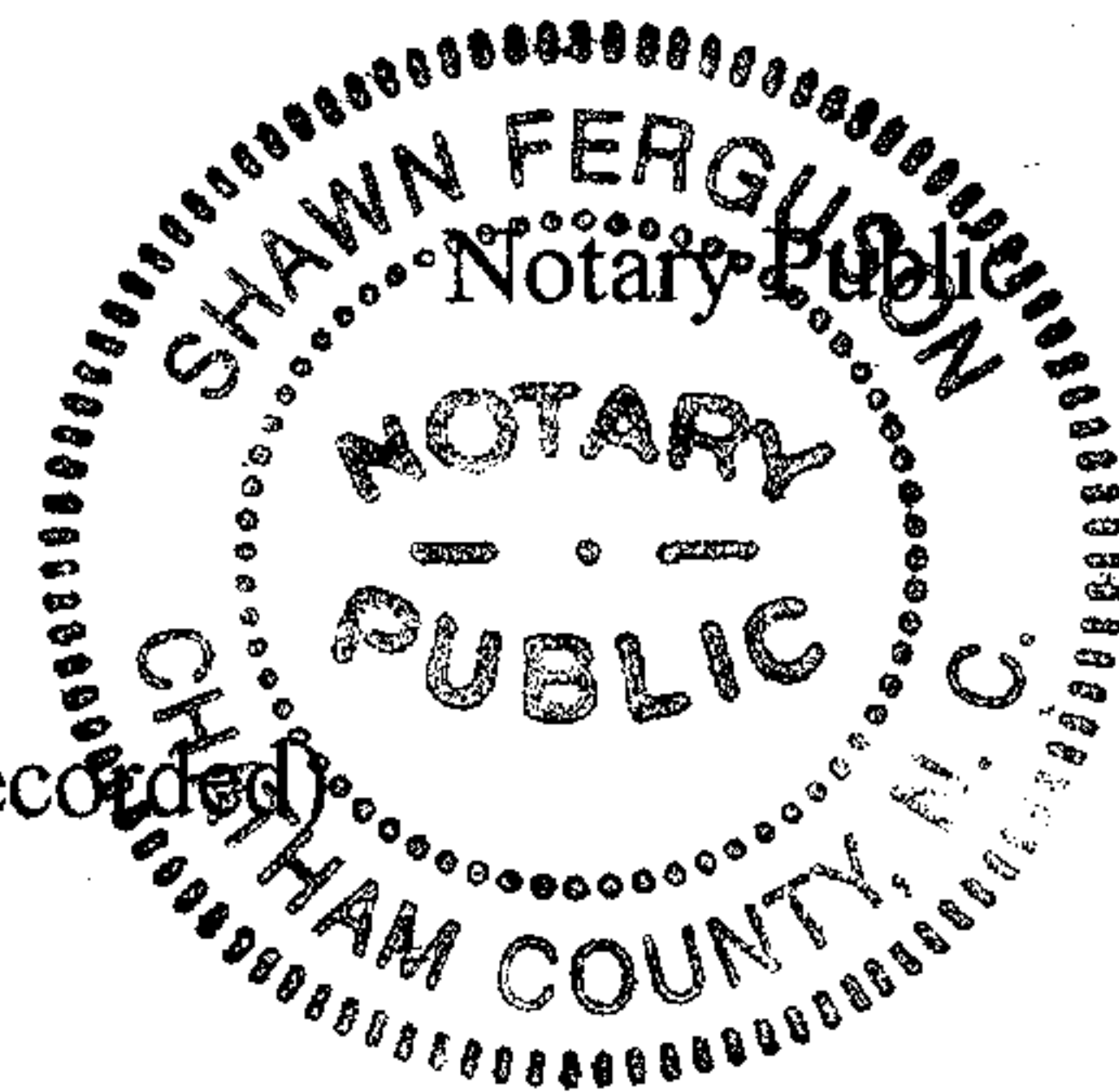
I, Shawn Ferguson, a Notary Public of Chatham County, N.C. do hereby certify that O. Kenneth Bagwell, Jr. appeared before me this day and being duly sworn says that he knows the common seal of The Yaggy Corporation, and is acquainted with Duncan Yaggy, who is president of said corporation and he O. Kenneth Bagwell, Jr., who is ^{Asst.} secretary of said corporation, saw the said president sign the foregoing instrument and that he O. Kenneth Bagwell, Jr., ^{Asst.} secretary as aforesaid, affixed said seal of said instrument and he, the said secretary, signed his name in attestation of execution of said instrument in the presence of said president of said corporation.

Witness my hand and notarial seal, this the 4 day of May, 2000

Shawn Ferguson

My Commission Expires: 4/26/2003

(Not valid until fully executed and recorded)



FILED
22 AUG 2000, at 04:36:48pm
Book 2124, Page 183 - 185
Joyce H. Pearson
Register of Deeds,
Orange County, N. C.

State of North Carolina-Orange County
The foregoing certificate(s) of Shawn Ferguson and Brenda R. Goodrich
(are) c
, A.C
A ~~Notary~~ (Notaries) Public for the Designated Governmental units ~~is~~ (are) certified to be correct. See filing certificates herein.
This the 22nd day of August A.D. 2000
Joyce H. Pearson
Register of Deeds By: Linda C. Perkins
~~Assistant~~ / Deputy

PREPARED BY:

TOWN CLERK
TOWN OF CARRBORO
301 WEST MAIN STREET
CARRBORO, NORTH CAROLINA 27510