

39

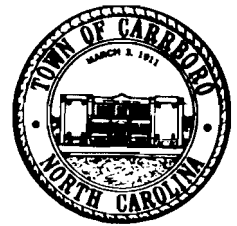
mm



20090407000077830 PRMIT  
Bk:RB4706 Pg:266  
04/07/2009 08 43 06 AM 1/4

FILED Joyce H Pearson  
Register of Deeds Orange Co NC  
Recording Fee \$23 00  
NC Real Estate TX \$ 00

PREPARED BY AND RETURN TO:  
  
TOWN CLERK  
TOWN OF CARRBORO  
301 West Main Street  
CARRBORO, NORTH CAROLINA 27510



ORANGE COUNTY  
NORTH CAROLINA

9778-85-7932  
ms

**TOWN OF CARRBORO  
CONDITIONAL USE PERMIT GRANTED  
Roberson Square Mixed Use Building**

On the date(s) listed below, the Board of Aldermen of the Town of Carrboro met and held a public hearing to consider the following application:

<b>APPLICANT:</b> Darcon of N.C., Inc.
<b>OWNERS:</b> Darcon of N.C., Inc.
<b>PROPERTY LOCATION (Street Address):</b> 203 South Greensboro Street
<b>TAX MAP, BLOCK, LOT(S):</b> 7.99.D.1
<b>PROPOSED USE OF PROPERTY:</b> To allow for the construction of a five-story mixed use building.
<b>CARRBORO LAND USE ORDINANCE USE CATEGORY:</b> 27.000, Combination, consisting of Uses 1.331, 1.340, 2.111, 2.120, 2.130, 2.210, 2.220, 2.230, 3.110, 3.120, 3.130, 3.150, and 3.250
<b>MEETING DATES:</b> January 22 and February 26, 2008

Having heard all the evidence and arguments presented at the hearing, the Board finds that the



Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.

2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That the continued affordability of three dwelling units must be ensured through working directly with Orange Community Housing & Land Trust, in accordance with Land Use Ordinance Section 15-182.4.
4. That certificates of occupancy for the last three (3) market-rate dwelling units not be issued until all three (3) affordable dwelling units are offered for sale or rent.
5. That if Orange Community Housing and Land Trust is unable to sell any affordable unit within one year of the date it receives a certificate of occupancy, Darcon of NC, or its successors or assigns, will be released from its obligation to sell that unit to OCHLT and may instead provide to the Town of Carrboro a payment-in-lieu of providing an affordable unit, consistent with the applicable, related Land Use Ordinance language existing at the time of execution of this Conditional Use Permit.
6. That prior to construction plan approval, the applicant must prepare and the Town Manager accept a three-party agreement between the future owner's association, Orange Community Housing & Land Trust, and the Town of Carrboro. The agreement must: 1) stipulate that either the Land Trust or the Town must verify compliance with the applicable provisions of the conditional use permit and Land Use Ordinance prior to the sale/resale of any affordable unit, 2) establish and implement a one-percent transfer fee program wherein market-rate units will subsidize affordable units within the development, and 3) stipulate that the owner's association covenants must include language regarding the affordable units and properly disclose related information to purchasers of market-rate units information regarding the one-percent transfer fee program. Details regarding this condition must be presented to and approved by the Town Attorney and Town Manager prior to construction plan approval. Monies collected in the affordable housing transfer fee program, associated with the sale / resale of properties, are to be placed into a fund for the specific purpose of paying condominium and townhome Owner's Association dues for persons who acquire affordable housing.
7. That only retail and office uses be allowed in the commercial area.
8. That the applicant must receive a Town of Carrboro driveway permit for Maple Avenue Extension and a NCDOT driveway permit if determined to be necessary, prior to construction plan approval.
9. That the Board of Aldermen finds that no screening is required along Maple Avenue Extension (eastern side of the property) as a sidewalk in this location is more beneficial to public safety than providing street trees in the area.
10. That if the applicant desires to install site and/or exterior building lighting in the future, then upon reviewing associated information staff must determine what type of permit modification is involved, per Land Use Ordinance Section 15-64, and process the request accordingly.
11. That prior to issuance of a building permit for the project, the applicant must record a plat that dedicates sufficient right-of-way along all sides of the property such that every adjacent right-of-way exceeds fifty-feet in width.



- 14. That the applicant receive(s) CAPS from the Chapel Hill—Carrboro City Schools district pursuant to Article IV, Part 4 of the Land Use Ordinance, prior to construction plan approval.
- 15. That seven (7) parking spaces and a landscaped (xeriscaped) area be provided along Carr Street.

This permit shall automatically expire within two years of the date of issuance if the use has not commenced or less than 10 percent (10%) of total cost of construction has been completed or there has been non-compliance with any other requirements of Section 15-62 of the Carrboro Land Use Ordinance.

If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Carrboro the attached acknowledgment of the issuance of this permit so that the town may have it recorded in the Orange County Registry.

NORTH CAROLINA

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.

THE TOWN OF CARRBORO

ATTEST:

Sharmyn Muman (SEAL)  
Deputy Town Clerk

BY \_\_\_\_\_  
Town Manager

I, Casie B. Brewster 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 Steven E. Stewart, 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 5<sup>th</sup> day of March, 2012

(SEAL)

Casie B. Brewster  
Notary Public



Darcon of N.C., Inc.

BY: [Signature]  
President

ATTEST:

[Signature]  
Secretary

STATE OF NORTH CAROLINA  
Wake COUNTY

This the 27<sup>th</sup> day of February, 2009, personally appeared before me, James C. PRAWLEY, a Notary Public in and for said County and State: Wake County, who being by me duly sworn, says that she knows the common seal of JOSEPH E SABA and is acquainted with DARCON NC INC who is the PRESIDENT, and saw the President sign the foregoing instrument and that he/she, Secretary of aforesaid, affixed said seal to said instrument, and signed her name in attestation of the execution of said instrument in the presence of said [Signature] 2/27/09.

WITNESS my hand and notarial seal, this the 27<sup>th</sup> day of FEBRUARY, 2009.



(SEAL)

[Signature]  
Notary Public

My Commission Expires: 2/18/14

(Not valid until fully executed and recorded)