

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 7, 2023**

**Action Agenda
Item No. 8-I**

SUBJECT: Signature Authorization for Greene Tract Deeds Property Transfer

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

1. Draft Deeds
2. Recombination Plat
3. 2021 Greene Tract Resolution

INFORMATION CONTACT:

Cy Stober, Planning Director, 919-245-2575
Ashley Moncado, Planner III, 919-245-2589

PURPOSE: To authorize the Chair to sign the Greene Tract deeds to allow for the transfer of property with the Town of Chapel Hill and the Town of Carrboro.

BACKGROUND: The Greene Tract is a 167 acre parcel of which 107 acres is jointly owned by Orange County/Chapel Hill/Carrboro and 60 acres is owned by Orange County (Headwaters Preserve). The parcel is located east of the Rogers Road community within the Town of Chapel Hill's ETJ (Extra-Territorial Jurisdiction).

On November 16, 2021, the BOCC adopted the Greene Tract Resolution Approving the Draft Recombination Plat and Conceptual Plan. The resolution authorized the Managers to sign the final recombination plat as the property owners for the three local governments. The recombination plat has been completed and signed by the Managers.

During the recording process, it was brought to staff's attention that new property deeds would need to be drafted and signed by the three local governments. The new deeds would need to address the transfer of acreage for the two Greene Tract parcels from Joint Owned to County Owned and County Owned to Joint Owned. Draft property deeds are provided at Attachment 1. The draft deeds reflect modifications to the 60 acres (County Owned) parcel and 107 acre (Joint Owned) parcel as contained in the 2021 Greene Tract Resolution and recombination plat (Attachment 2).

The draft deeds have been reviewed by the Orange County Attorney's Office. In addition, legal staff from the Town of Carrboro and the Town of Chapel Hill have reviewed the draft deeds.

Once completed and signed, the recombination plat and deeds may be recorded at the Orange County Register of Deeds office.

FINANCIAL IMPACT: There is no direct financial impact associated with this item.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact applicable to this item:

RECOMMENDATION(S): The Manager recommends the Board:

1. Review the draft deeds; and
2. Authorize the Chair to sign the final deeds, together with any required supporting documentation, for recordation.

**NORTH CAROLINA
SPECIAL WARRANTY DEED**

Excise Tax: **\$EXEMPT**

Parcel Identifier No.

Mail after recording to: Beemer, Hadler & Willett, P.A.

This instrument was prepared by: Wayne R. Hadler, Esq. (WITHOUT TITLE EXAMINATION)

THIS DEED made this ____ day of March, 2023 by and between

GRANTOR

THE COUNTY OF ORANGE, a body politic and corporate,
a political subdivision of the State of North Carolina

GRANTEE

TOWN OF CARRBORO, a North Carolina municipal corporation, TOWN OF CHAPEL HILL,
a North Carolina municipal corporation and THE COUNTY OF ORANGE, North Carolina

P.O. Box 8181
Hillsborough, NC 27278

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the

Grantee in fee simple, all that certain lot or parcel of land situated in Orange County, North Carolina, and more particularly described as follows:

See Exhibit "A" Attached hereto and incorporated herein by reference.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 2894, Page 283, Orange County Registry.

A map showing the above-described property was previously recorded in Plat Book 86, Page 128, Orange County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and that Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:
Easements, conditions and restrictions of record, if any.

IN WITNESS WHEREOF, the Grantors has duly executed the foregoing as of the day and year set forth below.

SIGNATURE PAGE TO FOLLOW

**THE COUNTY OF ORANGE,
a body politic and corporate,
a political subdivision of the State of North Carolina**

_____(Seal)

Chair
Orange County, North Carolina
Board of Commissioners

_____(Seal)

Laura Jensen, Clerk
Orange County, North Carolina
Board of Commissioners

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, Notary Public for the County of _____, State of North Carolina, certify that LAURA JENSEN, personally appeared before me on the ____ day of _____, 2023 and acknowledged that she is the Clerk to the Board of Orange County, North Carolina, Board of County Commissioners, and to verify _____ execution of this North Carolina Special Warranty Deed, conveying real property, that _____ is Chair of the Orange County Board of Commissioners and signed in that capacity.

Witness my hand and official stamp or seal, this the ____ day of _____, 2023.

Notary Public
My Commission Expires:

EXHIBIT "A"

Tract I

BEING all that certain 15.76 acres more or less and containing 686,476 square feet more or less and labeled Lot B (Area 1B) all as shown on a map and survey entitled "GREENE TRACT LOTS A & B RECOMBINATION PLAT", dated July 28, 2022 and recorded in Plat Book ____, Page ____, Orange County Registry, to which reference is made for a more particular description of same.

It being the intent of this conveyance to merge this tract with that certain 8.40 acres and containing 365,890 square feet more or less and labeled Lot B (Area 1A)" on a map and survey entitled "GREENE TRACT LOTS A & B RECOMBINATION PLAT", dated July 28, 2022 and recorded in Plat Book ____, Page ____, Orange County Registry, to which reference is made for a more particular description of same. THE MERGE TRACTS ARE SHOWN ON THE SITE DATA TABLE of the map and survey recorded in Plata Book ____, Page ____, Orange County Registry as AS NEW LOT B (AREA 1) AND CONTAINING A TOTAL OF 24.16 ACRES.

Tract II

BEING all that certain 6.85 acres more or less and containing 298,579 square feet more or less and labeled Lot B (Area 2B) all as shown on a map and survey entitled "GREENE TRACT LOTS A & B RECOMBINATION PLAT", dated July 28, 2022 and recorded in Plat Book ____, Page ____, Orange County Registry, to which reference is made for a more particular description of same.

It being the intent of this conveyance to merge this tract with that certain 76.38 acres and containing 3,326,961 square feet more or less and labeled Lot B (Area 2A)" on a map and survey entitled "GREENE TRACT LOTS A & B RECOMBINATION PLAT" dated July 28, 2022 and recorded in Plat Book ____, Page ____, Orange County Registry, to which reference is made for a more particular description of same. THE MERGE TRACTS ARE SHOWN ON THE SITE DATA TABLE of the map and survey recorded in Plata Book ____, Page ____, Orange County Registry as AS NEW LOT B (AREA 2) AND CONTAINING A TOTAL OF 83.23 ACRES.

TRACTS I & II are intended to be merged as the 107.39-acre tract shown on the plat recorded in Plat Book ____, Page ____, Orange County Registry.

**NORTH CAROLINA
SPECIAL WARRANTY DEED**

Excise Tax: **\$EXEMPT**

Parcel Identifier No.

Mail after recording to: Beemer, Hadler & Willett, P.A.

This instrument was prepared by: Wayne R. Hadler, Esq. (WITHOUT TITLE EXAMINATION)

THIS DEED made this ____ day of March, 2023 by and between

GRANTOR

TOWN OF CARRBORO, a North Carolina municipal corporation, TOWN OF CHAPEL HILL,
a North Carolina municipal corporation and THE COUNTY OF ORANGE, a body politic and corporate,
a political subdivision of the State of North Carolina

GRANTEE

THE COUNTY OF ORANGE, North Carolina
P.O. Box 8181
Hillsborough, NC 27278

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of

which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Orange County, North Carolina, and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

The property hereinabove described was acquired by Grantor by instrument recorded in Book 459, Page 340, Orange County Registry.

A map showing all or a portion of the above described property was previously recorded in Plat Book 86, Page 128, Orange County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and that Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:
Easements, conditions and restrictions of record, if any.

IN WITNESS WHEREOF, the Grantors have duly executed the foregoing as of the day and year set forth below.

SIGNATURE PAGES TO FOLLOW

**TOWN OF CHAPEL HILL,
a North Carolina municipal corporation**

BY: _____ (SEAL)

Name: _____

Title: Town Manager

Date: _____

ATTEST:
(SEAL)

By: _____

Name: Town Clerk

Title: _____

Date: _____

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

I, _____, Notary Public for the County of _____, State of _____, certify that the _____, personally appeared before me this day and acknowledged that (s)he is _____ Town Clerk of the Town of Chapel Hill, a North Carolina municipal corporation, and that by authority duly given and as the act of the municipal corporation, the foregoing and annexed instrument was signed in its name by _____, its _____ Town Manager, sealed, and attested by (him) (her) as its _____ Town Clerk.
Witness my hand and official stamp or seal, this the ____ day of _____, 2023.

Notary Public

My Commission Expires:

**TOWN OF CARRBORO,
a North Carolina municipal corporation**

BY: _____ (SEAL)

Name: _____

Title: Town Manager

Date: _____

ATTEST:

(SEAL)

By: _____

Name: Town Clerk

Title: _____

Date: _____

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

I, _____, Notary Public for the County of _____, State of North Carolina, certify that the _____, personally appeared before me this day and acknowledged that (s)he is _____ Town Clerk of the Town of Carrboro, a North Carolina municipal corporation, and that by authority duly given and as the act of the municipal corporation, the foregoing and annexed instrument was signed in its name by _____, its _____ Town Manager, sealed, and attested by (him) (her) as its _____ Town Clerk.

Witness my hand and official stamp or seal, this the ____ day of _____, 2023.

Notary Public

My Commission Expires:

**THE COUNTY OF ORANGE,
a body politic and corporate,
a political subdivision of the State of North Carolina**

_____(Seal)
Chair
Orange County, North Carolina
Board of Commissioners

_____(Seal)
Laura Jensen, Clerk
Orange County, North Carolina
Board of Commissioners

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, Notary Public for the County of _____, State of North Carolina, certify that LAURA JENSEN, personally appeared before me on the ____ day of _____, 2023 and acknowledged that she is the Clerk to the Board of Orange County, North Carolina, Board of County Commissioners, and to verify _____ execution of this North Carolina Special Warranty Deed, conveying real property, that _____ is Chair of the Orange County Board of Commissioners and signed in that capacity.

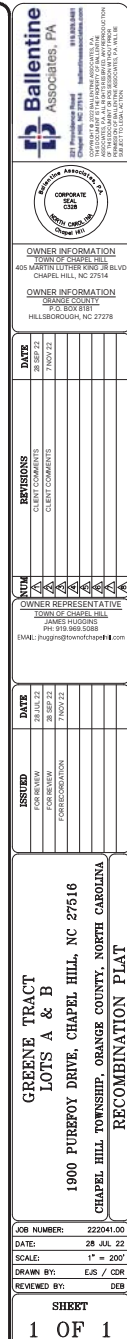
Witness my hand and official stamp or seal, this the ____ day of _____, 2023.

Notary Public
My Commission Expires:

EXHIBIT "A"

BEING all that certain 22.61 acres more or less and containing 984,991 square feet more or less and labeled Lot A (Area 1B) all as shown on a map and survey entitled "GREENE TRACT LOTS A & B RECOMBINATION PLAT", dated July 28, 2022 and recorded in Plat Book ____, Page ____, Orange County Registry, to which reference is made for a more particular description of same.

It being the intent of this conveyance to merge this tract with that certain 37.38 Acres and containing 1,628,416 square feet more or less and labeled Lot A (Area 1A)" on a map and survey entitled "GREENE TRACT LOTS A & B RECOMBINATION PLAT" dated July 28, 2022 and recorded in Plat Book ____, Page ____, Orange County Registry, to which reference is made for a more particular description of same. THE MERGE TRACTS ARE SHOWN ON THE SITE DATA TABLE of the map and survey recorded in Plata Book ____, Page ____, Orange County Registry as NEW LOT A AND CONTAINING A TOTAL OF 60.00 ACRES.



RESOLUTION**A RESOLUTION APPROVING THE DRAFT RECOMBINATION PLAT AND CONCEPTUAL PLAN FOR THE 60-ACRE PORTION OF THE GREENE TRACT IN COUNTY OWNERSHIP AND THE 107-ACRE PORTION OF THE GREENE TRACT IN JOINT OWNERSHIP**

WHEREAS, in 1984, Orange County and the Towns of Carrboro and Chapel Hill jointly purchased the property known as the Greene Tract (167 acres more or less); and

WHEREAS, in 2000, title to 60 acres of this property was deeded exclusively to the Orange County Solid Waste Enterprise Fund for non-landfill solid waste purposes under provisions of the 1999 Interlocal Agreement for Solid Waste Management; and

WHEREAS, at that time, the remaining 107 acres were retained in joint ownership by the three governments (with the intent that the future uses of the property would be determined at a future time); and

WHEREAS, in 2002 Orange County and the Towns of Carrboro and Chapel Hill adopted the 2002 Resolution which called for approximately 86 acres for open space and 18 acres for affordable housing on the jointly-owned land; and

WHEREAS, the Greene Tract is part of the Historic Rogers Road Neighborhood where the Towns of Chapel Hill and Carrboro have researched market development potential and zoning to implement a planning program in the overall area; and

WHEREAS, over the last 20 years, various joint planning studies, including the Historic Rogers Road Neighborhood Task Force Report and Mapping Our Community's Future, and collaborations with the community and school district have suggested land use and acreage needs; and

WHEREAS, the 60-acre parcel (designated as the Headwaters Preserve by the Orange County Board of Commissioners on October 18, 2016) was purchased by Orange County via reimbursement to the Solid Waste Enterprise Fund in 2016; and

WHEREAS, Mayors for Carrboro and Chapel Hill and the Orange County Commissioners Chair have agreed to jointly pursue an update to the 2002 Resolution and have been meeting with respective management and supporting staff, as suggested by the elected officials at an Assembly of Governments meeting in 2017, to determine next steps for preservation and development of the Greene Tract; and

WHEREAS, on February 12, 2019 the Carrboro Board of Aldermen, and on February 19, 2019 the Orange County Commissioners, voted to approve a resolution to support adjusting the property lines of the jointly-owned tract and Headwaters Preserve, creating a jointly-owned preserve, indicating land uses, and conceptually agreeing to consider development of the Greene Tract; and

WHEREAS, on February 20, 2019 the Chapel Hill Town Council voted to approve the exploration of ways to protect the County-owned Headwaters Preserve and a proposed jointly-owned preserve area; and

WHEREAS, the Chapel Hill Carrboro City Schools in a letter dated May 22, 2019, have indicated the district's continued interest in designation of a school site to be located on the Greene Tract; and

WHEREAS, on July 15, 2019 the Chapel Hill Town Council adopted a resolution to support adjusting the property lines on the Greene Tract, creating a jointly-owned preserve, and conceptually agreeing to consider development of the Greene Tract; and

WHEREAS, at that time the Chapel Hill Town Council did not agree to designating the land uses indicated on the maps attached to the Carrboro and County's resolutions; and

WHEREAS, the three jurisdictions agreed conceptually to the following land use designations:

- Approximately 22 acres for joint preserve;
- A minimum of 16 acres for public school site and public recreational site;
- Approximately 66 acres for housing/mixed use; and

WHEREAS, the Chapel Hill Town Council also adopted a resolution on July 15, 2019 committing to holding a series of community meetings, soliciting input from the public and respective advisory boards regarding land uses and densities, initiating environmental and connectivity assessment; and initiating steps to protect the jointly-owned preserve and the Headwaters Preserve in perpetuity; and

WHEREAS, in January 2020, the three local governments adopted the 2020 Greene Tract Resolution for a Path Forward Process for Further Assessment of the Greene Tract, which consolidated the differences, superseded the resolutions adopted in 2019, and included the following:

- Initiated an environmental assessment of the entire Greene Tract to consider designating the most environmentally sensitive area as the Headwaters Preserve with a cost share Interlocal Agreement;
- Initiated the drafting of a Memorandum of Understanding between the three jurisdictions related to a decision making process;
- Delayed public engagement efforts until agreement on a Memorandum of Understanding; and

WHEREAS, analysis of the Greene Tract's past, present, and future identified the following land use needs and goals:

- Promote mixed-income housing opportunities; development of housing that serves a range of incomes;
- Preserve valuable environmental features including tree canopy, open space, stream buffers, and wildlife corridors;
- Protect historical and cultural resources;
- Promote cost effective infrastructure;
- Incorporate school and recreation sites;
- Earmark development areas for mixed income housing and mixed use potential; and

WHEREAS, the Greene Tract Environmental Assessment was completed by SynTerra Inc. in July 2020 and corresponding video presentation was completed in April 2021 which included an environmental analysis on existing conditions on the Greene Tract, site specific information on environmental and cultural conditions present on the Greene Tract, suitability analysis, and four

draft land use alternatives; and

WHEREAS, the Interlocal Agreement Regarding the Current and Future Use of the Jointly Owned Greene Tract between the Orange County and the Towns of Carrboro and Chapel Hill was adopted in April 2021; and

WHEREAS, the three local governments' elected officials and staff have met with community members, solicited survey responses, and conducted public meetings in order to encourage and collect input from the Orange County community; and

WHEREAS, the three local governments' elected officials and staff will continue to work with environmental staff, environmental partners, and community to identify, protect, and maintain the most cultural and environmentally sensitive features of the Greene Tract from future development and consider development guidelines exceeding regulatory standards preserving these areas; and

WHEREAS, the staff work group considered direction from the respective governing boards, specialized staff, housing partners, and community in developing a conceptual plan for the Greene Tract; and

WHEREAS, each board will consider this resolution in November 2021 and provide direction to their respective staff.

NOW, THEREFORE, BE IT RESOLVED THAT the Orange County Board of Commissioners:

1. Approve the draft recombination plat to modify the existing county owned (60 acres) and jointly owned (107 acres) portions of the Greene Tract as shown in Exhibit 1.
2. Approve the conceptual plan, as shown in Exhibit 2 for the joint owned portion of the Greene Tract which designates and defines the following future land uses:
 - a. 60 acres for the Headwaters Preserve (County owned)
 - b. Approximately 22 acres for Greene Tract Preserve
 - c. Approximately 66 acres for development
 - d. Approximately 16 acres for public school and public recreational site
3. Authorize the Manager to sign the final recombination plat as property owner for Orange County.
4. Continue to solicit input from the public, governing boards, specialized staff, and housing partners, during the master planning and development agreement process.

This the 16th day of November 2021.

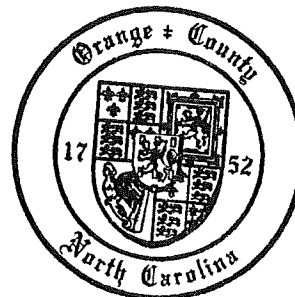
Renee A. Price

Renee Price, Chair
Orange County Board of County Commissioners

ATTEST:

Laura Jensen

Laura Jensen, Clerk to the Board of County Commissioners



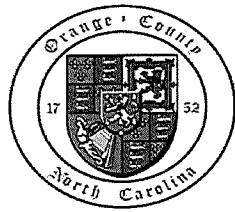
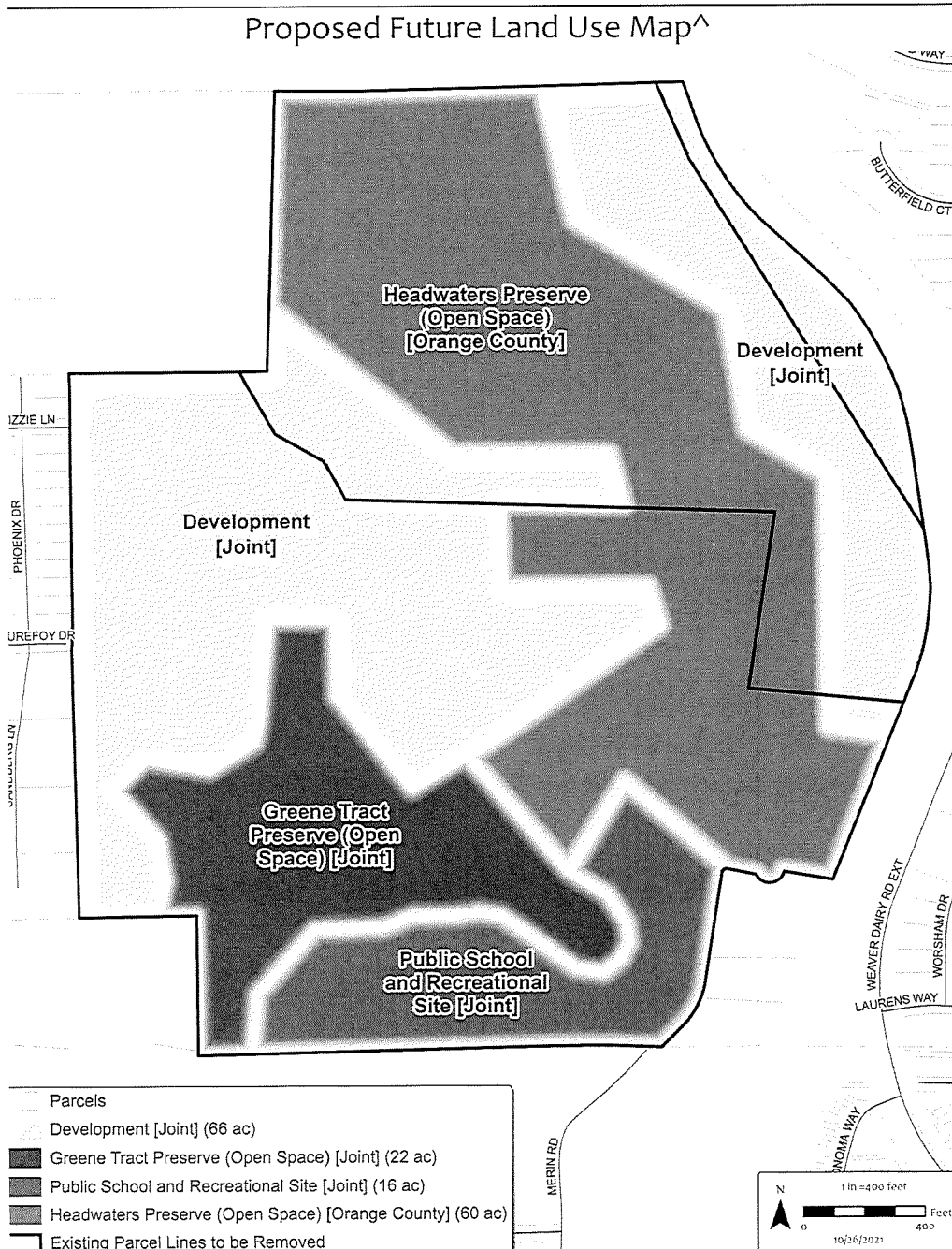


Exhibit 2 - Greene Tract Conceptual Plan

The Greene Tract Conceptual Plan is a proposed schematic for future planning purposes. It shall not be viewed or categorized as a regulatory development application, development plan, or any other regulatory related zoning and/or land use application, plan, or document.

Proposed Future Land Use Map[^]



Proposed Future Land Use Definitions

- 1. Headwaters Preserve (County Owned):** 60 acres deeded to Orange County in 2000 under provisions of the 1999 Interlocal Agreement for Solid Waste and considered for protection by the Towns and County in the 2002 Joint Greene Tract Resolution. Would allow for installation of infrastructure and utilities (i.e. roadway and pedestrian access, public water and sewer, stormwater facilities), as necessary with minimized land disturbance. Orange County Board of Commissioners may consider protecting its 60 acres of the Greene Tract by executing a conservation easement.
- 2. Greene Tract Preserve:** Approximately +/-22 acres* designated for future joint preservation. Area preliminarily identified as having environmental attributes such as streams/buffers, wetlands, or significant trees and wildlife habitats. Would allow for installation of infrastructure and utilities (i.e. roadway and pedestrian access, public water and sewer, stormwater facilities), as necessary with minimized land disturbance. Carrboro Town Council, Chapel Hill Town Council, and Orange County Board of Commissioners may consider protecting the area shown on the conceptual plan as Greene Tract Preserve by executing a conservation easement.
- 3. Development:** Approximately +/-66 acres* for future development. The location for this land use is based on site elevations and proximity to existing infrastructure. This area will allow for appropriate development based on land suitability, public services, available infrastructure, accessibility to activity centers, and surrounding land uses. Affordable and mixed income housing is of primary interest. The area may support low intensity commercial, service uses, and maker/incubator space, which serve the needs of the surrounding neighborhoods, limit conflicts with the adjacent community, and are compatible with the surrounding residential development. The area will not be utilized predominantly for commercial purposes. The proposed 21 acres along the eastern side of the Greene Tract will remain as public owned and undeveloped land in the short term, but may be evaluated for development in the future (10—20 years) depending on the needs at that time.
- 4. Public School and Recreational Site:** Approximately +/-16 acres* dedicated for a future school and outdoor recreational site. This area will remain as public jointly owned land until needed for a future school and/or is developed consistent with joint school/park facilities. Acreage will be freely dedicated for recreational purposes by the joint governments.

* Acreage may deviate up to 15%

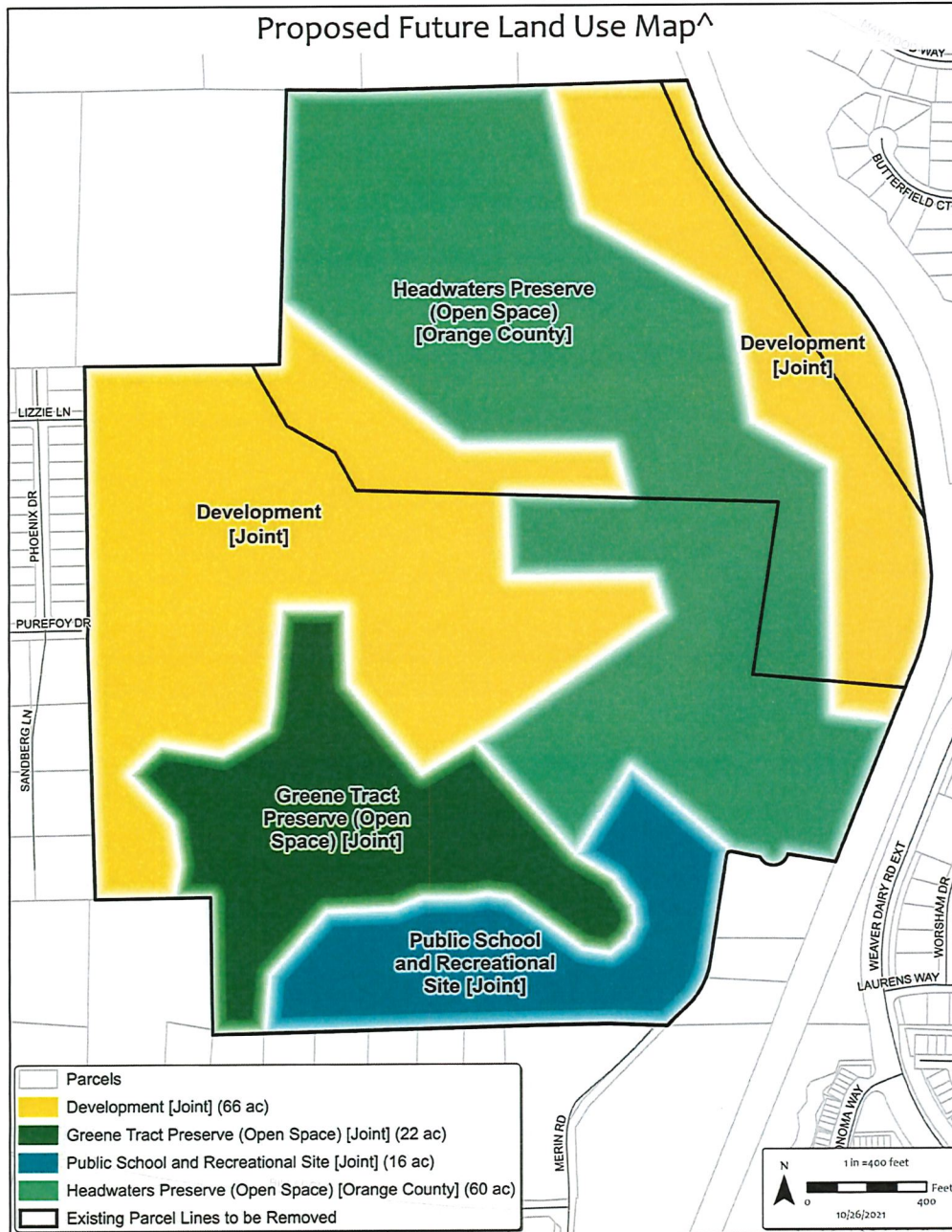
[^] Proposed parcel lines are based on draft GIS mapping and preliminary survey work. Final parcel lines may deviate marginally once final survey work is complete.



Exhibit 2 - Greene Tract Conceptual Plan¹⁹

The Greene Tract Conceptual Plan is a proposed schematic for future planning purposes. It shall not be viewed or categorized as a regulatory development application, development plan, or any other regulatory related zoning and/or land use application, plan, or document.

Proposed Future Land Use Map[^]



Proposed Future Land Use Definitions

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- 2. Greene Tract Preserve:** Approximately +/-22 acres* designated for future joint preservation. Area preliminarily identified as having environmental attributes such as streams/buffers, wetlands, or significant trees and wildlife habitats. Would allow for installation of infrastructure and utilities (i.e. roadway and pedestrian access, public water and sewer, stormwater facilities), as necessary with minimized land disturbance. Carrboro Town Council, Chapel Hill Town Council, and Orange County Board of Commissioners may consider protecting the area shown on the conceptual plan as Greene Tract Preserve by executing a conservation easement.
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