

TOWN OF CARRBORO

CONDITIONAL USE PERMIT GRANTED

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:

Applicant: Keith R. Bowman/Little Creek Partners

Owner: Keith R. Bowman/Little Creek Partners

Property Location: Transition area; west side Rogers Rd, south of its intersection with Eubanks Road

Tax Map 23 Block C Lot(s) 3

Proposed Use of Property: To allow a 13-lot single-family residential subdivision within the Transition Area

Carrboro Land Use Ordinance Use Category: 1.110

Meeting Date(s) January 9, 1990

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Carrboro Land Use Ordinance for the development proposed, and that therefore the application to make use of the above described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Land Use Ordinance and the following conditions:

1) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be pointed out specifically to the 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 drainage easements shall be the responsibility of the developer or the homeowner's association with the understanding that they may enter into contract agreements with the NC Department of Transportation for maintenance purposes.

4) That residential structures shall not be constructed below the 25 year floodplain line. This line shall be delineated and identified on the Final Plat.

5) That the cul-de-sacs shall be constructed with a pavement width of eighteen feet, and that the islands inside the cul-de-sacs shall be surrounded by curb and gutter. Final design and construction plans for the cul-de-sacs shall be approved by the Public Works Director and the NC Dept. of Transportation.

6) That in accordance with section 15-203 of the Land Use Ordinance, payment in lieu for active recreational facilities shall be made prior to final plat approval. Payment shall be determined by multiplying the appropriate number of recreational points by the

number of units in the subdivision times the dollar amount per point established by the Miscellaneous Fees and Charges Schedule in effect at the time of plat approval.

7) That the developer shall demonstrate compliance (satisfactory to the Town Attorney) with Section 15-199, "Ownership and Maintenance of Recreational Areas and Required Open Space", of the Carrboro Land Use Ordinance prior to issuance of the Conditional Use Permit.

8) That existing deciduous trees on either side of the street shall be retained to comply with Land Use Ordinance section 15-315. Applicable trees shall be located on construction plans.

9) That all driveway/street connections shall be constructed in accordance with Appendix C-14 of the Carrboro Land Use Ordinance. This section currently requires that: (a) all driveways be constructed with fifteen foot asphalt or concrete drive aprons; and (b) all driveway culverts shall be reinforced concrete, and shall be properly sized (minimum size of 15") at the time of construction plan approval.

10) That prior to issuance of building permits for individual lots, accurately scaled plot plans with the following information shall be submitted to and approved by the Zoning Division:

- a. septic fields and well sites;
- b. property lines;
- c. proposed house and driveway locations (including location and size of driveway culverts);
- d. existing and proposed topography and grading;
- e. clearing limit lines;
- f. stream buffer lines;
- g. 25 year floodplain limit;
- h. roof drain locations; and
- i. drainage and utility easements and facilities

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.

All street construction on those streets proposed for acceptance by the Town of Carrboro shall be certified by an engineer. Engineering certification is the inspection by the developer's engineer of the street's subgrade, base material, asphalt paving, sidewalks and curb and gutter, when used. The developer's engineer shall be responsible for reviewing all compaction tests that are required for streets to be dedicated to the town. The developer's engineer shall certify that all work has been constructed to the town's construction specifications.

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.

BOOK 845 PAGE 135

THE TOWN OF CARRBORO

ATTEST:



Sarah C. Williamson
Town Clerk

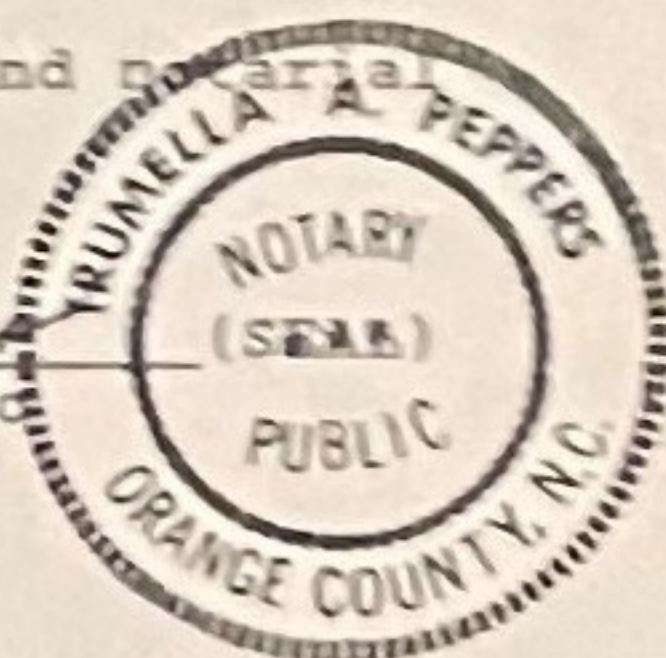
(SEAL) BY

Robert W. Morgan
Town Manager

I, Trumella A. Peppers a Notary Public in and for said County and State, do hereby certify that Robert W. Morgan, Town Manager of the Town of Carrboro, and 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 WHEREOF, I have hereunto set my hand and notarial seal this the 27th day of March, 1990.

Trumella A. Peppers
Notary Public



My Commission Expires:

January 14, 1993

I (We), KEITH R. BOWMAN & JAMES DE FRELAND, 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.

KEITH R. BOWMAN
Owner

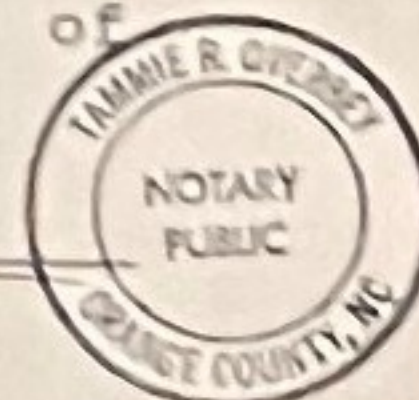
James De Freland
Owner

NORTH CAROLINA
ORANGE COUNTY

I, Tammie R. Overbey, a Notary Public in and for said County and State, do hereby certify that Keith R. Bowman & James De Freland owner(s), personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this the 28 day of March, 1990.

Tammie R. Overbey
Notary Public

My Commission Expires: 11/26/94

(Not valid until fully executed and recorded)

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

The foregoing certificate(s) of Trumella A. Peppers and Tammie R. Overbey, Notaries
XXXXXX Public of the designated governmental units are
(XXXX) certified to be correct. Filed this the 28th day of March, 1990 at
10:41 AM in Book 845 Page 133.

This the 28 day of March, A.D., 1990.

Betty June Hayes

Register of Deeds

By

Bibbie B. Norner
Assistant/~~Deputy~~ Register of Deeds

Prepared by: Town Clerk, Town of Carrboro, P.O. Box 337,
Carrboro, N.C. 27510

Return to: Zoning Division, Town of Carrboro, P.O. Box 337,
Carrboro, N.C. 27510