

TOWN OF CARRBORO

FOR MULTIPLE PIN SHEET
SEE BOOK 1331 PAGE 516

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: Brad Young, Young-Jewell & Associates

Owners: William F. Hogan, Etal, Robert C. Hogan, Sr., Luann Buchanan Hogan, Redfoot and Weber Construction Company, Thomas E. and Eleanor H. Bainbridge

Property Location: North of Homestead Road, around the existing Lake Hogan Farm Road

Tax Map 109 Block -- Lots 2, 3, 4, 5, 5A, 6, 6A, 24, 25

Proposed Use of Property: To allow construction of 438 single-family detached dwelling units in seven phases on 310 acres of land.

Carrboro Land Use Ordinance Use Category: 26.100

Meeting Dates: March 22, April 19, August 9, August 23, August 29, September 27, 1994

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 submitted to the Zoning 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 land owner (applicant) petition for voluntary annexation on a phase by phase basis prior to final plat approval of each phase.
4. That the location of the trail and the corresponding 50 foot easement to the Town of Carrboro be adjusted in the field to avoid overlapping lots if possible, and to avoid conflicts with OWASA manholes. That OWASA approve the location of the trail during the construction plan approval process.
5. That additional information be submitted to, and approved by, the Town's consulting engineer for lots 19 and 20, to ensure that the proposed drainage system will render these lots as buildable lots. This shall be done during the construction plan approval process.
6. That joint maintenance agreements between all lots served by the private driveways be established prior to construction plan approval, and that the details for the private driveways be approved by the Public Works Director and the Fire Chief during the construction plan approval process. The driveway design must include mountable curbs around the landscape islands and the vegetation within the islands must be limited to grass.
7. That Duke Power and North Carolina Natural Gas approve the crossings of their easements by roads, pedestrian/bike trails, and storm water and/or sewer pipes prior to construction plan approval, and that any necessary modifications be made to the plans as required by these utility companies.

8. That any office/retail use in, or around, the recreation complex, shall require annexation of the phase that the site is in (ie.—phase 1), then a rezoning and a CUP amendment must be obtained from the Board of Aldermen.
9. That the recreation point requirements of the Land Use Ordinance be verified, and adjusted if necessary, during the construction plan approval process, and that children's playground equipment must account for at least 10 percent of the total recreation points which are required for this project (via the recreation points table in the Land Use Ordinance or the dollar value equivalent of those points as provided for in Appendix G of the Land Use Ordinance).
10. That the detailed design of the creek crossings must be provided during the construction plan approval process, and that all road crossings must meet the federal standards established for "bridges" under ASHTO HS-20 and that the low impact bridge design be used, i.e., an arch span crossing.
11. That an application for a permit for the repair and reconstruction of the dam be made to the appropriate state agency upon issuance of the Conditional Use Permit, and that the lake not be refilled until such time as deemed safe and appropriate by the responsible state agency.
12. That the Transportation Advisory Board's recommendation dated April 7, 1994 be approved with an additional stub-out to be located on the south of the property to be dedicated to the town and that signage for the stub-outs and bike facilities be installed when the road is constructed.
13. That the final plat for Phase 1 of the development may not be granted unless and until the developer has determined whether and to what extent improvements of the dam will be required and, if a state permit for such improvements is mandated, such permit is obtained from the state.
14. That public access will be provided along the Public Service Company of N.C., Inc. easement south of Lots 28 and 31 from the Bolin Creek Trail to the eastern property line of the tract with curb cuts.
15. That a note be placed on the plans that the six-foot paved trail will be constructed by the developer as shown with the pavement material to be approved by the Board of Aldermen prior to construction plan approval for Phase I.
16. That the following road stub-outs be continued to the property line: (a) the stub-out south of the Old 86 entrance; and (b) the stub-out shown between Lots 352 and 353.
17. That the developer work with OWASA to minimize the removal of trees within the sewer easement along the south side of Lake Hogan by maintaining a clearance no greater than 20 feet in width.
18. That the 50-foot bike/pedestrian trail easement be shown on the plans to clearly differentiate the public access trails from other private trails. [*Shading has not been labeled.*]
19. That the open space (acreage and percentage) and the number of lots be recalculated.
20. That the applicant show on the Phase I construction drawings the area that will be needed during Phase I near the proposed clubhouse recreation area for the temporary collection of stormwater.

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

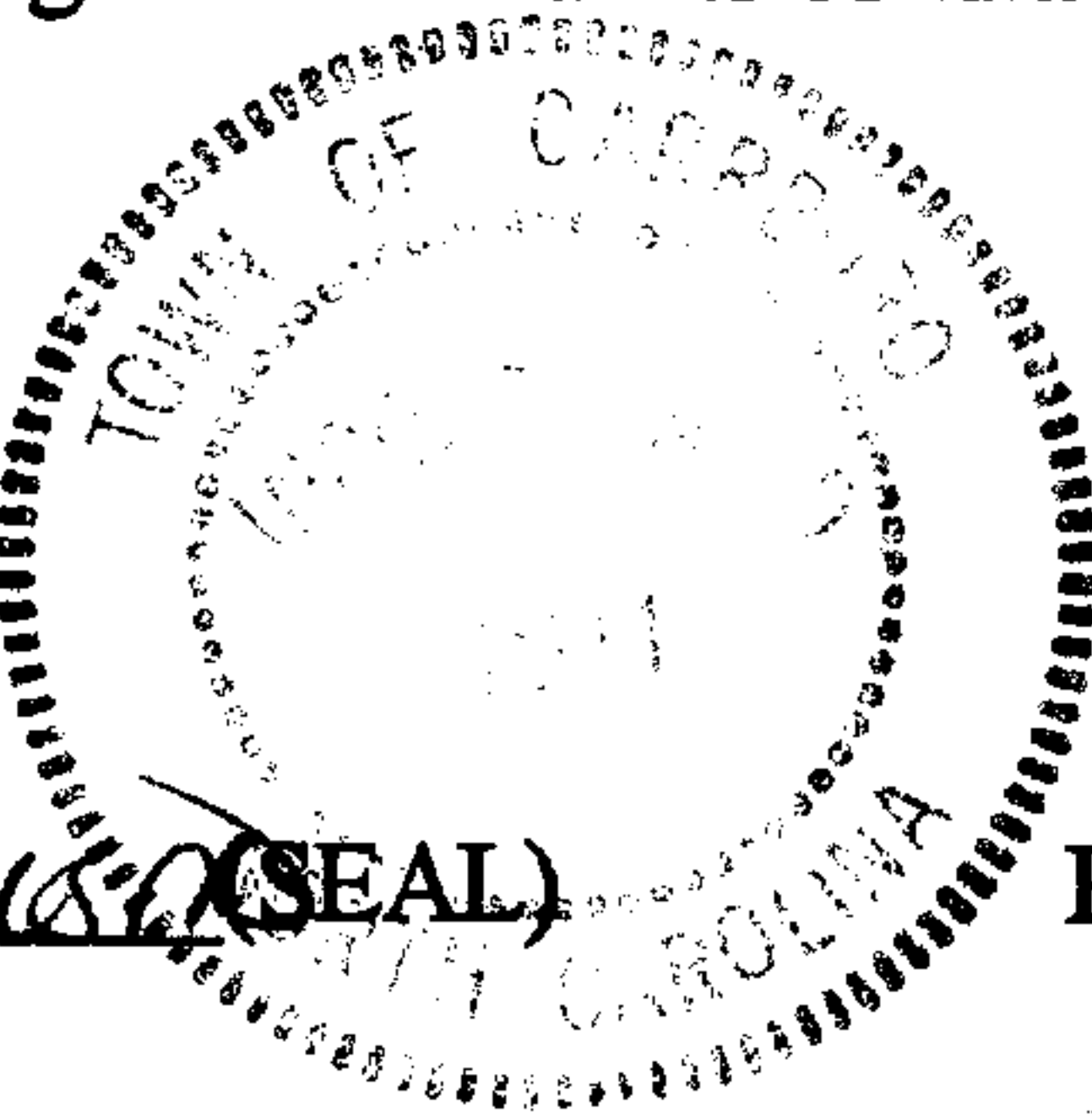
CHATHAM
ORANGE COUNTY

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 owners 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.

TOWN OF CARRBORO

ATTEST:

Sarah C. Williamson
Town Clerk



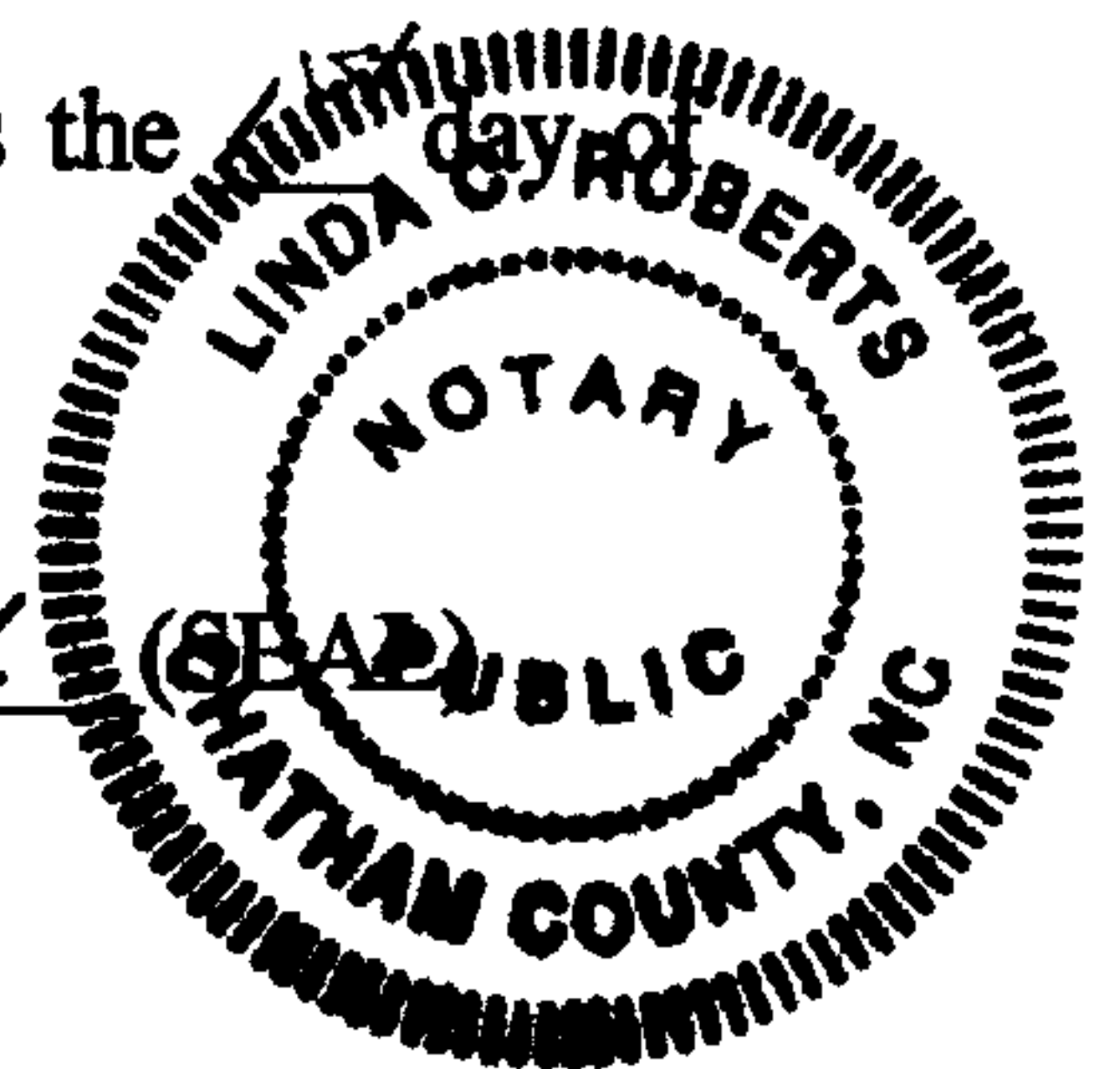
BY:

Robert W. Morgan
Town Manager

I, Linda C. Roberts, 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 15 day of March, 1995.

Linda C. Roberts
Notary Public



My Commission Expires: 5/18/99

We, the owners, do hereby acknowledge receipt of this Conditional Use Permit. The undersigned owners 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.

William F. Hogan
William F. Hogan

NORTH CAROLINA
ORANGE COUNTY
DURHAM

I, Leslie J. Tevebaugh, a Notary Public in and for said County and State, do hereby certify that William F. Hogan, owner, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this the 30 day of November, 1994

Leslie J. Tevebaugh
Notary Public

My Commission Expires: 10/14/97

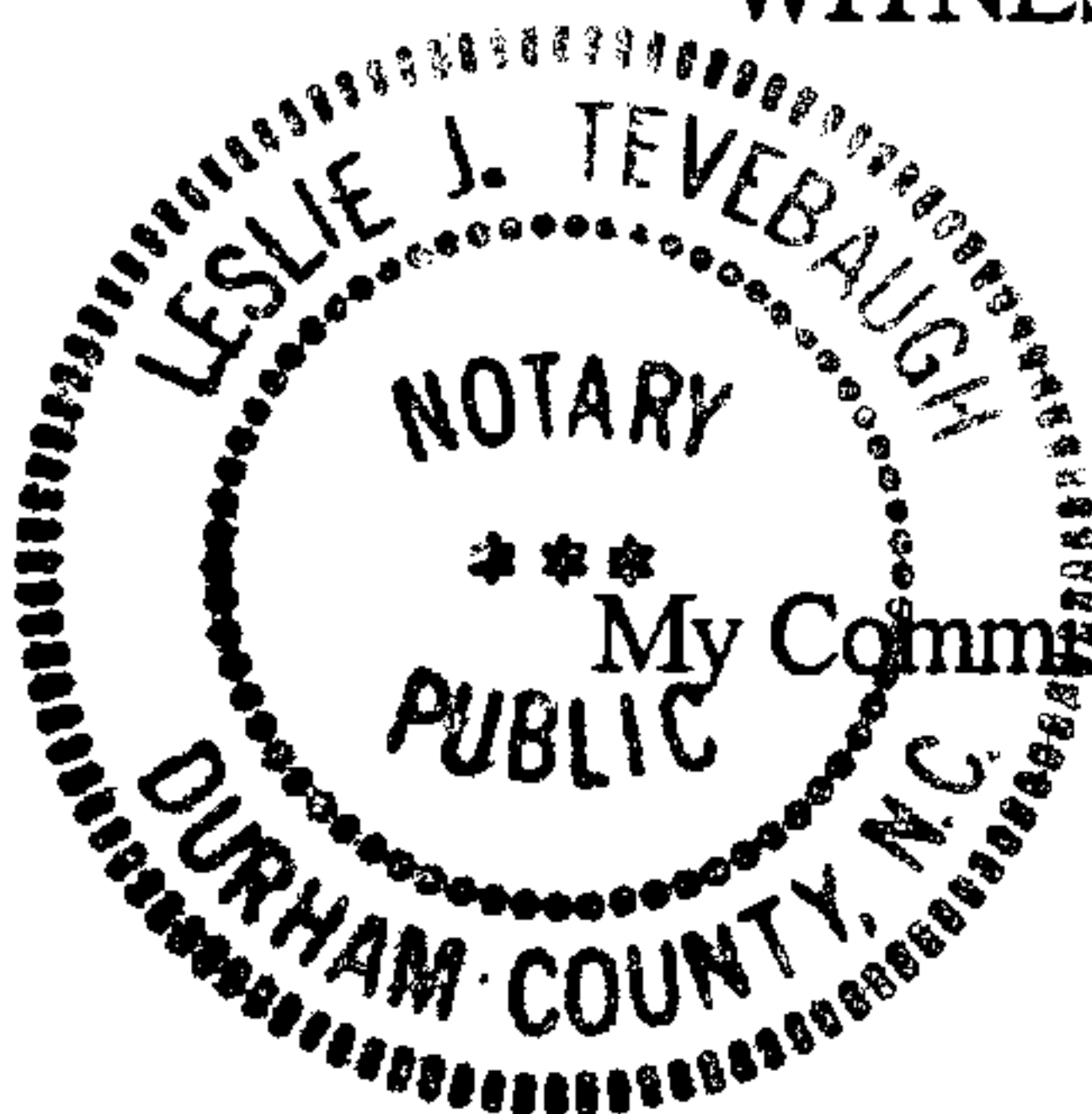


Robert C. Hogan
Robert C. Hogan

NORTH CAROLINA
~~ORANGE COUNTY~~
DURHAM

I, LESLIE J. TEVEBAUGH, a Notary Public in and for said County and State, do hereby certify that Robert C. Hogan, owner, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this the 30 day of NOVEMBER, 1994.



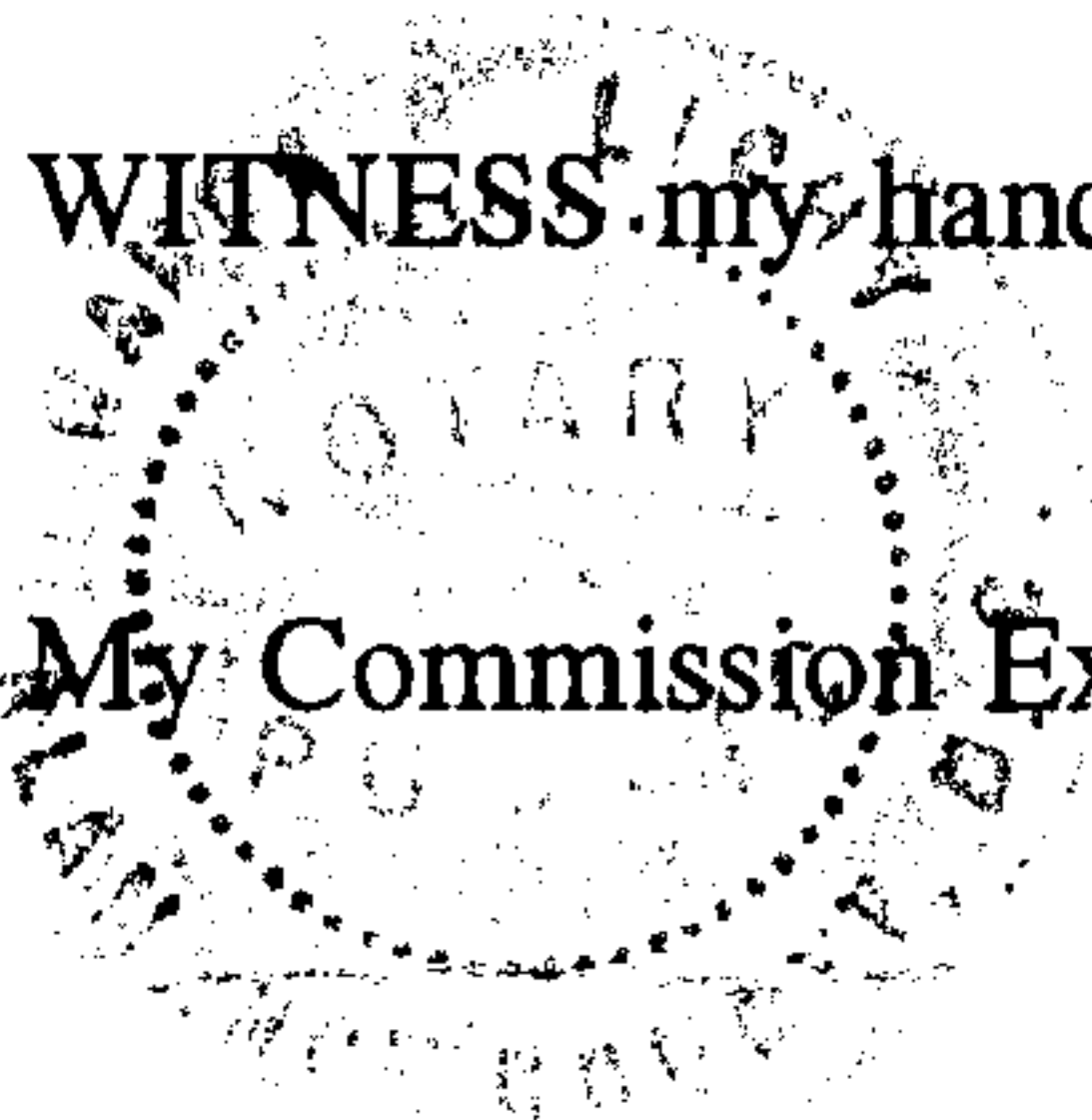
Leslie J. Tevebaugh
Notary Public

Fleet E. Millsap
Fleet E. Millsap, Executor of the Estate
of Luann Buchanan Hogan and Trustee under
the will of Luann Buchanan Hogan

NORTH CAROLINA
ORANGE COUNTY

I, Manda B. Light, a Notary Public in and for said County and State, do hereby certify that Fleet E. Millsap, Executor of the Estate of Luann Buchanan Hogan and Trustee under the will of Luann Buchanan Hogan, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this the 2nd day of December, 1994.



My Commission Expires: 8-4-96

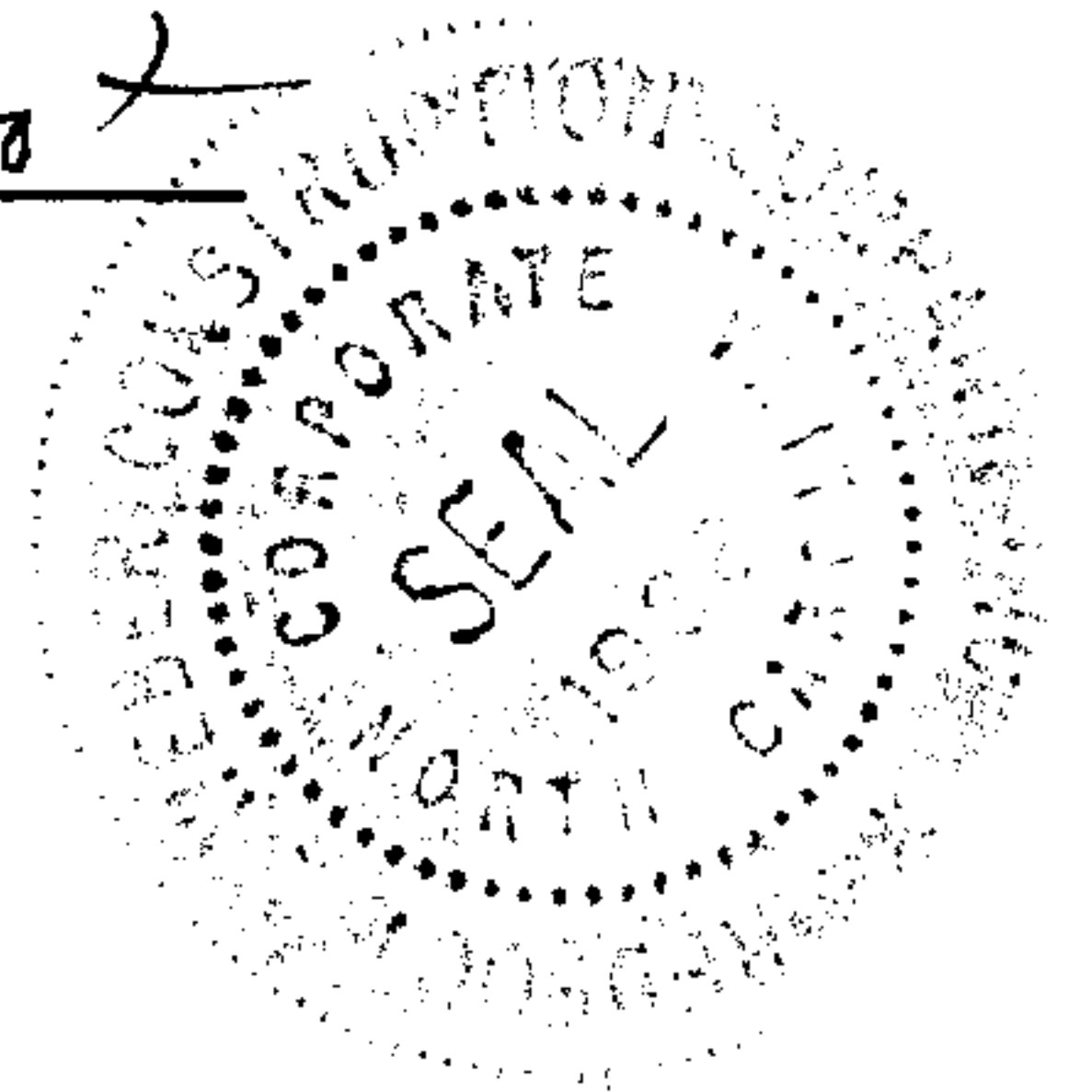
Manda B. Light
Notary Public

REDFOOT WEBER CONSTRUCTION

BY: Dale E. Redfoot
President

ATTEST:

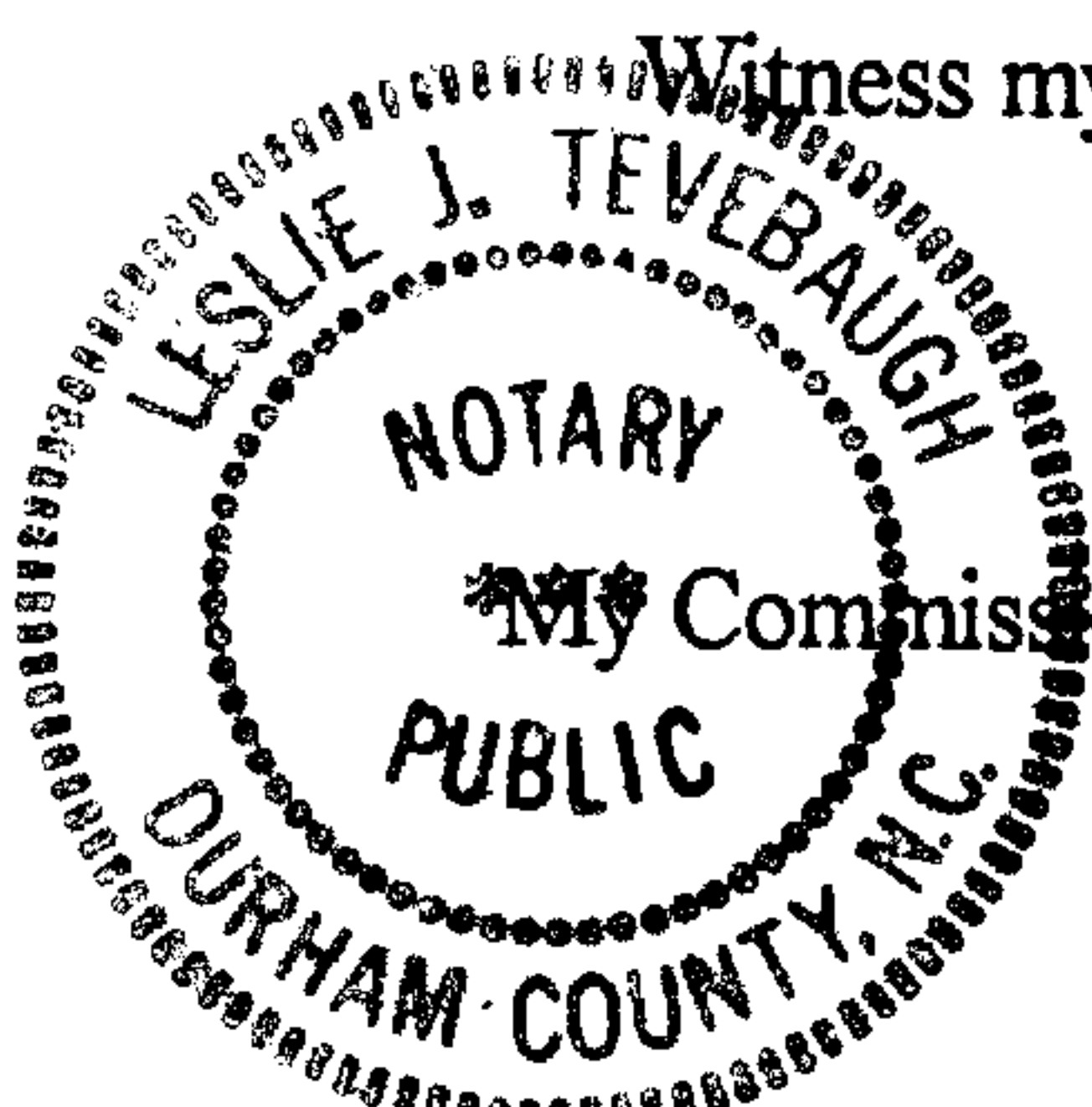
Blair
Secretary



NORTH CAROLINA
ORANGE COUNTY

I, LESLIE J. TEVEBAUGH, a Notary Public of DURHAM County, N.C. do hereby certify that BRAD REDFOOT appeared before me this day and being duly sworn says that he knows the common seal of Redfoot Weber Construction, and is acquainted with DALE E. REDFOOT, who is president of said corporation and he BRAD REDFOOT, who is secretary of said corporation, saw the said president sign the foregoing instrument and that he, BRAD REDFOOT, 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 30 day of NOVEMBER, 1994



Leslie J. Tevebaugh
Notary Public

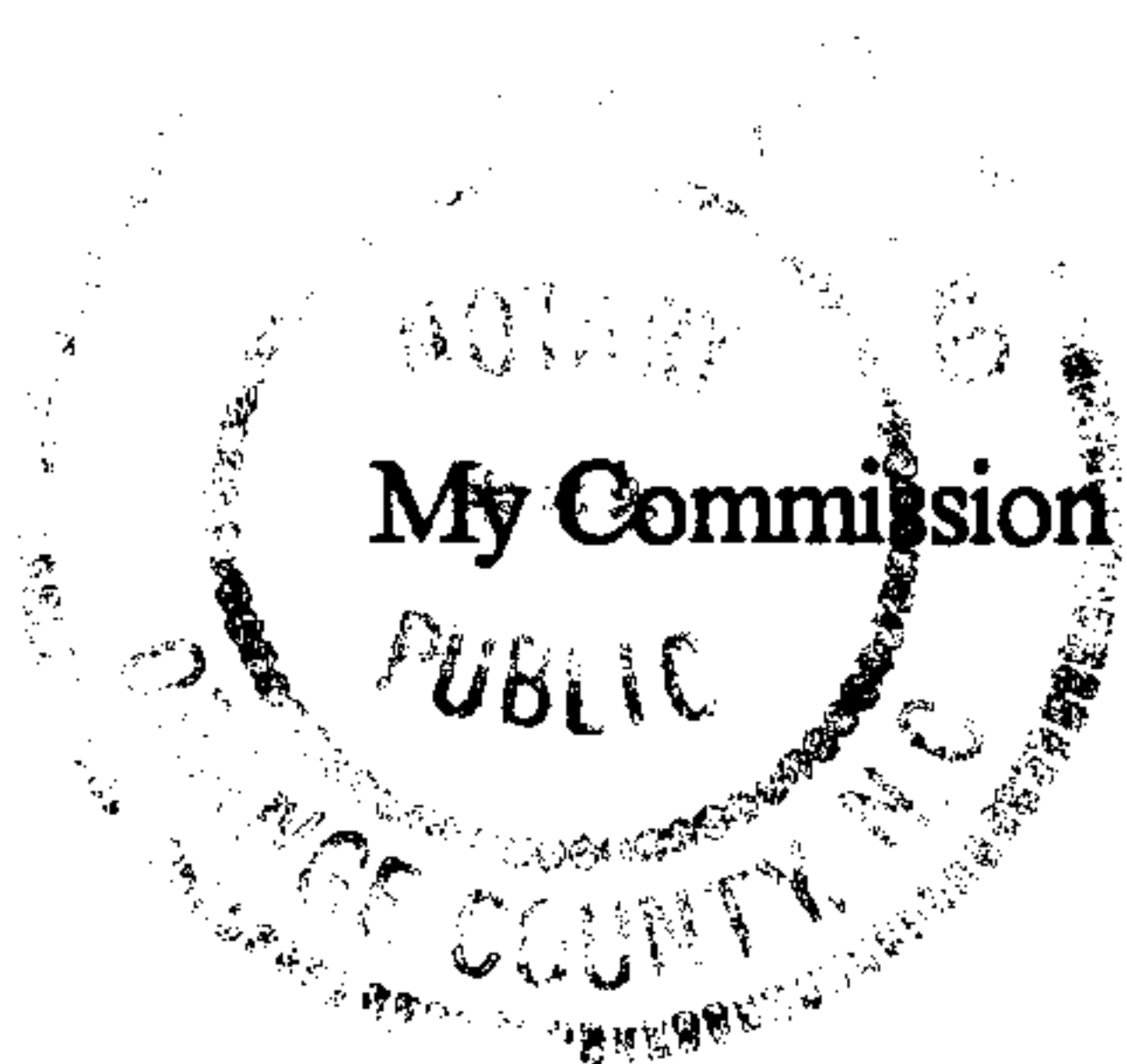
Thomas E. Bainbridge
Thomas E. Bainbridge

Eleanor H. Bainbridge
Eleanor H. Bainbridge

NORTH CAROLINA
ORANGE COUNTY

I, Melinda D. Leonard, a Notary Public in and for said County and State, do hereby certify that Thomas E. and Eleanor H. Bainbridge, owners, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this the 1st day of December, 1994



Melinda D. Leonard
Notary Public

My Commission Expires: 11/8/98

(Not valid until fully executed and recorded)

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

The foregoing certificate(s) of Linda C. Roberts, Leslie J. Tevebaugh,
Wanda B. Light + Melinda D. Leonard,

Notaries Public of the designated governmental units are certified to be correct.

This the 7th day of March, A.D., 1995.

Betty June Hayes
Register of Deeds

By Linda C. Clayton
Assistant/Deputy Register of Deeds

FILED
07 MAR 1995, at 01:39:59PM
Book 1331, Page 517 - 521
Betty June Hayes,
Register of Deeds,
Orange County, N. C.