

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



ATTACHMENT D-1

# NORTH CAROLINA

## ORANGE COUNTY

BOOK 2598 PAGE 163

### TOWN OF CARRBORO

### CONDITIONAL USE PERMIT GRANTED

9778-85-1938  
PB

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: <b>OPC Foundation</b>
OWNER: <b>OPC FOUNDATION</b>
PROPERTY LOCATION (Street Address): <b>103 West Main Street</b>
TAX MAP, BLOCK, LOT(S): <b>7.99.B.7</b>
PROPOSED USE OF PROPERTY: <b>Construction of a 24-unit single-room occupancy apartment building. An existing office building and an existing retail building would remain on the property.</b>
CARRBORO LAND USE ORDINANCE USE CATEGORY: <b>Combination Use (27.000), consisting of Single-Room Occupancy (1.340), Retail (2.110) and Office (3.110)</b>
MEETING DATES: <b>April 9, 2002</b>

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 Development Review Administrator in writing and specific written approval obtained as provided in Section 15064 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 seventeen (17) parking spaces shall be required for the project due to the project's proximity to a bus line, proximity to a municipal parking lot, low rate of expected vehicular ownership amongst the residential population, and complementary hours of operation between the office use and retail use in the context of use of parking spaces; and
4. That the applicant shall dedicate to the Town additional right-of-way along West Main Street to a distance of three-feet (3') beyond the back edge of the existing sidewalk; and

5. That the applicant be required to submit letters from all utility companies expected to serve the development prior to construction plan approval. The letters shall state that the utility company is able and willing to serve the proposed development.
6. That fire flow calculations be submitted to and approved by the Town of Carrboro Fire Chief and Town Engineer prior to construction plan approval.
7. That an intercom system be incorporated into the construction plan to enhance the level of communication and accessibility between residents and visitors to the complex.
8. That a painted crosswalk be added to the construction plans located between the clubhouse and the main entrance to the apartment building.

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.

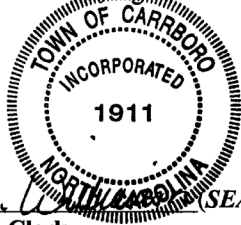
NORTH CAROLINA

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.

ATTEST:

*Sarah C. Williamson* (SEAL)  
Town Clerk

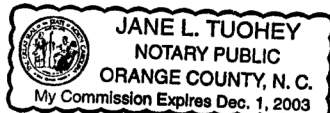


THE TOWN OF CARRBORO

BY *Robert W. Morgan*  
Town Manager

I, *Jane L. Tuohy*, 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 14 day of May, 2002.



*Jane L. Tuohy* (SEAL)  
Notary Public

My Commission Expires: 12-01-2003

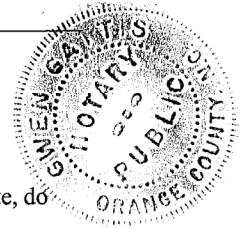
BOOK **2598** PAGE **165**TOWN OF CARRBORO  
CONDITIONAL USE PERMIT (con't)  
Page #3

Notary Public

I (We), OPC Foundation for Mental Health, owner(s), do hereby acknowledge receipt of this Conditional Use Permit. The undersigned owner(s) do further acknowledges 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.

Sue Baker, Chairperson  
Owner OPC Foundation

Owner



NORTH CAROLINA  
ORANGE COUNTY

I, Gwen Gathis, a Notary Public in and for said County and State, do hereby certify that Sue Baker, Chairperson- OPC Foundation appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this the 6<sup>th</sup> day of May, 2002.

Gwen Gathis  
Notary Public

My Commission Expires: June 28, 05

(Not valid until fully executed and recorded)

STATE OF NORTH CAROLINA  
COUNTY OR ORANGE

The foregoing certificate(s) of \_\_\_\_\_ Notary/Notaries Public of the designated governmental units (is) (are) certified to be correct.

This the \_\_\_\_ day of \_\_\_\_\_, A.D. 2002.

Register of Deeds

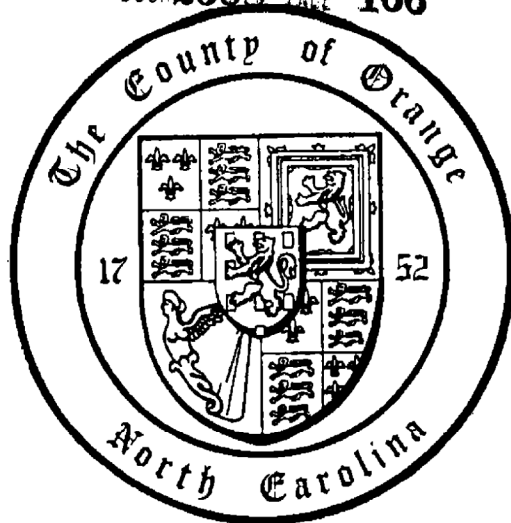
By: \_\_\_\_\_  
Assistant/Deputy Register of Deeds

**PREPARED BY AND RETURN TO:**

**TOWN CLERK  
TOWN OF CARRBORO  
301 West Main Street  
CARRBORO, NORTH CAROLINA 27510**

BOOK 2598 PAGE 166

ATTACHMENT D-4



Joyce H. Pearson  
 Register of Deeds  
 Orange County  
 North Carolina

FILED  
 23 MAY 2002, at 04:26:21pm  
 Book 2598, Page 163 - 166  
 Joyce H. Pearson  
 Register of Deeds,  
 Orange County, N. C.

State of North Carolina, County of Orange

The foregoing certificate/s of Jane L. Tuohey and Gwen Gattis, Notary/Notaries Public for the Designated Governmental units is/are certified to be correct. See filing certificate herein.

This day May 23, 2002

JOYCE H. PEARSON, REGISTER OF DEEDS By:

*Linda C. Clayton*  
 Deputy/Assistant Register of Deeds

FILED Joyce H. Pearson  
Register of Deeds Orange COUNTY, NC  
BY:  
Deputy Wendy R. Mearns

9778-86-2027.001 thru 9778-86-2027.003  
7.99.B.7 7.99.B.7E

Prepared by and return to: Town Clerk, Town of Carrboro  
NORTH CAROLINA 301 W. Main Street  
ORANGE COUNTY Carrboro, N.C. 27510



## TOWN OF CARRBORO

### CONDITIONAL USE PERMIT - AMENDMENT

THIS DOCUMENT IS FILED TO AMEND THE ORIGINAL CONDITIONAL USE PERMIT DATED APRIL 9, 2002, THAT IS ON FILE IN THE ORANGE COUNTY REGISTRY IN BOOK 2598, PAGE 763.

The Board of Aldermen granted the amendment to the conditional use permit requested by Giles Blunden on April 8, 2003. This modification will allow an increase in the size of the building footprint and elevations as well as slight changes in the site design necessitated by the larger building

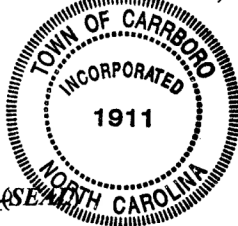
The following conditions are added to the permit:

- 1) That the boardwalks to be constructed of composite decking material and will meet the following requirements of the Carrboro Land Use Ordinance:
  - a. Such walkways would serve the residents of the development as adequately as concrete sidewalks; and
  - b. Such walkways would be more environmentally desirable.
- 2) That the 17 parking spaces shall continue to be required for the project due to the project's proximity to a bus line, proximity to a municipal parking lot, low rate of expected vehicular ownership amongst the residential population, and complementary hours of operation between the office and retail uses.
- 3) That the proposed deviation from Town standards, permitting the applicant to use a small diameter plastic pipe instead of the required 15-inch reinforced concrete pipe along the eastern side of the proposed building, meets the following requirement per the provisions of Section 15-262(g) of the Carrboro Land Use Ordinance:
  - a. That the deviation is warranted upon recommendation and is subject to approval by the Town Engineer.

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:

Sarah C. Williamson (SEAL)  
 Town Clerk  
 NORTH CAROLINA-ORANGE COUNTY

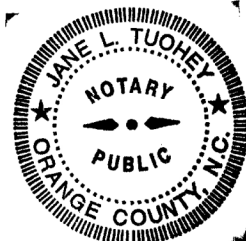
BY Steven E. Stewart  
 Town Manager

I, Jane L. Tuohy, 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 28 day of October, 2003.

My Commission Expires: 12-01-2003

Jane L. Tuohy (SEAL)  
 Notary Public



We, Club Nova Apartments LLC, owners, do hereby acknowledge receipt of this Conditional Use Permit. The undersigned owners do further acknowledges 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.

CLUB NOVA APARTMENTS LLC  
BY: Manager Member  
103 West Main Street, Inc.

Doug Miller  
Doug Miller, President

NORTH CAROLINA  
DURHAM COUNTY

I, L. Lane Sarver, a Notary Public of the County and State aforesaid, certify that Doug Miller personally came before me this day and acknowledged that he is President of 103 WEST MAIN STREET, INC., a North Carolina corporation, which is manager of CLUB NOVA APARTMENTS, LLC (the "Company") and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by him as President on behalf of the Company as manager thereof all by authority duly given.

Witness my hand and official seal this 25 day of October, 2003.  
OFFICIAL SEAL  
Notary Public, North Carolina  
County of Durham  
L. Lane Sarver  
My Commission Expires \_\_\_\_\_

L. Lane Sarver  
Notary Public

My Commission Expires: 3/27/2006

(Not valid until fully executed and recorded)

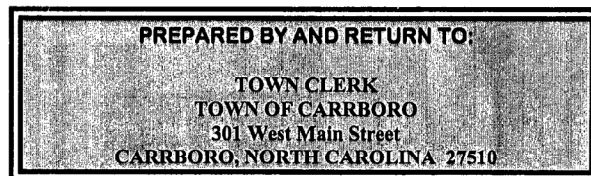
STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

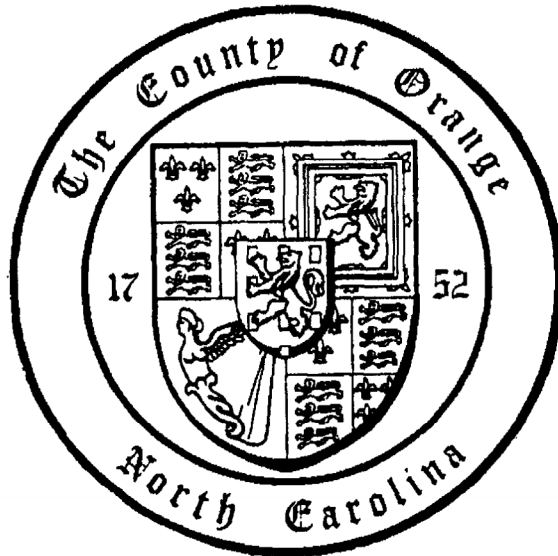
The foregoing certificate(s) of \_\_\_\_\_ Notary/Notaries  
Public of the designated governmental units (is) (are) certified to be correct.

This the \_\_\_\_ day of \_\_\_\_\_, A.D. 2003.

\_\_\_\_\_  
Register of Deeds

By: \_\_\_\_\_  
Assistant/Deputy Register of Deeds





Joyce H. Pearson  
Register of Deeds  
Orange County  
North Carolina

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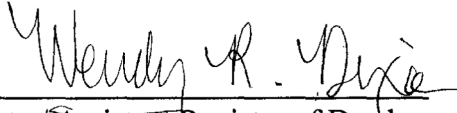
**State of North Carolina, County of Orange**

The foregoing certificate(s) of JANE L. TUOHEY, NOTARY PUBLIC, L. LANE SARVER, NOTARY PUBLIC for the Designated Governmental units is/are certified to be correct. See filing certificate herein.

This day November 11, 2003.

Joyce H. Pearson, Register of Deeds

BY:

  
Deputy / ~~Assistant~~ Register of Deeds