

**ORDER OF THE BOARD OF COMMISSIONERS
OF CHATHAM COUNTY
CLOSING A PORTION OF THE RIGHT-OF-WAY OF
OLD US HIGHWAY #15-501**

WHEREAS, on or about the 25th day of June, 2008, the Board of Commissioners of Chatham County received a petition from NNP- Briar Chapel, LLC, Cameron Properties Limited Partnership, Daniel D. Cameron, Jr., and Five Star Group, LLC (the "Petitioners") requesting that the Board permanently close a portion of the Right-of-Way of Old U. S. Highway 15-501 in Baldwin Township, Chatham County, North Carolina, hereinafter described; and

WHEREAS, the Petitioners advised the Board of Commissioners that Petitioners were the only adjacent property owners to the portion of Right-of-Way of Old U. S. Highway 15-501 proposed to be closed; and

WHEREAS, on the 5th day of October, 2009 the Board of Commissioners adopted a Resolution of Intent to Close a Portion of the Right-of-Way of Old U.S. Highway 15-501 and scheduled a public hearing on said closing for the 2nd day of November, 2009; and

WHEREAS, the Board of Commissioners directed the County Clerk to publish in the Chatham Record, once each week for three (3) successive weeks, notice of the Resolution of Intent to Close a Portion of the Right-Of-Way of Old U. S. Highway 15501 in order to advise the public that a public hearing would be conducted by the Board of Commissioners at its regular meeting to be held Monday, November 2, 2009 in the auditorium of the Cooperative Extension Building located at 45 South Street, Pittsboro, North Carolina; and

WHEREAS, the Board of Commissioners ordered that all persons, if any, other than the Petitioners, owning property abutting the portion of said Right-of-Way to be closed, be notified of the hearing and proposed closing by certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the County Clerk has advised the Board of Commissioners that adequate notices were posted along the portion of the Right of Way to be closed as required by N. C. Gen. Stat. § 153-241; and

WHEREAS, the portion of the Right-of-Way proposed to be closed was deleted from the State Highway System for maintenance on February 4, 2010 and is not under the control and supervision of North Carolina Department of Transportation and is not within the corporate limits of any municipality; and

WHEREAS, at the public hearing held on November 2, 2009 the Board of Commissioners provided a full and ample opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said portion of the Right-of-Way; and

WHEREAS, it appears to the satisfaction of the Board of Commissioners, and the Board of Commissioners hereby finds, that subject to the reservation of utility rights hereafter set forth, the closing of said Right-of-Way is not contrary to the public interest, and that no individual owning property, either abutting the Right-of-Way or in the vicinity of the Right-of-Way, or in any subdivision in which said Right-of-Way is located, will, as a result of said closing, be thereby deprived of a reasonable means of ingress and egress to his or her property;

WHEREAS, the closing of a portion of the Right-of-Way of Old U.S. Highway 15-501 is subject to the following reservation of easements and rights to Chatham County and the other public utilities for utility use and utility facilities located on, over, or under the said Right-of-Way or located in such other location (the "Other Location") on Petitioners' property to be selected by Petitioners, subject to the reasonable approval of Chatham County, upon Petitioners' payment of the reasonable cost of removing and relocating the facilities. Chatham County and the other public utilities shall have the right to dig up, remove, install, maintain, repair, upgrade, replace, and operate the same and related equipment within the said Right-of-Way or Other Location, which shall include the right to cut, disturb, and remove any paving, landscaping or other improvements as reasonably needed in order to access facilities located in the said Right-of-Way or Other Location without liability for the repair, replacement or reconstruction thereof, and including, in addition to the foregoing rights, the reasonable right of access, ingress, and egress to the said Right-of-Way or Other Location across the adjoining property of Petitioners to the end that Chatham County and the other public utilities shall be in as strong a position with regard to such facilities after the Right-of-Way is closed as they were before the closing. If Petitioners relocate Chatham County's and the other public utilities' utility facilities, Chatham County and the other public utilities shall have such rights in the Other Location as they did in the existing Right-of-Way.

NOW, THEREFORE, subject to the reservation of easements and rights to Chatham County and the other public utilities for utility use and utility facilities described above, which recitals are incorporated herein by reference and are an integral part of this Order, the closing of a portion of the Right-of-Way of Old U.S. Highway 15-501, more particularly described below, is hereby ordered effective as of the date of adoption of this Order, and all rights, title, and interest that may be vested in the public to said area for street or road purposes shall be, and hereby is, released to and vested in the abutting property owners in accordance with the provisions of N. C. Gen. Stat. §153A-241 and subject to the aforesaid reservation of utilities rights.

The portion of Right-of-Way of Old U.S. Highway 15-501 ordered closed is more particularly described below:

Being all that certain tract of land contained within the existing right-of-way of Old U.S. Highway 15-501 (a 100' public right-of-way) and being 3.41 acres more or less, located in Baldwin Township, Chatham County, North Carolina, and being more particularly described as follows:

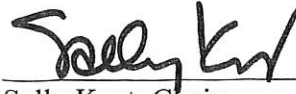
Beginning at an existing iron pipe on the northern property line of lands owned by NRP-Briar Chapel, LLC (Tract 6, Deed Book 1082, Page 14), and the southern right

of way of Existing Old U.S. Highway 15-501 (a 100' public right-of-way), said iron having a N.C. grid coordinates (Nad 83) of Northing: 751,493.24 feet, Easting: 1,974,744.92 and being the Point of BEGINNING; thence along and with the northern property line of Tract 6, along a curve to the right, having a radius of 1,021.70 feet, an arc length of 282.04 feet, and a chord bearing and distance of South 48°36'59" West, 281.15 feet to an existing iron pipe marking the northeast corner of lands owned by NRP Briar Chapel, LLC (Tract 5, Deed Book 1082, Page 14); thence along and with the northern property line of Tract 5, along at curve to the right, having a radius of 1,021.70 feet, an arc length of 73.62 feet, and a chord bearing and distance of South 58°35'21" West, 73.61 feet to an existing iron pipe; thence along a curve to the right having a radius of 1,490.00 feet, an arc length of 222.92 feet and a chord bearing and distance of South 64°56'22" West, 222.72 feet to an existing iron pipe; thence South 69°13'32" West, a distance of 587.42 feet to an existing iron pipe; thence along a curve to the left having a radius of 946.45 feet, an arc length of 197.93 feet and a chord bearing and distance of South 63° 14'04" West, 197.57 feet to an existing iron pipe; thence South 13°36'56" West, a distance of 102.97 feet to an existing concrete monument on the eastern right-of-way of Taylor Road Extension (a 98.42' public right-of-way); thence along and with the eastern right-of-way of Taylor Road Extension, North 36°17'11" West, a distance of 210.70 feet to a calculated point on the western property line of lands owned by NRP-Briar Chapel, LLC (parcel 2, Deed Book 1082, Page 14), calculated point also lying on the northern right-of-way of existing Old U.S. Highway 15-501 (a 100' public right-of-way); thence along and with the southern property line of Parcel 2 and the northern right of way of Existing Old U.S. 15-501, South 78°34'54" East, a distance of 57.79 feet to an existing iron pipe; thence along a curve to the right having a radius of 1,046.45 feet, an arc length of 264.91 feet and a chord bearing and distance of North 6r58'24" East, 264.20 feet to a calculated point; thence North 69°13'32" East, a distance of 587.42 feet to an existing concrete monument; thence along a curve to the left having a radius of 1,390.00 feet, an arc length of 207.96 feet and a chord bearing and distance of North 64°56'22" East, 207.77 feet to a calculated point; thence along a curve to the left having a radius of 921. 70 feet, an arc length of 317.63 feet and a chord bearing and distance of North 50°46'52" East, 316.06 feet to an existing iron pipe marking the southwest corner of lands owned by the County of Chatham (Deed Book 460, Page 669); thence South 70° 35'54" East, a distance of 131.64 feet to the Point of BEGINNING containing 148,715 square feet or 3.41 acres, more or less.


Petitioners, if requested by Chatham County or any other public utility having facilities located on, over, or under the said Right-of-Way, shall provide easements, subject to the reasonable approval of Chatham County or said utilities, for the use of the Right-of-Way for said purposes.

The County Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Chatham County a certified copy of this Order.

Adopted this the 5th day of April, 2010.



Sally Kost, Chair



Sandra B. Sublett, CMC, NCCCC
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Clerk to the Board
Chatham County Board of Commissioners