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January 20, 2022

Karen Howard, Chairperson
Chatham County Board of Commissioners
80-A East Street
Pittsboro, North Carolina 27312

Via Hand Delivery &
Electronic Mail

RE: Joint Waiver Request on Behalf of Chatham County and NNP-Briar Chapel, LLC:
Request for Compact Community Ordinance (“CCO”) **Perimeter Buffer
Reduction/Modification for Commercial Parcel #20, SD-West, Briar Chapel**

Dear Board of Commissioners:

This letter serves as a formal request by NNP-Briar Chapel, LLC (“Briar Chapel”) on behalf of both Briar Chapel and Chatham County (the “County”) for Perimeter Buffer Modifications under the CCO to (1) allow the County to run a sewer line through the Parcel 20 100’ Perimeter Buffer in order to provide sewer service to its EMS site that adjoins Parcel 20 (the “County Waiver”); and (2) reduce a portion of the 100’ Perimeter Buffer on Parcel 20 where it adjoins a County Parcel and a parcel owned by the North Carolina Department of Transportation (“NCDOT”) (the “NNP Waiver”). The County Waiver and the NNP Waiver are both as depicted on **Exhibit A** to this letter.

Section 9.2 of the CCO allows the County to approve a 100% reduction of a Perimeter Buffer “after giving the adjoining landowners an opportunity to comment and Chatham County determines that the impact of the compact community is adequately mitigated by the community design or topography.”

The County Waiver: With regard to the County Waiver, the location of the sewer line easement through the Perimeter Buffer and across Parcel 20 has been previously agreed to by the County and NNP and is established by a recorded Plat and easement which are attached hereto as **Exhibit B**. Thus, the impact of this waiver on the adjoiner is mitigated by the community design.

The NNP Waiver: The NNP Waiver is a very low impact modification due to the existing condition and terrain involved. As shown on the aerial map portion of **Exhibit A**, the majority of the waiver sought is comprised of cleared area where the former 15-501 NCDOT right of way still exists. The area is mostly cleared and currently contains overhead powerlines within it.

Letter to Board of Commissioners

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Page Two

NNP desires to sell Parcel 20 to a purchaser for the purposes of constructing a daycare facility. The waiver area will be used for an outdoor play area for the daycare facility.

In accordance with the established waiver process, both the County and NCDOT will be notified of the Board of Commissioners Meeting at which this waiver request will be addressed.

Based on the foregoing, the enclosed proposed Order of the Board of Commissioners allowing the relief requested is submitted to the Board of Commissioners for a vote either at its meeting on February 7, 2022 or its meeting on February 21, 2022. This is to request of the County Manager that the request be placed on the Commissioners Agenda for the first available of such meetings.

Please let me know if you have any questions or concerns regarding the above.

Very truly yours,



Nicolas P. Robinson

NPR:amm

Enclosure

c: Dan LaMontagne, County Manager
Jason Sullivan, Planning Director
Tanya Matzen

EXHIBIT A TO JOINT WAIVER REQUEST



N/F
COUNTY OF CHATHAM
DB. 460, PG. 669

N/F
NC DOT
(former 15-501 RoW)

+/- 1,500 SQ FT
COUNTY WAIVER AREA

+/- 10,000 SQ FT
NNP WAIVER AREA

100' PERIMETER BUFFER

50' VIEWSHED BUFFER

NNP BRIAR CHAPEL LLC
AKPAR 93297
LOT #20
2.04 ACRES

BALENTRAE COURT

US 15-501 (SOUTHBOUND)

US 15-501 (NORTHBOUND)

PROPERTY BOUNDARY

UNSEED
G. AREA
(THERS)

EXHIBIT B TO JOINT WAIVER REQUEST

FILED	Jun 22, 2021
AT	12:17:27 PM
BOOK	02224
START PAGE	0615
END PAGE	0619
INSTRUMENT #	09786
EXCISE TAX	\$0.00

Prepared by and return to: Bradshaw Robinson Slawter, LLP, Post Office Box 607, Pittsboro, North Carolina 27312

STATE OF NORTH CAROLINA
COUNTY OF CHATHAM

**AMENDED DEED OF EASEMENT
AND
TERMINATION OF EASEMENT OPTION AGREEMENT**

This AMENDED DEED OF EASEMENT AND TERMINATION OF EASEMENT OPTION AGREEMENT ("Amended Easement Agreement") is made and entered into the 15th day of February, 2021, by and between NNP-BRIAR CHAPEL, LLC ("NNP" or "Grantor"), and CHATHAM COUNTY, a body politic and corporate of the State of North Carolina ("Grantee"). The Grantor and the Grantee are sometimes collectively referred to herein as the "Parties."

WITNESSETH:

WHEREAS, Grantor and Grantee entered into that certain Deed of Easement and Easement Option Agreement, dated February 19, 2019 and recorded at Book 2030, Pages 993-998 on February 20, 2019 (the "Original Easement Document"), providing for a 15 foot wide non-exclusive easement, appurtenant to Grantee's property known as AKPAR Parcel No. 62221 (the "Water Tank Site") for Grantee to install, operate, repair, replace and maintain a sanitary sewer line and associated appurtenances within an area defined therein as the "Easement Area";

WHEREAS, the Original Easement Document further provided for an option to relocate the Easement Area to another location within property owned by Grantor (the "Option");

WHEREAS, the parties desire to change the Easement Area location and description and, further, to abandon the Option to relocate the Easement Area as the same is described in the Original Easement Document;

NOW, THEREFORE, Grantor, for and in consideration of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby bargain, sell and convey, and by these presents does hereby give, grant, bargain, sell and convey to Grantee, its successors and assigns, a non-exclusive, perpetual easement (the "Easement") over and under the Easement Area, as hereinafter defined, for the purpose of allowing Grantee, its successors, assigns, mortgagees, licensees and invitees to install, operate, repair, replace and maintain a sanitary sewer line and associated appurtenances within an amended easement area (the "Amended Easement Area") and connecting the Water Tank Site improvements to the sanitary sewer collection system existing within the Ballentrae Court right of way on the NNP Property (the "County Sewer Line").

The "Amended Easement Area" referred to herein, which entirely replaces the Easement Area described in the Original Easement Agreement, shall mean the area shown on Exhibit "A" attached hereto and incorporated herein by this reference and described as that certain "New 15' Sanitary Sewer Easement" beginning at the Water Tank Site and running across Parcel 20 (as shown on Exhibit "A"), from the Water Tank Site until intersecting with the 76' Private Right of Way of Ballentrae Court and then within the 76' Private Right of Way of Ballentrae Court for the distance and along the route necessary to connect the County Sewer Line to the sanitary sewer system currently existing within the 76' Private Right of Way of Ballentrae Court at a convenient location. The precise location of the Easement Area within the 76' Private Right of Way of Ballentrae Court shall be compliant with applicable regulations and shall be agreed to by the Parties, such agreement not to be unreasonably withheld, conditioned or delayed.

TO HAVE AND TO HOLD said Easement to the Grantee and its successors and assigns forever. This Easement shall be appurtenant to and run with the title to the NNP Property. Grantee's easement rights set forth herein shall also inure to the benefit of Grantee's successors and assigns.

THE PARTIES FURTHER AGREE that, the Original Easement Document, including the Option and the Option Period thereunder, is hereby fully terminated and withdrawn and that Grantee hereby quitclaims and assigns its rights thereunder to Grantor effective upon recordation of this Amended Easement Agreement.

IN WITNESS WHEREOF, Grantor and Grantee have hereunto set their hands and seals, as of the date first above written.

[signatures follow on next page]

GRANTOR: NNP BRIAR CHAPEL, LLC, a Delaware limited liability company

By: *Tanya Matzen*
Tanya Matzen, Vice President

STATE OF NORTH CAROLINA

COUNTY OF Wake

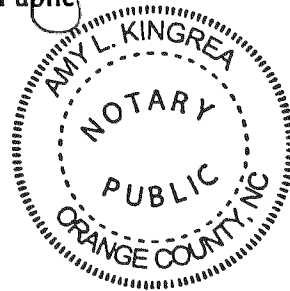
I, Amy L. Kingrea, a Notary Public of Orange County and State aforesaid do hereby certify that Mike Scisciani, Vice President for NNP BRIAR CHAPEL, LLC, a Delaware limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company for the purposes therein expressed.

Witness my hand and official stamp or seal, this 4 day of February 2021.

Amy L. Kingrea
Notary Public

My commission expires: 6/23/2025

SEAL-STAMP



[signatures continued on next page]

GRANTEE: CHATHAM COUNTY, NC., a body politic and corporate of the State of North Carolina

By: [Signature]

Name: Mike Dasher

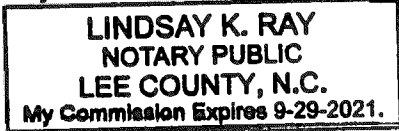
Title: Chair, Board of Commissioners

STATE OF NORTH CAROLINA

COUNTY OF Chatham

I, Lindsay K. Ray, a Notary Public in and for Lee County, North Carolina, certify that Mike Dasher personally came before me this day and acknowledged that s/he is Chair of CHATHAM COUNTY, NORTH CAROLINA.. a body politic and corporate of the State of North Carolina, and that by authority duly given and as a fact of such entity, the foregoing instrument was signed in its name by its Chair.

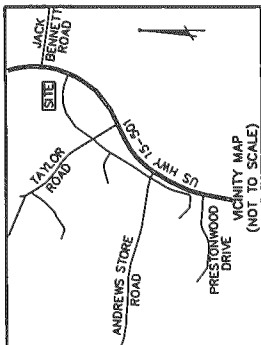
Witness my hand and official seal this 15 day of February, 2021.



Lindsay K. Ray
Notary Public

My Commission Expires: 09-29, 2021

SEAL-STAMP



I, DAVID S. CLARK, PLS L-4729, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ORIGINAL SURVEY OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT SAID PROPERTY IS EXEMPT FROM THE SUBDIVISION REGULATIONS OF CHATHAM COUNTY BY DEFINITION. ANY LINES NOT ACTUALLY SURVEYED APPEAR AS DASHED LINES ON THIS PLAT. THE INFORMATION AS NOTED ON THIS PLAT THAT THE RATIO OF PRECISION AS CALCULATED IS BETTER THAN 1:10,000; THAT THE AREA UNDER THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-20 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND DATE, THIS 12th DAY OF FEBRUARY, 2021.



DAVID S. CLARK
PROFESSIONAL LAND SURVEYOR
L-4729

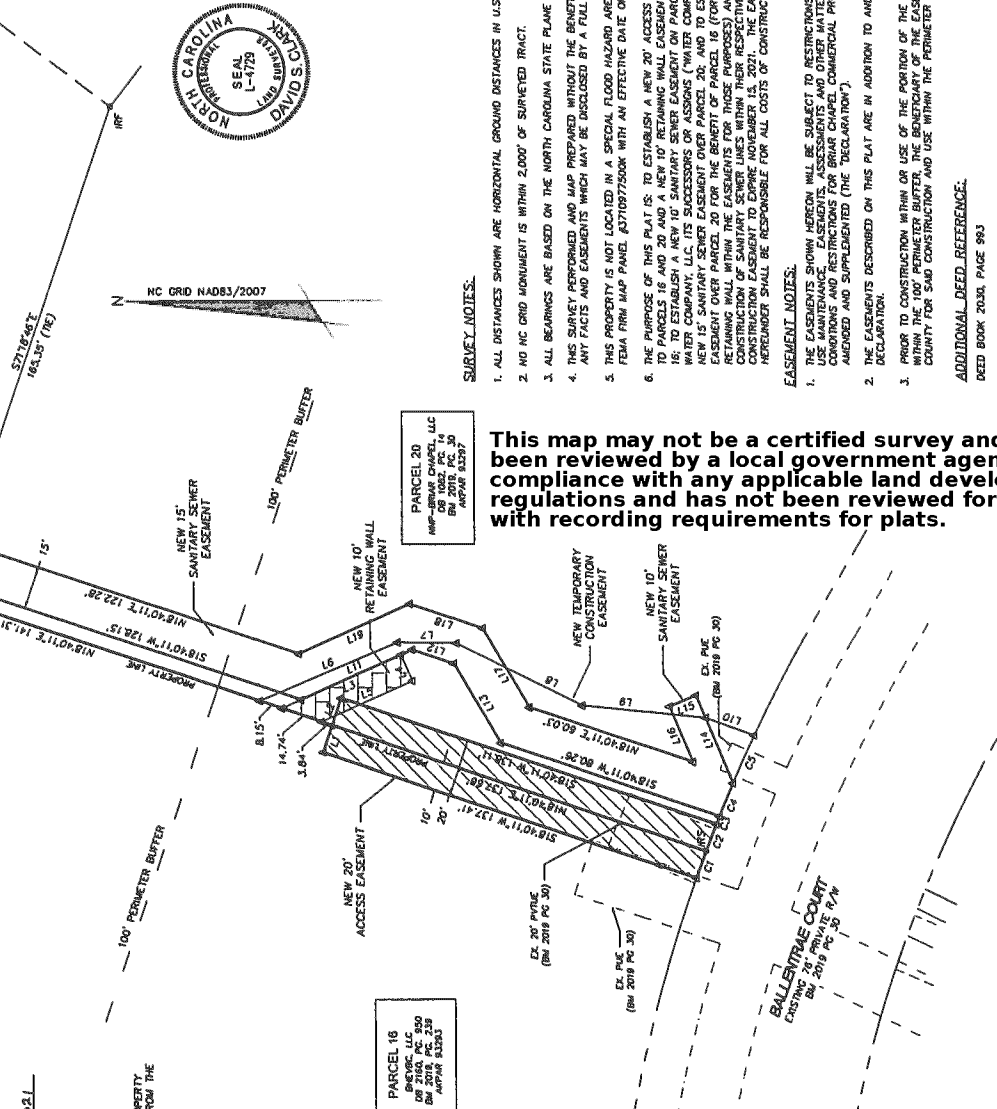
I, DAVID S. CLARK, PLS L-4729, CERTIFY THAT THE SURVEY IS OF ANOTHER CATEGORY SUCH AS THE RECOMMISSION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHERWISE TO THE DEFINITION OF SUBDIVISION.

FILED Feb 12, 2021 09:49:47 am
PLAT SLIDE 02021 -- 0042
INSTRUMENT 02207

Line #	Direction	Length
L11	S24°02'25"E	42.86'
L12	S19°40'11"W	15.38'
L13	S59°36'17"W	32.18'
L14	N67°20'18"E	33.19'
L15	N22°39'42"W	10.00'
L16	S87°20'18"W	20.87'
L17	N59°36'11"E	32.18'
L18	N18°40'11"E	26.83'
L19	N24°02'25"E	42.86'

Line #	Direction	Length
L1	N71°19'49"W	10.00'
L2	S71°19'49"E	10.00'
L3	S54°02'28"E	45.83'
L4	S65°27'34"W	10.00'
L5	N42°02'26"W	34.99'
L6	S22°39'42"E	51.65'
L7	S00°50'34"W	20.52'
L8	S26°33'25"W	49.11'
L9	S05°53'20"W	43.23'
L10	S19°57'10"W	17.96'

Curve #	Radius	Length	Tangent	Chord Bearing	Ch. Length	Delta
C1	538.00'	10.00'	5.00'	S69°31'08"E	10.00'	0°01'03"55"
C2	538.00'	10.00'	5.00'	N68°42'11"W	10.01'	0°01'03"58"



SURVEY NOTES:

- ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET (UNLESS OTHERWISE STATED).
- NO NC GRID MONUMENT IS WITHIN 2,000' OF SURVEYED TRACT.
- ALL BEARINGS ARE BASED ON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM (NAD 83/ANSI'S 2007).
- THIS SURVEY PERFORMED AND MAP PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THIS SURVEY IS SUBJECT TO ANY FACTS AND EASEMENTS WHICH MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
- THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA. IT IS LOCATED IN ZONE "X", AS SHOWN ON FEMA FIRM MAP PANEL #2710972500K WITH AN EFFECTIVE DATE OF 11/17/2017.
- THE PURPOSE OF THIS PLAT IS TO ESTABLISH A NEW 20' ACCESS EASEMENT OVER PARCELS 16 AND 20 FOR ACCESS TO PARCELS 16 AND 20 AND A NEW 10' RETAINING WALL CASSEMENT OVER PARCEL 20. THE BASIS FOR THE NEW 20' ACCESS EASEMENT AND NEW 10' RETAINING WALL CASSEMENT IS THE BASIS OF THE OLD HARBIN STATE WATER COMPANY, LLC ITS SUCCESSORS OR ASSIGNS (WATER COMPANY), TO DEDICATE TO CHATHAM COUNTY A NEW 15' SANITARY SEWER EASEMENT OVER PARCEL 20; AND TO ESTABLISH A NEW TEMPORARY CONSTRUCTION EASEMENT OVER PARCEL 20 FOR THE BENEFIT OF PARCEL 16 (FOR CONSTRUCTION OF DRIVEWAY IMPROVEMENTS AND RETAINING WALL WITHIN THE EASEMENTS FOR THOSE PURPOSES) AND CHATHAM COUNTY AND WATER COMPANY (FOR CONSTRUCTION OF SANITARY SEWER MAINS AND SANITARY SEWER EASEMENT TO ENTER NOVEMBER 15, 2021). THE EASEMENT HOLDER CONSTRUCTING IMPROVEMENTS HEREUNDER SHALL BE RESPONSIBLE FOR ALL COSTS OF CONSTRUCTION AND MAINTENANCE OF SUCH IMPROVEMENTS.

This map may not be a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations and has not been reviewed for compliance with recording requirements for plats.

REVIEW OFFICER CERTIFICATION
STATE OF NORTH CAROLINA, COUNTY OF CHATHAM
I, David S. Clark, REVIEW OFFICER FOR CHATHAM COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS APPLIED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER: David S. Clark DATE: 2-12-2021
TITLE: _____

CERTIFICATION OF PLAT BEING EXEMPT FROM THE SUBDIVISION REGULATIONS
I, HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT SAID PROPERTY IS EXEMPT FROM THE SUBDIVISION REGULATIONS OF CHATHAM COUNTY BY DEFINITION.

PLANNING DIRECTOR OR AUTHORIZED REPRESENTATIVE: David S. Clark DATE: 2/12/2021

OWNER CERTIFICATION OF PLAT BEING EXEMPT FROM THE SUBDIVISION REGULATIONS
I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT SAID PROPERTY IS EXEMPT FROM THE SUBDIVISION REGULATIONS OF CHATHAM COUNTY BY DEFINITION.

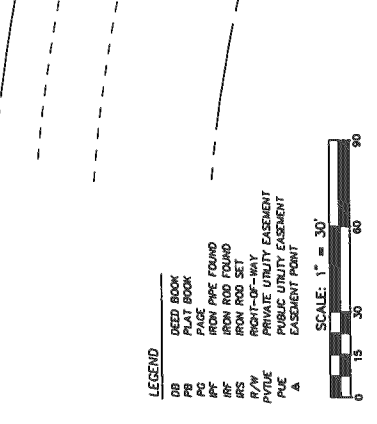
FOR: Anna Weston Vice President DATE: 2/3/21
NAME: Anna Weston TITLE: Vice President

BY: David S. Clark DATE: 2/4/21
NAME: David S. Clark TITLE: Professional Land Surveyor

OWNER INFORMATION
NNP-BRIAR CHAPEL, LLC
4020 WESTCHASE BLVD, STE 150
RALEIGH, NC 27607
DEED BOOK 1082, PAGE 14
PLAT BOOK 2019, PAGES 30-31

BRIAR CHAPEL, LLC
1730 VORALTY DRIVE SUITE 500
RALEIGH, NC 27608
DEED BOOK 2160, PAGE 850
PLAT BOOK 2019, PAGE 239
SITE ADDRESS: BALLETRAE COURT, NC

LEGEND
DB DEED BOOK
PB PLAT BOOK
PC PAGE FOUND
PF PLOT FOUND
IRF IRON ROD FOUND
IRS IRON ROD SET
R/W RIGHT-OF-WAY
P/UTE PRIVATE UTILITY EASEMENT
P/UE PUBLIC UTILITY EASEMENT
▲ EASEMENT POINT



DATE	REVISION	INITIAL

EASEMENT DEDICATION PLAT
FOR
BRIAR CHAPEL SD-WEST PARCELS 16 and 20
FOR
NNP-BRIAR CHAPEL, LLC

DATE: September 29, 2020 SCALE: 1" = 30'
BALDWIN and WILLIAMS TOWNSHIPS CHATHAM COUNTY NORTH CAROLINA

PROJECT # : 2735-0165
PROGRAM : DSC
DRAWING : BSC
COM. FILE : 16102-27350165.dwg
SHEET # : 1 OF 1

DWG. # : 2021-42

MCKIM & CREED
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NC FIRM # F-1222
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