

Project Overview

#1216703

Project Title: Rezoning for Access Drive
Application Type: 5.1) Rezoning (Map Amendment)
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 5709 BRAGG BLVD
(0419128627000)

Zip Code: 28303

GIS Verified Data

Property Owner: Parcel
• 5709 BRAGG BLVD: MACPHERSON LLC

Acreage: Parcel
• 5709 BRAGG BLVD: 9.29

Zoning District: Zoning District
• 5709 BRAGG BLVD: SF-6

Subdivision Name:

Fire District:

Airport Overlay District:

Hospital Overlay District:

Coliseum Tourism District:

Cape Fear District:

Downtown Historic District:

Haymount Historic District:

Floodway:

100 Year Flood: <100YearFlood>

500 Year Flood: <500YearFlood>

Watershed:

General Project Information

Has the land been the subject of a map amendment application in the last five years?: No

Previous Amendment Approval Date:

Previous Amendment Case #:

Proposed Zoning District: CC

Acreage to be Rezoned: 9.29

Is this application related to an annexation?: No

Water Service: Public

Sewer Service: Private

A) Please describe all existing uses of the land and existing structures on the site, if any:

Block construction multi tenant strip retail center

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:

North - Used Car Sales, zoned SF-6 and CC

East - Vacant and Wooded, zoned SF-10

South - Mobile Home Sales - zoned MR-5

West - Annondale on Santa Fe multifamily and townhome - Zoned MR-5

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.:

The subject site is located in the Industrial/Employment Center land use category on the future land use map. This area is meant for high intensity, non-residential uses with high impact or nuisance with regional employment centers including larger industrial users or business parks. This site has a split zoning of SF-6 and CC and the applicant proposes to rezone the entire tract to CC. This request is consistent with Comprehensive Plan Goal 1: Focus value and investment around infrastructure and strategic nodes; Goal 2: Promote compatible economic and commercial development in key identified areas; Goal 3: Encourage redevelopment of strip commercial areas.

B) Are there changed conditions that require an amendment? :

The area in general is developing in a mixed use fashion with both business parks and higher intensity residential uses, along with consumer retail services. In order to continue this positive development pattern, this site in general needs to have one unified zoning to continue its redevelopment.

C) State the extent to which the proposed amendment addresses a demonstrated community need.:

As the area in general continues a positive trend of development and redevelopment, there is a need for consumer directed retail uses. In order to continue to redevelop a portion of this site, the City ordinances require that the driveway in particular be developed on a parcel with one unified zoning, this request is to assist with fulfilling that requirement.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.:

The subject site and the adjacent site both have split zoning with SF-6 and CC. A number of existing parcels fronting along both Santa Fe and Bragg Blvd have full CC zoning with retail uses geared towards meeting the needs of the public. It is felt that continued development of the subject site under a unified CC zoning district is supported at this location.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.:

Bringing this parcel from a split CC and SF-6 zoning to a full CC zoning continues the logical land use pattern of the entirety of a parcel being contained in one zoning which is the standard zoning and development pattern within both corridors.

F) State the extent to which the proposed amendment might encourage premature development.:

This intersection and the node in general is currently undergoing an active development pattern, it is felt that the proposed rezoning of this site will continue this positive development trend for the site and for the area in general.

G) State the extent to which the proposed amendment results in strip-style commercial development.:

The existing development pattern for the area has historically been in a strip development pattern. This node is undergoing an active development transition and will continue the positive trend of redevelopment of the existing, but aged, strip commercial pattern.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.:

The change from the split SF-6 and CC zoning district to a unified CC zoning will not create an isolated district within the area. Both Bragg and Santa Fe have a number of parcels fully fronting along each road that are both zoned and developed for and with CC zoning related uses.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.:

It is not felt that the proposed amendment will result in any impacts to the property values of surrounding lands as the requested CC zoning is compatible with the majority of properties fronting directly on both Bragg and Santa Fe.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.:

It is not anticipated that the proposed amendment will result in significantly adverse impacts to the natural environment. Redevelopment of the site will continue utilizing modern engineering and other design principals meant to work with and enhance the natural environment.

Primary Contact Information

Contractor's NC ID#:

Project Owner

Jason Stern
Stern Development
700 McGruder Street NE
Atlanta,, GA 30312
P:8036004322
jason@stemproperties.biz

Project Contact - Agent/Representative

Shenell Robinson
Keck and Wood, Inc.
3090 Premiere Parkway
Duluth, GA 30097
P:6784174054
srobinson@keckwood.com

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$40,000. :

NC State General Contractor's License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Mechanical Contractor's #1 License Number:

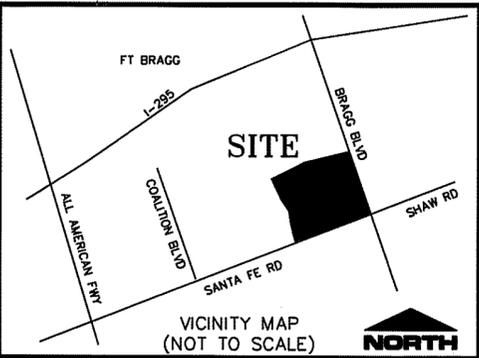
NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

Indicate which of the following project contacts should be included on this project: Engineer



STATE OF NORTH CAROLINA, COUNTY OF Cumberland

I, CERTIFY THAT THE FOLLOWING PERSON PERSONALLY APPEARED BEFORE ME THIS DAY, ACKNOWLEDGING TO ME THE HE SIGNED THE FOREGOING DOCUMENT FOR THE PURPOSE STATED THEREIN AND IN THE CAPACITY INDICATED: THAT FRANK S. SHAW, MANAGER OF MACPHERSON, LLC A NORTH CAROLINA LIMITED LIABILITY COMPANY PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP AND SEAL, THIS 8 DAY OF September 2022



OFFICIAL NOTARY SEAL
 Leonard H. Reeves
 NOTARY'S PRINTED NAME
 MY COMMISSION EXPIRES August 25, 2024

THE UNDERSIGNED HERE ACKNOWLEDGES THAT THE LAND SHOWN ON THIS PLAN IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF CUMBERLAND COUNTY AND THAT THIS PLAT AND ALLOTMENT IS (MY OR OUR) FREE ACT AND DEED FOREVER ALL AREAS SO SHOWN OR INDICATED ON SAID PLAT.

Frank S. Shaw
 FRANK S. SHAW, MANAGER
 MACPHERSON, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY

Frank S. Shaw
 FRANK S. SHAW, CO-EXECUTOR
 ESTATE OF JOHN G. SHAW, DECEASED (21 E 2272, CUMBERLAND COUNTY, NC)

N/F
 MILITARY BUSINESS PARK, INC
 DB 9593 PG 26
 PB 143 PG 189
 ZONED BP/CZ

H&V CONTROL
 IRON STAKE W/JK CAP #3
 N: 493,583.36
 E: 2,011,198.93
 ELEVATION: 242.88'

LOT 2
 ESTATE OF JOHN G. SHAW - 21-E-2272
 DB 4246 PG 492
 PIN: 0419-13-2446
 11.34 AC

LOT 3
 MACPHERSON, LLC
 DB 8479 PG 670
 PIN: 0419-13-2000
 9.55 AC

LOT 4
 36,750 SF
 0.84 ACRES
 (OUTPARCEL)

LOT 5
 MACPHERSON, LLC
 DB 8479 PG 670
 PIN: 0419-13-2000
 18.6 AC ± REMAINING

STATE OF NORTH CAROLINA, COUNTY OF Cumberland

I, CERTIFY THAT THE FOLLOWING PERSON PERSONALLY APPEARED BEFORE ME THIS DAY, ACKNOWLEDGING TO ME THE HE SIGNED THE FOREGOING DOCUMENT FOR THE PURPOSE STATED THEREIN AND IN THE CAPACITY INDICATED: THAT FRANK S. SHAW, CO-EXECUTOR OF THE ESTATE OF JOHN G. SHAW, DECEASED (21 E 2272, CUMBERLAND COUNTY, NC) PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP AND SEAL, THIS 8 DAY OF September 2022



OFFICIAL NOTARY SEAL
 Leonard H. Reeves
 NOTARY'S PRINTED NAME
 MY COMMISSION EXPIRES August 25, 2024

My Commission Expires August 25, 2024

- LEGEND:
- HORIZONTAL & VERTICAL CONTROL (H&V)
 - IPF-IRON PIPE FOUND
 - IPPF-IRON PIPE(PINCH TOP) FOUND
 - RBF-REBAR FOUND
 - CMF-CONCRETE MONUMENT FOUND
 - RBS-5/8" REBAR SET
 - CP-COMPUTED POINT
 - N/F-NOW OR FORMERLY
 - R/W-RIGHT OF WAY
 - R/W- RIGHT OF WAY
 - PROPERTY LINE
 - ADJACENT PROPERTY LINE

AREA: (BY COORDINATE COMPUTATION)

- LOT 1 - 24.36 AC
- LOT 2 - 11.34 AC
- LOT 3 - 9.55 AC
- LOT 4 - 0.84 AC
- LOT 5 - 18.6 AC ± REMAINING
- TOTAL - 64.7 AC ±

SUBJECT PROPERTY INFORMATION
 ESTATE OF JOHN G. SHAW - 21-E-2272
 DB 4246 PG 492
 PIN: 0419-13-2446

MACPHERSON, LLC
 DB 8479 PG 670
 PIN: 0419-13-2000

SITE ADDRESS: 994 SANTA FE DRIVE, (SR 1437), FAYETTEVILLE, NC

- NOTES:
- ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
 - NONCONFORMING STRUCTURES HAVE NOT BEEN CREATED BY THIS SURVEY.
 - HORIZONTAL DATUM IS NAD 83(NSRS2011)
 - A PORTION OF THIS PROPERTY IS LOCATED IN FLOOD ZONE "X" MINIMAL FLOOD RISK FEMA- FIRM PANEL 0419, MAP NUMBER 3720041900J, EFFECTIVE DATE: JANUARY 5, 2007

ZONE: MR-5 (PER FAYETTEVILLE NC GIS)

SETBACK:
 (PER ARTICLE 30-3: ZONING DISTRICTS > 30-3.D. RESIDENTIAL BASE ZONING DISTRICTS > 30-3.D.5 MIXED RESIDENTIAL 5 (MR-5) DISTRICT)

FRONTYARD-25' OR 50' FROM CENTERLINE OF PRIVATE STREETS
 SIDEYARD-10'
 REARYARD-30', 15' WHEN CORNER SIDE SETBACK IS 25' OR MORE

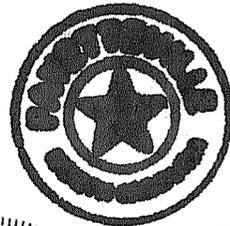
THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

Reb B. Owen
 PROFESSIONAL LAND SURVEYOR - L-2719

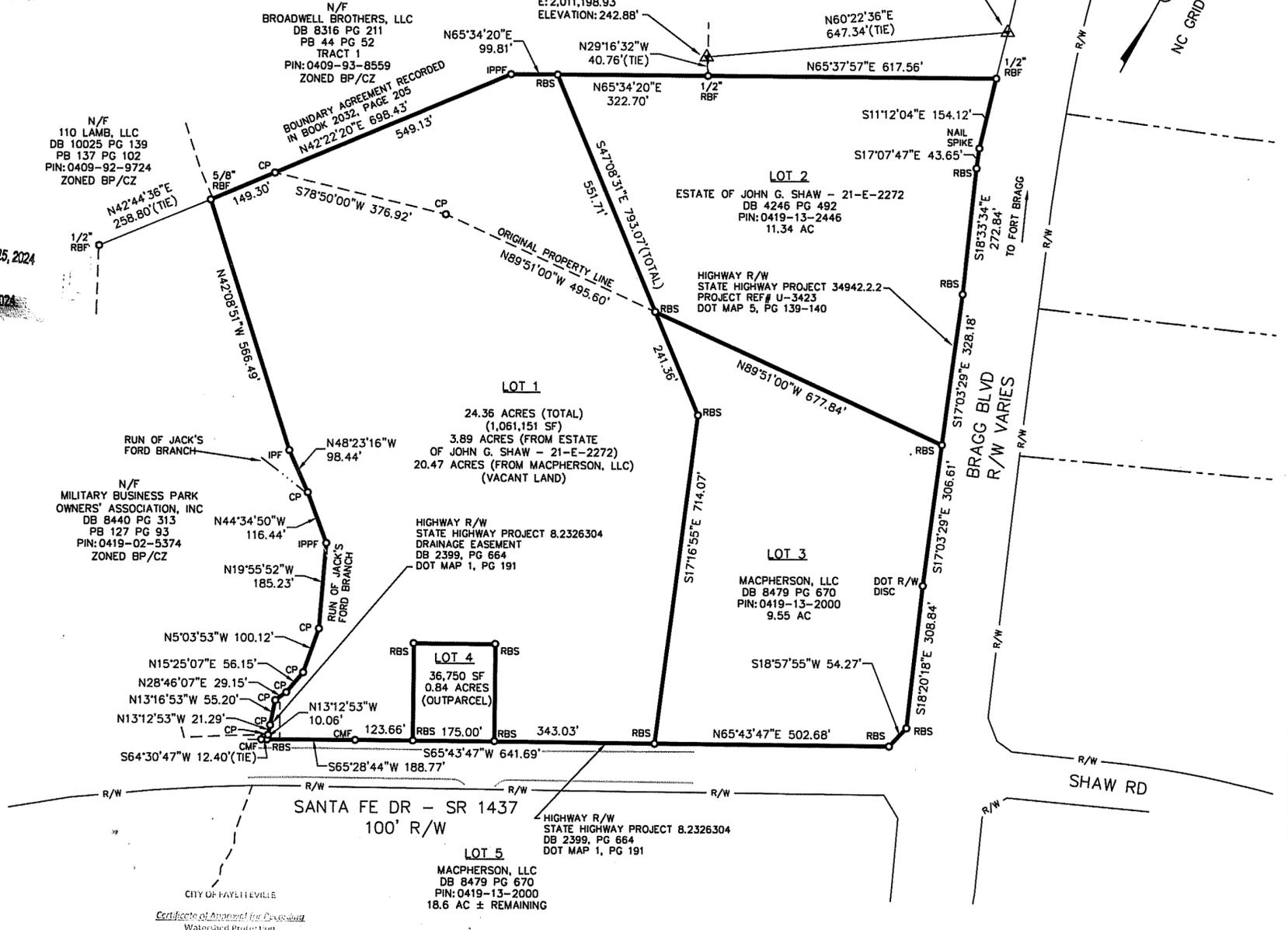
FILED Sep 22, 2022 10:26:27 am FILED
 CUMBERLAND COUNTY NC
 PAGE 0178 THRU 0178 J. LEE WARREN JR.
 INSTRUMENT # 38196 REGISTER OF DEEDS
 RECORDING \$21.00
 EXCISE TAX (None)

APPROVED BY THE CITY OF FAYETTEVILLE
 ON THE 13th DAY OF September 2022
[Signature]
 SIGNATURE DATE
 TITLE Senior Planner



I, REX B. OWEN, CERTIFY THAT THIS GRID TIE WAS DRAWN FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION; THAT THIS SURVEY WAS PERFORMED ON JANUARY 6, 2021 AND ALL COORDINATES WERE DERIVED BY VRS (VIRTUAL REFERENCE STATION) GPS USING A TRIMBLE R6-5800 SERIES DUAL FREQUENCY RECEIVER. THIS METHOD RESULTS IN NAD83 (NSRS 2011) POSITIONS AND NAVD88 ELEVATIONS USING THE CONTINUOUSLY OPERATING REFERENCE STATIONS MAINTAINED BY THE NORTH CAROLINA GEODETIC SURVEY; THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 4246, PAGE 492, AND DEED BOOK 8479 PAGE 670); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS SHOWN HEREON; THAT THE RATIO OF PRECISION IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL
 THIS 7th DAY OF SEPTEMBER, A.D., 2022

Reb B. Owen
 PROFESSIONAL LAND SURVEYOR - L-2719



I certify that the plat shown hereon complies with the Watershed Protection Ordinance approved by the Public Works Commission for recording in the Register of Deeds office.

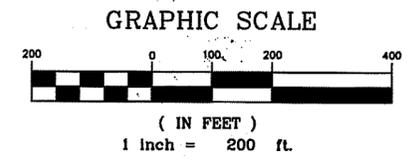
[Signature]
 Watershed Officer

NOTICE: This property is within a water supply watershed and development restrictions may apply.

STATE OF NORTH CAROLINA
 COUNTY OF CUMBERLAND

Mark Bladen
 REVIEW OFFICER OF CUMBERLAND COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER
 DATE: 9/13/22



JoynerKeeny
 Land Planning & Surveying
 230 DONALDSON STREET, SUITE - 500A
 FAYETTEVILLE, NORTH CAROLINA 28301
 North Carolina Firm Number P-0551
 Phone: 910.920.3275
 www.joynerkeeney.com

SUBDIVISION/RECOMBINATION SURVEY
 OF THE PROPERTIES OF
ESTATE OF JOHN G. SHAW - 21-E-2272
 AND
MACPHERSON, LLC
 DATE: AUGUST 15, 2022 SCALE: 1" = 200'
 CROSS CREEK TOWNSHIP CUMBERLAND COUNTY FAYETTEVILLE NORTH CAROLINA

PROJECT #: 200208A
 PROJ. SVYR: RBO
 DRAWN BY: JLK
 DWG: PLAT
 VIEWPORT: PLAT

SHEET #: 1 OF 1

AFFIDAVIT OF OWNERSHIP

I, Marie Shaw Dee and Frank S. Shaw, being duly sworn, deposes and says:

1. That I am the owner of the property/properties located at 5709 Bragg Blvd in the City of Fayetteville, a political subdivision of the State of North Carolina.

2. I do hereby give permission to Jason Stern/Stern Development to submit a Conditional Rezoning Rezoning Variance/Special Use (circle one) application to the City of Fayetteville on my behalf for the above referenced property/properties.

3. This authority is only granted for the application to be submitted on January 9, 2024.

Marie Shaw Dee
Signature of Affiant

Frank S. Shaw
Signature of Affiant

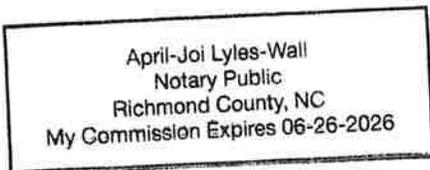
Cumberland County, North Carolina

Sworn to and subscribed before me this day on the 11th day of January, 2024

April-Joi Lyles-Wall
Signature of Notary Public

(Official Seal)

April-Joi Lyles-Wall, Notary Public
Printed Name of Notary Public



My Commission Expires: 6-26-2026

8315
0902

BK08315 PGO902

FILED
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS

FILED Dec 31, 2009
AT 09:38:00 am
BOOK 08315
START PAGE 0902
END PAGE 0906
INSTRUMENT # 47198
RECORDING \$31.00
EXCISE TAX (None)

RF

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$-0-

Parcel Identifier No. _____ Verified By _____ County on the _____ day of _____ 20____
By _____

Mail/Box to: Anne M. Evans, Esq, P.O. Box 87009, Fayetteville, NC 28304-7009

This Instrument was prepared by: Anne M. Evans, Esq., McCoy Weaver Wiggins Cleveland Rose Ray PLLC
(without title examination or certification)

Brief description for the Index:

THIS DEED made this 11th day of November, 2009, by and between

GRANTOR	GRANTEE
MARIE SHAW DEE, Widow; FRANK S. SHAW and wife, ROLLIN W. SHAW; JOHN G. SHAW, single; SALLY SHAW FRANKENBERG and husband, EBEN FRANKENBERG; GILBERT W. SHAW and wife, MIRJAM SHAW; ALEXANDER MCPHERSON SHAW, single, and PHOEBE WINSHIP DEE, single.	MACPHERSON, LLC, a North Carolina limited liability company P.O. Box 1656 Fayetteville, NC 28302

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all of Grantors' undivided interests, as tenants in common, in and to that certain lot or parcel of land situated in the City of Fayetteville, Cumberland County, North Carolina and more particularly described as follows:

Being all of that tract consisting of 50.57 acres, more or less, lying on the West side of the Fort Bragg Boulevard, on the north side of Bonnie Doone, on the East of the run of the Branch of Jack's Ford and South of the Sarah Shaw Rankin tract (the Sarah Shaw Rankin tract being described in a deed from Sarah Shaw Rankin to John G. Shaw recorded in Book 4246, Page 492, Cumberland County, North Carolina, Public Registry.)

For history of title, see deed dated March 24, 1945, from Frank McPherson and wife, Clement McPherson, to J. A. Shaw and wife, Winship S. Shaw, recorded in Book 476, Page 248, Cumberland County, North Carolina, Public Registry.

This tract of property is divided by Sante Fe Drive and is conveyed subject to the right of way of said road.

See also Cumberland County Tax parcel number 0419-13-2000.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

1. 2009 Cumberland County ad valorem taxes;
2. Easements, restrictions and rights of way of record in the Cumberland County, NC, Public Registry.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

<u>Marie Shaw Dee</u> (SEAL) Marie Shaw Dee	<u>Frank S. Shaw</u> (SEAL) Frank S. Shaw
<u>John G. Shaw</u> (SEAL) John G. Shaw	<u>Rollin W. Shaw</u> (SEAL) Rollin W. Shaw
<u>Sally "Sally" Shaw Frankenburg</u> (SEAL) Sally Shaw Frankenburg	<u>Gilbert W. Shaw</u> (SEAL) Gilbert W. Shaw
<u>Eben Frankenburg</u> (SEAL) Eben Frankenburg	<u>Miriam Shaw</u> (SEAL) Mirjam Shaw
<u>Phoebe Winship Dee</u> (SEAL) Phoebe Winship Dee	<u>Alexander McPherson Shaw</u> (SEAL) Alexander McPherson Shaw

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: **Marie Shaw Dee.**

Date: November 11, 2009.

Cynthia W. Burris
Notary Public
Cynthia W. Burris
Printed or Typed Name of Notary Public

My Commission Expires: 11-29-13

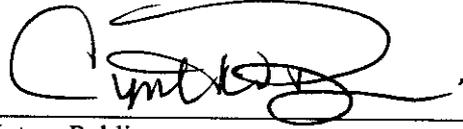
[SEAL]

(N.P. SEAL)

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: **Frank S. Shaw.**

Date: November 11, 2009.



Notary Public
Cynthia W. Burris
Printed or Typed Name of Notary Public

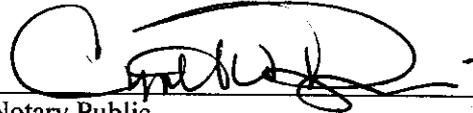
My Commission Expires: 11-29-13

[SEAL]
(N.P. SEAL)

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: **Rollin W. Shaw.**

Date: November 11, 2009.



Notary Public
Cynthia W. Burris
Printed or Typed Name of Notary Public

My Commission Expires: 11-29-13

[SEAL]
(N.P. SEAL)

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: **John G. Shaw.**

Date: November 11, 2009.



Notary Public
Cynthia W. Burris
Printed or Typed Name of Notary Public

My Commission Expires: 11-29-13

[SEAL]
(N.P. SEAL)

STATE OF Washington
COUNTY OF King

I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: **Sally Shaw Frankenb^{rg}**.

Date: December 24th, 2009.

Angie Coarcha
Notary Public
ANGIE GARCHA
Printed or Typed Name of Notary Public

My Commission Expires: July 28th, 2010

[SEAL]



(N.P. SEAL)

STATE OF Washington
COUNTY OF King

I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: **Eben Frankenb^{rg}**.

Date: December 24th, 2009.

Angie Coarcha
Notary Public
ANGIE GARCHA
Printed or Typed Name of Notary Public

My Commission Expires: July 28th, 2010

[SEAL]



(N.P. SEAL)

STATE OF Washington
COUNTY OF King

I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: **Gilbert W. Shaw**.

Date: December 24th, 2009.

Angie Coarcha
Notary Public
ANGIE GARCHA
Printed or Typed Name of Notary Public

My Commission Expires: July 28th, 2010

[SEAL]



(N.P. SEAL)

STATE OF Washington
COUNTY OF King

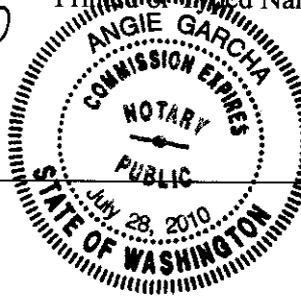
I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: **Mirjam Shaw.**

Date: December 24th, 2009.

Angie Coarcha
Notary Public
ANGIE GARCHA
Printed or Typed Name of Notary Public

My Commission Expires: July 28th, 2010

[SEAL]



(N.P. SEAL)

Washington AS
STATE OF NORTH CAROLINA
COUNTY OF King

I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: **Alexander McPherson Shaw.**

Date: December 24th, 2009.

Angie Coarcha
Notary Public
ANGIE GARCHA
Printed or Typed Name of Notary Public

My Commission Expires: July 28th, 2010

[SEAL]



(N.P. SEAL)

STATE OF NORTH CAROLINA
COUNTY OF Cumberland

I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: **Phoebe Winship Dee.**

Date: December 29^{CWB}, 2009.
30th

Cynthia W. Burris
Notary Public
Cynthia W. Burris
Printed or Typed Name of Notary Public

My Commission Expires: 11-29-13

[SEAL] (N.P. SEAL)

8479
0670

BK 08479 PG 0670

FILED
 CUMBERLAND COUNTY NC
 J. LEE WARREN, JR.
 REGISTER OF DEEDS

FILED Sep 17, 2010
 AT 02:32:00 pm
 BOOK 08479
 START PAGE 0670
 END PAGE 0676
 INSTRUMENT # 29998
 RECORDING \$37.00
 EXCISE TAX (None)
 RT

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$-0-

Parcel Identifier No. **0419-21-4660 and 0419-13-2000** Verified By _____ County on the _____ day of _____ 20 _____
By _____

Mail/Return to: Anne M. Evans, Esq, P.O. Box 87009, Fayetteville, NC 28304-7009
This Instrument was prepared by: Anne M. Evans, Esq., McCoy Wiggins Cleveland & O'Connor PLLC
(without title examination or certification)

Brief description for the Index: 51.07 acre tract

THIS DEED made this 25th day of June, 2010, by and between

GRANTOR	GRANTEE
MARIE SHAW DEE, Widow; JOHN G. SHAW, single; FRANK S. SHAW and wife, ROLLIN W. SHAW; SALLY SHAW FRANKENBERG and husband, EBEN FRANKENBERG; GILBERT W. SHAW and wife, MIRJAM SHAW; PHOEBE WINSHIP DEE, and husband, BRENT BLUNDEN; and ALEXANDER MCPHERSON SHAW, single P.O. Box 1656 Fayetteville, NC 28302	MACPHERSON, LLC, a North Carolina limited liability company P.O. Box 1656 Fayetteville, NC 28302

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all of Grantors' undivided interests, as tenants in common, in and to that certain lot or parcel of land situated in the City of Fayetteville, Cumberland County, North Carolina and more particularly described as follows:

Being all of that tract consisting of 51.07 acres, more or less, lying on the West side of the Fort Bragg Boulevard, on the north side of Bonnie Doone, on the East of the run of the Branch of Jack's Ford and South of the Sarah Shaw Rankin tract (the Sarah Shaw Rankin tract being described in a deed from Sarah Shaw Rankin to John G. Shaw recorded in Book 4246, Page 492, Cumberland County, North Carolina, Public Registry.)

For history of title, see deed dated March 24, 1945 recorded in Book 476, Page 248, Cumberland County, North Carolina, Public Registry. This tract of property is divided by Santa Fe Drive and is conveyed subject to the right of way of Santa Fe Drive and Bragg Boulevard. See also Cumberland County Tax parcel numbers 0419-21-4660 and 0419-13-2000.

The purpose of this deed is to convey all of Lot 1 as shown on a plat map entitled "Lot 1, Headstart-Bridges Fairlane Project" prepared by Harvey H. Allen, RLS L-3171 and recorded in Plat Book 95, Page 167, Cumberland County, North Carolina, Public Registry, such tract having been inadvertently omitted from a prior conveyance by deed from Marie Shaw Dee et al. to MacPherson, LLC recorded in Book 8315, Page 902, Cumberland County, North Carolina, Public Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

1. 2010 Cumberland County ad valorem taxes;
2. Easements , restrictions and rights of way of record in the Cumberland County, NC, Public Registry.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Marie Shaw Dee (SEAL)
Marie Shaw Dee

John G. Shaw (SEAL)
John G. Shaw

Frank S. Shaw (SEAL)
Frank S. Shaw

Rollin W. Shaw (SEAL)
Rollin W. Shaw

Sally Shaw Frankenburg (SEAL)
Sally Shaw Frankenburg

Eben Frankenburg (SEAL)
Eben Frankenburg

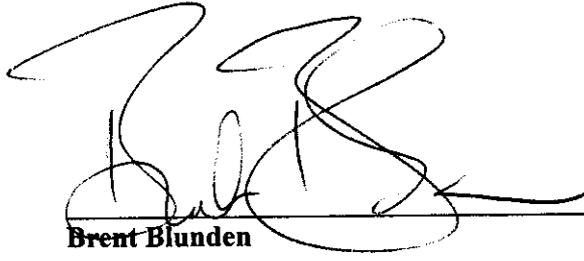
Gilbert W. Shaw (SEAL)
Gilbert W. Shaw

Miriam Shaw (SEAL)
Miriam Shaw

Phoebe Winship Dee (SEAL)
Phoebe Winship Dee

Brent Blunden (SEAL)
Brent Blunden

Alexander McPherson Shaw (SEAL)
Alexander McPherson Shaw



Brent Blunden (SEAL)

STATE OF NORTH CAROLINA
COUNTY OF Durham

I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing North Carolina General Warranty Deed for the purpose stated therein and in the capacity indicated: Name of Principal: **Brent Blunden**.

Date: July 20, 2010.

Janet W. Adams
Notary Public
Janet W. Adams
Printed or Typed Name of Notary Public

My Commission Expires: 9-4-14

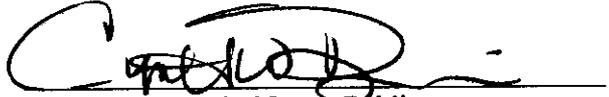
[SEAL]

(N.P. SEAL)

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, Cynthia W. Burris, a Notary Public of Cumberland County, North Carolina, certify that Anne M. Evans personally appeared before me this day, and being duly sworn, stated that in her presence **Marie Shaw Dee**, signed the foregoing North Carolina General Warranty Deed.

WITNESS my hand and official seal this the 25TH day of JUNE, 2010.


Cynthia W. Burris, Notary Public

My Commission Expires: 11/29/2013

[SEAL]
(N.P. SEAL)

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, Cynthia W. Burris, a Notary Public of Cumberland County, North Carolina, certify that Anne M. Evans personally appeared before me this day, and being duly sworn, stated that in her presence **John G. Shaw**, signed the foregoing North Carolina General Warranty Deed.

WITNESS my hand and official seal this the 28th day of July, 2010.


Cynthia W. Burris, Notary Public

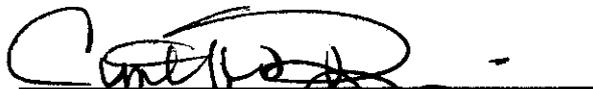
My Commission Expires: 11/29/2013

[SEAL]
(N.P. SEAL)

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, Cynthia W. Burris, a Notary Public of Cumberland County, North Carolina, certify that Anne M. Evans personally appeared before me this day, and being duly sworn, stated that in her presence **Frank S. Shaw**, signed the foregoing North Carolina General Warranty Deed.

WITNESS my hand and official seal this the 25TH day of JUNE, 2010.


Cynthia W. Burris, Notary Public

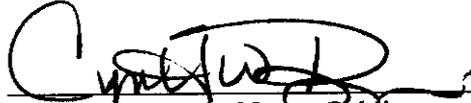
My Commission Expires: 11/29/2013

[SEAL]
(N.P. SEAL)

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, Cynthia W. Burris, a Notary Public of Cumberland County, North Carolina, certify that Anne M. Evans personally appeared before me this day, and being duly sworn, stated that in her presence **Rollin W. Shaw**, signed the foregoing North Carolina General Warranty Deed.

WITNESS my hand and official seal this the 25TH day of JUNE, 2010.


Cynthia W. Burris, Notary Public

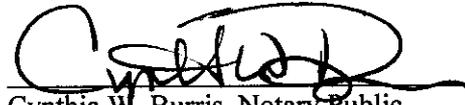
My Commission Expires: 11/29/2013

[SEAL]
(N.P. SEAL)

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, Cynthia W. Burris, a Notary Public of Cumberland County, North Carolina, certify that Anne M. Evans personally appeared before me this day, and being duly sworn, stated that in her presence **Sally Shaw Frankenberg**, signed the foregoing North Carolina General Warranty Deed.

WITNESS my hand and official seal this the 25TH day of JUNE, 2010.


Cynthia W. Burris, Notary Public

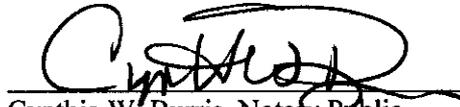
My Commission Expires: 11/29/2013

[SEAL]
(N.P. SEAL)

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, Cynthia W. Burris, a Notary Public of Cumberland County, North Carolina, certify that Anne M. Evans personally appeared before me this day, and being duly sworn, stated that in her presence **Eben Frankenberg**, signed the foregoing North Carolina General Warranty Deed.

WITNESS my hand and official seal this the 25TH day of JUNE, 2010.


Cynthia W. Burris, Notary Public

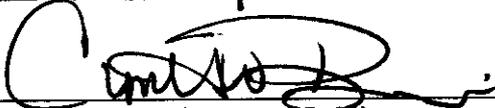
My Commission Expires: 11/29/2013

[SEAL]
(N.P. SEAL)

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, Cynthia W. Burris, a Notary Public of Cumberland County, North Carolina, certify that Anne M. Evans personally appeared before me this day, and being duly sworn, stated that in her presence **Gilbert W. Shaw**, signed the foregoing North Carolina General Warranty Deed.

WITNESS my hand and official seal this the 12th day of July, 2010.


Cynthia W. Burris, Notary Public

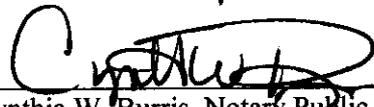
My Commission Expires: 11/29/2013

[SEAL]
(N.P. SEAL)

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, Cynthia W. Burris, a Notary Public of Cumberland County, North Carolina, certify that Anne M. Evans personally appeared before me this day, and being duly sworn, stated that in her presence **Mirjam Shaw**, signed the foregoing North Carolina General Warranty Deed.

WITNESS my hand and official seal this the 12th day of July, 2010.


Cynthia W. Burris, Notary Public

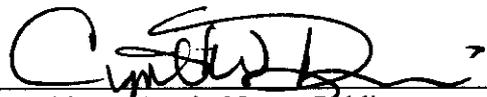
My Commission Expires: 11/29/2013

[SEAL]
(N.P. SEAL)

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, Cynthia W. Burris, a Notary Public of Cumberland County, North Carolina, certify that Anne M. Evans personally appeared before me this day, and being duly sworn, stated that in her presence **Phoebe Winship Dee**, signed the foregoing North Carolina General Warranty Deed.

WITNESS my hand and official seal this the 25th day of June, 2010.


Cynthia W. Burris, Notary Public

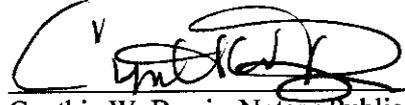
My Commission Expires: 11/29/2013

[SEAL]
(N.P. SEAL)

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, Cynthia W. Burris, a Notary Public of Cumberland County, North Carolina, certify that Anne M. Evans personally appeared before me this day, and being duly sworn, stated that in her presence **Alexander McPherson Shaw**, signed the foregoing North Carolina General Warranty Deed.

WITNESS my hand and official seal this the 25TH day of JUNE, 2010.


Cynthia W. Burris, Notary Public

My Commission Expires: 11/29/2013

[SEAL]

(N.P. SEAL)