

Project Overview

#698247

Project Title: McLean Property

Jurisdiction: City of Fayetteville

Application Type: 5.1) Rezoning (Map Amendment)

State: NC

Workflow: Staff Review

County: Cumberland

Project Location

Project Address or PIN: 0 ? DR (0530022660000)

GIS Verified Data

Property Owner: Parcel

- 0 ? DR: THOMAS R & ELIZABETH E MCLEAN FOUNDATION INC

Acreage: Parcel

- 0 ? DR: 3.59

Zoning District:

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:

500 Year Flood:

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: LC

Acreage to be Rezoned: 3.59

Is this application related to an annexation?: No

Water Service: Public

Sewer Service: Public

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

Land is vacant

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

SF10 designations in rear of subject property

NC & LC designations across street from subject property

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

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

Based upon previous discussions with staff and review of the 2040 Comprehensive Plan Map, the area encompassing the subject

property and property across the street is designated Neighborhood Mixed Use. The properties are surrounded by medium density residential properties, and therefore reasonable development of the subject tract as limited commercial would appear to be directly in accordance with the land range plans and would assist the surrounding residential developments by providing nearby and accessible commercial services.

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

The construction of the 295 loop and resulting interchanges have increased the importance of orderly and consistent development on the subject property. Again, limited commercial use appears to be completely in accordance with its place on a major arterial road that feeds directly into the developing 295 transit system. Furthermore, the natural increase in population of the area lends more importance developing close-by commercial uses that are convenient and accessible to the surrounding population.

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

The subject property is in a location that will be convenient to the area population as a commercial site. Nearby and convenient commercial development is a benefit to the surrounding residential communities - it is in line with existing land use plans, will help reduce problems with managing vacant property, and will add to the local tax base without unduly burdening existing infrastructure.

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 area across the road from the subject property is zoned NC & LC. The proposed amendment will compliment existing zoning in the area and benefit the surrounding community needs, while adding to the local tax base, without unduly burdening existing infrastructure.

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

When this subject property is developed using LC zoning, it will enhance the other commercial properties and enable the area to expand shopping activities.

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

Additional and convenient commercial facilities are needed to service the residential population of the area. Reasonable development will meet these community needs without unduly burdening additional infrastructure.

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

The property is vacant and there are no pending contracts. We do not see why an unnecessary strip-style commercial building will be built on this property.

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 subject property is located on one of the four corners at the intersection of McArthur Road and Stacy Weaver Drive/Rosehill Road. This property is now vacant. All of the three corners are presently occupied by buildings. The property directly across McArthur Road from the subject property is zoned NC and LC. There is a shopping center located on that site. All of these tracts are classified the same under the 2040 Comprehensive Plan.

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

This amendment, when granted, will have no negative impact on the property values of its neighbors due to the elimination of an undeveloped and un-landscaped property in the area. In addition, it will also eliminate an area that has been used in the past for trash dumping and also as an unsafe wooded path from the College Lakes area to the strip shopping center across McArthur Road. We feel that this amendment will result in a more attractive neighborhood for the residential area in the rear of the subject property and help maintain property values for the owners.

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

There are no adverse impacts on the natural environment that are evident at the present, nor that we are aware of in the future.

Primary Contact Information

Project Contact - Agent/Representative

Project Owner

Faison Covington
Thomas R & Elizabeth E McLean Foundation Inc.
P.O. Box 58329
Fayetteville, NC 28305
P:1-704-877-0040
rfcovington@gmail.com

McLean Foundation
Thomas R & Elizabeth E McLean Foundation Inc.
P.O. Box 58329
Fayetteville, NC 28305
P:1-910-252-8858
angela@themcleanfoundation.org

NC State License Number:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Contractor's NC ID#:

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



VICINITY MAP (NOT TO SCALE)

NORTH CAROLINA
Camden County

I, George L. Lott, certify that this plan was drawn under my supervision from an actual survey made under my supervision (land description recorded in book 00728 page 0182 and 0183 and 0184) that the boundaries not surveyed are correct and that the ratio of precision as calculated is 1/10000. That this plan was prepared in accordance with G.S. 42-21-23 provided by the State of North Carolina and that the same is true and correct as of the date of recording by George L. Lott, Professional Land Surveyor L-13179.



A. That this plan is of a survey that creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates the period of land.
 B. That this plan is of a survey that is located in each portion of a county period of land that is designated as an ordinance that regulates the period of land.
 C. That this plan is of a survey of an existing parcel or parcels of land.
 D. That this plan is of a survey of another category, such as the to the addition of another category, a corner under survey or other exception to the ordinance that regulates the period of land.
 E. That the information available to this surveyor is such that I am unable to make a determination as to the best of my professional ability as to provision contained in (A) through (D) above.
 Nonconforming structures have not been created by this subdivision.

LEGEND

- Lines Surveyed _____ G/S
- Lines Not Surveyed _____ G/S
- Right Of Way Lines _____ R/W
- EOL _____ EOL
- EP _____ EP
- ERS _____ ERS
- SR _____ SR
- Lot pipe set at all corners. Area determined by coordinate method.

FILED Jun 30 2011 02:40:00 pm
 BOOK 001728 PAGE 0182
 INSTRUMENT # 21151
 RECORDED ENCLISE TAX (N/800)
 N/800 (N/800)
 NCOS (N/800)
 Were found to exist in plain within 2000 feet of the property shown herein. In lieu of such control documents, corners of adjoining properties and other appropriate previously recorded plats and record books were used to establish bearing control.

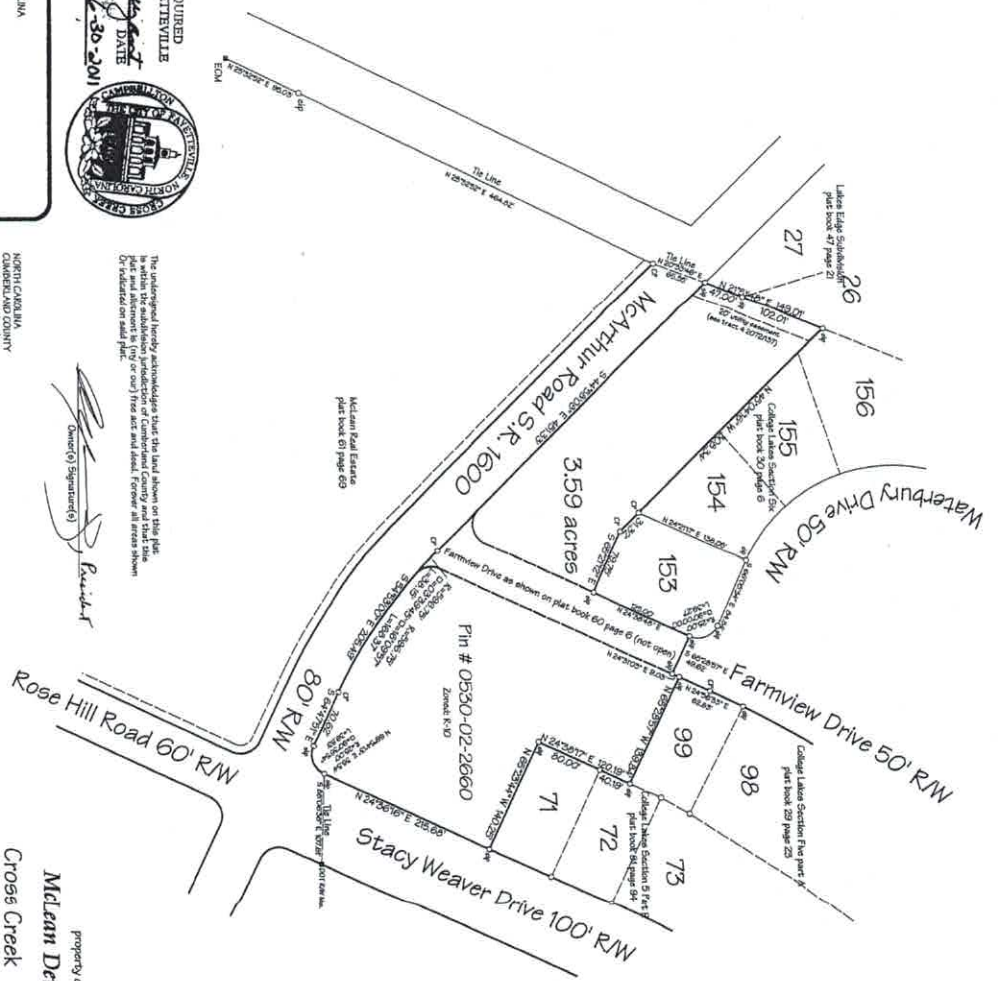
George L. Lott
 L. Lott
 Professional Land Surveyor
 L-13179
 State of North Carolina
 Camden County
 275/275-5571
 10004-4002-000-000-000

NO APPROVAL REQUIRED
 BY THE CITY OF FAYETTEVILLE
Mark B. Brissett
 SIGNATURE
 DATE 6-30-2011
Blair
 TITLE



STATE OF NORTH CAROLINA
 County Of Camden
 L. **Anita Melton**
 Review Officer of Camden County
 certify that this map or plat is in full compliance with all applicable laws and regulations and that all necessary requirements for recording have been met.

Anita Melton
 Review Officer
 6-30-11
 Date



NORTH CAROLINA
 CAMDEN COUNTY
 I, **Angela L. Johnson**, a notary public for said County and State do hereby certify that the foregoing plat was properly approved before me this day of _____, 2011. My commission expires _____ 2011.
 My commission expires 3/5/2013



property of and survey for
McLenn Development Corp.
 Cross Creek Township
 Cumberland County
 North Carolina

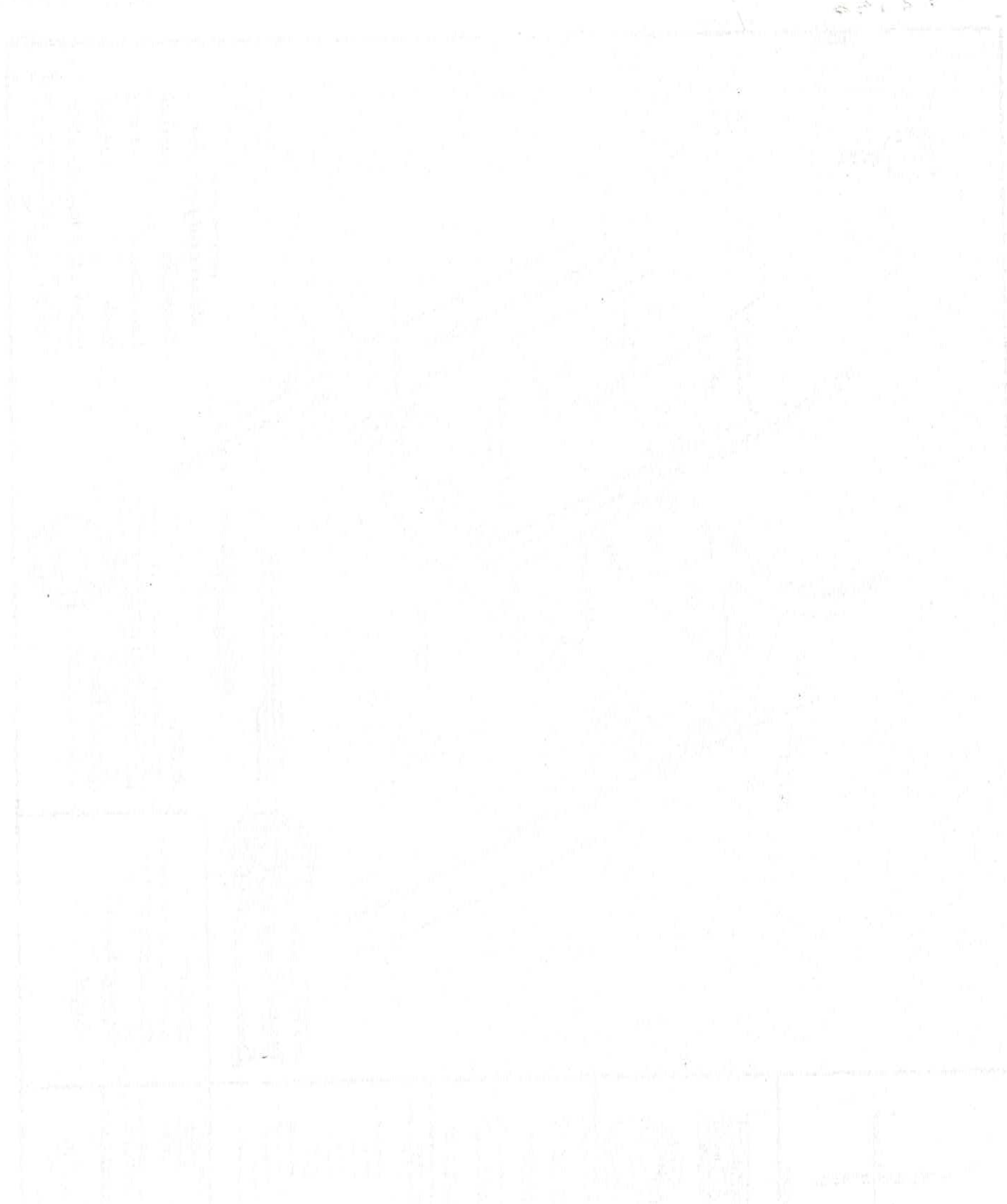
Scale 1" = 100' November 2005

200 150 100 50 0 100 200
 Scale in Feet



Ownership History

	Owner Name	Deed Type	% Ownership	Stamps	Sale Price	Book	Page	Deed Date
Current	THOMAS R & ELIZABETH E MCLEAN FOUNDATION INC	DE-DEED	100	0		009803	00123	2/11/2016
1 Back	MCLEAN DEVELOPMENT CORP	WD-WARRANTY DEED	100	0		002072	00135	7/1/1984



BK09803 PG0123

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

FILED Feb 11, 2016
AT 04:35:25 pm
BOOK 09803
START PAGE 0123
END PAGE 0124
INSTRUMENT # 04052
RECORDING \$26.00
EXCISE TAX (None)

JS

NORTH CAROLINA NON-WARRANTY DEED

Excise Tax: \$0.00

Parcel Identifier No. _____ Verified by _____ County on the ____ day of _____, 20__
By: _____

Mailed to: Alfred E. Cleveland, Attorney (Box)
McCoy Wiggins Cleveland & McLean PLLC
P.O. Box 87009
Fayetteville, NC 28304

This Instrument was prepared by: Alfred E. Cleveland, Attorney at Law TITLE AND DESCRIPTION NOT CERTIFIED

Brief description for the Index: _____

THIS DEED made this 11th day of February, 2016, by and between

GRANTOR	GRANTEE
McLean Development Corp., a North Carolina corporation, wholly owned by the Estate of Thomas R. McLean P.O. Box 58329 Fayetteville, NC 28305	Thomas R. and Elizabeth E. McLean Foundation, Inc., a North Carolina nonprofit corporation P.O. Box 58329 Fayetteville, NC 28305

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.

WHEREAS, that the Grantor conveys unto Grantee in fee simple, all that certain lot or parcel of land situated in the City of Fayetteville, Carver's Creek Township, Cumberland County, North Carolina and more particularly described as follows:

BEING a portion of that real property described in TRACTs #3 and #4 by deed recorded in Book 2072 at Page 135 of the Cumberland County, North Carolina Registry and also being that parcel of land bearing Tax Parcel ID No. 0530-02-2660 and described for tax purposes as 3.59 acres McLean Development Corp.

FOR HISTORY OF TITLE, SEE (i) instrument recorded in Book 2072, Page 135 of the Cumberland County Registry and (ii) Estate File No. 98 E 1444 for the Estate of Thomas R. McLean of record in the Office of the Clerk of Superior Court of Cumberland County.

A map showing the above described property is recorded in Plat Book 128, Page 182.

The property was not the principal residence of the Grantor.

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

The Grantor makes no warranty, express or implied, as to title or description to the properties hereinabove described.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed and delivered.

McLean Development Corp. _____ (SEAL)
(Corporate Name)

By: [Signature] _____ (SEAL)
President

ATTEST: [Signature] _____ (SEAL)
Secretary

(Corporate Seal)

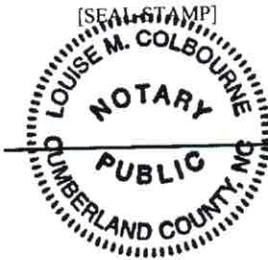
STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, the undersigned Notary Public of the County and State aforesaid, certify that Alfred E. Cleveland personally came before me this day and acknowledged that he is the President of McLean Development Corp., a North Carolina corporation, and that by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by Angela Ashworth as its Secretary.

Witness my hand and Notarial stamp or seal, this 11th day of February, 2016.

My Commission Expires: 01/12/2019

[Signature]
Louise M. Colbourne, Notary Public



(N.P. SEAL)

CORPORATION WARRANTY DEED

NORTH CAROLINA

CUMBERLAND COUNTY .

THIS DEED, made this 30th day of November, 1967, by COLLEGE LAKES, INC., a N. C. Corporation, with its principal office in Cumberland County, North Carolina, party of the first part, to ELLISON DEVELOPMENT CORP., a N. C. Corporation, with its principal office in Cumberland County, North Carolina, party of the second part:

W I T N E S S E T H:

THAT said party of the first part, in consideration of other good and valuable considerations and the sum of Ten (\$10.00) Dollars, to it paid by the said party of the second part, the receipt of which is hereby acknowledged, has bargained and sold and by these presents does bargain, sell, and convey unto said party of the second part and its successors and assigns, a tract or parcel of land in the County of Cumberland, and State of North Carolina, in Carver's Creek Township, namely:

TRACT #1: BEGINNING at the southeast corner of Lot No. 306 of College Lakes, Part A, Section X as recorded in Book of Plats 32, page 44 and running thence with the eastern line of said lot and Lot No. 305 North 59 degrees 13 minutes East 219.15 feet to the southwest corner of Lot No. 304; thence a new line South 56 degrees 26 minutes East 50.0 feet to a corner in the little pond; thence down said pond North 11 degrees 47 minutes East 410.0 feet to the P.C. of a curve in the southern right-of-way of Chesapeake Road; thence with it South 78 degrees 13 minutes East 100.0 feet to the P.C. of a curve (the radius of which is 763.12 feet); thence with it an arc distance of 10.0 feet to the western line of an unrecorded Lot No. 176; thence with the western line of it South 11 degrees 02 minutes West 122.87 feet to the corner of Lot No. 174, College Lakes, Section VI, as recorded in Book of Plats No. 30, page 6; thence with the rear line of Lots 174, 173, 172, 170, 168 and 167 South 15 degrees 03 minutes West 163.44 feet; thence South 5 degrees 58 minutes East 136.06 feet; thence South 62 degrees 07 minutes East 126.48 feet; thence South 39 degrees 07 minutes West 100.00 feet; thence North 41 degrees 10 minutes West 79.89 feet; thence South 80 degrees 17 minutes West 141.15 feet; thence South 62 degrees 34 minutes West 226.92 feet; thence with the southeastern line of Tract No. 8 of the original deed from Golden Belt Orchards South 58 degrees 10 minutes West 664.57 feet to the eastern right-of-way margin of McArthur Road; thence with it North 45 degrees 03 minutes West 250.61 feet to the P.I. of a curve; thence North 17 degrees 27 minutes West 1038.72 feet to a new corner; thence North 72 degrees 33 minutes East 140.0 feet; thence North 17 degrees 27 minutes West 30.0 feet; thence North 72 degrees 33 minutes East 261.79 feet; thence North 24 degrees 54 minutes East 70.11 feet; thence South 65 degrees 06 minutes East 316.01 feet to and with the southern line of Lots No. 366, 353 and 352 to the corner of Lot No. 350 of College Lakes, Section X, Part A; thence with the western line of said Lot No. 350 and 349 South 24 degrees 54 minutes West 160.0 feet;

thence with the southern line of Lot No. 349 South 65 degrees 06 minutes East 140.0 feet to the western margin of Carteret Place; thence South 28 degrees 31 minutes West 37.26 feet; thence South 57 degrees 52 minutes East to and with the southern line of Lot No. 333 203.89 feet to a point in the rear of Lot No. 326; thence with the rear of said lot and Lots Numbers 325 and 324 South 24 degrees 54 minutes West 18.41 feet; thence South 31 degrees 03 minutes West 65.16 feet; thence South 49 degrees 30 minutes West 64.69 feet to the northwest corner of Lot No. 324; thence with the southern line of it South 40 degrees 30 minutes East 146.98 feet to the northwestern margin of Anson Drive; thence South 50 degrees 12 minutes West 10.85 feet; thence crossing Anson Drive to and with the southern line of Lot No. 306 South 39 degrees 06 minutes East 219.0 feet to the Beginning.

TRACT #2: BEGINNING at a point in the western margin of the Rose Hill Road, said point being the northeast corner of a tract of land previously deeded to the Cumberland County Board of Education from the tract of which this is a part and recorded in Book of Deeds _____, page _____, Cumberland County Registry; and runs thence with the northern line of said school tract North 45 degrees 09 minutes West 795.56 feet to another corner of the school tract; thence with the school tract and being 60 feet eastward and parallel with the western line of the tract of which this is a part North 25 degrees 33 minutes East 560.38 feet to a point in the southern margin of the McArthur Road; thence as it South 44 degrees 58 minutes East 424.26 feet to the P.C. of a curve, the radius of which is 656.23 feet; thence continuing with the curve in the southern margin of the McArthur Road, an arc distance of 225.97 feet to the P.T. of said curve; thence South 64 degrees 42 minutes East 93.59 feet to the P.C. of a curve (the radius of which is 25.0 feet) at the intersection of the western margin of Rose Hill Road; thence with said curve, an arc distance of 38.95 feet to the P.T. of said curve in the western margin of Rose Hill Road; thence with it South 24 degrees 35 minutes West 620.19 feet to the Beginning, containing 9.81 acres.

Excepted from the above description is a 20 feet utility easement running along the southern and western property lines from the margin of the Rose Hill Road to McArthur Road.

TRACT #3: BEGINNING at an iron pipe in the eastern margin of Farmview Drive; the southwest corner of Lot #99 of College Lakes, Section V as recorded in Book of Plats 29, page 23, Cumberland County Registry, and running thence with the eastern margin of Farmview Drive extended South 24 degrees 35 minutes West 310.21 feet to the P.C. of a curve (the radius of which is 25.0 feet) at the intersection of Farmview Drive extended and McArthur Road; thence with said curve, an arc distance of 31.80 feet to the P.C. of a curve (the radius of which is 596.23); thence with said curve as it curves to the East, an arc distance of 171.33 to the P.T. of said curve in the northeastern margin of McArthur Road; thence continuing with it South 64 degrees 47 minutes East 68.33 feet to the P.C. of a curve (the radius of which is 25.0 feet) at the intersection of the margin of McArthur Road with the western margin of Stacy Weaver Drive; thence with said curve in a northerly direction, an arc distance of 39.54 feet to the P.T. of said curve in the western right-of-way of Stacy Weaver Drive; thence with it North 24 degrees 35 minutes East 376.11 feet to the P.C. of a curve (the radius of which is 1044.6 feet); thence with said curve as it curves to the East, an arc distance of 400.70 feet to a point; thence North 43 degrees 26 minutes West 142.17 feet to a point in the rear of Lot #93 of Part A, College Lakes, Section V; thence with the rear of Lots 93, 94, 95, 96, 97, 98 and 99 the following courses and distances South 46 degrees 42 minutes East 92.61 feet; thence South 38 degrees 32 minutes West 88.47 feet; thence South 34 degrees 44 minutes West 88.31 feet; thence South 30 degrees 00 minutes West 147.48 feet; thence South 24 degrees 35 minutes West 78.26 feet to the southeast corner of Lot #99; thence with the southern line of it North 65 degrees 25 minutes West 140.0 feet to the Beginning.

Included with the above is the right of ingress and egress over Farmview Drive extended to McArthur Road.

TRACT #4: BEGINNING at an iron pipe, the southeast corner of Lot No. 154 as shown on the plat of College Lakes, Section VI and recorded in Book of Plats 30, page 6, Cumberland County Courthouse, and runs thence with the eastern line of Lot No. 154 North 24 degrees 35 minutes East 138.20 feet to the northeast corner of Lot No. 154 in the southern margin of Waterbury Drive as shown on the aforementioned plat of College Lakes, Section VI; thence with the southern margin of Waterbury Drive South 65 degrees 25 minutes East 85.0 feet to the P.C. of a curve, the radius of which is 25.0 feet; thence as it curves to the South, an arc distance of 39.3 feet to the P. T. of said curve in the western margin of Farmview Drive, as shown on said plat; thence with the western margin of Farmview Drive South 24 degrees 35 minutes West 264.96 feet to the P. C. of another curve, the radius of which is 25.0 feet; thence with it as it curves westward, an arc distance of 48.15 feet to the P. T. of the curve in the northern margin of the McArthur Road; thence with the northern margin of the McArthur Road North 45 degrees 03 minutes West 380.99 feet to its intersection with an original property line of the tract of which this is a part, also the dividing line between College Lakes and the Warren Property; thence with it North 21 degrees 49 minutes East 149.18 feet to an iron pipe, a corner of Lot No. 156, as shown on the plat of College Lakes, Section VI; thence with the rear and southern line of Lots 156, 155 and 154 South 45 degrees 03 minutes East 308.34 feet to the Beginning.

Excepted, from the above is a 20 feet utility easement along its western line from Lot #156, College Lakes, Section VI to McArthur Road.

TRACT #5: BEGINNING at an iron stake in the southern margin of Chesapeake Road, said iron stake being the northwest corner of Lot No. 177 as shown on the Plat of College Lakes, Section VI, and recorded in Book of Plats No. 30, page 6, Cumberland County Registry; and runs thence with the western line of Lot No. 177 South 5 degrees 15 minutes West 125.17 feet to the southwest corner of Lot No. 177 in the northern line of Lot No. 174 as shown on said plat; thence with it North 80 degrees 26 minutes West 89.70 feet to the northwest corner of Lot No. 174; thence North 11 degrees 02 minutes East 122.87 feet to a point in the southern margin of Chesapeake Road, said point being on a curve; the radius of which is 763.12 feet; thence with said curve in an eastwardly direction, an arc distance of 77.0 feet to the Beginning,

TRACT #6: BEGINNING at an iron stake in the northern margin of Chesapeake Road, said iron stake being the southwest corner of Lot No. 211 as shown on the Plat of College Lakes, Section VI, and registered in Book of Plats 30, page 6, Cumberland County Registry; and runs thence with the western line of Lot No. 211 North 4 degrees 02 minutes East 201.50 feet to an iron stake, the northwest corner of Lot No. 211, in the southern margin of a 70 foot powerline easement of C. P. & L.; thence with said southern margin of the easement North 65 degrees 06 minutes West 64.20 feet to a point; thence South 11 degrees 02 minutes West 220.95 feet to a point in the northern margin of Chesapeake Road, said point being on a curve, the radius of which is 713.12 feet; thence with said curve in an eastwardly direction, an arc distance of 87.11 feet to the point of Beginning. Also to be conveyed with this lot the area on the North side or rear of said lot bounded by an extension of the eastern and western lines to their intersection with the center line of the C. P. & L. 70 feet right-of-way and being all that portion of the southern half of C. P. & L. right-of-way, lying immediately behind this lot.

TRACT #7: BEGINNING at an iron pipe in the southern margin of Stacy Weaver Drive, said iron pipe being the northeast corner of

Lot No. 90, as shown on the plat of College Lakes, Section I recorded in Book of Plats 20, page 58, Cumberland County Registry; and running thence with the southern margin of Stacy Weaver Drive South 65 degrees 24 minutes East 386.88 feet to its intersection with the western right-of-way margin of U. S. Highway No. 401 North, the right-of-way of which is 100 feet, and said point being 50 feet from the centerline of U. S. Highway No. 401 North; thence with the western right-of-way margin South 22 degrees 33 minutes West 86.71 feet to the P. C. of a curve, the radius of which is 2177.66 feet; thence with the curve and the western margin of U. S. Highway No. 401 North, an arc distance of 609.90 feet to the P. T. of said curve; thence continue with the western right-of-way margin South 6 degrees 30 minutes West 783.04 feet to its intersection with the southern property line of College Lakes, Section I; thence with it North 74 degrees 08 minutes West 748.34 feet to the southeast corner of Lot No. 80, as shown on the plat of College Lakes, Section I; thence with the rear and eastern lines of Lots 80 through 90 North 24 degrees 36 minutes East 1543.3 feet to the Beginning, containing 18.18 acres.

TRACT #8: BEGINNING at an iron pipe, the southeast corner of the tract of which this is a part, and runs thence with the southern line of the tract of which this is a part and the lines of Rankin and Huske North 69 degrees 15 minutes West 1430 feet to a point in said line; thence a new line North 6 degrees 00 minutes East about 2800 feet to a point in the centerline of the Andrews Road; thence with the centerline of the Andrews Road about 360 feet to its intersection with the northern line of the tract of which this is a part; thence with it South 70 degrees 15 minutes East 2252.6 feet to the northeast corner of the tract of which this is a part; thence with the eastern line of it South 21 degrees 30 minutes West 2772.0 feet to the Beginning. Containing 123 acres more or less.

TRACT #9: BEGINNING at a point in the northern line of the tract of which this is a part, said point being where the centerline of the Andrews Road intersects said line and being North 70 degrees 15 minutes West 2252.6 feet from the northeast corner of the tract of which this is a part; and runs thence with the northern line of the original tract and Cook's line North 70 degrees 15 minutes West about 3100.0 feet to a 4 inch iron pipe, a corner of the tract of which this is a part and Cook's southwest corner; thence with another of the original lines and Cook's line North 20 degrees 00 minutes East 566.9 feet; thence another original line South 54 degrees 00 minutes West 915.4 feet to an iron pipe, an original corner of the tract of which this is a part; thence with another original line South 17 degrees 30 minutes West 636.2 feet to another original corner; thence another line of the tract of which this is a part South 21 degrees 30 minutes West about 555.0 feet to a point in the centerline of the Andrews Road; thence with it eastward about 3800 feet to the Beginning. Containing 58.5 acres, more or less.

Tracts #8 and #9 are subject to an agreement made February 15, 1958 by and between College Lakes, Inc. and Golden Belt Orchards and Farms, Inc. and amended February 15, 1965.

TRACT #10: BEGINNING at a point in the southern margin of Chesapeake Road as it is to be extended in the following manner; from the northwestern corner of Lot #366 as shown on the Plat of College Lakes, Section X, Part A and recorded in Book of Plats 32, page 44, Cumberland County Registry, Chesapeake Road extends North 65 degrees 06 minutes West 435.0 feet to the P. C. of a curve, the radius of which is 179.71 feet; thence with the curve southwestwardly, an arc distance of 112.79 feet to the Beginning and northeastern corner of the Lot hereinafter described; thence continuing on with said curve that is the southern margin of Chesapeake Road; an arc distance of 20.02 feet to the P. T. of said curve; thence South 72 degrees 33 minutes West 95.0 feet to the P. C. of another curve, the radius of which is 25.0 feet; thence as it curves to the South, an arc distance of 39.26 feet to the P. T. of said curve in the eastern

margin of the McArthur Road; thence with it South 17 degrees 27 minutes East 82.68 feet; thence North 72 degrees 33 minutes East 170.0 feet; thence North 17 degrees 27 minutes West 106.57 feet to the Beginning, containing .35 acres, more or less.

TRACT #11: BEING all of Lots 81 and 83, College Lakes, Section I according to a plat of the same duly recorded in the Cumberland County Registry in Book of Plats 20, page 58.

SUBJECT, however, to Restrictive Covenants running with the land and duly appearing of record in the Cumberland County Registry in Book 749, page 261.

TRACT #12: BEING all of Lots 120 and 121, College Lakes, Section II according to a plat of the same duly recorded in the Cumberland County Registry in Book of Plats 21, page 31.

SUBJECT, however, to Restrictive Covenants running with the land and duly appearing of record in the Cumberland County Registry in Book 618, page 397.

TRACT #13: BEING all of Lots 1, 2, 3, 4 and 5, College Lakes, Section II REVISED according to a plat of the same duly recorded in the Cumberland County Registry in Book of Plats 32, page 63.

SUBJECT, however, to Restrictive Covenants running with the land and appearing of record in the Cumberland County Registry in Book 618, page 397.

TRACT #14: BEING all of Lots 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 81, 82 and 83, College Lakes, Section V, Part C according to a plat of the same duly recorded in the Cumberland County Registry in Book of Plats 33, page 41.

SUBJECT, however, to Restrictive Covenants running with the land and appearing of record in the Cumberland County Registry in Book 2050, page 365.

TRACT #15: BEING all of Lots 167 and 174, College Lakes, Section VI, according to a plat of the same duly recorded in the Cumberland County Registry in Book of Plats 30, page 6.

SUBJECT, however, to Restrictive Covenants running with the land and duly appearing of record in the Cumberland County Registry in Book 1111, page 194.

TRACT #16: BEING all of Lots 441, 442, 443, 444, 446, 447, 448, 449, 302, 304, 305, 306, 330 and 393, College Lakes, Section X, Part A according to a plat of the same duly recorded in the Cumberland County Registry in Book of Plats 32, page 44.

SUBJECT, however, to Restrictive Covenants running with the land and duly appearing of record in the Cumberland County Registry in Book 2018, page 135.

The above land was conveyed to Grantor by Golden Belt Orchards and Farms, Inc. See Book 698, page 216.

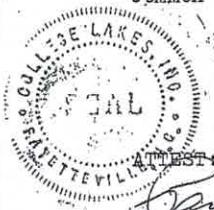
TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereunto belonging to said party of the second part and its successors and assigns in fee simple forever.

AND said party of the first part doth covenant that it is seized of said premises in fee and has the right to convey the same in fee simple; that the same are free from encumbrances, except as aforesaid, and that it will warrant and defend the said title to the same against the claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the said party of the first part has caused this deed to be signed in its corporate name by its President and attested by its Secretary, and sealed with its common corporate seal, on the say and year first above written.

COLLEGE LAKES, INC.

By Tom McLean
President



Paul H. Thompson
Secretary

NORTH CAROLINA
CUMBERLAND COUNTY

I, Opal Sanders, a Notary Public do hereby certify that Paul H. Thompson personally appeared before me this day and acknowledged that he is the Secretary of College Lakes, Inc., a North Carolina Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President Tom McLean, sealed with its corporate seal and attested by himself as its Secretary.



WITNESS my hand and official seal, this the 30th day of November, 1967.

Opal Sanders
Notary Public

My Commission Expires:
July 12, 1969

NORTH CAROLINA
CUMBERLAND COUNTY

The foregoing or annexed certificate of Opal Sanders, Notary Public is certified to be correct.

This instrument was presented for registration and recorded in this Office at Book 2072, page 135. This 14 day of Nov., 1967 at 10:35 o'clock AM.

Marion Clark
Register of Deeds

By Emilia R. Long
Deputy Register of Deeds

No Revenue