

Prepared by John T. Higgins, Jr., Higgins Benjamin, PLLC, PO Box 20570, Greensboro, NC 27420-0570
Mail after recording to Matt Mason, Esq., Guilford County Attorney's Office, 301 W. Market St., Ste. 301,
Greensboro, NC 27401

NORTH CAROLINA

GUILFORD COUNTY

DECLARATION OF EASEMENT FOR
BIO-CELL RETENTION POND

(Reference First Amendment to Declaration in
Book _____, Page _____)

THIS DECLARATION OF EASEMENT FOR BIO-CELL RETENTION POND (herein after referred to as the "Easement"), is made as of _____, 2019 by Guilford County, a North Carolina body politic, hereinafter referred to as "Declarant" and consented to herein after by the City of Greensboro.

WITNESSETH:

WHEREAS, Declarant has recently acquired that property described in **Exhibit A** attached hereto and incorporated herein by reference; and

WHEREAS, the property described in **Exhibit A** attached hereto is subject to the Declaration of Easements, Covenants, Conditions and Restrictions for Maple Professional Park recorded in Book 6940, Page 646 of the Guilford County Registry (herein after referred to as the "Declaration"); and

WHEREAS, the Declaration has been amended and modified pursuant to the First Amendment to Declaration of Easements, Covenants, Conditions and Restrictions for Maple Professional Park as recorded in Book _____, Page _____ of the Guilford County Registry (herein after referred to as the "1st IMUD Amendment"); and

WHEREAS, in conjunction with the recording of the 1st IMUD Amendment the property described in **Exhibit A** attached hereto has been subjected to the recorded plat entitled

"IMUD _____" as recorded in Plat Book _____, Page _____, all of the Guilford County Registry (herein after referred to as the "Amended IMUD Plat"); and as of the recording of that Amended IMUD Plat the property described in **Exhibit A** attached hereto is identified as Lot 1F and 1G of the Amended IMUD Plat (Lot 1F and Lot 1G are herein after referred to collectively as the "Dominant Parcel"); and

WHEREAS, Declarant intends to construct and maintain upon Lot 1F of the Dominant Parcel a "Bio-cell Retention Pond" (herein after referred to as the "Bio-cell Retention Pond") as that term is further defined and identified in the 1st IMUD Amendment; and

WHEREAS, as stated in the 1st IMUD Amendment, the purpose of the Bio-cell Retention Pond is to handle storm water drainage from the Dominant Parcel; and

WHEREAS, the Easement created by this instrument is required for the purpose of providing the additional area to be used and occupied by the Bio-cell Retention Pond for it to be able to handle the volume of storm water drainage from the Dominant Parcel; and

WHEREAS, Declarant is the owner of certain property in the County of Guilford, State of North Carolina, which is more particularly described as Lot 12 of the subdivision known as "Final Plat, Guilford County Office Building", as per Plat Book 148, Page 132 in the Guilford County Registry (hereinafter referred to as the "Serviant Parcel");

NOW, THEREFORE, Declarant hereby declares that the portion of the Serviant Parcel described in **Exhibit B**, attached hereto and incorporated herein by reference (herein after referred to as the "Easement Area") is subjected to the Easement for the sole benefit of the Dominant Parcel as herein provided. The Easement shall be for the sole benefit of the Dominant Parcel for the purposes associated with the Bio-cell Retention Pond to be built and maintained on Lot 1F of the Amended IMUD Plat and the Easement Area all as fully described in the 1st IMUD Amendment. The Easement created hereby shall run with the land and be binding on all parties, their heirs, successors and assigns having any right, title or interest in the described properties or any part thereof, and shall inure to the benefit of each owner thereof.

Any amendment or termination of this Easement must be approved by the Planning Department for the City of Greensboro or any other governmental body having jurisdiction of the watershed regulations governing the Dominant Parcel solely for the purpose of assuring that the Bio-cell Retention Pond together with those facilities associated with it shall continue to be properly maintained, and must be properly recorded in the Guilford County Registry to be effective and enforceable.

[Execution of this instrument is on the following page.]

In witness whereof the parties hereto have caused this instrument to be duly executed as of the date first above written.

GUILFORD COUNTY:

ATTEST:

Marty K. Lawing Date
Guilford County Manager
This instrument has been preaudited in the
Manner required by the Local Government
Budget and Fiscal Control Act

Robin B. Keller Date
Guilford County Clerk to Board

Harley Will Date

CONSENT

As provided in the Declaration of Easements, Covenants, Conditions and Restrictions for Maple Professional Park as recorded in Book 6940, Page 646 of the Guilford County Registry, as that instrument was amended in the First Amendment to Declaration of Easements, Covenants, Conditions and Restrictions for Maple Professional Park as recorded in Book _____, Page _____ of the Guilford County Registry, the terms and conditions of the preceding Declaration of Easement for Bio-cell Retention Pond have been duly approved by the City of Greensboro and its Planning Department.

City of Greensboro

By: _____

[Print name and office]

Attested

Approved as to Form

By: _____
City Clerk/Deputy City Clerk

By: _____

[Print name and office]

STATE OF NORTH CAROLINA
COUNTY OF _____

I, the undersigned, a Notary Public for said County and State, do hereby certify that _____ personally came before me this day and acknowledged that he/she is Clerk of the Board of County Commissioners of Guilford County, a body politic and corporate; that the seal affixed to the foregoing instrument was signed in the name of Guilford County by _____, _____ Chairman of the Board of County Commissioners of Guilford County and attested by _____ as Clerk to the Board of County Commissioners of Guilford County, and that the foregoing instrument is the act and deed of Guilford County.

Witness my hand and official stamp or seal, this _____, 2019.

(SEAL)

[Print name of Notary]

My commission expires: _____

NORTH CAROLINA
COUNTY OF _____

I, the undersigned notary public of said county and state, hereby certify that _____ personally came before me this day and acknowledged that he/she is _____ City Clerk of the City of Greensboro, a municipal corporation, and that by the authority duly given and as the act of the municipal corporation, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal, and attested by himself/herself as its _____ City Clerk.

Witness my hand and official stamp or seal, this _____, 2019.

(SEAL)

[Print name of Notary]

My commission expires: _____

EXHIBIT A

Tract I:

Lots 1D and 1E of the plats entitled "IMUD Plat, Integrated Multiple Use Development, Maple Professional Park" as recorded in Plat Book 175, Page 95, Plat Book 175, Page 99 and as re-recorded in Plat Book 183, Page 133, said property having been deeded to Guilford County by Starlite Development Corporation.

Tract II:

BEGINNING at an iron pipe found in the southeast corner of property owned, now or formerly, by Maple One Partners, LLC (Deed Book 6658, Page 1989, Guilford County Register of Deeds), said iron being in the northeasterly line of property owned, now or formerly, by Starlite Development Corporation (Deed Book 7726, Page 1840, Guilford County Register of Deeds), said iron having North Carolina Grid Coordinates (NAD 83/2011) of North(y) = 852,726.25' and East(x) = 1,769,699.60'; thence with the northeasterly line of said Starlite Development Corporation property North 25 deg 09' 52" West a distance of 197.16 feet to a new iron pipe in the line of Starlite Development Corporation; thence with a new line South 88 deg 10' 37" East a distance of 99.78 feet to a new iron in the line of property owned by Guilford County (Deed Book 6000, Page 1301, Guilford County Register of Deeds); thence with the line of Guilford County South 05 deg 10' 54" West a distance of 175.99 feet to the point and place of BEGINNING, containing 0.201 acres, more or less, said property having been deeded to Guilford County by Maple One Partners, LLC.

EXHIBIT B

BEGINNING at an iron pipe found in the southwest corner of property owned, now or formerly, by Guilford County (Deed Book 6000, Page 1301, Guilford County Register of Deeds), said iron being in the northerly line of property owned, now or formerly, by Starlite Development Corporation (Deed Book 7726, Page 1840, Guilford County Register of Deeds), said iron having North Carolina Grid Coordinates (NAD 83/2011) of North(y) = 852,693.97' and East(x) = 1,769,726.79'; thence with the northerly line of said Starlite Development Corporation property North 40 deg 06' 20" East a distance of 42.21 feet to an existing iron pipe; said iron being the southeast corner of property owned, now or formerly, by Maple One Partners, LLC (Deed Book 6658, Page 1989, Guilford County Register of Deeds); thence with the easterly line of said Maple One Partners, LLC property North 05 deg 10' 54" East a distance of 175.99 feet to a new iron pipe; thence with a new line the following two (2) courses and distances: 1) South 87 deg 48' 51" East a distance of 37.32 feet to a point; 2) South 04 deg 08' 11" West a distance of 207.62 feet to a point in the northerly line of Starlite Development Corporation; thence with the line of Starlite Development Corporation North 85 deg 08' 15" West a distance of 11.06 feet to the point and place of BEGINNING, containing 0.176 acres, more or less.