



July 28,2006

Mayor Kevin Foy and
Members of the Town Council
405 Martin Luther King, Jr. Blvd.
Chapel Hill, North Carolina 27514

Re: Petition for Easement

Dear Mayor Foy and Town Council Members:

I am the owner and manager of LSI Properties, LLC which owns the building at 600 Market Street in Southern Village. I recently completed construction of this building and requested an as-built survey. At that time it was discovered that the building was sited incorrectly prior to construction resulting in a minor encroachment within the right-of-way of Brookgreen Drive.

The encroachment varies from 2.4 inches to 4.92 inches along the length of the building. I believe the encroachment is undetectable due to the wide sidewalk which runs the length of the property and the landscaping beds and trees. In other words, the passage between the building and Brookgreen Drive is both substantial and comfortable for pedestrians, and the use of Brookgreen Drive is not hindered or impaired.

Although I understand that this matter arose at no fault of the Town, I ask the Town of Chapel Hill to consider the attached easement agreement. I have enclosed the as-built survey, photographs and other items to further explain the situation. Thank you for your time and if you have any questions or comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Mike Linford'.

Mike Linford, Manager
LSI Properties, LLC
mlinford@lsiproperties.com
919.969.9595

encl: [As-Built Survey dated December 14, 2005](#)
[Proposed Easement Agreement](#)
[Photographs](#)
[Plat Book 86, Page 145, Orange County Registry](#)

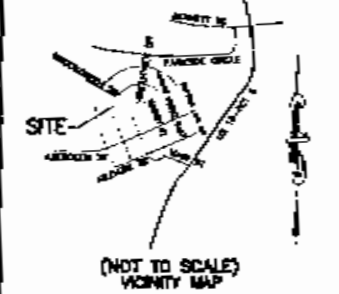
IMPERVIOUS SURFACE ASPHALT CALCULATIONS

1. NET LAND AREA LOT 88 = 12,950 SQ.FT. OR 0.298 ACRES.
2. GROSS LAND AREA = 22,190 SQ.FT. OR 0.514 ACRES.
3. ASPHALT IMPERVIOUS AREA = 8,844 SQ.FT. OR 0.202 ACRES
4. IMPERVIOUS SURFACE AS % NET LAND AREA LOT 88 = 12,950 SQ.FT./8,844 SQ.FT. = 74.5%

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	80.47	139.50'	50.00'	S72°43'42"W
C2	22.31	258.76'	94.76'	N13°24'15"E
C3	35.92	1,472.14'	35.92'	N20°22'50"E

NOTES:

1. BBM ASSOCIATES PERFORMED AN ON THE GROUND FIELD SURVEY OF LOT 88 ON DECEMBER 12, 2005 FOR THE PURPOSES OF VERIFYING PROPERTY BOUNDARY AND OBTAINING TRACT IMPERVIOUS SURFACE DATA COLLECTION. NO OTHER CERTIFICATIONS OTHER THAN FOR IMPERVIOUS SURFACE ASSESSMENT REQUIREMENTS BY THE TOWN OF CHAPEL HILL ARE IMPLIED OR PRESENTED.
2. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND UNLESS OTHERWISE STATED.
3. AREAS SHOWN WERE COMPUTED BY COORDINATES.



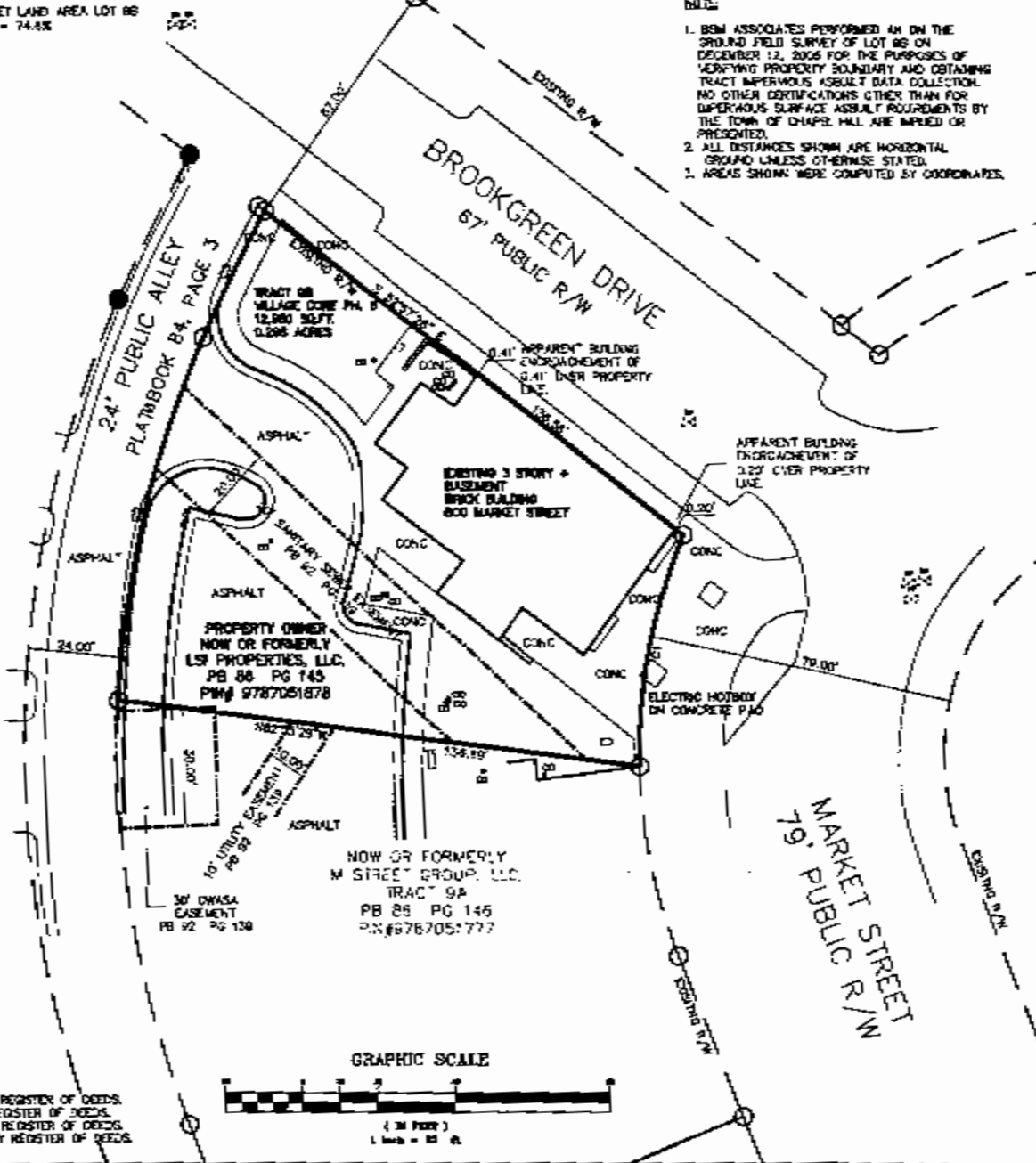
I, **Thomas E. Brown**, hereby certify that this map was drawn under the supervision of me or under direct supervision by me, and that I am a duly Licensed Professional Engineer in the State of North Carolina. The description recorded hereon is true and correct to the best of my knowledge and belief. My commission expires on **12/31/2008**. My registration number is **14000**. My seal number is **14000**. My seal expires on **12/31/2008**.

I hereby certify that this map was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of North Carolina. My registration number is **14000**. My seal number is **14000**. My seal expires on **12/31/2008**.



IMPERVIOUS SURFACE ASSESSMENT REPORT
800 MARKET STREET
LOT PROPERTIES, LLC.
 P.O. Box 100
 Chapel Hill, NC 27514

LEGEND	DATE	SCALE
① CONCRETE MURKOV	12/12/05	AS SHOWN
② EXIST (RECORD PLAT) ROW		AS SHOWN
③ EXISTING ROW POST		AS SHOWN
④ SANITARY SEWER MANHOLE		AS SHOWN
⑤ LINES SURVEYED		AS SHOWN
⑥ LINES NOT SURVEYED		AS SHOWN
⑦ WATER VALVE		AS SHOWN
⑧ CONC. CONGR.		AS SHOWN
⑨ CLEAN OUT		AS SHOWN



- REFERENCES:**
1. PLAT BOOK 86, PAGE 145 - ORANGE COUNTY REGISTER OF DEEDS.
 2. PLAT BOOK 84, PAGE 3 - ORANGE COUNTY REGISTER OF DEEDS.
 3. PLAT BOOK 78, PAGE 136 - ORANGE COUNTY REGISTER OF DEEDS.
 4. DEED BOOK 3206, PAGE 85 - ORANGE COUNTY REGISTER OF DEEDS.

NORTH CAROLINA

EASEMENT

ORANGE COUNTY

PIN: 9787-05-1878

Prepared by and RETURN TO: Eric W. Hinson, 1709 Legion Road, Ste 229, Chapel Hill, NC 27517

THIS EASEMENT is made and entered into this the ____ day of _____, 20____, by and between **The Town of Chapel Hill**, a North Carolina municipal corporation, (hereinafter referred to as “**Grantor**”), and **LSI Properties, LLC**, a North Carolina limited liability company, (hereinafter referred to as “**Grantee**”), whose mailing address is **PO Box 2145, Chapel Hill, NC 27515**;

WITNESSETH:

WHEREAS, Grantee is the owner of that certain improved lot, parcel or tract of real property having a brief legal description of Tract 9B, Village Core Phase 6, Tract 9, as shown on Plat Book 86, Page 145, Orange County Registry, being more particularly described in that certain deed recorded in Book 2669, Page 212, Orange County Registry and known and designated as 600 Market Street, Chapel Hill, Orange County, North Carolina 27516; and

WHEREAS, **Brookgreen Drive** is a public street; and

WHEREAS, Timothy E. Bowes, PLS of BBM Associates, Inc. prepared and made a certain survey of 600 Market Street, dated December 14, 2005, (the “Survey”), attached hereto as Exhibit “A” for illustrative purposes only; and

WHEREAS, said Survey discloses that Grantee’s building is partially located upon the right-of-way of Brookgreen Drive; and

WHEREAS, Grantee desires an easement from the Grantor upon that portion of Brookgreen Drive upon which the building is located; and

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-273, Grantor has the authority to grant easements over, through, under or across the right-of-way of any public street for the purpose of erecting a building, if the easement would not substantially impair or hinder the use of the public street as a way of passage; and

WHEREAS, Grantor has determined that the granting of such an easement will not result in a substantial impairment or hindrance to the use of Brookgreen Drive as a way of passage; and

WHEREAS, Grantor has agreed to grant such easement to Grantee.

NOW THEREFORE, to that end, in consideration of the premises, the sum of TEN and No/100 Dollars (\$10.00), other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor has given and granted and by these presents does give, grant and convey unto the Grantee, its heirs, successors and assigns, a perpetual easement, including the rights of ingress, egress and regress, for the purposes of locating, inspecting, maintaining and repairing its building upon that a portion of Brookgreen Drive, the southern property line of such easement being more particularly described as follows:

BEGINNING at a point, said point being the northeast corner of the that certain property known and designated as Tract 9B as shown on a plat entitled "Village Core, Phase 6, Tract 9", recorded in Plat Book 86, Page 145, Orange County Registry; said point also being located on the southern property line of the right-of-way of Brookgreen Drive and the western property line of the right-of-way of Market Street; running thence along and with the northern property line of said Tract 9B and the southern property line of the right-of-way of Brookgreen Drive North 52° 57' 26" West 136.56 feet to its TERMINUS.

It is the intent of this instrument to convey an easement within the right-of-way of Brookgreen Drive along the northern property line of said Tract 9B for that portion of the building of 600 Market Street located within the said right-of-way.

TO HAVE AND TO HOLD the aforesaid rights and easements to the Grantee, its heirs, successors and assigns, in title forever it being agreed that the rights and easements hereby granted are appurtenant to and run with the lands now owned by the Grantee hereinabove referred.

HOWEVER, THIS EASEMENT is made subject to the condition that should the said building be removed, abandoned or destroyed, in whole, the rights and easements granted herein shall be null and void and revert to the Grantor.

This easement shall be binding upon and inure to the benefit of the parties hereto, their heirs, assigns, successors and legal and/or personal representatives and shall run with the land.

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.

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

The Town of Chapel Hill

By: _____ (SEAL)
Town Manager

Attest: _____ (SEAL)
Town Clerk

[Town Seal]

Approved as to Form and Authorization: _____
Town Attorney

STATE OF North Carolina, COUNTY OF Orange } ss:

I, _____, a Notary Public, do hereby certify that _____
_____, personally appeared before me this day and acknowledged that (s)he is
_____ Town Clerk of the **Town of Chapel Hill**, a North Carolina municipal corporation, and that
by authority duly given and as the act of the corporation, the forgoing and annexed instrument was
signed in its name by its _____ Town Manager, sealed with its corporate seal and attested by
him/her as its _____ Town Clerk.

Witness my hand and official seal, this the ____ day of _____, 2006.

(Official Seal or Stamp)

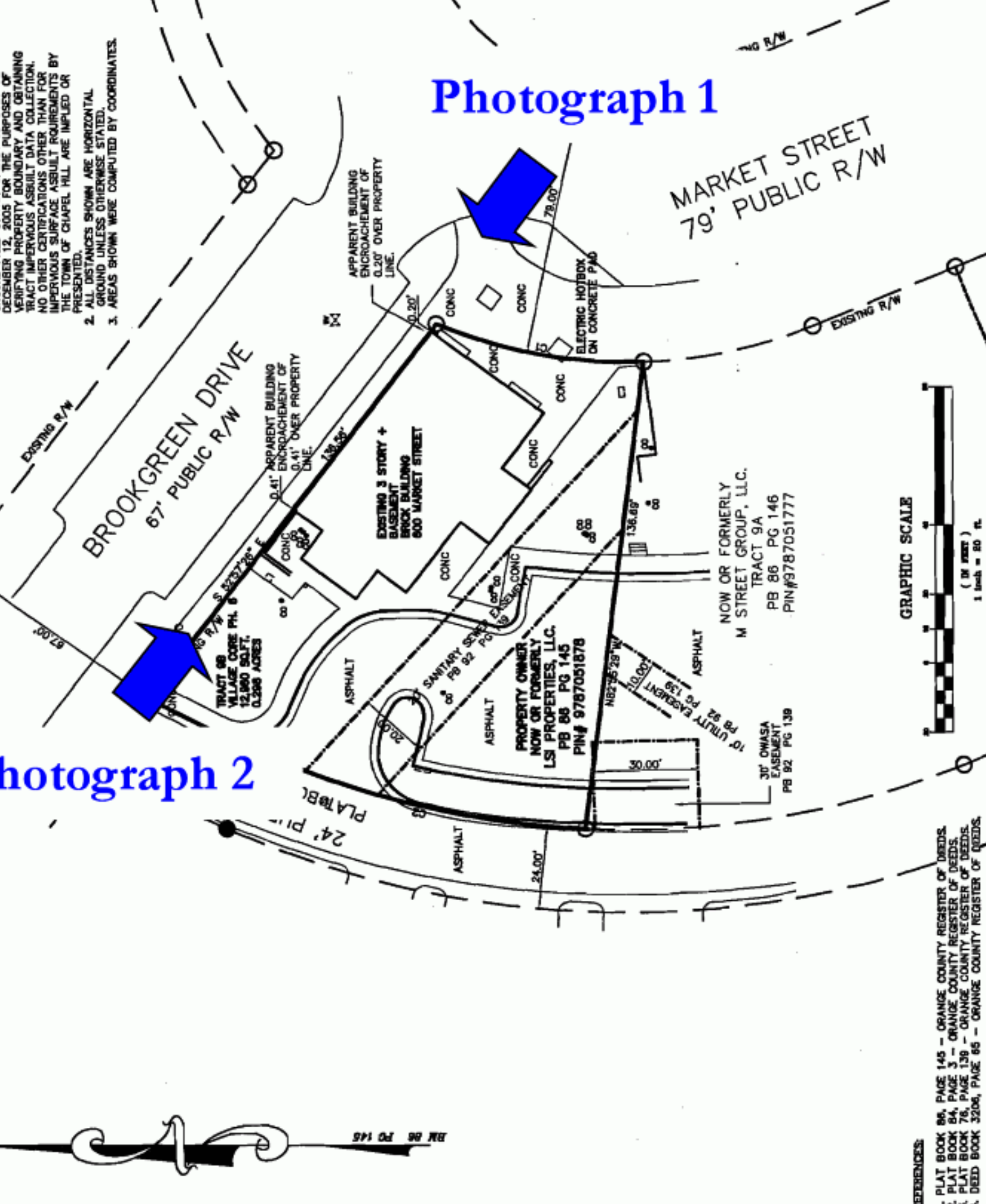
Notary Public
My Commission Expires: _____

CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	80.47'	139.90'	80.00'	S10°43'45"W
C2	99.31'	299.76'	94.76'	N13°24'15"E
C3	35.90'	472.18'	35.89'	N28°12'58"E

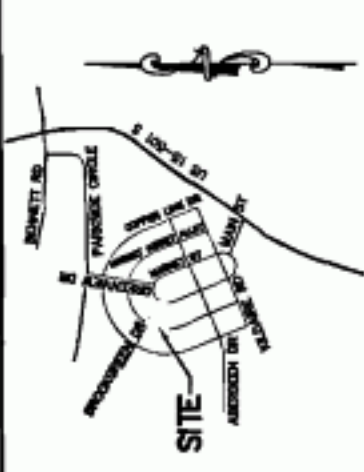
- NOTE:**
- BBM ASSOCIATES PERFORMED AN ON THE GROUND FIELD SURVEY OF LOT 98 ON DECEMBER 12, 2005 FOR THE PURPOSES OF VERIFYING PROPERTY BOUNDARY AND OBTAINING TRACT IMPERVIOUS ASBUILT DATA COLLECTION. NO OTHER CERTIFICATIONS OTHER THAN FOR IMPERVIOUS SURFACE ASBUILT REQUIREMENTS BY THE TOWN OF CHAPEL HILL ARE IMPLIED OR PRESENTED.
 - ALL DISTANCES SHOWN ARE HORIZONTAL GROUND UNLESS OTHERWISE STATED.
 - AREAS SHOWN WERE COMPUTED BY COORDINATES.

Photograph 2

- IMPERVIOUS SURFACE ASBUILT CALCULATIONS**
- NET LAND AREA LOT 98 = 12,960 SQ.FT. OR 0.298 ACRES.
 - GROSS LAND AREA = 22,390 SQ.FT. OR 0.514 ACR
 - ASBUILT IMPERVIOUS AREA = 9,664 SQ.FT. OR 0.22
 - IMPERVIOUS SURFACE AS % NET LAND AREA LOT 98 = 12,960 SQ.FT./9,664 SQ.FT. = 74.6%



- REFERENCES:**
- PLAT BOOK 86, PAGE 145 - ORANGE COUNTY REGISTER OF DEEDS.
 - PLAT BOOK 84, PAGE 3 - ORANGE COUNTY REGISTER OF DEEDS.
 - PLAT BOOK 76, PAGE 139 - ORANGE COUNTY REGISTER OF DEEDS.
 - DEED BOOK 3206, PAGE 65 - ORANGE COUNTY REGISTER OF DEEDS.



(NOT TO SCALE)
VICINITY MAP

I HEREBY CERTIFY THAT THIS PLAT IS OF THE FOLLOWING TYPE:
S.A.S. (S) (1) (1) (1) (1) (1). This survey is of an existing parcel or parcels of land and does not create a new street or change an existing street.



IMPERVIOUS SURFACE ASBUILT SURVEY
600 MARKET STREET
LSI PROPERTIES, LLC.
CHAPEL HILL, NC 27614

DATE: 12/14/05
SCALE: 1"=20'
REVISIONS:
BY: RWT
CHECKED BY: RWT
LINES SURVEYED BY: RWT
LINES NOT SURVEYED
WATER VALVE
CONCRETE
CONC
CLEAN OUT

CHAPEL HILL TOWNSHIP ORANGE COUNTY NORTH CAROLINA
TAX PARCEL # : 9787-05-1878
PARCEL ZONING : NC

Photograph 1

BM 88 PG 145



Photograph 1



Photograph 2







FILED
86-145
2005 SEP 17 2 42

SON
EDS
C.

REFERENCES:

- Map 70-6
- Map 70-130
- Map 80-63
- D.B. 1261-68844
- Map 1901-462 & 494

LEGEND:

- 30" PIPE FOUND
- 30" PIPE SET
- NAIL FOUND
- △ NAIL SET

NOTE:
1. THIS PROPERTY IS OWNED BY A WATER LINE USE PLAN AND A SPECIAL USE PERMIT APPROVED BY THE CHAPEL HILL TOWN COUNCIL, AS RECORDED IN DEED BOOK 1261, PAGE 462, MODIFIED DEED BOOK 1266, PAGE 393, AND DEED BOOK 1272, PAGE 170. ORANGE COUNTY RESIDENTY, RESPECTIVELY, AND RESTRICTIVE COVENANTS AS RECORDED IN DEED BOOK 1271, PAGE 180, AMENDED IN DEED BOOK 1268, PAGE 280 AND DEED BOOK 1270, PAGE 180. (SHOWN EXACTLY AS SHOWN.)
2. THIS PROPERTY IS A PORTION OF TRACTS 8 & 9 AS SHOWN IN PLAT BOOK 71, PAGE 8, ORANGE COUNTY RESIDENTY.
3. AT EACH END OF IMPROVEMENTS TO THE SOUTHERN VILLAGE ROAD AN IMPROVING SURFACE LINE OF 200' ON A BUILDING LINE OF 200' SHOTS (DEFINED AS EACH DWELLING UNIT) AND EACH 2000 S.F. OF NON-RESIDENTIAL FLOOR AREA, WHICHEVER OCCURS FIRST, NO FURTHER BUILDING PERMITS WILL BE ISSUED UNTIL THE REQUIRED ESTIMATED MAINTENANCE/OPERATION QUALITY CONTROL MEASURES HAVE BEEN COMPLETED IN COMPLIANCE WITH ALL APPLICABLE REGULATIONS.
4. REPAIR/RECYCLABLE COLLECTION WILL BE PROVIDED CURRENT TO ALL SINGLE AND 2 FAMILY LOTS, EXCEPT AS MAY BE APPROVED BY TOWN MANAGER.
5. NO CERTIFICATES OF OCCUPANCY WILL BE ISSUED UNTIL ALL REQUIRED PUBLIC IMPROVEMENTS ARE COMPLETED.
6. IF THE TOWN MANAGER APPROVES A PHASED PLAN, NO CERTIFICATES OF OCCUPANCY SHALL BE ISSUED FOR A PHASE UNTIL ALL REQUIRED PUBLIC IMPROVEMENTS FOR THAT PHASE ARE COMPLETE. NO BUILDING PERMITS FOR ANY PHASE SHALL BE ISSUED UNTIL ALL PUBLIC IMPROVEMENTS REQUIRED IN PREVIOUS PHASES ARE COMPLETED TO A GREAT MAJORITY TO THE NEW PHASE.
7. DEVELOPMENT SHALL BE RESTRICTED WITHIN THE RESURVEY CORRECTION DISTRICT LINES IN ACCORDANCE WITH THE DEVELOPMENT ORDINANCE OF CHAPEL HILL.



VICINITY MAP - NOT TO SCALE
SEAN P. HEIN
I CERTIFY THAT THIS PLAN WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION USING REFERENCED SURVEY MONUMENTS THAT THE DIMENSIONS NOT SHOWN ARE SHOWN AS DIMENSIONS LISTED FROM INFORMATION SHOWN HEREON. THAT THE METHOD OF PROCEEDING IS CALCULATED TO BE ACCURATE TO 1/1000TH OF AN INCH. THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH G.S. 47-28 AS AMENDED, SETBACKS BY ORANGE COUNTY REGISTRATION NUMBER, AND THE DATE OF RECORDATION IS 09/17/2005.

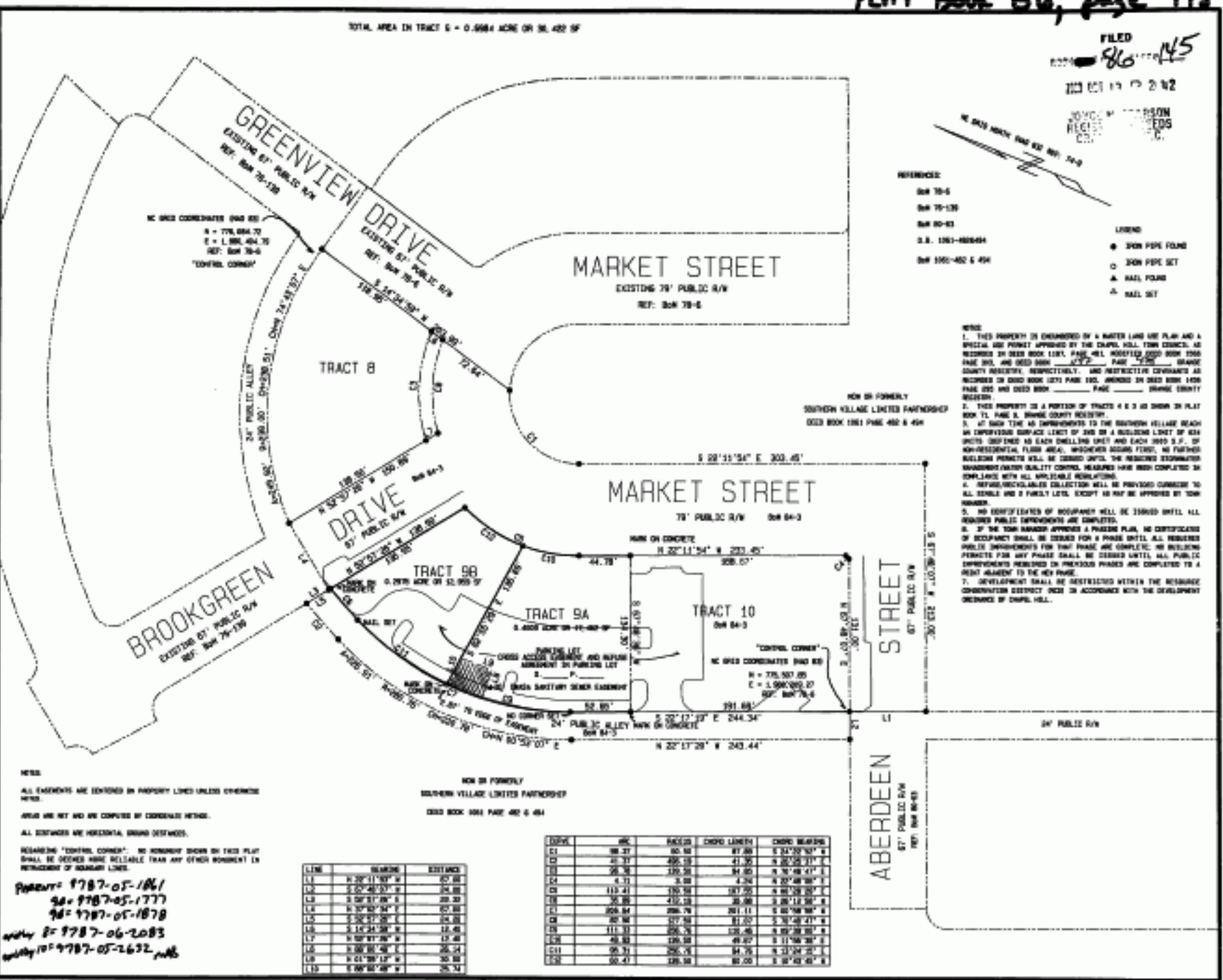
SEAL
L-3995
SEAN P. HEIN
PROFESSIONAL SURVEYOR
NORTH CAROLINA

3995
REGISTRATION NUMBER

ALSO, I CERTIFY:
1. THAT THE SURVEY CARRIES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
2. THAT THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
3. AND ONE OF THE FOLLOWING:
a. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
b. THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR OTHER FEATURES, SUCH AS A SUBDIVISION.
c. THAT THE SURVEY IS A CONTROL SURVEY.
d. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECONSTRUCTION OF EXISTING PARCELS, A QUARTER-SURVEY SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.
e. THAT THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS ABLE TO MAKE A DETERMINATION TO THE BEST OF THE SURVEYOR'S PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (a) THROUGH (d) ABOVE.

DRAWN BY: SEAN P. HEIN
CHECKED BY: L. H. E. L. F.
DATE: 09/17/2005

DEBORAH SULLIVAN
REGISTERED PROFESSIONAL SURVEYOR
NORTH CAROLINA
REGISTRATION NUMBER: 10005



NOTE:
ALL ENCUMBRANCES ARE SHOWN BY PROPERTY LINES UNLESS OTHERWISE NOTED.
AREAS ARE SET AND ARE COMPOSED OF CONCRETE SETBACKS.
ALL DISTANCES ARE HORIZONTAL, UNLESS OTHERWISE NOTED.
REGARDING "CONTROL CORNER": NO MONUMENT SHOWN ON THIS PLAN SHALL BE DEEMED MORE RELIABLE THAN ANY OTHER MONUMENT IN ESTABLISHING A BOUNDARY LINE.

THE TOWN MANAGER HEREBY CERTIFIES THAT A SURETY BOND OF A SATISFACTORY AMOUNT HAS BEEN POSTED WITH THE TOWN OF CHAPEL HILL, WHICH SURETY GUARANTEES THAT ALL PUBLIC IMPROVEMENTS WILL BE COMPLETED AS SPECIFIED IN THE APPROVED SPECIAL USE PERMIT FOR SOUTHERN VILLAGE WITHIN 12 MONTHS UNLESS OTHERWISE EXTENDED BY THE TOWN MANAGER. NOTICE WILL BE DAILY RECORDING WITH THE RECORDER OF DEEDS IF AND WHEN SAID SURETY IS AWARDED OR EXTENDED PRIOR TO COMPLETION OF ALL PUBLIC IMPROVEMENTS FOR WHICH IT WAS POSTED.

THE TOWN MANAGER HEREBY CERTIFIES THAT THIS PLAN WAS RECORDED WITHIN 30 DAYS OF FINAL APPROVAL BY THE TOWN MANAGER.
BY: *Deborah Sullivan* DATE: 09/17/2005

LINE	BEARING	DISTANCE
L1	S 22° 11' 50" E	87.86
L2	S 22° 11' 50" E	27.88
L3	S 22° 11' 50" E	27.88
L4	S 22° 11' 50" E	27.88
L5	S 22° 11' 50" E	27.88
L6	S 22° 11' 50" E	27.88
L7	S 22° 11' 50" E	27.88
L8	S 22° 11' 50" E	27.88
L9	S 22° 11' 50" E	27.88
L10	S 22° 11' 50" E	27.88

LINE	ARC	RADIUS	CHORD LENGTH	CHORD BEARING
C1	88.27	80.98	87.86	S 22° 11' 50" E
C2	41.77	485.18	41.30	S 22° 11' 50" E
C3	28.38	320.24	34.80	S 22° 11' 50" E
C4	11.21	125.18	121.20	S 22° 11' 50" E
C5	20.28	210.28	20.28	S 22° 11' 50" E
C6	205.64	206.78	201.11	S 22° 11' 50" E
C7	80.98	171.28	81.22	S 22° 11' 50" E
C8	111.31	226.78	128.46	S 22° 11' 50" E
C9	48.88	128.28	49.27	S 22° 11' 50" E
C10	99.76	256.78	94.76	S 22° 11' 50" E
C11	50.41	128.38	50.00	S 22° 11' 50" E

RECORDED IN ORANGE COUNTY BOOK 86 PAGE 145

SULLIVAN SURVEYING
1143-D EXECUTIVE CIRCLE CARY, NC 27511
(919) 459-4738 FAX: (919) 459-8447

SOUTHERN VILLAGE LIMITED PARTNERSHIP
180 WESTBROOK DRIVE
CHAPEL HILL, NC 27514
D.B. 1901-462 & 494



SUBDIVISION MAP:
VILLAGE CORE PHASE 6
TRACT 9
PREVIOUSLY RECORDED IN BOOK OF MAPS 80 PAGE 70

CHAPEL HILL TOWNSHIP
ORANGE COUNTY NORTH CAROLINA
SCALE: 1" = 60'
DRAWN BY: SEAN WCN
DATE: 05 SEPTEMBER 2000 PROJECT NO.
FILE: S. P. SOUTHERN VILLAGE "VILLAGE"

