

Return: John M. Jordan, P. O. Box 128, Saxapahaw, N. C. 27340

PREPARED BY PLANNING DEPARTMENT
ORANGE COUNTY
NORTH CAROLINA

BOOK 1010 PAGE 70

**DECLARATION OF DEVELOPMENT
RESTRICTIONS AND REQUIREMENTS**

RECORDED CONCURRENTLY WITH
PHILLIPS PLACE - DIVISION OF LOTS 3 AND 4 SUBDIVISION
PLAT BOOK/PAGE 59/98

OWNER: John M. Jordan

This DECLARATION, made this 10th day of June, 1992, by John M. Jordan, the owner of the property described in the Property Description section of this declaration, hereinafter called Declarant.

WITNESSETH

Declarant agrees for himself and with any and all persons, firms or corporations hereinafter acquiring any of the property described in the Property Description section of this declaration, that the same shall be subject to the following restrictions, conditions, and covenants relating to the use and occupancy thereof, which restrictions, conditions, and covenants shall run with the said property and insure to the benefit of and be binding upon the heirs, successors and assigns of the Declarant and other acquiring parties and persons.

9822-78-3434 6.1..15L
9822-78-6681 6.1..15m_w

PROPERTY DESCRIPTION

Being all of Lots 4 and 4A as shown on the plat entitled "Final Plat - Division of Lots 3 and 4 Phillips Place", dated April 8, 1992, as drawn by J. David Thompson, R.L.S. of Landmark Surveying, Inc., and recorded in Plat Book 59, Page 98, Orange County Registry, hereinafter "the property" or "the subdivision".

SETBACKS

Building structures shall meet applicable setbacks as required by Section 5.1.1 of the Zoning Ordinance. Said ordinance requires that all structures maintain a front yard setback of 40 feet, measured from the edge of right-of-way, and a setback of 20 feet from side and rear lot lines.

Exceptions to the setback requirement include certain architectural features (such as corners, eaves, and gutters), an unenclosed balcony or fire escape, and an attached private garage or carport. See Section 6.6 of the Orange County Zoning Ordinance, available at the Planning Department for specific regulations relating to these exceptions.

IMPERVIOUS SURFACE CALCULATION

An impervious surface is a surface composed of any material which impedes or prevents the natural infiltration of water into the soil. Such surfaces shall include any concrete or asphalt surface. These would include, but not be limited to, streets and parking areas, sidewalks, patios and structures which cover the land.

In order to promote infiltration of stormwater runoff into the soil and to minimize direct and immediate runoff into streams and water supply impoundments, impervious surface ratios are required for all subdivisions located within a protected watershed. Modifications of the Impervious Surface Ratios may be requested, as a Class A Special Use. In no case shall a modification be granted for property located in a designated Water Quality Critical Area, and no modification granted shall exceed the designated ratios for the Protected Watershed (PW-II) District by more than five percent (5%).

Impervious surface calculations for an individual development shall be cumulative for original construction and any subsequent additions and calculations of impervious surface coverage for individual lots shall include that portion of a right-of-way between the center line of the street and the abutting property line of the lot.

The property within the Phillips Place - Division of Lots 3 and 4 Subdivision is in the Agricultural-Residential (AR) zoning district and Cane Creek PW-II overlay. The impervious surface for each lot shall not exceed 12% of that lot. The permitted square footage for impervious surface on each lot is calculated as follows:

- Lot 4: 24,269 sf
- Lot 4A: 24,269 sf

LANDSCAPING

Existing trees shall be preserved to satisfy the landscaping requirements pursuant to Section IV-B-8-d-1 of the Subdivision Regulations.

Clear cutting of trees is prohibited. No trees measuring twelve (12) inches or more in diameter at a point four and one half (4.5) feet above the ground shall be cut. An exception shall include clearing of trees for the location of buildings, driveways, septic systems, and garden areas.



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CERTIFICATE OF DEDICATION AND MAINTENANCE

"The undersigned hereby certifies that the land shown on the subdivision plat referenced under 'Property Description' on page 1 is owned by the undersigned and is located within the subdivision-regulation jurisdiction of Orange County and hereby freely dedicates all rights-of-way, easements, streets, recreation area, open space, common area, utilities and other improvements to public or private common use as noted on this plat, and further assumes full responsibility for the maintenance and control of said improvements until they are accepted for maintenance and control by an appropriate public body or by an incorporated neighborhood or homeowners association or similar legal entity."

OTHER RELATED DOCUMENTS

Private Road Maintenance Agreement (DB 788 PG 528 and DB 1010 PG 66)

Documents recorded concurrently with the Final Subdivision Plat may be revised and re-recorded at a later date. Check property record through the Orange County Register of Deeds to identify all documents recorded for this property.

DURATION OF RESTRICTIONS

The restrictions imposed by this Declaration shall remain in full force and effect until such time as they are removed by the official legislative or administrative action of Orange County or another governmental unit with jurisdiction over the property.

IN WITNESS WHEREOF, Declarant has caused this instrument to be signed and sealed on the day and year first written above.

By: [Signature] John M. Jordan

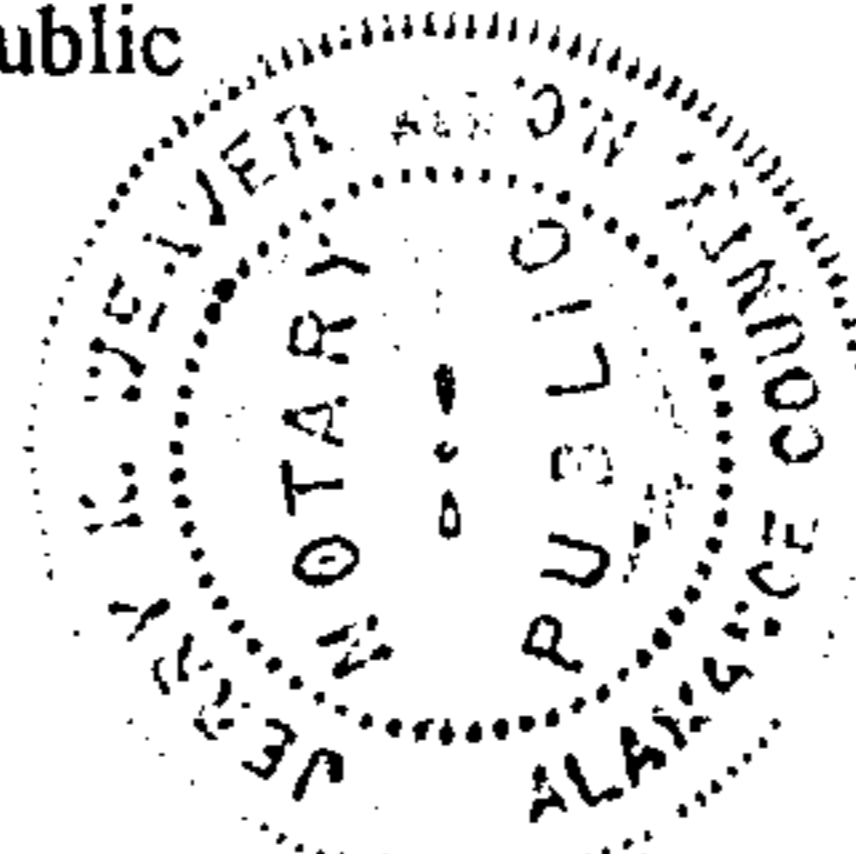
NORTH CAROLINA ALAMANCE COUNTY

I, JERRY K. WEAVER, Notary Public for said County and State, certify that John M. Jordan personally came before me this day and acknowledged the due execution of the foregoing instrument.

19 92 Witness my hand and official seal, this the 15 day of July

[Signature] Jerry K. Weaver Notary Public

My commission expires: April 27, 1993



NORTH CAROLINA - ORANGE COUNTY

The foregoing certificate(s) of Jerry K. Weaver,

A Notary Public of the designated Governmental units is certified to be correct. Filed for registration this the 16th day of July 19 92, at 2:02:48 o'clock, P.M.

in Record Book 1010 Page 70 Betty June Hayes, Register of Deeds

Return: [Signature] Assistant/Deputy Register of Deeds