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FOR MULTIPLE PIN SHEET

PREPARED BY PLANNING DEPARTMENT
ORANGE COUNTY
NORTH CAROLINA

SEE BOOK 5864 PAGES 230-231

Return to: Planning Dept.
PO Box 8181
Hillsborough NC 27278

DECLARATION OF DEVELOPMENT
RESTRICTIONS AND REQUIREMENTS

RECORDED CONCURRENTLY WITH
CABE CROSSING SUBDIVISION,

PLAT BOOK/PAGE 113/145-146

OWNER: Bramco Partners

This DECLARATION, made this 31st day of October,
2014, by the Bramco Partners, the owner of the property described in the Property Description
section of this declaration, hereinafter called Declarant.

WITNESSETH

Declarant agrees for itself 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 inure to the benefit of and be binding upon the heirs, successors and assigns of
the Declarant and other acquiring parties and persons.



PROPERTY DESCRIPTION

Being all of Lots 1 through 20 and the Open Space ^(A thru F) as shown on the plat entitled "Cabe Crossing Subdivision," dated 08/21/2014 as drawn by Timothy A. Smith of Phil Post and Associates, approved by the Orange County Board of Commissioners on September 2, 2008, and recorded in Plat Book 113, Pages 145-146, Orange County Registry, hereinafter "the property" or "the subdivision.", **AND ALL RIGHT OFWAYS.**

A copy of the Resolution of Approval is contained within Attachment A ^{MH per phone} for reference purposes.

SETBACKS

Structures shall meet applicable setbacks as shown on the Final Plat and as required by the Orange County Unified Development Ordinance (UDO). The required setbacks are:

1. Front yard setback is forty (40) feet as measured from the edge of the public road right-of-way.
2. A corner lot setback, where the lot has frontage along two (2) streets, of forty (40) feet as measured from the edge of the public road right-of-way.
3. A side yard setback of twenty (20) feet, and
4. A rear yard setback of twenty (20) feet.

Private covenants and any restricted areas shown on the Final Plat may require greater minimums.

Exceptions to the setback requirement include certain architectural features (such as corners, eaves, and gutters), an unenclosed balcony or fire escape. Please refer to the UDO, available at the Planning Department, for specific regulations relating to these exceptions.

SEWAGE DISPOSAL

Septic system locations may restrict the size and location of improvements on each lot. Information regarding the tentative location of septic systems is available from Orange County Health Department, Division of Environmental Health.

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 gravel, 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 variance or through approval and recordation of a conservation agreement. Each procedure is described within the UDO.

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 centerline of the street and the abutting property line of the lot.

The property within Cabe Crossing Subdivision is in the AR (Agriculture Residential) zoning district and the Lower Eno Protected Watershed overlay. The impervious surface for each lot shall not exceed twenty-four (24) percent of that lot. The permitted square footage for impervious surface on each lot is calculated as follows:

Lot 1 through Lot 20: 23,245 square feet each lot (exclusive of road rights-of-way)

The impervious surface quantities for each lot listed above were calculated after the public road surfaces were subtracted from the twenty-four (24) percent maximum allowed for the subdivision. *Impervious surface area cannot be transferred from one lot to any other after the first lot in the subdivision is either sold, a permit issued, or under contract for sale.*

LAND USE BUFFERS/SETBACKS

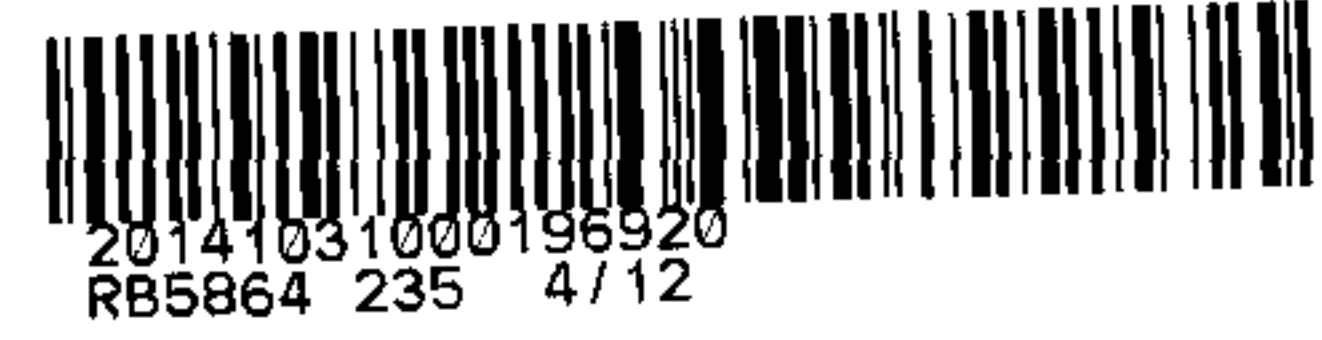
A Type A land use buffer located along the frontage of Cabe Ford Road, Peninsula Lane, and Grassland Court and each lot, shall be preserved. The buffer shall be thirty (30) feet in width and shall be composed of deciduous and/or evergreen vegetation, forming semi-opaque intermittent visual obstructions from the ground to a height of at least thirty (30) feet.

LANDSCAPING

Existing trees shall be preserved to satisfy the landscaping requirements pursuant to the UDO.

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, patios, swimming pools, decks, and porches.

FLOODPLAIN



Orange County has adopted flood damage prevention standards as contained within the UDO. Periodic updates to Federal Insurance Rate Maps (FIRM) by the Federal emergency Management Association (FEMA) may result in the extension of floodplain onto the lots contained with this project. It is incumbent on local property owners to verify their status with respect to their property's location within identified flood zones.

OTHER RESTRICTIONS

1. Access to all lots is limited to the subdivision roads, River Stone Road and Running Cedar Lane.
2. No driveways shall be permitted within fifty (50) feet of a street intersection.
3. The homeowners association shall maintain open space, including private recreation space, as indicated on the recorded Final Plat. The homeowners association shall also be responsible for maintaining the internal pedestrian walkway system, which the developer has installed within the subdivision open space. All lands within the dedicated 24.44-acre, private open space shall be maintained in its existing natural condition, except for dead tree removal.
4. Drainage Easements as indicated on the recorded Final Plat shall be maintained and preserved by the Home Owners Association or in accordance with any executed maintenance agreement(s).
5. Sight distances shall be shown on the final plat at all intersections within the subdivision, or included within the right-of-way of the proposed street.

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

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.

Bramco Partners (Seal)
A North Carolina limited liability Company

By: Robert M. Brame (Seal)
Managing Partner, Manager

Bramco Partners.

NORTH CAROLINA

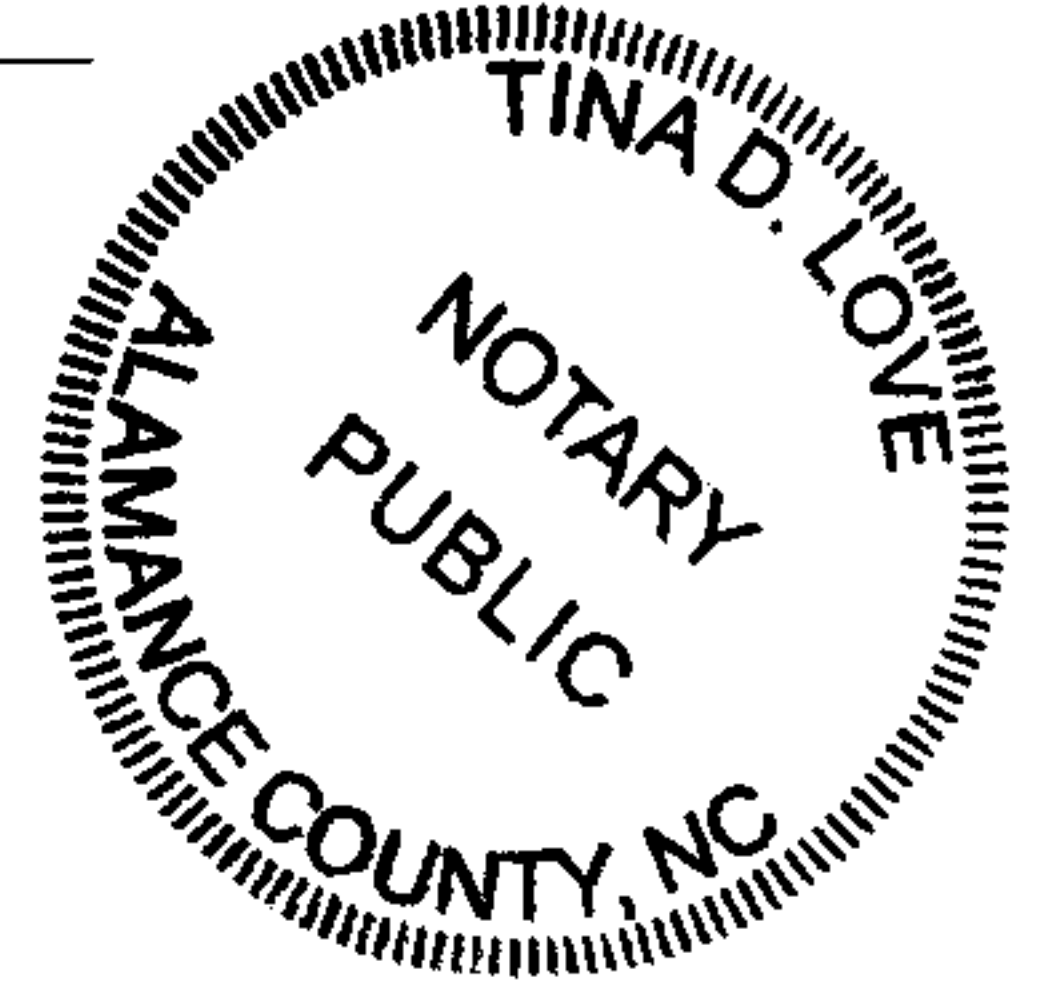
Orange COUNTY

I, Tina D. Love, Notary Public for said County and State, certify that Robert M. Brame personally appeared before me this day and acknowledged that he is a Managing Partner, Manager of Bramco Partners, a North Carolina Limited Liability Company, and the execution of the foregoing instrument.

Witness my hand and official seal, this the 31st day of October, 2014.

Tina D. Love
Notary Public

My commission expires: 3-6, 16.





**RESOLUTION OF THE
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**

Date of Meeting: September 2, 2008
Modified by BOCC on December 1, 2008

Name of Subdivision: Cabe Crossing Subdivision

Owners: Bramco Partners

Applicant: Jeff Peloquin, Agent

The Board of County Commissioners hereby approves the Cabe Crossing Preliminary Plan, dated February 8, 2008 with the modifications noted on the October 31, 2008 application, containing the following:

- Twenty (20) lots slated for single-family residential development;
- Two (2) public roadways, named Running Cedar Lane and River Stone Road, within 50 foot right-of-ways constructed to North Carolina Department of Transportation public road standards;
- The preservation of approximately 19.7 acres of open space as denoted on the Preliminary Subdivision Plat, including an 8.12 acre open space area along Cabe Ford Road;

subject to the fulfillment of requirements specified herein and various provisions of Orange County Land Use regulations.

The approval of this resolution authorizes and directs the Orange County Manager to accept for Orange County and on behalf of the public generally, the offer of dedication of all publically offered areas/easements, including Running Cedar Lane, River Stone Road, BMP Stormwater Devices, Fire Access Ponds and Access Easements, without any maintenance responsibility.

Per the Orange County regulations the applicant shall maintain all common areas and proposed roadways until such time as it is accepted for maintenance by a local homeowner's association, the North Carolina Department of Transportation, or some other governmental body.

Before the Final Plat can be approved by the Planning Department and recorded within the Orange County Registrar of Deeds Office, the following conditions shall be addressed:

A. Sewage Disposal

1. Each residential lot shall contain an adequate area for a conventionally sized septic disposal system, and its associated repair area, approved by the County Division of Environmental Health.



2. The septic system location may restrict the size and location of improvements. This disclosure shall be included in a document describing development restriction to be recorded concurrently with the Final Plat. The document shall also disclose that information regarding the tentative location of septic systems is available from the County Health Department, Division of Environmental Health. Each lot that does not contain a suitable building site shall be designated both on the Final Plat and by instrument recorded in the Orange County registry as restricted for development potential as set forth within Orange County land use regulations.
3. The owner/applicant shall not destroy trees that have previously been inventoried and located within the primary tree conservation areas as depicted and described in the Landscape Plan for any reason including to install on-site waste disposal system drain or repair fields.
4. No septic system shall be located within a regulated stream buffer.
5. The Owners shall include in the restrictive covenants provisions for the regular inspection, maintenance and pumping of septic systems serving the subdivision lots. These provisions shall be in a form approved by the County Attorney.

B. Roads and Access

1. The owner/applicant shall, prior to the approval and recording of the Final Plat, construct the public roads to NCDOT standards, within a fifty- (50) foot right-of-way, with ten- (10) foot utility easements on each side, and with NCDOT construction inspection and approval.

OR

The owner/applicant shall submit a letter of credit or cash bond to secure construction of the above public road improvements to NCDOT standards. The estimate shall be submitted by a certified/licensed engineer, grading contractor or other individual qualified to calculate the cost to complete the improvements according to approved plans and specifications, who has no direct or indirect ownership interest in the subdivision as specified within County regulations. The financial guarantee shall reflect one hundred ten (110) percent of that construction cost estimate and an accredited financial institution licensed to conduct business in North Carolina shall issue such financial guarantee. The financial guarantee shall be effective for 372 days after the County Manager signed the Certificate of Improvements.

The document describing development restrictions to be recorded with the Final Plat shall state that the County shall not release the financial guarantee until NCDOT inspects and approves the road construction and provides written certification of such approval.

2. The owner/applicant shall submit to the County Erosion Control Division for review and approval, before any land disturbing activity on the site, an erosion control plan for construction of public roads, private recreation activities, and drainage improvements.
3. The owner/applicant shall erect an approved street name sign at the intersection of each road and at the intersection with Cabe Ford Road according to the provisions of County



regulations before Planning Department signatures on the Final Plat. All street name signs shall be double bladed.

4. Before any construction or alteration of any existing access within the Cabe Ford Road right-of-way, the owner/applicant shall secure a driveway permit from the NCDOT District Offices. Owner/applicant shall submit a copy of such NCDOT approval permit and letter to the Planning Department at the same time as the request for Planning Department signatures on the Final Plat. The owner/applicant shall perform no work in any public road right-of-ways before issuance of approved NCDOT driveway permits and encroachment agreements.
5. Sight triangles, ten (10) feet by seventy (70) feet, shall be shown on the Final Plat at all intersections. The sight distance triangle shall be exclusive of the proposed sign easement.
6. A sign, between three (3) and four (4) square feet in area, shall be placed at the terminus of each area labeled as "Reserved Future Access" indicating that the street is subject to future extension. These areas shall be clearly indicated on the Final Plat with the words "Subject to future extension."
7. A cash bond, in an amount determined to be sufficient by the County and NC DOT, shall be posted to provide funds for any damages incurred during the construction process to property within the public right-of-way or to the roadway surface of Cabe Ford Road.
8. The applicant shall place signs restricting construction traffic to the eastern section of Cabe Ford Road, marking the entrance to the Cabe Crossing Subdivision directing that construction vehicles not be parked or left overnight on the shoulder of Cabe Ford Road, Grady Lane, Virgie Lane and stating that there is no turn around at the western end of Cabe Ford Road.

C. Land Use Buffers and Landscaping

1. The owner/applicant shall install or preserve landscaping as indicated on the approved Landscape Plan (open space and pathways plan), and the Planning Department shall inspect and approve such landscaping before signing the Final Plat. No part of the landscaping shall encroach into the ten- (10) foot by seventy- (70) foot sight triangles at the public road intersection.

OR

The owner/applicant shall submit a letter of credit or cash bond to secure required landscape installation and preservation. The owner/applicant shall provide, as specified within County regulations, an estimate of the cost for required preservation, plantings and their installation. The financial guarantee shall reflect one hundred (110) percent of the estimate and be issued by an accredited financial institution licensed to do business in North Carolina.

2. Provision for protection of existing trees as shown on the approved Landscape Plan shall be included in a document describing development restrictions and requirements that Planning Department staff prepared and recorded concurrently with the Final Plat. Clear cutting or other removal of any trees or other vegetation on individual lots is prohibited as specified within County regulations.

3. The owner/applicant shall provide a Type A Land Use Buffer along the internal public roads and Cabe Ford Road (SR 1570), as shown on the Preliminary Plan. The buffer shall be thirty (30) feet wide and shall be composed of deciduous and/or evergreen vegetation, forming semi-opaque intermittent visual obstructions from the ground to a height of at least thirty (30) feet.

Said buffer shall be so noted on the plat, and detailed in a document describing development restrictions and requirements prepared by Planning Department staff and recorded concurrently with the Final Plat. The owner/applicant shall convey the thirty-(30) foot buffer easement along the public roads to the Homeowner's Association (HOA) for enforcement and maintenance.

4. The stream buffer areas along the rear of Lots 8 through 17, as shown on the preliminary plan, shall be shown on the final plat as areas to be left undisturbed and in their natural state.

Grading, clearing, or installation of any structure, impervious surface, fence or play apparatus shall not be placed within the buffer. Additionally, when marketing these lots to prospective buyers, the developer, contractor or real estate sales person shall provide information, available at the Orange County Erosion Control offices, to prospective buyers regarding the nutrient reduction requirements within the Lower Eno Watershed.

D. Drainage

1. Locate all drainage easements on the Final Plat, as required following Erosion Control Plan review and approval.
2. The owner/applicant shall size and locate all drainage culverts as required by NCDOT and a North Carolina Licensed Professional Engineer.

E. Parkland and Recreation

1. The developer shall place a total of 19.73 acres in common open space, which the HOA will own and maintain. This open space shall be shown and labeled accordingly on the final plat.
2. At the time of recordation of the Final Plat the Developer shall pay to Orange County a \$9,100 payment-in-lieu-of-dedication fee.
3. The owner/applicant shall designate recreational space as specified within County regulations. The total recreation space required for this development is less than 2 acres. The 19.73 acres of open space may serve a dual role of private recreation space provided active recreation improvements are made.
4. The HOA shall obtain an approved NCDOT encroachment agreement for the footpath that falls within the public road rights-of-way before construction.
5. No activities are allowed in prescribed open space, except recreational facilities.
6. Except for construction of footpaths and stormwater improvement facilities [e.g. bio-



retention], all areas in reserved open space shall remain in their natural condition.

7. A picnic shelter and table, to be provided in the Tract 'C' open space shall be installed at the fifty (50) percent build out point (i.e. prior to issuance of the 11th building permit).

F. Miscellaneous

1. The Final Plat shall contain a title block and vicinity map according to standards found in County regulations
2. The Final Plat shall reflect the drainage easements as required in D.1 above.
3. The open space shall be conveyed by deed to the Homeowner's Association. The County Attorney, prior to their recording, shall approve all instruments of conveyance and restriction.
4. Before installation of lighting within the subdivision, the owner/applicant shall submit a lighting plan to the Planning Department for review and approval.
5. The Planning and Solid Waste Departments shall review and approve a plan for the collection and proper disposal of all tree stumps and fallen logs before approval of the erosion control plan.
6. The owner/applicant shall note impervious cover square footage limits for each lot on the Final Plat.
7. Clean wood waste, scrap metal, and corrugated cardboard, shall be recycled.
8. All haulers of construction waste shall have proper licensing through the Orange County Solid Waste Department.
9. Before any on-site construction activity, the owner/applicant shall hold a pre-construction conference with the County Solid Waste staff. This may be the same meeting held with other development officials.
10. Before installation of a subdivision sign, County Planning shall review and approve a site plan and construction drawings.
11. The owner/applicant shall install a water withdrawal system for emergency fire suppression with signage acceptable to the Orange County Fire Marshal prior to recordation of the final plat.
12. The owner shall file, with the Planning Department and record with the Final Plat, a declaration of covenants and restrictions, articles of incorporation, where required, and/or by-laws, all as approved by the County Attorney, that will govern the maintenance and control of the improvements as set forth in County regulations.

Said documents shall provide for ownership of open space and the dedication of easements to access open space, common area POSA's, drainage easements and buffers, for maintenance. The Owner has agreed that said documents shall not restrict the use of energy efficient measures, including but not limited to clotheslines by the lot



owners, not shall said documents require any lot owner to engage in water intensive lawn maintenance.

13. The maximum impervious surface coverage for each lot shall be 24% percent of the platted lot area. This figure is exclusive of public road right-of-way.

G. Certifications

1. The owner/applicant shall have notarized on the face of the Final Plat a Certificate of Survey and Accuracy signed by a Professional Land Surveyor.
2. The owner/applicant shall sign a Certification of Declaration and Maintenance in the form provided for in County regulations on the face of the plat and shall record concurrently with the Final Plat a document describing development restrictions.
3. The NCDOT shall certify that all public roads have been entirely constructed to NCDOT standards or that construction plans have been approved before Planning Department signatures on the Final Plat.
4. The Planning Department shall sign a Certificate of Approval.