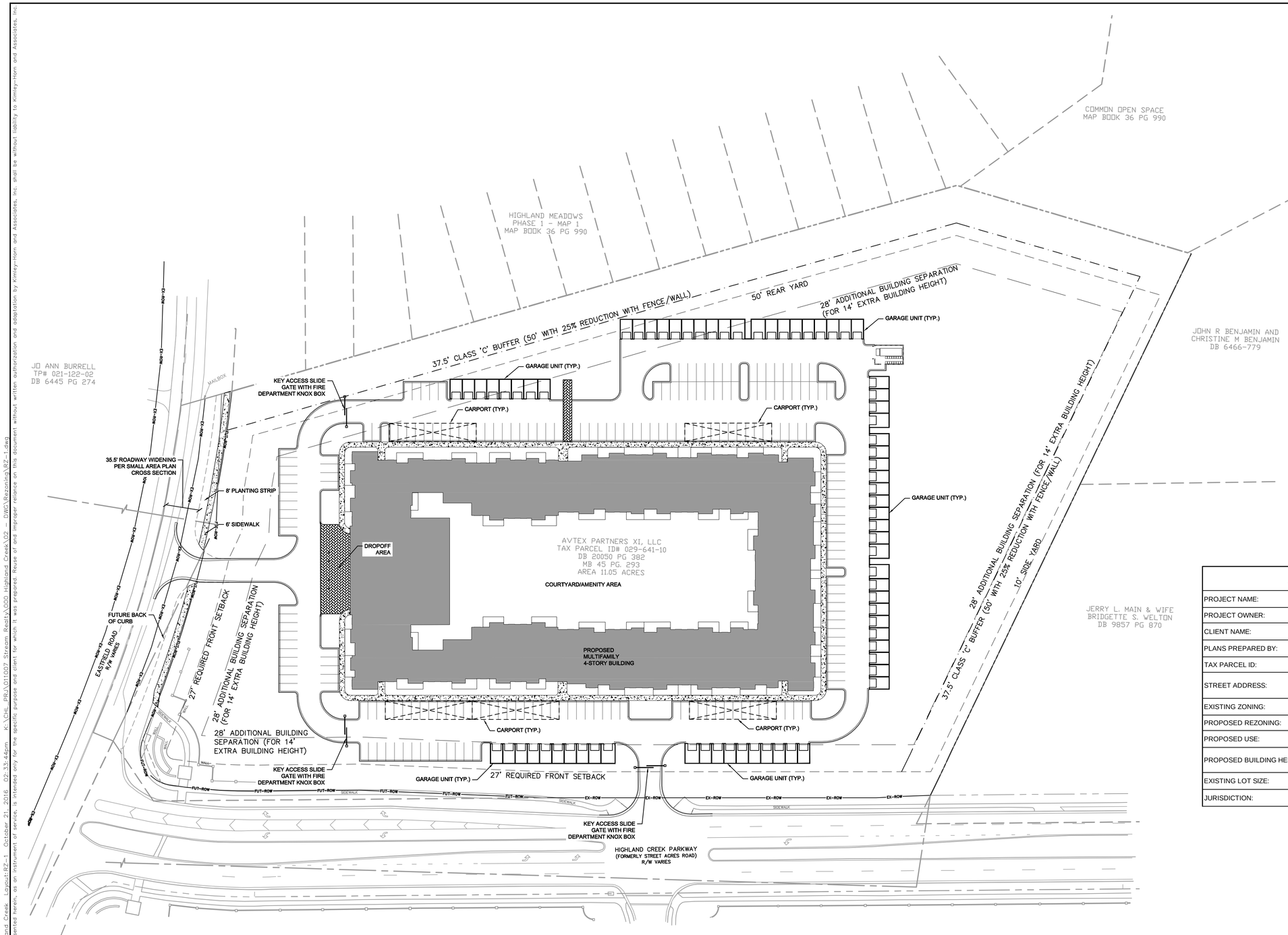

ZONING CODE SUMMARY

PROJECT NAME:	HIGHLAND CREEK PARKWAY
PROJECT OWNER:	STREAM REALTY
CLIENT NAME:	STREAM REALTY PHONE: 980-819-4270
PLANS PREPARED BY:	KIMLEY-HORN PHONE: 704-333-5131
TAX PARCEL ID:	02964110
STREET ADDRESS:	9254, 9246, 9548, 9250 HIGHLAND CREEK PARKWAY, CHARLOTTE, NC 28269
EXISTING ZONING:	**NS**
PROPOSED REZONING:	**R-17MF (CD)**
PROPOSED USE:	AGE RESTRICTED, MULTI-FAMILY
PROPOSED BUILDING HEIGHT:	AS ALLOWED BY THE APPLICABLE ZONING DISTRICT. SEE TECHNICAL DEVELOPMENT STANDARDS (RZ-2) FOR MORE INFORMATION
EXISTING LOT SIZE:	+/- 11.05 ACRES
JURISDICTION:	CITY OF CHARLOTTE

NORTH

GRAPHIC SCALE IN FEET
0 ## ## ###

811 Know what's **below.** Call before you dig.

No.	REVISIONS	DATE

Kimley»Horn

© 2016 KIMLEY-HORN AND ASSOCIATES, INC.
200 SOUTH TRYON ST, SUITE 200, CHARLOTTE, NC 28202
PHONE: 704-333-5131
WWW.KIMLEY-HORN.COM
NC LICENSE #F-0102

NOT FOR CONSTRUCTION

SCALE AS NOTED
DESIGNED BY MDM
DRAWN BY ARR
CHECKED BY CDH

TECHNICAL DATA SHEET

SOLEA CHARLOTTE
HIGHLAND CREEK PKWY AND EASTFIELD RD.
CHARLOTTE, MECKLENBURG COUNTY, NC 28269

OWNER/DEVELOPER
STREAM REALTY PARTNERS
515 CONGRESS AVE SUITE 1300
AUSTIN, TX 78701

DATE
10/24/2016

PROJECT NO.
011007000

SHEET NUMBER
RZ-1

Plotted By:Richards, Alex Sheet Set:Stream - Highland Creek Layout:RZ-1 October 21, 2016 02:33:44pm K:\CHL_PRJ\011007 Stream Realty\000 Highland Creek\02 - DWG\Rezoning\RZ-1.dwg
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

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DEVELOPMENT STANDARDS

OCTOBER 24, 2016

I. GENERAL PROVISIONS

1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY STREAM REALTY PARTNERS TO ACCOMMODATE THE DEVELOPMENT OF AN AGE RESTRICTED, MULTI-FAMILY RESIDENTIAL COMMUNITY ON THAT APPROXIMATELY 11.05 ACRE SITE LOCATED ON THE NORTH SIDE OF HIGHLAND CREEK PARKWAY AT THE INTERSECTION OF EASTFIELD ROAD AND HIGHLAND CREEK PARKWAY, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPRISED OF TAX PARCEL NO. 029-641-10.

2. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE R-17 MF ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.

3. THE DEVELOPMENT DEPICTED ON THE REZONING PLAN IS SCHEMATIC IN NATURE AND INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE CONFIGURATIONS, PLACEMENTS AND SIZES OF THE BUILDING FOOTPRINT AS WELL AS THE INTERNAL DRIVES AND PARKING AREAS DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND, SUBJECT TO THE TERMS OF THESE DEVELOPMENT STANDARDS AND THE ORDINANCE, MAY BE ALTERED OR MODIFIED DURING DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES.

4. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.

II. PERMITTED USES

1. THE SITE MAY ONLY BE DEVOTED TO AN AGE RESTRICTED, MULTI-FAMILY RESIDENTIAL COMMUNITY CONTAINING A MAXIMUM OF 190 MULTI-FAMILY DWELLING UNITS AND TO ANY INCIDENTAL AND ACCESSORY USES RELATING THERETO THAT ARE ALLOWED IN THE R-17 MF ZONING DISTRICT.

2. AN AGE RESTRICTED COMMUNITY SHALL MEAN A COMMUNITY THAT IS INTENDED AND OPERATED FOR OCCUPANCY BY PERSONS 55 YEARS OF AGE OR OLDER; PUBLISHES AND ADHERES TO POLICIES AND PROCEDURES THAT DEMONSTRATE THE INTENT TO PROVIDE HOUSING FOR PERSONS 55 YEARS OF AGE OR OLDER; COMPLIES WITH HUD'S REGULATORY REQUIREMENTS FOR VERIFICATION OF OCCUPANCY; AND OTHERWISE MEETS THE APPLICABLE REQUIREMENTS OF THE STATE AND FEDERAL FAIR HOUSING ACTS TO QUALIFY AS "HOUSING FOR OLDER PERSONS."

III. TRANSPORTATION

1. VEHICULAR ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION ("CDOT") AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ("NCDOT") IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.

2. THE ALIGNMENT OF THE INTERNAL DRIVEWAYS AND VEHICULAR CIRCULATION AREAS MAY BE MODIFIED BY THE PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY CDOT AND/OR NCDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.

3. THE VEHICULAR ACCESS POINTS INTO AND OUT OF THE SITE MAY BE GATED AT THE OPTION OF PETITIONER. THE LOCATION AND DESIGN OF THE GATES SHALL BE DETERMINED DURING THE PERMITTING PROCESS.

IV. ARCHITECTURAL STANDARDS

1. THE MAXIMUM HEIGHT IN STORIES OF THE PRINCIPAL BUILDING TO BE CONSTRUCTED ON THE SITE SHALL BE 4 STORIES.

2. THE MAXIMUM HEIGHT IN FEET OF THE PRINCIPAL BUILDING TO BE CONSTRUCTED ON THE SITE SHALL BE 54 FEET AS MEASURED FROM THE AVERAGE GRADE AT THE BASE OF THE STRUCTURE.

3. DUMPSTER AND RECYCLING AREAS WILL BE ENCLOSED ON ALL FOUR SIDES, WITH THREE SIDES BEING ENCLOSED BY OPAQUE WALLS AND ONE SIDE BEING ENCLOSED BY A HINGED OPAQUE GATE. IF ONE OR MORE SIDES OF A DUMPSTER AND RECYCLING AREA ADJOIN A SIDE WALL OR REAR WALL OF THE BUILDING, THEN THE SIDE WALL OR REAR WALL OF THE BUILDING MAY BE SUBSTITUTED FOR THE WALL ALONG EACH SUCH SIDE.

V. STREETSCAPE AND LANDSCAPING/BUFFER

1. A MINIMUM 37.5 FOOT CLASS C BUFFER SHALL BE ESTABLISHED ALONG THOSE PORTIONS OF THE SITE'S BOUNDARY LINES THAT ARE MORE PARTICULARLY DEPICTED ON THE REZONING PLAN, WHICH BUFFER SHALL CONFORM TO THE STANDARDS OF SECTION 12.302 OF THE ORDINANCE. PURSUANT TO SECTION 12.302(8) OF THE ORDINANCE, THIS CLASS C BUFFER HAS BEEN REDUCED IN WIDTH BY 25% FROM 50 FEET TO 37.5 FEET AS A RESULT OF PETITIONER'S COMMITMENT TO INSTALL A WALL OR FENCE IN THE CLASS C BUFFER THAT MEETS THE REQUIREMENTS OF SECTION 12.302(8) OF THE ORDINANCE.

2. IN THE EVENT THAT AN ADJACENT PARCEL OF LAND IS EITHER REZONED TO A ZONING DISTRICT OR DEVOTED TO A USE THAT ELIMINATES OR REDUCES THE BUFFER REQUIREMENTS ON THE SITE, PETITIONER MAY REDUCE OR ELIMINATE, AS THE CASE MAY BE, THE RELEVANT BUFFER AREAS ACCORDINGLY.

3. A MINIMUM 8 FOOT WIDE PLANTING STRIP AND A MINIMUM 6 FOOT WIDE SIDEWALK SHALL BE INSTALLED ALONG THE SITE'S FRONTAGES ON EASTFIELD ROAD AND HIGHLAND CREEK PARKWAY AS GENERALLY DEPICTED ON THE REZONING PLAN.

VI. ENVIRONMENTAL FEATURES

1. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE.

2. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE.

VII. LIGHTING

1. ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING STREET LIGHTS AND LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG AND/OR ON THE DRIVEWAYS, SIDEWALKS, PARKING AREAS, AMENITY AREAS, PATIOS AND LANDSCAPED AREAS) SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY PROPERTY LINE OF THE SITE.

2. THE MAXIMUM HEIGHT OF ANY FREESTANDING LIGHTING FIXTURE INSTALLED ON THE SITE SHALL BE 21 FEET.

3. ANY LIGHTING FIXTURES ATTACHED TO THE BUILDING TO BE CONSTRUCTED ON THE SITE SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED.

VIII. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

1. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.

2. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF THE PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.

3. ANY REFERENCE TO THE ORDINANCE HEREIN SHALL BE DEEMED TO REFER TO THE REQUIREMENTS OF THE ORDINANCE IN EFFECT AS OF THE DATE THIS REZONING PETITION IS APPROVED.

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No.	REVISIONS	DATE

Kimley»Horn
200 SOUTH TRYON ST, SUITE 200, CHARLOTTE, NC 28202
PHONE: 704-333-5131
WWW.KIMLEYHORN.COM
NC LICENSE #F-0102

NOT FOR CONSTRUCTION

SCALE AS NOTED
DESIGNED BY MDM
DRAWN BY ARR
CHECKED BY ECH

DEVELOPMENT STANDARDS

SOLEA CHARLOTTE
HIGHLAND CREEK PKWY AND EASTFIELD RD,
CHARLOTTE, MECKLENBURG COUNTY, NC 28269

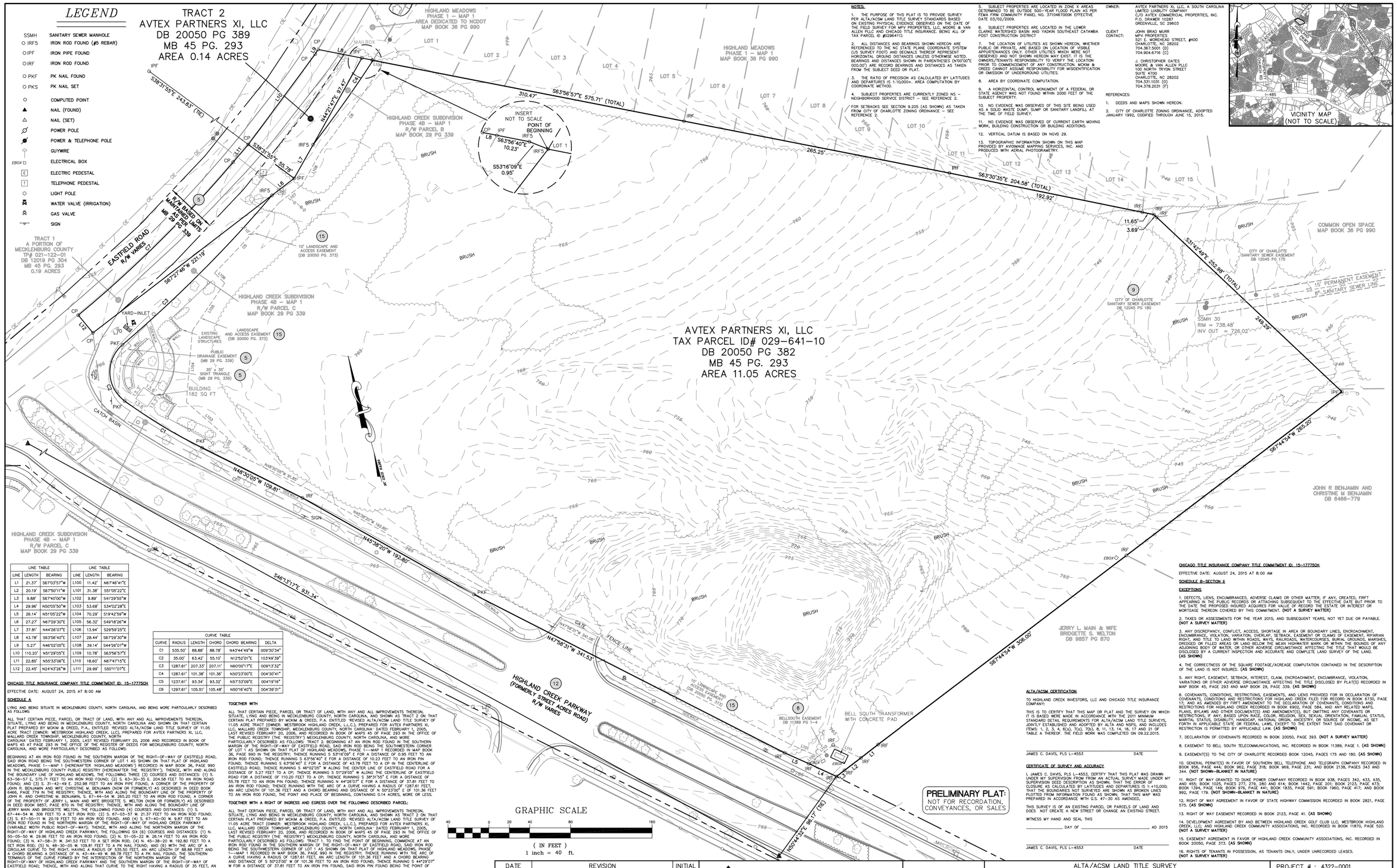
OWNER/DEVELOPER
STREAM REALTY PARTNERS
515 CONGRESS AVE SUITE 1300
AUSTIN, TX 78701

DATE 10/24/2016

PROJECT NO. 011007000

SHEET NUMBER

RZ-2



NOTES:

1. THE PURPOSE OF THIS PLAT IS TO PROVIDE SURVEY PER ALTA/ACSM LAND TITLE SURVEY STANDARDS BASED ON EXISTING PHYSICAL EVIDENCE OBSERVED ON THE DATE OF THE FIELD SURVEY FOR MPV PROPERTIES, LLC, MOORE & VAN ALLEN PLLC AND CHICAGO TITLE INSURANCE. BEING ALL OF TAX PARCEL ID #029641113.

2. ALL DISTANCES AND BEARINGS SHOWN HEREON ARE REFERENCED TO THE NC STATE PLANE COORDINATE SYSTEM (US SURVEY FOOT) AND DECIMALS THEREOF REPRESENT HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED. BEARINGS AND DISTANCES SHOWN IN PARENTHESES (N00°00'0"E 000.00') ARE RECORD BEARINGS AND DISTANCES AS TAKEN FROM THE SUBJECT DEED OR PLAT.

3. THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000+. AREA COMPUTATION BY COORDINATE METHOD.

4. SUBJECT PROPERTIES ARE CURRENTLY ZONED NS – NEIGHBORHOOD SERVICE DISTRICT – SEE REFERENCE 2.

FOR SETBACKS SEE SECTION 9.205 (AS SHOWN) AS TAKEN FROM CITY OF CHARLOTTE ZONING ORDINANCE – SEE REFERENCE 2.

5. SUBJECT PROPERTIES ARE LOCATED IN ZONE X AREAS DETERMINED TO BE OUTSIDE 500–YEAR FLOOD PLAIN AS PER FEMA FIRM COMMUNITY PANEL NO. 3710467000K EFFECTIVE DATE 03/02/2009.

6. SUBJECT PROPERTIES ARE LOCATED IN THE LOWER CLARKE WATERSHED BASIN AND YADKIN SOUTHEAST CATAWBA POST CONSTRUCTION DISTRICT

7. THE LOCATION OF UTILITIES AS SHOWN HEREON, WHETHER PUBLIC OR PRIVATE, ARE BASED ON LOCATION OF VISIBLE APPURTENANCES ONLY. OTHER UTILITIES WHICH WERE NOT OBSERVED AND NOT SHOWN HEREON MAY EXIST. IT IS THE OWNERS/TENANTS RESPONSIBILITY TO VERIFY THE LOCATION PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. MCKIM & CREED CANNOT ASSUME RESPONSIBILITY FOR MISIDENTIFICATION OR OMISSION OF UNDERGROUND UTILITIES.

8. AREA BY COORDINATE COMPUTATION.

9. A HORIZONTAL CONTROL MONUMENT OF A FEDERAL OR STATE AGENCY WAS NOT FOUND WITHIN 2000 FEET OF THE SUBJECT PROPERTY.

10. NO EVIDENCE WAS OBSERVED OF THIS SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL AT THE TIME OF FIELD SURVEY.

11. NO EVIDENCE WAS OBSERVED OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

12. VERTICAL DATUM IS BASED ON NGVD 29.

13. TOPOGRAPHIC INFORMATION SHOWN ON THIS MAP PROVIDED BY AVIOMAGE MAPPING SERVICES, INC. AND PRODUCED WITH AERIAL PHOTOGRAMETRY.

OWNER: AVTEX PARTNERS XI, LLC, A SOUTH CAROLINA LIMITED LIABILITY COMPANY
C/O AVTEX COMMERCIAL PROPERTIES, INC.
P.O. DRAWER 10287
GREENVILLE, SC 29603

CLIENT CONTACT: JOHN BRAD MURR
MPV PROPERTIES
521 E. MOREHEAD STREET, #400
CHARLOTTE, NC 28202
704.367.5001 (D)
704.904.6716 (C)

J. CHRISTOPHER OATES
MOORE & VAN ALLEN PLLC
100 NORTH TRYON STREET
SUITE 4700
CHARLOTTE, NC 28202
704.331.1031 (O)
704.378.2031 (F)

REFERENCES:

1. DEEDS AND MAPS SHOWN HEREON.

2. CITY OF CHARLOTTE ZONING ORDINANCE, ADOPTED JANUARY 1992, CODIFIED THROUGH JUNE 15, 2015.

VICINITY MAP (NOT TO SCALE)

LINE TABLE			LINE TABLE		
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	21.37'	S67°03'57"W	L100	11.42'	N67°46'41"E
L2	20.19'	S67°50'11"W	L101	31.38'	S51°05'22"E
L3	9.88'	S67°40'00"W	L102	9.89'	S41°29'55"W
L4	29.96'	N50°05'50"W	L103	53.68'	S34°02'28"E
L5	26.14'	N51°05'22"W	L104	70.29'	S19°42'59"W
L6	27.27'	N67°29'30"E	L105	56.32'	S49°18'26"W
L7	37.81'	N44°26'07"E	L106	13.94'	S29°59'25"E
L8	43.78'	S63°56'40"E	L107	28.44'	S67°29'30"W
L9	5.27'	N46°02'05"E	L108	39.14'	S44°26'07"W
L10	110.20'	N51°29'05"E	L109	10.78'	S63°56'57"E
L11	22.85'	N55°33'06"E	L110	18.60'	N67°47'15"E
L12	22.45'	N24°43'26"W	L111	29.99'	S50°11'07"E

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	DELTA
C1	535.50'	88.88'	88.78'	N43°44'49"W	009°30'34"
C2	35.00'	63.42'	55.10'	N12°52'01"E	103°49'39"
C3	1287.61'	207.33'	207.11'	N60°00'17"E	009°13'32"
C4	1287.61'	101.38'	101.36'	N50°23'00"E	004°30'41"
C5	1237.61'	93.34'	93.32'	N57°33'09"E	004°19'16"
C6	1297.61'	105.51'	105.48'	N50°16'40"E	004°39'31"

CHICAGO TITLE INSURANCE COMPANY TITLE COMMITMENT ID: 15–17775CH

EFFECTIVE DATE: AUGUST 24, 2015 AT 8:00 AM

SCHEDULE A

LYING AND BEING SITUATE IN MECKLENBURG COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND, WITH ANY AND ALL IMPROVEMENTS THEREON, SITUATE, LYING AND BEING IN MECKLENBURG COUNTY, NORTH CAROLINA AND SHOWN ON THAT CERTAIN PLAT PREPARED BY MCKIM & CREED, P.A., ENTITLED "REVISED ALTA/ACSM LAND TITLE SURVEY OF 11.05 ACRE TRACT (OWNER: WESTBROOK HIGHLAND CREEK, LLC.), PREPARED FOR AVTEX PARTNERS XI, LLC. MALLARD CREEK TOWNSHIP, MECKLENBURG COUNTY, NORTH CAROLINA" DATED FEBRUARY 1, 2005, LAST REVISED FEBRUARY 20, 2006, AND RECORDED IN BOOK OF MAPS 45 OF PAGE 293 IN THE OFFICE OF THE REGISTER OF DEEDS FOR MECKLENBURG COUNTY, NORTH CAROLINA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD FOUND IN THE SOUTHERN MARGIN OF THE RIGHT–OF–WAY OF EASTFIELD ROAD, SAID IRON ROAD BEING THE SOUTHWESTERN CORNER OF LOT 1 AS SHOWN ON THAT PLAT OF HIGHLAND MEADOWS, PHASE 1–MAP 1 (HEREINAFTER "HIGHLAND MEADOWS") RECORDED IN MAP BOOK 36, PAGE 990 IN THE MECKLENBURG COUNTY PUBLIC REGISTRY (HEREINAFTER THE "REGISTRY"); THENCE, WITH AND ALONG THE BOUNDARY LINE OF HIGHLAND MEADOWS, THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) S. 63–56–57 E, 575.71 FEET TO AN IRON ROD FOUND; (2) S. 63–30–35 E. 204.58 FEET TO AN IRON ROAD FOUND; AND (3) S. 31–42–48 E. 252.88 FEET TO AN IRON PIPE FOUND, A CORNER OF THE PROPERTY OF JOHN R. BENJAMIN AND WIFE CHRISTINE M. BENJAMIN (NOW OR FORMERLY) AS DESCRIBED IN DEED BOOK 6468, PAGE 779 IN THE REGISTRY; THENCE, WITH AND ALONG THE BOUNDARY LINE OF THE PROPERTY OF JOHN R. AND CHRISTINE M. BENJAMIN, S. 67–44–54 W. 285.20 FEET TO AN IRON ROD FOUND, A CORNER OF THE PROPERTY OF JERRY L. MAIN AND WIFE BRIDGETTE S. WELTON (NOW OR FORMERLY) AS DESCRIBED IN DEED BOOK 9857, PAGE 870 IN THE REGISTRY; THENCE, WITH AND ALONG THE BOUNDARY LINE OF JERRY MAIN AND BRIDGETTE WELTON, THE FOLLOWING FOUND (4) COURSES AND DISTANCES: (1) S. 67–44–54 W. 306 FEET TO A SET IRON ROD; (2) S. 67–03–57 W. 21.37 FEET TO AN IRON ROD FOUND; (3) S. 67–50–11 W. 20.19 FEET TO AN IRON ROD FOUND; AND (4) S. 67–40–00 W. 9.87 FEET TO AN IRON ROD FOUND IN THE NORTHERN MARGIN OF THE RIGHT–OF–WAY OF HIGHLAND CREEK PARKWAY (VARIABLE WIDTH PUBLIC RIGHT–OF–WAY); THENCE, WITH AND ALONG THE NORTHERN MARGIN OF THE RIGHT–OF–WAY OF HIGHLAND CREEK PARKWAY, THE FOLLOWING SIX (6) COURSES AND DISTANCES: (1) N. 50–05–50 W. 29.96 FEET TO AN IRON ROD FOUND; (2) N. 51–05–22 W. 26.14 FEET TO AN IRON ROD FOUND; (3) N. 47–58–31 W. 341.53 FEET TO A SET IRON ROD; (4) N. 45–38–20 W. 192.80 FEET TO A SET IRON ROD; (5) N. 48–30–05 W. 109.81 FEET TO A PK NAIL FOUND; AND (6) WITH THE ARC OF A CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 535.50 FEET, AN ARC LENGTH OF 88.88 FEET AND A CHORD BEARING A DISTANCE OF N. 43–44–49 W. 88.78 FEET TO A PK NAIL FOUND, THE SOUTHERN TERMINUS OF THE CURVE FORMED BY THE INTERSECTION OF THE NORTHERN MARGIN OF THE RIGHT–OF–WAY OF HIGHLAND CREEK PARKWAY AND THE SOUTHERN MARGIN OF THE RIGHT–OF–WAY OF EASTFIELD ROAD; THENCE, WITH AND ALONG THE RIGHT HAVING A RADIUS OF 35 FEET, AN ARC LENGTH OF 63.42 FEET AND A CHORD BEARING AND DISTANCE OF N. 12–52–01 E. 55.10 FEET TO A PK NAIL FOUND; THENCE, WITH AND ALONG THE SOUTHERN MARGIN OF THE RIGHT–OF–WAY OF EASTFIELD ROAD WITH THE ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 1287.61 FEET, AN ARC LENGTH OF 207.33 FEET AND A CHORD BEARING AND DISTANCE OF N. 60–00–17 E. 207.11 FEET TO AN IRON ROD FOUND, A CORNER OF THE PROPERTY OF MECKLENBURG COUNTY AS DESCRIBED IN DEED BOOK 12019, PAGE 304 IN THE REGISTRY; THENCE, WITH AND ALONG THE BOUNDARY LINE OF THE PROPERTY OF MECKLENBURG COUNTY, N. 67–29–30 E. 27.27 FEET TO AN IRON PIPE FOUND, A CORNER OF THE PROPERTY OF ROBERT B. STREET AND MARGARET BERRY STREET (NOW OR FORMERLY) AS DESCRIBED IN DEED BOOK 1748, PAGE 139 IN THE REGISTRY; THENCE WITH AND ALONG THE BOUNDARY LINE OF THE PROPERTY OF ROBERT B. STREET AND MARGARET BERRY STREET (NOW OR FORMERLY), N. 44–26–07 E. 37.81 FEET TO AN IRON ROD FOUND; THENCE, WITH AND ALONG THE SOUTHERN MARGIN OF THE RIGHT–OF–WAY OF EASTFIELD ROAD WITH THE ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 1,287.61 FEET, AN ARC LENGTH OF 101.38 FEET AND A CHORD BEARING AND DISTANCE OF N. 50–23–00 E. 101.36 FEET, TO AN IRON ROD FOUND, THE POINT AND PLACE OF BEGINNING, CONTAINING 11.05 ACRES, MORE OR LESS, AS SHOWN ON A MAP ENTITLED "REVISED ALTA/ACSM LAND TITLE SURVEY OF 11.05 ACRE TRACT FOR AVTEX PARTNERS XI, LLC" DATED FEBRUARY 1, 2005, LAST REVISED FEBRUARY 20, 2006, PREPARED BY MCKIM AND CREED, P.A.

TOGETHER WITH

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND, WITH ANY AND ALL IMPROVEMENTS THEREON, SITUATE, LYING AND BEING IN MECKLENBURG COUNTY, NORTH CAROLINA, AND SHOWN AS "TRACT 2 ON THAT CERTAIN PLAT PREPARED BY MCKIM & CREED, P.A. ENTITLED "REVISED ALTA/ACSM LAND TITLE SURVEY OF 11.05 ACRE TRACT (OWNER: WESTBROOK HIGHLAND CREEK, LLC.), PREPARED FOR AVTEX PARTNERS XI, LLC. MALLARD CREEK TOWNSHIP, MECKLENBURG COUNTY, NORTH CAROLINA" DATED FEBRUARY 1, 2005, LAST REVISED FEBRUARY 20, 2006, AND RECORDED IN BOOK OF MAPS 45 OF PAGE 293 IN THE OFFICE OF THE PUBLIC REGISTRY (THE "REGISTRY") MECKLENBURG COUNTY, NORTH CAROLINA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: TRACT 2, BEGINNING AT AN IRON ROD FOUND IN THE SOUTHERN MARGIN OF THE RIGHT–OF–WAY OF EASTFIELD ROAD, SAID IRON ROD BEING THE SOUTHWESTERN CORNER OF LOT 1 AS SHOWN ON THAT PLAT OF HIGHLAND MEADOWS, PHASE 1–MAP 1 RECORDED IN MAP BOOK 36, PAGE 990 IN THE REGISTRY; THENCE RUNNING S 53°16'09" E FOR A DISTANCE OF 0.95 FEET TO AN IRON ROD FOUND; THENCE RUNNING S 63°56'40" E FOR A DISTANCE OF 10.23 FEET TO AN IRON PIN FOUND; THENCE RUNNING S 63°56'40" E FOR A DISTANCE OF 43.78 FEET TO A CP IN THE CENTERLINE OF EASTFIELD ROAD; THENCE RUNNING S 46°02'05" W ALONG THE CENTER LINE OF EASTFIELD ROAD FOR A DISTANCE OF 5.27 FEET TO A CP; THENCE RUNNING S 51°29'05" W ALONG THE CENTERLINE OF EASTFIELD ROAD FOR A DISTANCE OF 110.20 FEET TO A CP; THENCE RUNNING S 38°31'55" E FOR A DISTANCE OF 55.78 FEET TO AN IRON PIN FOUND; THENCE RUNNING N 44°26'07" E FOR A DISTANCE OF 37.81 FEET TO AN IRON ROD FOUND; THENCE RUNNING WITH THE ARC OF A CURVE HAVING A RADIUS OF 1287.61 FEET, AN ARC LENGTH OF 101.36 FEET AND A CHORD BEARING AND DISTANCE OF N 50°23'00" E OF 101.36 FEET TO AN IRON ROD FOUND, THE POINT AND PLACE OF BEGINNING, CONTAINING 0.14 ACRES, MORE OR LESS.

TOGETHER WITH A RIGHT OF INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED PARCEL:

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND, WITH ANY AND ALL IMPROVEMENTS THEREON, SITUATE, LYING AND BEING IN MECKLENBURG COUNTY, NORTH CAROLINA, AND SHOWN AS "TRACT 2 ON THAT CERTAIN PLAT PREPARED BY MCKIM & CREED, P.A. ENTITLED "REVISED ALTA/ACSM LAND TITLE SURVEY OF 11.05 ACRE TRACT (OWNER: WESTBROOK HIGHLAND CREEK, LLC.), PREPARED FOR AVTEX PARTNERS XI, LLC. MALLARD CREEK TOWNSHIP, MECKLENBURG COUNTY, NORTH CAROLINA" DATED FEBRUARY 1, 2005, LAST REVISED FEBRUARY 20, 2006, AND RECORDED IN BOOK OF MAPS 45 OF PAGE 293 IN THE OFFICE OF THE PUBLIC REGISTRY (THE "REGISTRY") MECKLENBURG COUNTY, NORTH CAROLINA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: TRACT 1, TO FIND THE POINT OF BEGINNING, COMMENCE AT AN IRON ROD FOUND IN THE SOUTHERN MARGIN OF THE RIGHT–OF–WAY OF EASTFIELD ROAD, SAID IRON ROD BEING THE SOUTHWESTERN CORNER OF LOT 1 AS SHOWN ON THAT PLAT OF HIGHLAND MEADOWS, PHASE 1–MAP 1 RECORDED IN MAP BOOK 36, PAGE 990 IN THE REGISTRY; THENCE RUNNING WITH THE ARC OF A CURVE HAVING A RADIUS OF 1287.61 FEET, AN ARC LENGTH OF 101.36 FEET AND A CHORD BEARING AND DISTANCE OF N 50°23'00" E OF 101.36 FEET TO AN IRON ROD FOUND; THENCE RUNNING S 44°29'07" W FOR A DISTANCE OF 27.27 FEET TO AN IRON ROD FOUND; THENCE RUNNING S 67°29'30" W FOR A DISTANCE OF 27.27 FEET TO AN IRON ROD FOUND; THENCE RUNNING S 67°27'46" W FOR A DISTANCE OF 221.19 FEET TO A CP; THENCE RUNNING N 24°43'26" W FOR A DISTANCE OF 22.45 FEET TO A CP IN THE CENTERLINE OF EASTFIELD ROAD; THENCE RUNNING S 67°44'25" W ALONG THE CENTERLINE OF EASTFIELD ROAD FOR A DISTANCE OF 21.59 FEET TO A CP; THENCE RUNNING WITH THE ARC OF A CURVE HAVING A RADIUS OF 1237.61 FEET, AN ARC LENGTH OF 213.50 FEET AND A CHORD BEARING AND DISTANCE OF N 60 20 02 E 213.23 TO A CP; THENCE RUNNING N 55°33'06" E ALONG THE CENTERLINE OF EASTFIELD ROAD FOR A DISTANCE OF 22.85 FEET TO A CP; THENCE RUNNING S 38°31'55" E FOR A DISTANCE OF 55.78 FEET TO AN IRON PIN FOUND, THE POINT AND PLACE OF BEGINNING CONTAINING 0.19 ACRES, MORE OR LESS.

ALTA/ACSM CERTIFICATION

TO HIGHLAND CREEK INVESTORS, LLC AND CHICAGO TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS: 1, 2, 3, 4, 6(a), 7(a), 7(b), 8, 11, 13, 14, 16, 17 AND 21 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 09.22.2015.

JAMES C. DAVIS, PLS L–4553 DATE

CERTIFICATE OF SURVEY AND ACCURACY

I, JAMES C. DAVIS, PLS L–4553, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION AS SHOWN); THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:+10,000; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND AS SHOWN; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47–30 AS AMENDED.

THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

WITNESS MY HAND AND SEAL THIS

_____ DAY OF _____, AD 2015

JAMES C. DAVIS, PLS L–4553 DATE

CHICAGO TITLE INSURANCE COMPANY TITLE COMMITMENT ID: 15–17775CH

EFFECTIVE DATE: AUGUST 24, 2015 AT 8:00 AM

SCHEDULE B–SECTION II

EXCEPTIONS

1. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTER, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT. **(NOT A SURVEY MATTER)**

2. TAXES OR ASSESSMENTS FOR THE YEAR 2015, AND SUBSEQUENT YEARS, NOT YET DUE OR PAYABLE. **(NOT A SURVEY MATTER)**

3. ANY DISCREPANCY, CONFLICT, ACCESS, SHORTAGE IN AREA OR BOUNDARY LINES, ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OVERLAP, SETBACK, EASEMENT OR CLAIMS OF EASEMENT, RIPARIAN RIGHT, AND TITLE TO LAND WITHIN ROADS, WAYS, RAILROADS, WATERCOURSES, BURIAL GROUNDS, MARSHES, DREDGED OR FILLED AREAS OR LAND BELOW THE MEAN HIGHWATER MARK OR WITHIN THE BOUNDS OF ANY ADJOINING BODY OF WATER, OR OTHER ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY A CURRENT INSPECTION AND ACCURATE AND COMPLETE LAND SURVEY OF THE LAND. **(AS SHOWN)**

4. THE CORRECTNESS OF THE SQUARE FOOTAGE/ACREAGE COMPUTATION CONTAINED IN THE DESCRIPTION OF THE LAND IS NOT INSURED. **(AS SHOWN)**

5. ANY RIGHT, EASEMENT, SETBACK, INTEREST, CLAIM, ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATIONS OR OTHER ADVERSE CIRCUMSTANCE AFFECTING THE TITLE DISCLOSED BY PLAT(S) RECORDED IN MAP BOOK 45, PAGE 293 AND MAP BOOK 29, PAGE 339. **(AS SHOWN)**

6. COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, AND LIENS PROVIDED FOR IN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HIGHLAND CREEK FILED FOR RECORD IN BOOK 6730, PAGE 17; AND AS AMENDED BY FIRFT AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HIGHLAND CREEK RECORDED IN BOOK 6902, PAGE 584, AND ANY RELATED MAPS, PLANS, BYLAWS AND OTHER DOCUMENT(S) AND AMENDMENT(S), BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW. **(AS SHOWN)**

7. DECLARATION OF COVENANTS RECORDED IN BOOK 20050, PAGE 393. **(NOT A SURVEY MATTER)**

8. EASEMENT TO BELL SOUTH TELECOMMUNICATIONS, INC. RECORDED IN BOOK 11389, PAGE 1. **(AS SHOWN)**

9. EASEMENT(S) TO THE CITY OF CHARLOTTE RECORDED BOOK 12045, PAGES 175 AND 180. **(AS SHOWN)**

10. GENERAL PERMIT(S) IN FAVOR OF SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY RECORDED IN BOOK 956, PAGE 111; IN BOOK 962, PAGE 318; BOOK 969, PAGE 231; AND BOOK 2138, PAGES 343 AND 344. **(NOT SHOWN–BLANKET IN NATURE)**

11. RIGHT OF WAY GRANTED TO DUKE POWER COMPANY RECORDED IN BOOK 938, PAGES 342, 433, 435, AND 455; BOOK 1394, PAGES 277, 279, 280 AND 614; BOOK 1442, PAGE 201; BOOK 2123, PAGE 473; BOOK 1394, PAGE 149; BOOK 976, PAGE 441; BOOK 1835, PAGE 591; BOOK 1960, PAGE 417; AND BOOK 992, PAGE 179. **(NOT SHOWN–BLANKET IN NATURE)**

12. RIGHT OF WAY AGREEMENT IN FAVOR OF STATE HIGHWAY COMMISSION RECORDED IN BOOK 2821, PAGE 575. **(AS SHOWN)**

13. RIGHT OF WAY EASEMENT RECORDED IN BOOK 2123, PAGE 41. **(AS SHOWN)**

14. DEVELOPMENT AGREEMENT BY AND BETWEEN HIGHLAND CREEK GOLF CLUB LLC; WESTBROOK HIGHLAND CREEK, LLC; AND HIGHLAND CREEK COMMUNITY ASSOCIATIONS, INC. RECORDED IN BOOK 11870; PAGE 520. **(NOT A SURVEY MATTER)**

15. EASEMENT AGREEMENT IN FAVOR OF HIGHLAND CREEK COMMUNITY ASSOCIATIONS, INC. RECORDED IN BOOK 20050, PAGE 373. **(AS SHOWN)**

16. RIGHTS OF TENANTS IN POSSESSION, AS TENANTS ONLY, UNDER UNRECORDED LEASES. **(NOT A SURVEY MATTER)**

DATE	REVISION	INITIAL

811 Know what's below. Call before you dig.

MCKIM&CREED
8020 TOWER POINT DRIVE
CHARLOTTE, NORTH CAROLINA 28227
PHONE: (704)841–2588, FAX: (704)841–2567

Internet Site: http://www.mckimcreed.com

DATE: _____

ALTA/ACSM LAND TITLE SURVEY OF
11.05 ACRE TRACT
(OWNER: AVTEX PARTNERS XI, LLC)
PREPARED FOR
MPV PROPERTIES

DATE: 09.23.2015 SCALE: 1" = 40'

MALLARD CREEK TOWNSHIP MECKLENBURG COUNTY NORTH CAROLINA

PROJECT # : 4322–0001
PROJ. SVYR : DGC
DRAWN BY : JCD
FIELD BK. :
COMP. FILE :
SHEET # : 1 OF 1

DWG. # :

RZ-3