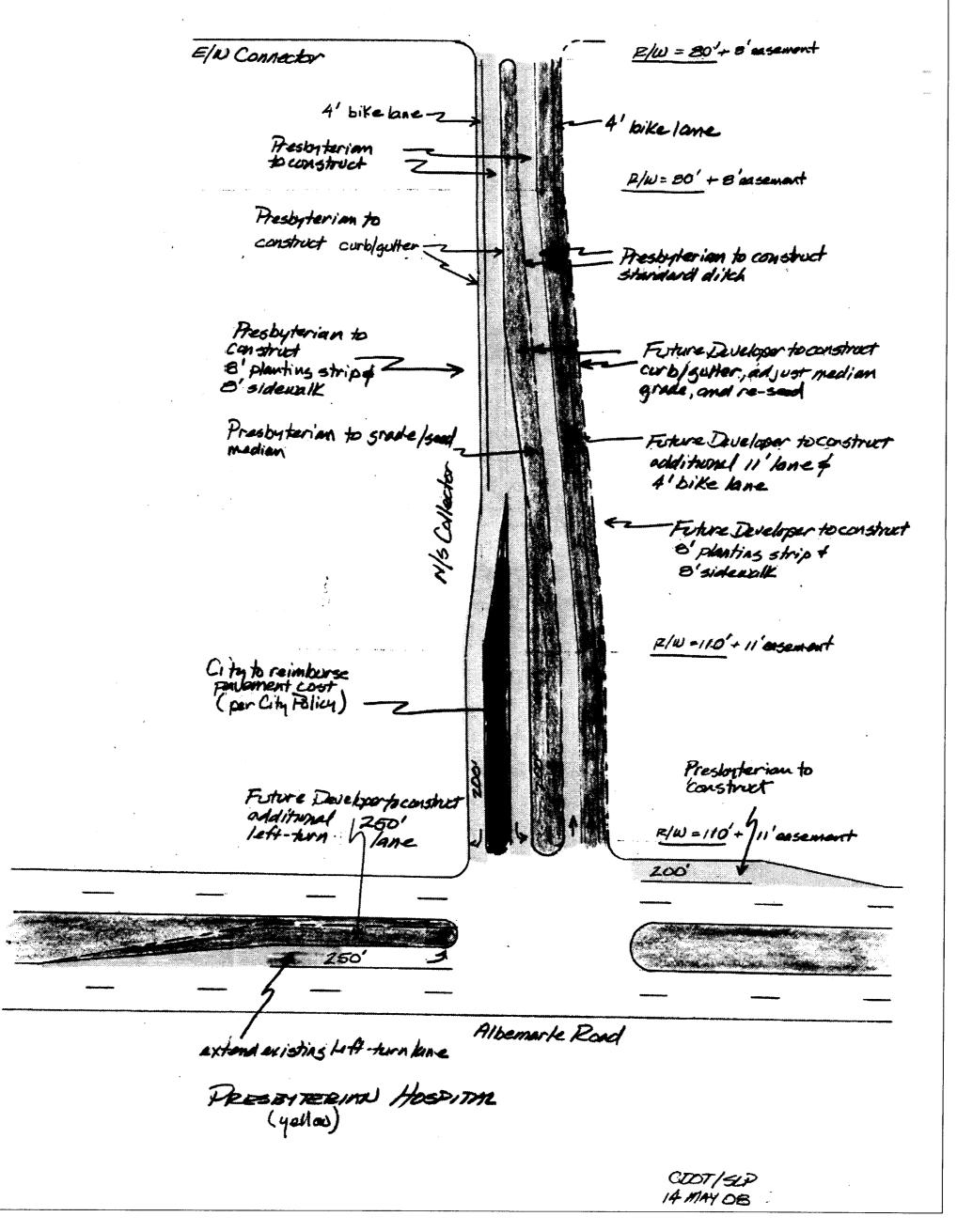
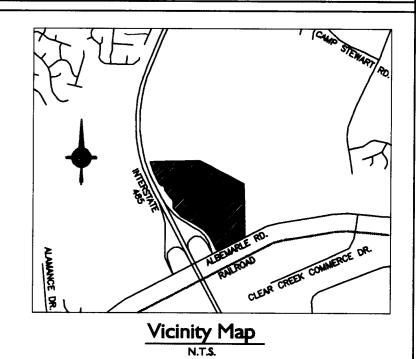


East-West Connector Drive (Avenue)



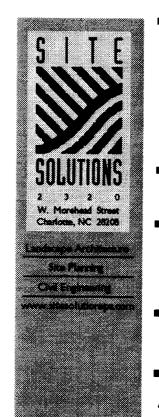
North-South Collector Road Concept Plan
Figure A



Transportation Notes

- A. The Petitioner shall design, secure/obtain all necessary right-of-way and temporary construction easements, and construct the Permanent Off-Site Improvements ("POSI" being: (a) the east-west connector road from the hospital property to its intersection with a proposed north-south major collector road from its intersection with the east-west connector road to Albemarle Road (including the design [but not the acquisition or construction] of the centerline profile of the portion of the north-south major collector road beyond its intersection with the east-west connector road for a distance of 300'); and (c) signalization of the north-south major collector road/Albemarle Road intersection, all in accordance with plans approved by CDOT and NCDOT). In conjunction with the obligation to construct the improvements listed above, the Petitioner will use good faith efforts to acquire the right-of-way and easements necessary for the proposed improvements. These good faith efforts will commence immediately upon the approval of the rezoning to accommodate the Hospital site.
- B. In the event that, despite demonstrated good faith efforts, the Petitioner is unable to secure/obtain (or establish a contractual right to) all of the right-of-way and temporary construction easements necessary to construct the POSI within 60 days after approval of the preliminary subdivision plans as provided for in A above, Petitioner may ask the City of Charlotte to secure/obtain the right-of-way and temporary construction easements that Petitioner has not been able to secure/obtain. Such request may be made no later than 90 days after approval of the preliminary subdivision plans as provided for in A above and shall specify the right-of-way and temporary construction easements that Petitioner has not been able to secure/obtain. If Petitioner asks the City to so secure/obtain, the City shall notify Petitioner within 45 days after Petitioner's request whether it intends to secure/obtain the right-of-way and temporary construction easements. In the event that the City chooses to secure/obtain the remaining right-of-way and temporary construction easements, Petitioner shall reimburse the City for all land costs incurred to do so; provided, however, Petitioner shall not be required to reimburse the City for any land costs that are in excess of fair market value (as determined by an MIA appraiser mutually selected by the Petitioner and City or through a court proceeding). If the City notifies the Petitioner that it does not intend to secure/obtain the remaining right-of-way and temporary construction easements, or fails to secure/obtain the remaining right-of-way and temporary construction easements within 120 days after notifying Petitioner of its intent to do so, the Petitioner shall be relieved of its obligations under Section A above. Notwithstanding the preceding sentence, if the only reason that the City has failed to secure/obtain the remaining right-of-way and temporary construction easements is due to the pendency of a legal proceeding, the Petitioner shall not be relieved of its obligations under Section A above unless the City fails to secure/obtain the contested right-of-way and temporary construction easements at the conclusion of the legal proceeding.
- In the event that the Petitioner is relieved of its obligations under Section A above, the Petitioner shall design and construct a public street on the Petitioner's site that will provide full access to the Petitioners site until such time as the improvements defined above are in place, said street connecting to Albemarle Rd. at an intersection designed and approved by NCDOT and CDOT, and designed to connect to future streets that may be constructed that will provide alternate access to the Petitioner's site. The signalization for that intersection will be determined by the appropriate analysis to be reviewed by NCDOT and CDOT. Upon completion of the Hospital and the temporary intersection, and assuming all other requirements for a Certificate of Occupancy have been satisfied, the City will not object to the issuance of a Certificate of Occupancy for the Hospital.
- C. In the event that Petitioner has completed construction of the Hospital but has not yet completed construction of the POSI, and Petitioner has not been relieved of its obligation to construct the POSI as provided in Section B above, then, assuming all other requirements for a Certificate of Occupancy have been satisfied, the City will not object to the issuance of a Certificate of Occupancy for the Hospital if Petitioner:
- (i) Posts a performance bond for the east-west connector road (nominally 63' of right-of-way but up to 74' of right-of-way to accommodate left turn lanes at the intersection with the north-south major collector road and at the Hospital's main entrance) and the north-south major collector road (generally in conformance with that certain Concept Plan prepared by CDOT and dated May 14, 2008 which shows a 110' right-of-way at the intersection of Albemarle Road and tapers to an 80' right-of-way at the intersection with the east-west connector road) (the "Bonded Improvements") in an amount determined by the City using the methodology used for determining bond amounts for streets in the context of final subdivision plat approval, which bond may be called by the City if the Bonded Improvements have not been completed, inspected, and accepted by the City within twenty-four (24) months after the later of: (a) the date on which all necessary right-of-way and temporary construction easements have been secured; and (b) the date of issuance of the Certificate of Occupancy, and which bond may only be otherwise used to fund the cost of construction of the Bonded Improvements. The City shall release and return the bond to Petitioner if the City has not called the bond within twelve (12) months after the date on the bond could have been first called; and
- (ii) Constructs a temporary full access (whether signalized or not) intersection from Albemarie Road directly onto the Hospital site in accordance with plans approved by the City and NCDOT.

In the event that Petitioner constructs a temporary full access (whether signalized or not) intersection pursuant to Section B above, upon completion and opening of the POSI as defined in Section A above, if directed by CDOT, Petitioner shall, at its own cost and expense, remove, eliminate, or modify the temporary full access intersection in accordance with plans specified by NCDOT and CDOT.



Presbyterian Hospital East Campus

Tax Parcel #'s - 11120103
Existing Zoning: R3
Proposed Zoning: INST(CD) & B1(CD)

Presbyterian HEALTHCARE

Conditional Use Rezoning

Project Number: Drawn By: Designed By: Date:

Site Solutions Site Solutions 1.25.08

Off-site Transportation Improvement Plan

Revisions

A New Sheet

5.13.**2008**.

1 NEW SHEET

