

Development Standards
Rezoning Petition No. 2018-151
EBA Investments - Petitioner
2/11/2019

Site Development Data:

--Acreage: ± 20.56 acres
--Tax Parcel: 047-252-04 and 047-252-12
--Existing Zoning: CC
--Proposed Zoning: MUDD-O with 5-year vested rights
--Existing Uses: Commercial Center
--Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MUDD zoning district and as further restricted in Section III, below.
--Maximum Development (subject to Section IV, below):
Commercial: 260,000 square feet
Civic (Library): 40,000 square feet
Residential: 600 Units
Hotel: Subject to the conversion provisions of Section IV.
--Maximum Building Height:
Parcel A: 120 feet
Parcel B: 120 feet
Parcel C: 120 feet
Parcel D: 120 feet
--Parking: As required by the Ordinance for the MUDD zoning district.

I. General Provisions

- a. **Site Description.** These Development Standards and the Technical Data Sheet form the rezoning plan (hereafter collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by EBA Investments ("Petitioner") to accommodate development of a mixed use activity center on an approximately 20.56-acre site located on Mecklenburg Tax Parcel Numbers 047-252-04 and 047-252-12 (the "Site").
- b. **Intent.** This Rezoning is intended to accommodate development on the Site in a manner consistent with the objectives set forth in the Blue Line Extension Transit Station Area Plan and the University City Partners Area Plan. Development of the Site would include a horizontally-integrated mixture of uses, including office, retail, restaurant, residential, public library and other ground floor commercial uses within walking distance of a greenway connection and University City area amenities. The Petitioner seeks to create a pedestrian-scale greenspace multi-modal trail with pocket amenity parks to accent the existing lake feature and provide a connection to the greenway. The overall development plan is intended to allow the Site to evolve in a manner that is consistent with the future vision for the area, resulting in a well designed, quality experience for nearby residents, employees, and visitors, as well as the larger community.

Zoning Districts/Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the MUDD zoning classification for the portion of the Site so designated on the

2. Automobile service stations; and
3. Drive-through service windows.

IV. Maximum Development

- a. The Site consists of Parcels A, B, C, and D (collectively, "the Parcels"), as generally depicted on the Rezoning Plan.
1. The principal buildings within Parcel A may be developed with up to 300 multi-family residential units and associated surface parking, along with any accessory uses allowed in the MUDD zoning district.
2. The principal buildings within Parcel B may be developed with up to: (i) 40,000 square feet of library, community center or other civic uses and (ii) 135,000 square feet of commercial uses such as office, retail, Eating, Drinking and Entertainment Establishments ("EDEE"), and other commercial non-residential uses permitted by right and under prescribed conditions, along with any accessory uses allowed in the MUDD zoning district.
3. The principal buildings within Parcel C may be developed with up to 125,000 square feet of gross floor area of commercial uses such as office, retail, EDEE, and other commercial non-residential uses permitted by right and under prescribed conditions, along with any accessory uses allowed in the MUDD zoning district.
4. The principal buildings within Parcel D may be developed with up to 300 multi-family residential units and associated structured parking facility and/or surface parking, along with any accessory uses allowed in the MUDD zoning district.
- b. The total square feet of gross floor area devoted to office uses and other commercial uses such as retail, EDEE and personal services uses shall be interchangeable provided that:
1. The total square feet of gross floor area for non-office commercial uses such as retail, restaurant and personal services uses shall not exceed 32,000 square feet of gross floor area. Personal Service uses will be defined as uses that primarily provide or sell a service to customers versus the selling of goods. A personal service use may also sell products or merchandised but the sale of products and merchandise is typically ancillary. Examples of Personal Service uses include but are not limited to: beauty salons and barber shops, spas, yoga and exercise studios, nail salons, massage shops, martial art training studios, laundries and dry cleaning establishments.
- c. For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements) the following items will not be counted as part of the allowed gross floor area (floor area as defined by the Ordinance) for the Site: surface or structured parking facilities, all loading dock areas (open or enclosed), and outdoor dining areas (parking for outdoor dining areas will be provided as required by the Ordinance or these development standards).
- d. Conversion Rights. Unused commercial/office square footage may be converted to hotel rooms at a rate of 1,000 square feet per 1 hotel room and unused residential units can be converted at a rate of 1 residential unit per 1 hotel room. However, the total number of hotel rooms shall not exceed 300 rooms at any time, including conversions.

V. Transportation

- a. All public roadway improvements will be subject to the standards and criteria of CDOT, as applicable, to the roadway improvements within their respective road system authority. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad University City area, by way of a private/public partnership effort or other public sector project support.
- b. Petitioner shall construct internal Private Road A, as generally depicted on the Rezoning Plan, before the first certificate of occupancy is issued for Parcel B, Parcel C, or Parcel D.
- c. Petitioner shall develop open space through a fifty (50) foot public access easement along the edge of the existing pond connection from Doug Mayes Place and J.W. Clay Boulevard for future pedestrian improvements and the existing public open space network through the Site, as generally depicted as the Pedestrian Greenspace Connection on the Rezoning Plan. The improvements to the Pedestrian Greenspace Connection and adjacent private plaza/open space areas shall be provided before the first certificate of occupancy is issued for Parcel B, Parcel C, or Parcel D.
1. The Petitioner shall provide a minimum of three (3) public access easement connections from the proposed internal street to the Pedestrian Greenspace Connection in locations to be determined during the permitting phase of development.
- d. Where necessary, the Petitioner shall dedicate and convey in fee simple all rights of way to the City of Charlotte before the Site's first building certificate of occupancy is issued. The Petitioner shall set the right-of-way at two (2) feet behind the back of sidewalk, where feasible.
- e. During development of Parcel A, B and C, and residential buildings in Parcel D, uses may be served by surface parking areas. Structured parking facilities shall be required prior to the issuance of the first certificate of occupancy for any residential development within Parcel D.
- f. Unless otherwise state herein, all transportation improvements shall be substantially completed before the Site's final building certificate of occupancy is issued for Phase 1 of development.
1. Substantial completion shall mean completion of the roadway improvements in accordance with the standards set forth herein provided, however, in the event certain non-essential roadway improvements (as reasonably determined by CDOT) are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then CDOT will instruct applicable authorities to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.
- g. **Access:**
1. Access to the Site from external public streets will be as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.
2. The Rezoning Plan identifies potential vehicular access points which could be surface drives or entrances to structured parking facilities. There shall be a maximum of three (3) access points, as generally depicted on the Rezoning Plan. The exact number and location of vehicular access points will be determined during the design process and thereafter with approval from appropriate governmental authorities, subject to applicable statutes, ordinances and regulations such as subdivision and driveway regulations. Petitioner, in its

discretion may limit ingress and egress movements or restrict certain vehicular access points to one-way traffic if necessary.

3. The alignment of vehicular circulation and driveways may be modified by the Petitioner, subject to CDOT's final approval.

VI. Design Guidelines

a. General Design Guidelines.

1. Buildings along the lakefront and Pedestrian Greenspace Connection shall be a minimum of thirty (30) feet from the edge of the lake and shall have a primary orientation towards the lakefront and Pedestrian Greenspace Connection. Such primary orientation shall not require primary access into the building from the lakefront side of the building.
2. Preferred Exterior Building Materials: All principal and accessory buildings abutting a network required public or private street shall comprise a minimum of 50% of that building's entire façade facing such network street using brick, glass, natural stone (or its synthetic equivalent), stucco, fiber cement, corrugated metal, steel accents, architectural shingles or other material approved by the Planning Director.
3. Prohibited Exterior Building Materials: The Petitioner will not utilize (1) vinyl siding (but not vinyl hand rails, windows or door trim) or (2) concrete masonry units not architecturally finished.
4. The ground floor of each building façade fronting J W Clay Boulevard or the Pedestrian Greenspace Connection shall contain a minimum of 60% visible ground-floor active use.
5. Building Massing and Height shall be designed to break up long monolithic building forms as follows:
- i. Buildings exceeding 120 feet in length shall include modulations of the building massing/facade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of one (1) foot extending through at least a full floor
- ii. Buildings exceeding 500 feet in length shall include courtyards with a minimum dimension of sixty (60) feet in width and other modulations such as recesses, projections, and architectural details as described above.
6. Meter banks will be screened where visible from public view at grade from public or private streets and shall be located outside of the setback.
7. Rooftop HVAC and related mechanical equipment will be screened from public view at grade from public or private streets.
8. Dumpsters, loading and services areas shall be screened from streets, common open spaces and any adjacent residential uses with materials complimentary to the principal structure. Dumpster enclosures will not directly abut the back of a sidewalk.
9. Backflow preventers and transformers shall be screened and located outside the setback, but can be located in a four (4) foot transition zone.
10. With the exception of structured parking facilities, multi-story buildings shall have a minimum of 20% percent transparency on all upper stories.

b. Office and Commercial Building Design Guidelines

1. The building proposed in Parcel C shall have a minimum depth of forty (40) feet
2. Office and Commercial building heights shall be a minimum of twenty-two (22) feet.
3. Building Placement and Site Design shall focus on and enhance the pedestrian environment on public or private network required streets through the following:
- i. Buildings shall be placed so as to present a front or side façade to all streets.
- ii. Facades fronting streets shall include a combination of windows and operable doors for a minimum of 80% of each frontage elevation transparent glass between 2' and 10' on the first floor. Up to 10% of this requirement may be comprised of display windows. These display windows must maintain a minimum of 3'-0" clear depth between window and rear wall. Windows within this zone shall not be screened by film, decals, and other opaque material, glazing finishes or window treatments. The maximum sill height for required transparency shall not exceed 4'-0" above adjacent street sidewalk.
- iii. The facades of first/ground floor of buildings along streets shall incorporate a minimum of 20% masonry materials such as brick or stone and/or commercial store front.
- iv. Direct pedestrian connection shall be provided between street facing doors and corner entrance features to sidewalks on adjacent streets.
- v. Operable door spacing shall not exceed 75 feet.
- vi. Building elevations shall not have expanses of blank walls greater than twenty (20) feet in all directions and shall contain architectural features such as but not limited to banding, medallions or design features or materials to avoid a sterile, unarticulated blank wall treatment.

c. Residential Building Design Guidelines

1. Building Placement and Site Design shall focus on and enhance the pedestrian environment through the following:
- i. Buildings shall be placed so as to present a front or side façade to all network required streets (public or private).
- ii. Buildings shall front a minimum of 60% of the total network required street frontage on the site (exclusive of driveways, pedestrian access, points, accessible open space, tree save or natural areas, tree replanting areas and storm water facilities).
- iii. Driveways intended to serve single units shall be prohibited on all network required streets.
- iv. Architectural Elevation Design - elevations shall be designed to create visual interest as follows:
1. Building elevations shall be designed with vertical bays or articulated architectural façade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.
2. Buildings shall be designed with vertical differentiation, which may be executed through use of Preferred Exterior Building Materials or articulated architectural façade features and color changes.
3. Building elevations facing network required public or private streets shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but to

limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

- v. Roof Form and Articulation - roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:
1. Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers or parapets.
2. For pitched roofs the minimum allowed is 4:12 excluding buildings with a flat roof and parapet walls.
- vi. Exposed multi-level parking decks shall provide screening so that interior lighting and cars are not visible from public streets. This is primarily accomplished by the use of architectural louvers or decorative screens on all levels so that vehicles and interior lighting are not seen from adjacent street level.
- vii. All residential ground floor units will have entrances facing the street, and when within 15ft of a street shall be raised a minimum of 12-24". Stoops should be provided on all public and private streets.
- viii. Sidewalk extensions shall be provided between all street trees on all public and private network required streets when parking is adjacent.

VII. Parking & Pedestrian Areas

- a. Structured parking facilities shall be designed to encourage and complement pedestrian-scale interest and activity on the ground floor and be architecturally compatible with primary buildings on all levels.
- b. Openings at the street level are limited to vehicular entrances, pedestrian access to the structure, and ventilation openings. All such openings shall be decorative and be an integral part of the overall building design.
- c. On-site loading docks and waste areas shall be separated and/or screened from view at ground level from primary building entrances.
- d. Urban Open Space. The Site shall met or exceed the Urban Open Space requirements of the MUDD zoning district.
1. The Petitioner intends to provide a Pedestrian Greenspace Connection in the area as generally depicted on the Rezoning Plan to serve as a focal point adjacent to the existing lake edge. This area is intended to include and multi-modal trail with pocket amenity plazas and linear park features. The Pedestrian Greenspace Connection shall be a minimum of two (2) acres. The Private Plazas, Private Open Space, and Central Green Space areas, as generally shown on the Rezoning Plan, shall be a minimum of one and a half (1.5) acres, total, and may include features such as, but not limited to: water features, gazebos, specialty graphics or sculptures, landscaping, specialty paving, seating areas, signage (e.g., wayfinding, directional, special event), art work, and/or other site elements that help create vibrant pedestrian open space.

VIII. Environmental Features

The Petitioner shall comply with the Post Construction Stormwater Ordinance and Tree Ordinance.

IX. Signage

Signage as allowed by the Ordinance and by the Optional Provisions set forth under Section II above may be provided.

X. Lighting:

- a. Detached lighting on the Site, except street lights located along public streets, will be limited to 30 feet in height.
- b. Attached and detached lighting shall be downwardly directed. However, upward facing accent lighting shall be permitted.

XI. Amendments to the Rezoning Plan:

Future amendments to the Rezoning Plan may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

XII. Binding Effect of the Rezoning Application:

If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Development Areas, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.

XIII. Vested Rights Provision:

If this Rezoning Petition is approved by the Charlotte City Council then, pursuant to Section 1.110 of the Ordinance, the Petitioner hereby requests a five-year vested right to undertake and complete the development of this Site under the terms and conditions as so approved, commencing upon approval of this Rezoning Petition by the Charlotte City Council. The Petitioner makes this request for a five-year vested right due to the size and phasing of the proposed development, market conditions and the level of investment involved.

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Rezoning Plan shall govern all development taking place on such portion of the Site, subject to the Optional Provisions provided below.

- c. **Graphics and Alterations/Modifications.** The schematic depictions of the uses, Parcel areas, parking areas, sidewalks, structures and buildings, building materials, streetscape perspectives, driveways and other development matters and site elements set forth on the Rezoning Plan are intended to be conceptual in nature. Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the development matters and site elements. Therefore, there may be instances where minor modifications will be allowed without requiring the administrative amendment process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:
- i. Minor and do not materially change the overall design intent depicted on the Rezoning Plan, such as minor modifications to the configurations of the street dimensions and the like as long as the modifications maintain the general building/parking orientation and character of the development generally depicted on the Rezoning Plan; or
- ii. Modifications to allow minor increases in the mass of the building that does not materially change the design intent depicted on or described in the Rezoning Plan.

II. Optional Provisions for the MUDD-O Zoning District

The following optional provisions are provided to accommodate deviations from the MUDD standards:

- a. To allow wall signs to have up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less.
- b. To allow one (1) detached ground mounted identification sign for each building. These detached identification signs may be up to five (5) feet high and contain up to 36 square feet of sign area.
- c. To allow temporary signs and banners not to exceed 100 square feet in sign area. Any such signs or banners will be professionally fabricated banners made of fabric or plastic of any type. Paper banners will not be allowed; and no more than two (2) banners will be allowed at a time.
- d. To allow existing surface level vehicular parking and maneuvering areas between buildings and JW Clay Boulevard to remain until redevelopment occurs. Once redevelopment occurs, parking areas shall not exceed 35% of the JW Clay Boulevard frontage for each Parcel and shall be adequately screened with landscaping.
- e. To allow drop off areas in front of office buildings, pick-up and drop off areas in front of EDEE and hotel uses, valet parking, and service areas for uses such as mail delivery, loading and delivery. The Petitioner shall coordinate with CDOT during the permitting phase of redevelopment regarding the final location of the proposed valet/loading area.

III. Permitted Uses

- a. Subject to the Maximum Development provisions set forth under Section 4 below, the Site may be devoted to any residential or commercial uses permitted by right or under prescribed conditions in the MUDD Zoning District together with any incidental or accessory uses associated therewith, except for the following:
1. Car washes;

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KEY MAP

SEAL

PETITION
NO. 2018-151

PROJECT

UNIVERSITY CITY
REZONING

EB ARROW

LANDDESIGN PROJ.# 1018377

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1ST SUBMITTAL		11/20/2018
STAFF COMMENTS		01/14/2018
3RD SUBMITTAL		02/08/2019

DESIGNED BY: RJP
DRAWN BY: LDB
CHECKED BY: RJP

SCALE

NORTH

VERT:
HORZ: NTS

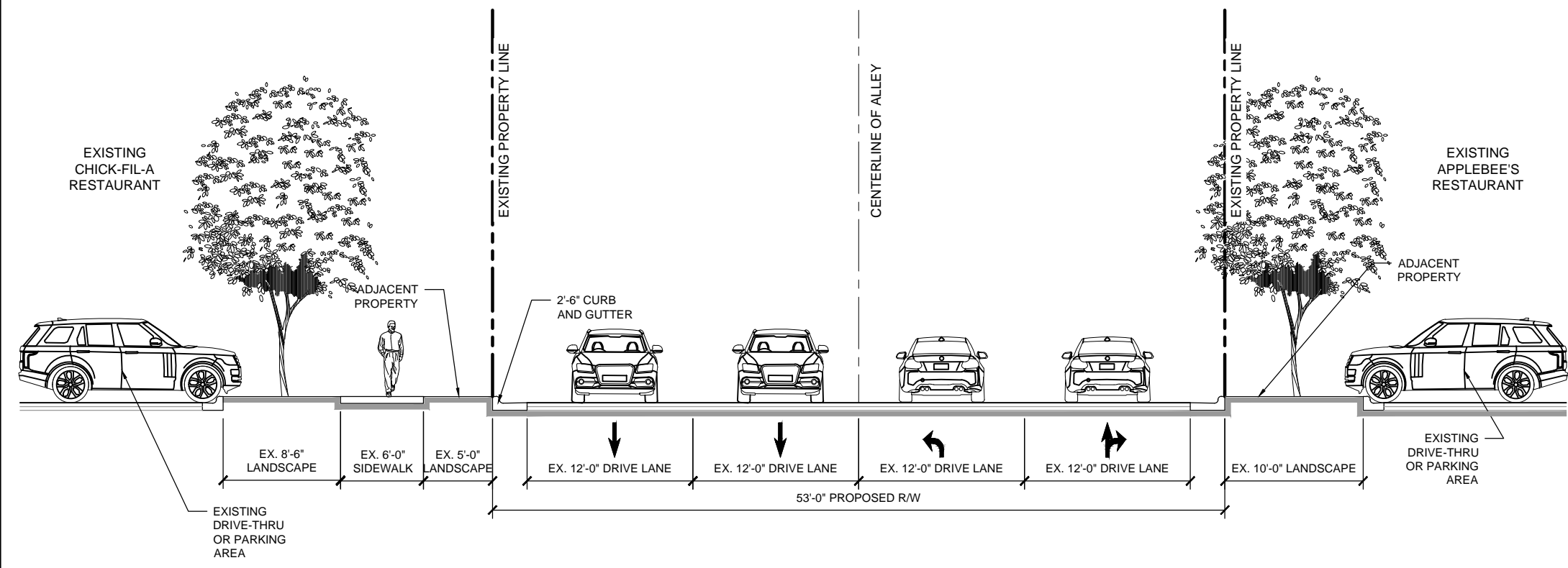
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SHEET TITLE

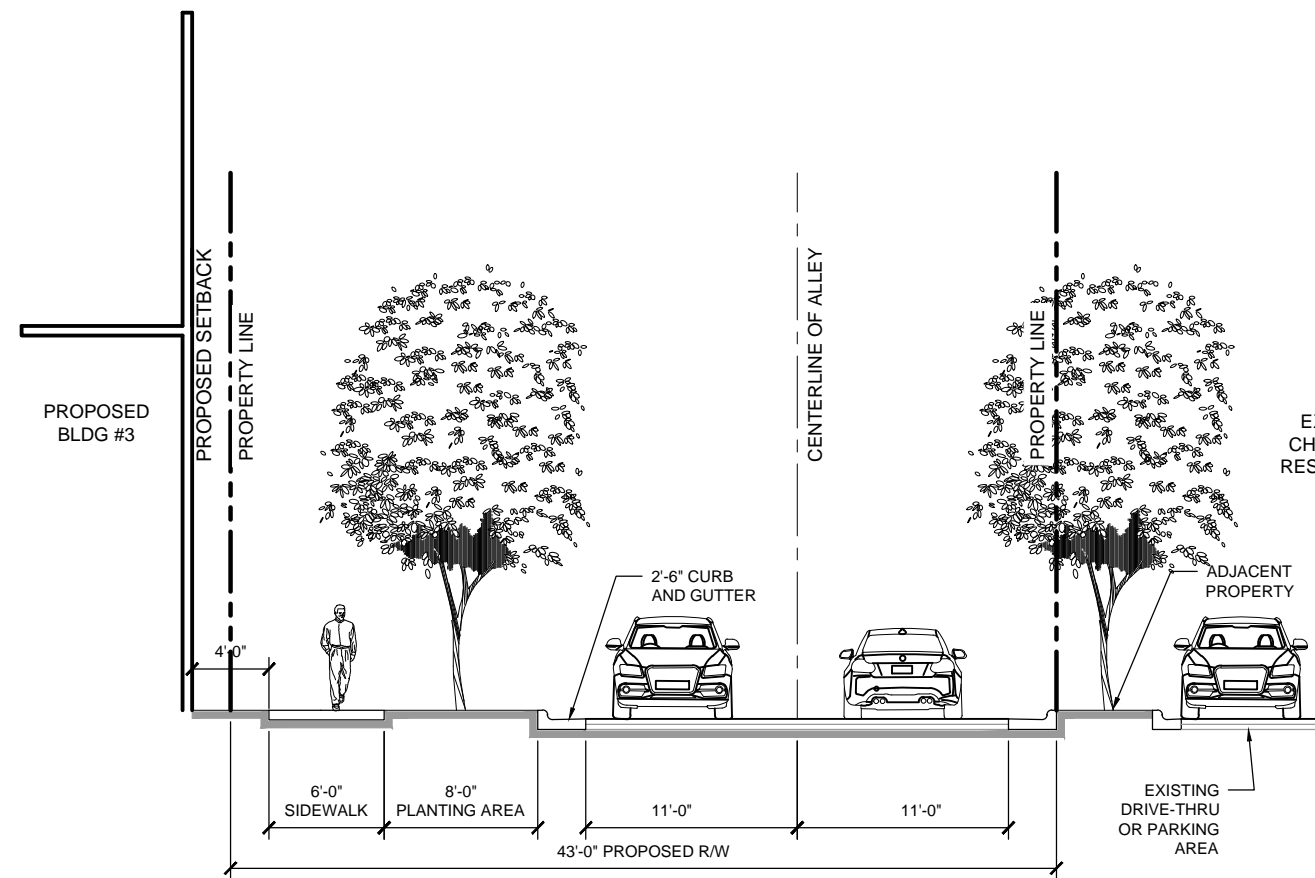
REZONING NOTES

SHEET NUMBER

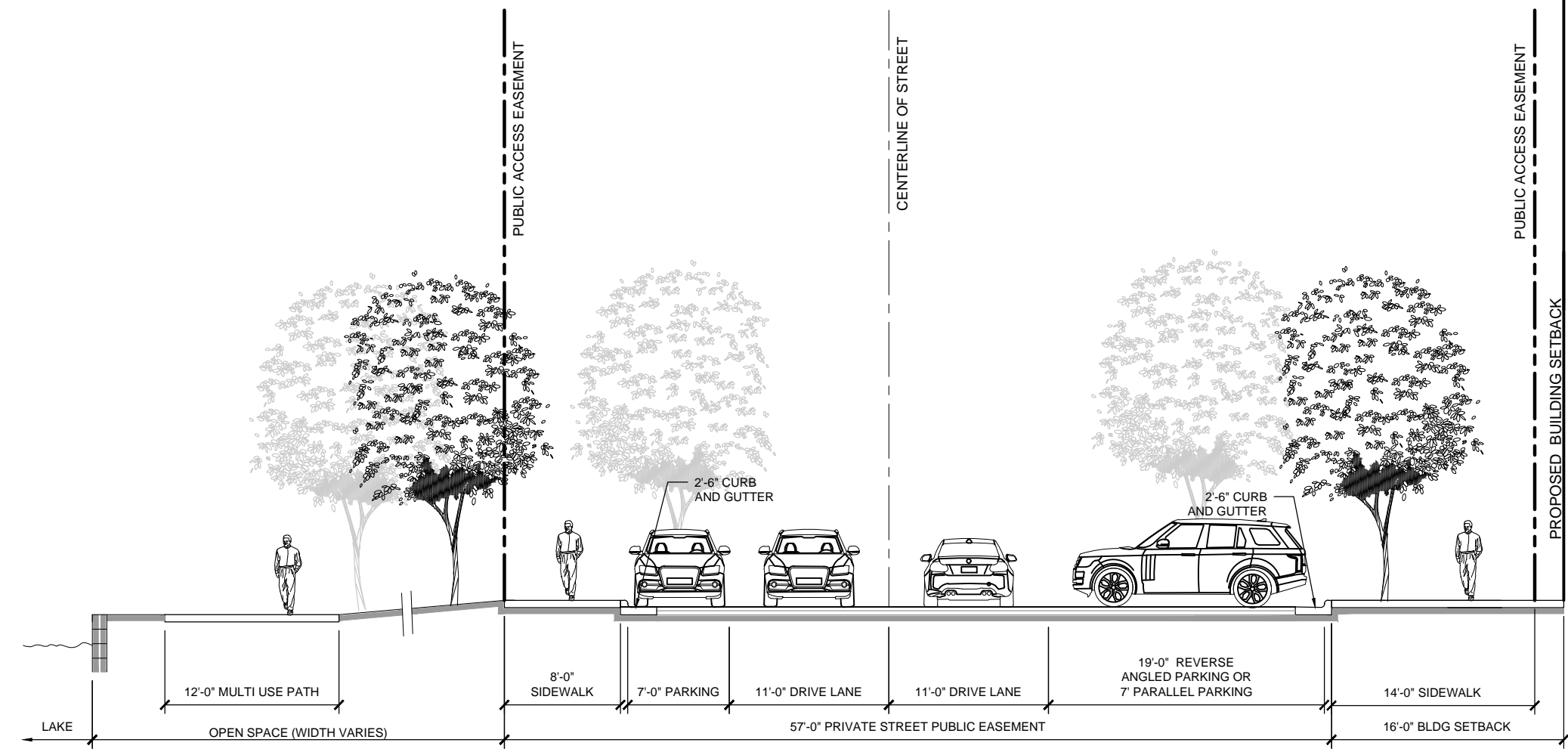
RZ-2.0



PUBLIC STREET 'A' CROSS-SECTION
SECTION A-B
SCALE: 1" = 10'-0"



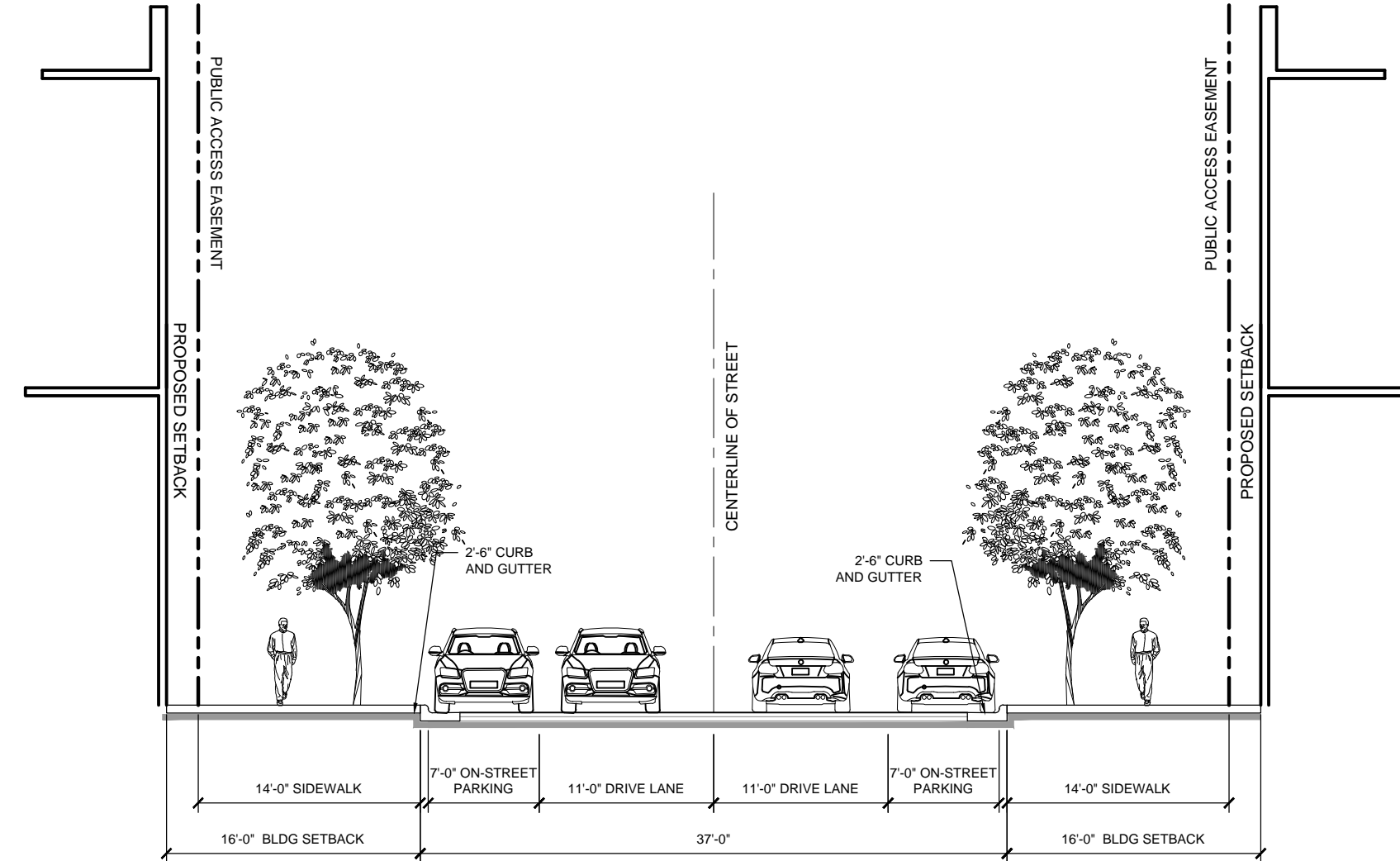
PUBLIC STREET 'B' CROSS-SECTION
SECTION A-A
SCALE: 1" = 10'-0"



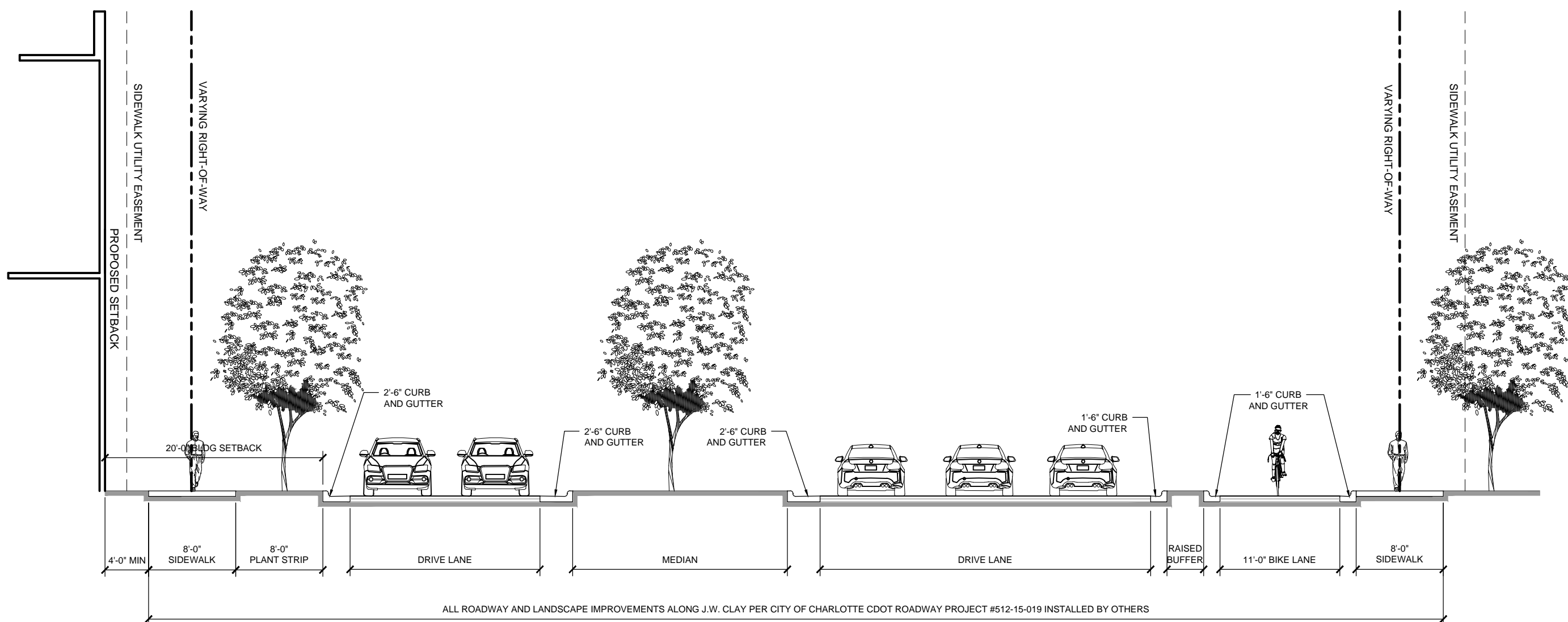
MAIN STREET AT OPEN SPACE CROSS-SECTION
SECTION B-B
SCALE: 1" = 10'-0"



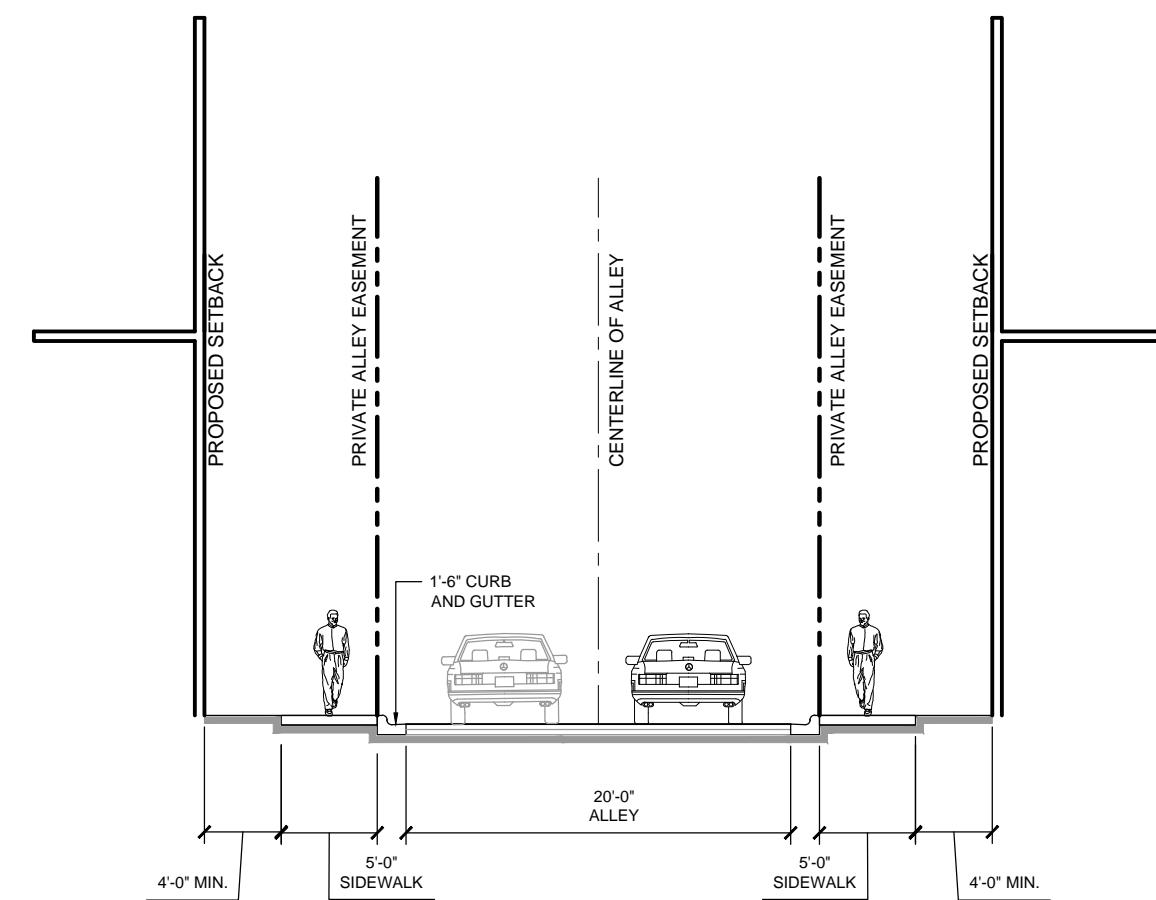
MAIN STREET AT PARK CROSS-SECTION
SECTION C-C
SCALE: 1" = 10'-0"



MAIN STREET CROSS-SECTION
SECTION D-D
SCALE: 1" = 10'-0"



J.W. CLAY CROSS-SECTION
SECTION E-E
SCALE: 1" = 10'-0"



PRIVATE ALLEY CROSS-SECTION
SECTION F-F
SCALE: 1" = 10'-0"

KEY MAP

SEAL

PETITION
NO. 2018-151

PROJECT

UNIVERSITY CITY
REZONING

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SCALE

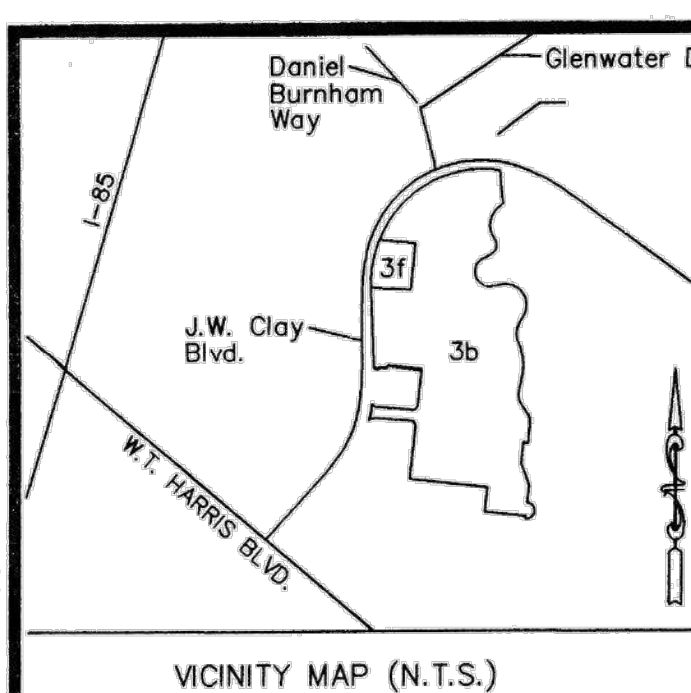
VERT: 1"=10'
HORZ: 1"=10'

SHEET TITLE

STREET CROSS SECTIONS

SHEET NUMBER

RZ-3.0



CURVE TABLE						LINE TABLE					
NUMBER	DELTA	BEARING	TANGENT	RADIUS	ARC	NUMBER	DIRECTION	DISTANCE			
C9	192°53'	N 62°49'22" E	430.98	550.00	731.13	L17	S 01°43'28" W	9.89			
C10	40°33'39"	S 40°43'04" W	51.04	140.00	97.89	L18	S 88°16'32" W	68.01			
C11	50°32'42"	S 04°35'04" E	45.26	95.86	84.57	L19	S 83°47'26" E	1.06			
C12	59°11'38"	S 17°44'28" W	54.75	56.00	83.07	L20	N 06°12'24" E	14.44			
C13	181°33'10"	S 15°26'17" E	431.07	76.00	197.37	L21	N 06°12'25" W	85.00			
C14	127°14'54"	S 32°35'25" E	200.66	100.00	122.09	L22	S 83°47'25" W	22.00			
C15	147°01'40"	S 03°56'12" E	51.09	100.00	94.47	L23	S 31°02'02" W	40.16			
C16	147°01'40"	S 03°56'12" E	51.09	100.00	94.47	L24	N 83°47'28" E	64.37			
C17	37°08'02"	S 04°31'35" E	96.76	288.07	186.70	L25	S 85°20'18" W	40.17			
C18	48°38'32"	S 10°16'54" E	40.67	95.00	78.40	L26	S 29°51'21" E	24.57			
C19	49°49'21"	S 14°11'49" E	29.76	90.00	55.99	L27	S 29°51'21" E	11.82			
C20	179°39'41"	S 06°12'35" W	863375.84	40.00	125.88	L28	S 34°36'10" E	46.64			
C21	09°32'25"	N 60°47'08" W	77.68	925.94	114.99	L29	S 14°02'22" W	43.99			
C22	31°17'00"	N 89°08'02" W	170.79	610.00	333.06	L30	S 24°25'05" W	15.33			
C23	05°23'56"	N 57°04'34" W	43.96	40.00	66.60						
C24	11°33'58"	N 15°09'18" W	37.44	369.68	74.62						
C25	81°40'52"	N 19°54'12" E	17.29	20.00	28.51						
C26	06°55'50"	S 57°16'23" W	18.40	303.64	36.75						
C27	02°00'17"	N 39°52'14" W	25.44	24.50	39.41						
C28	40°42'21"	S 73°41'56" W	18.36	49.50	35.17						
C29	06°55'50"	N 12°32'41" E	39.76	656.50	75.43						
C30	00°27'00"	S 60°43'23" E	18.25	34.50	30.38						
C31	89°54'38"	N 51°09'43" E	24.46	24.50	38.45						
C32	07°54'37"	N 69°32'14" W	82.39	910.44	125.70						
C33	03°29'31"	N 11°02'40" E	114.14	350.00	125.05						
C34	44°49'27"	S 64°28'22" E	14.23	34.50	28.99						
C35	01°00'43"	S 01°13'07" E	4.88	550.00	9.71						

TOTAL PARKING SPACES
25 - HANDICAPPED SPACES
823 - REG. SPACES
848 - TOTAL SPACES
(712 REG. SPACES REQUIRED)
(17 HANDICAPPED SPACES REQUIRED)

TOTAL ACREAGE & SQUIRE FOOTAGE
PARCEL #3b 19.56 AC±, 852,033.6 sq. ft.

MAP REFERENCES
MAP BOOK 25, PAGES 633 & 950
MAP BOOK 21, PAGE 74
MAP BOOK 26, PAGES 40, 284, 567 & 390
MAP BOOK 21, PAGES 474, 480 & 747

LAWYERS TITLE INSURANCE CORPORATION ORDER NO. CH02136SL1-30736 EFFECTIVE DATE: MAY 9, 2005, Amended May 26, 2005 SCHEDULE B-SECTION 2 EXCEPTIONS

89603 University Place District 1
CHARLOTTE NORTH CAROLINA

- As to all Tracts of Parcel 1 and 2:
1. Easement(s) to Southern Bell Telephone and Telegraph Company recorded in Book 4894, Page 645, Mecklenburg County Registry. (Affects all Parcels) (BLANKET EASEMENT)
 2. Easement(s) to Duke Power Company recorded in Book 4870, Page 422, Mecklenburg County Registry. (Affects all Parcels) (BLANKET EASEMENT)
 3. County Registry. (Affects all Parcels) (BLANKET EASEMENT)
 4. Restrictions, reservation of easements and conditions contained in instrument recorded in Book 4514, Page 409, Mecklenburg County Registry. This policy insures that the restrictions have not been violated and that a future violation thereof will not cause forfeiture or reversion of title. (GENERAL EASEMENTS & RESTRICTIONS IS NOT SPECIFICALLY LOCATABLE)
 5. University Place Owner's Association Declaration of Easements, Restrictions and Protective Covenants contained in instrument recorded in Book 5678, Page 277, Mecklenburg County Registry. This policy insures that the restrictions have not been violated and that a future violation thereof will not cause forfeiture or reversion of title. (Affects all Parcels) (GENERAL EASEMENTS & RESTRICTIONS IS NOT SPECIFICALLY LOCATABLE)
 6. Rights of others in and to appurtenant easements contained in Easement Agreement between Wal-Mart Stores, Inc. and University Place Mall, Inc. recorded in Book 8036, Page 573, Mecklenburg County Registry. (SHOW HEREON)
 7. Rights of others in and to appurtenant easements contained in Easement Agreement between Wal-Mart Stores, Inc. and University Place Mall, Inc. recorded in Book 8036, Page 573, Mecklenburg County Registry. (SHOW HEREON)
 8. Rights of others in and to appurtenant easements contained in Easement Agreement between Wal-Mart Stores, Inc. and University Place Mall, Inc. recorded in Book 8036, Page 573, Mecklenburg County Registry. (SHOW HEREON)
 9. Mutual Restrictive Covenant Agreement dated as of August 15, 1996 by and between Village Place I, Inc. and Village Place II, Inc. recorded in Book 8707, Page 463, Mecklenburg County Registry. (GENERAL EASEMENTS & RESTRICTIONS IS NOT SPECIFICALLY LOCATABLE)
- As to Tract I of Parcel 2:
13. Riparian rights of others in and to the lake. (NOT SPECIFICALLY LOCATABLE)
 14. Parking easement and access easement contained in Deed to R & M Properties recorded in Book 7818, Page 772, Mecklenburg County Registry. (SHOW HEREON)
- As to Tract I and II of Parcel 2:
15. Joint Parking Agreement recorded in Book 5673, Page 892, amended by Amendment to Joint Parking Agreement recorded in Book 7226, Page 977 and Restatement of Amendment recorded in Book 8047, Page 754, Mecklenburg County Registry. (GENERAL EASEMENTS & RESTRICTIONS IS NOT SPECIFICALLY LOCATABLE)
 16. Declaration of Restrictions and Grant of Nonexclusive Easements for Village of University Place recorded in Book 7815, Page 234, as amended by First Amendment to Declaration of Restrictions and Grant of Nonexclusive Easements recorded in Book 8078, Page 150, Mecklenburg County Registry. (GENERAL EASEMENTS & RESTRICTIONS IS NOT SPECIFICALLY LOCATABLE)
 18. Permanent Utility Easement to City of Charlotte recorded in Book 9203, Page 202, Mecklenburg County Registry. (BLANKET EASEMENT FOR ELECTRICAL AND TRAFFIC SIGNAL EQUIPMENT)
 19. Building restriction line(s), easement(s) and other matters as shown on plat recorded in Map Book 26, Page 40 and 567 and Map Book 27, Page 604, Mecklenburg County Registry. (SHOW HEREON)

LEGAL DESCRIPTION

Being all of Parcel 3b as described in Plat of "University Place Map 4 recorded as Map Book 26, Page 567, Mecklenburg County Register of Deeds, North Carolina. Situate in the City of Charlotte. Said property is also described as follows:

Beginning at an X-Mark in the sidewalk, said X-Mark being on the southerly right of way of J.W. Clay Boulevard (having a variable right of way) and being the POINT OF BEGINNING; thence S20°05'38"E, a distance of 149.55 feet to the right having a radius of 149.55 feet, a distance of 11.82 feet to a point on the edge of the Lake and being the Property of University Place Owners as described in Deed Book 5833, Page 123 in said registry, and also being the point of curve of a curve of a non tangent curve to the left having a radius of 140.00 feet and having a chord bearing of S40°43'04"W, and a chord distance of 95.91 feet; thence southerly along the arc, a distance of 97.89 feet to a point, and said point being the point of curve of a non tangent curve to the left having a radius of 95.86 feet and having a chord bearing of S04°35'04"E, and a chord distance of 81.85 feet; thence southerly along the arc a distance of 84.57 feet to a point; thence S29°51'21"E, a distance of 24.52 feet to a point, said point being the point of curve of a non tangent curve to the right having a radius of 140.00 feet, and a chord distance of 83.07 feet to a point; thence S85°20'18"W, a distance of 40.17 feet to a point, said point being the point of curve of a non tangent curve to the right having a radius of 70.00 feet, and a chord bearing of S15°26'17"E, and a chord distance of 138.19 feet; thence southerly along the arc a distance of 197.37 feet to a point; thence N83°47'08"E, a distance of 64.37 feet to a point, said point being the point of curve of a non tangent curve to the right having a radius of 100.00 feet, and a chord bearing of S32°35'25"E, and a chord distance of 179.18 feet; thence southerly along the arc a distance of 222.09 feet to a point; thence S31°02'02"W, a distance of 40.16 feet to a point, said point being the point of curve of a non tangent curve to the left having a radius of 100.00 feet, and a chord bearing of S03°58'12"W, and a chord distance of 91.00 feet; thence southerly along the arc a distance of 94.47 feet to a point, said point being the point of curve of a non tangent curve to the right having a radius of 288.07 feet and having a chord bearing of S04°31'38"E, and a chord distance of 183.45 feet; thence southerly along the arc a distance of 186.70 feet to a point; thence S14°02'22"W, a distance of 43.99 feet to a point, said point being the point of curve of a non tangent curve to the left having a radius of 90.00 feet, and a chord bearing of S10°16'54"E, and a chord distance of 74.13 feet; thence southerly along the arc a distance of 76.41 feet to a point; thence S34°36'10"E, a distance of 46.64 feet to the point, said point being the point of curve of a non tangent curve to the right having a radius of 80.00 feet and having a chord bearing of S14°11'48"E, and a chord distance of 55.79 feet; thence southerly along the arc a distance of 56.99 feet to a point; thence S06°12'35"W, a distance of 91.14 feet to a point; thence N83°47'25"W, a distance of 22.00 feet to a point; thence S06°12'35"W, a distance of 105.00 feet to a point; thence S20°47'25"E, a distance of 110.00 feet to a point; thence S06°12'35"W, a distance of 85.00 feet to a point, said point being the point of curve of a non tangent curve to the right having a radius of 40.00 feet and having a chord bearing of S06°12'35"W, and a chord distance of 80.00 feet; 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