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STATE OF NORTH CAROLINA

In The General Court Of Justice

Mecklenburg County

CERTIFICATE OF TRUE COPY

Office of the Clerk of the Superior Court

As Clerk of the Superior Court of this County, State of North Carolina, I certify that the attached copies of the documents described below are true and accurate copies of the originals now on file in this office.

Number And Description Of Attached Documents:

15 CVS 1454

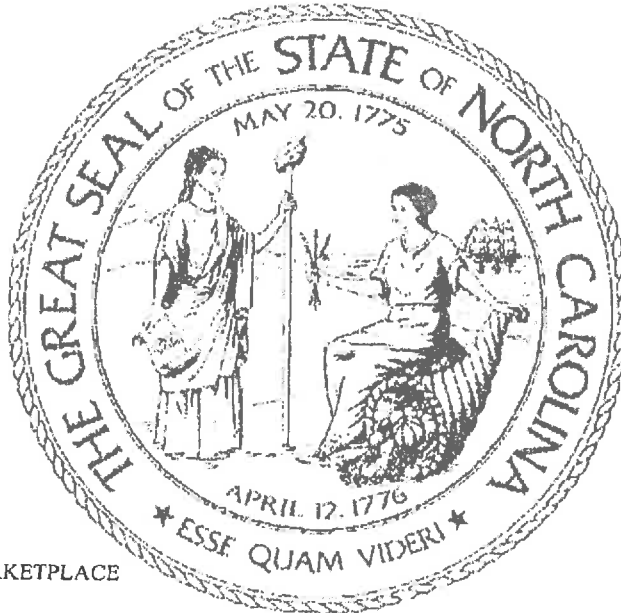
DEPARTMENT OF TRANSPORTATION

FOR REGISTRATION
J. David Granberry
REGISTER OF DEEDS
Mecklenburg County, NC
2016 AUG 15 03:25:13 PM
BK:31079 PG:748-752
FEE: \$26.00
INSTRUMENT # 2016107181

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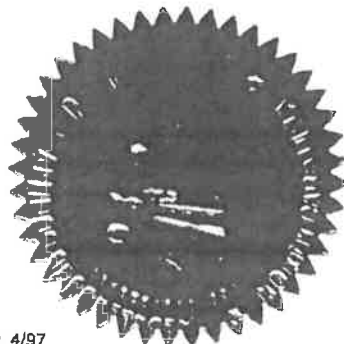
VS.



JE

MOUNTAIN ISLAND MARKETPLACE
1684, LP

CONSENT JUDGMENT



Witness my hand and the seal of the Superior Court

| | |
|--|--|
| Date | 08-03-2016 |
| Clerk Of Superior Court | ELISA CHINN-GARY |
| Signature | <i>Elisa Chinn-Gary</i> |
| <input checked="" type="checkbox"/> Deputy CSC | <input type="checkbox"/> Assistant CSC |
| <input type="checkbox"/> Clerk Of Superior Court | |



31079-748

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2016 AUG -3 AM 11:23

CLERK OF SUPERIOR COURT, C.S.C.

(ABOVE THIS LINE FOR REGISTER OF DEEDS USE ONLY)

(ABOVE THIS LINE FOR CLERK OF COURT USE ONLY)

476

Prepared by/Return to: James D. Concepción, Assistant Attorney General North Carolina Department of Justice, Transportation Section, 1505 MSC, Raleigh, NC 27699-1505

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
15-CVS-1454

DEPARTMENT OF TRANSPORTATION,
Plaintiff,

v.

MOUNTAIN ISLAND MARKETPLACE
1684, LP,
Defendant.

CONSENT JUDGMENT
(CNDM - CJ)

THIS CAUSE coming on to be heard and being heard before the undersigned Judge of the Superior Court and it appearing to the Court and the Court finding as fact:

That this action was duly instituted on the 26th day of January, 2015, by the issuance of a Summons, by the filing of a Complaint and Declaration of Taking and Notice of Deposit, and by the deposit of TWO THOUSAND SIX HUNDRED TWENTY-FIVE DOLLARS (\$2,625.00), as estimated just compensation;

That a Summons was duly served on the defendant, together with a copy of the Complaint and Declaration of Taking and Notice of Deposit;

That the defendant, MOUNTAIN ISLAND MARKETPLACE 1684, LP, is the only party who has or claims to have an interest in the property described in the Complaint and Declaration of



Taking, and the title to the property is not in dispute; that as of the date of the institution of this action, the property described in the Complaint and Declaration of Taking was subject only to such liens and encumbrances as were set forth in Exhibit "A" of the Complaint and Declaration of Taking;

That all parties who are necessary to the determination of this action are properly before the Court; and that the defendant is under no legal disability;

That now, the defendant, MOUNTAIN ISLAND MARKETPLACE 1684, LP, and the plaintiff, have reached an agreement whereby the defendant has agreed to accept the original deposit in the amount of TWO THOUSAND SIX HUNDRED TWENTY-FIVE DOLLARS (\$2,625.00), as complete and final settlement of all claims in this action and as just compensation pursuant to Article 9, Chapter 136, of the North Carolina General Statutes for the appropriation of the interests and areas as set forth in the Complaint and Declaration of Taking and as hereinafter more particularly described; for any and all claims for interest and costs; for any and all damages caused by the acquisition for the construction of Department of Transportation Project ID#060NC016, WBS#43957, Mecklenburg County; and for the past and future use thereof by the Department of Transportation, its successors and assigns, for all purposes for which the said Department of Transportation is authorized by law to subject the same.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED:

1. That the Department of Transportation, the plaintiff herein, was entitled to acquire and did acquire, free and clear of all encumbrances, on the 26th day of January, 2015, by the filing of a Complaint and Declaration of Taking and Notice of Deposit, together with the deposit of TWO THOUSAND SIX HUNDRED TWENTY-FIVE DOLLARS (\$2,625.00), those certain interests or estates and areas, hereinafter more particularly described, in, over, upon, and across the property of the defendant; and that said property of the defendant is described as follows:

Being all of that tract of land more particularly described in that certain MEMORANDUM OF ACTION captioned "DEPARTMENT OF TRANSPORTATION, Plaintiff, v. MOUNTAIN ISLAND MARKETPLACE 1684, LP, Defendant," recorded in the Office of the Register of Deeds for Mecklenburg County in Book 29712, Pages 638-39, reference to which MEMORANDUM OF ACTION is made for a more particular description of said property of the defendant.

2. That the interests or estates acquired in, over, upon, and across the hereinabove described property of the defendant are described as follows:

INTERESTS OR ESTATES TAKEN:

A permanent utility easement for all purposes for which the plaintiff is authorized by law to subject the same. Said permanent utility easement in perpetuity is for the installation and maintenance of utilities, and for all purposes for which the Department of Transportation is authorized by law to subject the same. The

Department of Transportation and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon, and through said premises a utility line or lines with all necessary pipes, poles, and appurtenances, together with the right at all times to enter said area for the purpose of inspecting said utility lines and making all necessary repairs and alterations thereon, together with the right to cut away and keep clear of said utility lines, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same, with the right at all times of ingress, egress, and regress. It is understood and agreed that the Department of Transportation shall have the right to construct and maintain the cut and/or fill slopes in the above-described permanent utility easement area(s). It is further understood and agreed that the permanent utility easement shall be used by the Department of Transportation for additional working area during the above-described project.

3. That the areas acquired in, over, upon, and across the hereinabove described property, to include survey lines and station numbers, are delineated on that set of plans for Department of Transportation Project ID#060NC016, WBS#43957, as Parcel#001, on file in the Right of Way Branch of the Department of Transportation, Transportation Building, in Raleigh, North Carolina, and also on a copy of said project plans which are or will be recorded, as required by law, in the Office of the Register of Deeds of Mecklenburg County, to which plans reference is hereby made for greater certainty of the areas and interests acquired, and said areas and interests are described by metes and bounds as follows:

AREAS TAKEN:

PERMANENT UTILITY EASEMENT:

Point of beginning being S 42°11'9.7" E, 95.089 feet from -L- sta 13+00; thence to a point on a bearing of S 52°50'8.3" W, 41.273 feet; thence to a point on a bearing of S 70°05'36.7" W, 14.005 feet; thence to a point on a bearing of S 82°57'51.5" W, 3.866 feet; thence to a point on a bearing of S 18°31'12.6" E, 12.856 feet; thence to a point on a bearing of N 69°25'45.9" E, 22.603 feet; thence to a point on a bearing of N 43°05'11.9" E, 40.467 feet; thence along a curve 5.724 feet and having a radius of 30.000 feet. The chord of said curve being on a bearing of N 31°34'41.2" W, a distance of 5.715 feet; returning to the point and place of beginning.

Said permanent utility easement is for the installation and maintenance of utilities, and for all purposes for which the Department of Transportation is authorized by law to subject the same. The Department of Transportation and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon, and through said premises a utility line or lines with all necessary pipes, poles, and appurtenances, together with the right at all times to enter said area for the purpose of inspecting said utility lines and making all necessary repairs and alterations thereon, together with the right to cut away and keep clear of said utility lines, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same, with the right at all times of ingress,

gress, and regress. It is understood and agreed that the Department of Transportation shall have the right to construct and maintain the cut and/or fill slopes in the above-described permanent utility easement area(s). It is further understood and agreed that the permanent utility easement shall be used by the Department of Transportation for additional working area during the above-described project.

4. That the original deposit made by the plaintiff in this action, unless heretofore disbursed by order of the Court, be disbursed by the Clerk defendant, MOUNTAIN ISLAND MARKETPLACE 1684, LP. as its interests may appear.

5. That the sum of TWO THOUSAND SIX HUNDRED TWENTY-FIVE DOLLARS (\$2,625.00), said sum being the total amount of the original deposit, is just compensation pursuant to Article 9, Chapter 136, of the North Carolina General Statutes for the taking of the hereinabove described interests and areas by the Department of Transportation; for any and all claims for interest and costs; for any and all damages caused by the acquisition for the construction of Department of Transportation Project ID#060NC016, WBS#43957, Mecklenburg County; and for the past and future use thereof by the Department of Transportation, its successors and assigns, for all purposes for which the said Department of Transportation is authorized by law to subject the same.

6. That a copy of this Judgment be certified by the Clerk of Superior Court of Mecklenburg County to the Register of Deeds, who shall record the same among the land records of said County.

This the 22nd day of July 2016.

Glennie Annis Ewart
JUDGE OF SUPERIOR COURT

APPROVED AND CONSENTED TO:

ROY COOPER
Attorney General

E. Burke Haywood
E. Burke Haywood
Special Deputy Attorney General

James D. Concepción
James D. Concepción
Assistant Attorney General

Mountain Island Marketplace 1684, LP

By: [Signature]

Sign here

Title: VP

B29712 - P638

FOR REGISTRATION
J. David Granberry
REGISTER OF DEEDS
Mecklenburg County, NC
2015 JAN 27 11:33:29 AM
BK: 29712 PG: 638-639
FEE: \$26.00
INSTRUMENT # 2015009244

YISRASB



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Prepared By/Return To: Richard G. Sowerby, Assistant Attorney General
N.C. Department of Transportation, Attorney General's Office
1505 Mail Service Center, Raleigh, N.C. 27699-1505

NORTH CAROLINA
MECKLENBURG COUNTY

DEPARTMENT OF TRANSPORTATION,
Plaintiff,

v.

MEMORANDUM OF ACTION
(G.S. 136-104)

MOUNTAIN ISLAND MARKETPLACE
1684, LP,
Defendant.

Take Notice:

1. That on or about the 26th day of January, 2015, the Department of Transportation, under the provisions of Article 9, Chapter 136 of the General Statutes, instituted the above-captioned civil action in the Superior Court of Mecklenburg County by the filing of a Complaint and Declaration of Taking and by the issuance of summons; that pursuant to G.S. 136-104, the interest and area specified in said Complaint and Declaration of Taking vested in the Department of Transportation on said date.

2. That the above-named defendants are the persons who the Department is informed and believes may have or claim to have an interest in said lands.

Project No.: 43957
Parcel No.: 001
I.D. No.: 060NC016

A.G. FILE NO. TR-15-00005



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3. That the property which is the subject of this action is described as follows:

Those certain lands lying and being in Mecklenburg County, North Carolina and being more particularly described as follows:

Being that tract of land described as "Tract 3" in a deed dated June 27, 2012 to Mountain Island Marketplace 1684, LP, and recorded June 28, 2012 in Book 27454, Page 434, Mecklenburg County Registry. The property description for said "Tract 3" contained in said deed is hereby incorporated by reference.

Also being identified as Tax Parcel ID No. 033-012-44 as is shown in the Mecklenburg County Tax Office.

4. That the estate or interest acquired in or across said lands taken are described in Exhibit "B" of said Complaint and Declaration of Taking.

This the 22nd day of January, 2015.

ROY COOPER
Attorney General



E. Burke Haywood
Special Deputy Attorney General

Project No.: 43957
Parcel No.: 001
I.D. No.: 060NC016

A.G. FILE NO. TR-15-00005