

FOR REGISTRATION  
Fredrick Smith  
REGISTER OF DEEDS  
Mecklenburg County, NC  
2020 FEB 21 12:54:52 PM  
BK: 34301 PG: 325-333  
FEE: \$26.00  
EXCISE TAX: \$27,000.00  
INSTRUMENT # 2020024391  
PHETSL



2020024391

# NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax \$27,000.00

Tax Lot No. SEE EXHIBIT A Parcel Identifier No. 03301244; 03301251 Tax Lot No. (PIN) 03301225; 03301226;

Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_,

By \_\_\_\_\_

Mail after recording to Robinson, Bradshaw & Hinson, P.A., 101 N. Tryon Street, Suite 1900, Charlotte, NC 28246(Box #9)(RWA)

This instrument was prepared by Robinson, Bradshaw & Hinson, P.A. (R.W.Allen)

Brief description for the Index

3552 Mt Holly-Huntersville Rd (LA2 M53-844); 3540 Mt Holly-Huntersville Rd; Couloak Dr (COS M45-393); Mt Holly-Huntersville Rd (LA1 M53-884); Charlotte, North Carolina)

THIS DEED made this 21<sup>st</sup> day of February, 2020, by and between

**GRANTOR**

**MOUNTAIN ISLAND MARKETPLACE 1684 LP, a**  
Delaware limited partnership

c/o Kimco Realty Corporation  
6060 Piedmont Row Drive South, Suite 200  
Charlotte, NC 28287

**GRANTEE**

**THE CHARLOTTE-MECKLENBURG HOSPITAL**  
**AUTHORITY, a public body corporate and politic**

c/o Atrium Health  
P.O. Box 32861  
Charlotte, NC 28232-2861  
ATTN: Vice President of Real Estate

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, that certain lot or parcel of land situated in the City of Charlotte, Mecklenburg County, North Carolina and more particularly described on EXHIBIT A attached hereto and made a part hereof by reference.

IN ADDITION, Grantor assigns to Grantee all of Grantor's rights, including without limitation all rights, powers, privileges and reservations of Grantor as "Developer", under the Declaration of Easements, Covenants, Conditions and Restrictions for

Mountain Island Marketplace Shopping Center recorded in Book 8104, Page 274, as amended by First Amendment to Declaration of Easements, Covenants, Conditions and Restrictions for Mountain Island Marketplace Shopping Center recorded in Book 8175, Page 255; as affected by Assignment and Agreement recorded in Book 18395, Page 605; as supplemented by Supplemental Agreement Regarding Declaration of Easements, Covenants, Conditions and Restrictions for Mountain Island Marketplace Shopping Center recorded in Book 20145, Page 511; as supplemented by Supplemental Agreement Regarding Declaration of Easements, Covenants, Conditions and Restrictions for Mountain Island Marketplace Shopping Center recorded in Book 23515, Page 728; as affected by NC Special Warranty Deed recorded in Book 27454, Page 434, all in the Mecklenburg County Public Registry (collectively the "CCRs"). Grantee executes this Deed for the purpose of assuming the duties and responsibilities of Grantor, as "Developer", pertaining to the rights, powers, privileges and reservations assigned. Grantor hereby confirms that to the best knowledge of Grantor, no violations of the CCRs exist with respect to the property described in Exhibit A attached hereto.

The property hereinabove described was acquired by Grantor by instruments recorded in Book 27454, Page 434 (Tracts 1 and 3), Book 27454, Page 631 (Tract 2), and Book 28216, Page 389 (Tract 4).

A map showing the above-described property is recorded in Plat Book 53, Page 884 and Plat Book 45, Page 393.

All or a portion of the property herein conveyed  includes or  does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the exceptions set forth on EXHIBIT B attached hereto and made a part hereof by reference.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors, the day and year first above written.

SEE ATTACHED SIGNATURE AND NOTARY PAGE

**MOUNTAIN ISLAND MARKETPLACE 1684 LP**, a Delaware limited partnership

By: Kimco North Carolina TRS, Inc., a North Carolina corporation, its general partner

20/1/20  
By: [Signature]  
Name: Gary J Bazydlo  
Title: Vice President

STATE OF North Carolina

COUNTY OF Mecklenburg

I, Lena M Thomas, a Notary Public of Union County and State of North Carolina, do hereby certify that Gary J Bazydlo, (“Signatory”), personally came before me this day and acknowledged that he is Vice President of Kimco North Carolina TRS, Inc., a North Carolina corporation, general partner of **MOUNTAIN ISLAND MARKETPLACE 1684 LP**, a Delaware limited partnership, and that he, as Vice President, being authorized to do so, executed the foregoing instrument on behalf of the corporate partner.

I certify that the Signatory personally appeared before me this day, and  
(check one of the following)

X  (I have personal knowledge of the identity of the Signatory); or

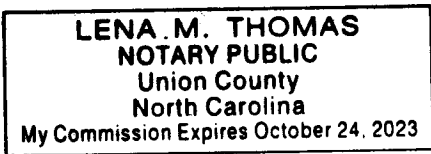
(I have seen satisfactory evidence of the Signatory’s identity, by a current state or federal identification with the Signatory’s photograph in the form of:  
(check one of the following)

a driver’s license or  
  in the form of  ); or

(a credible witness has sworn to the identity of the Signatory).

The Signatory acknowledged to me that he voluntarily signed the foregoing instrument for the purpose stated in the capacity indicated.

Witness my hand and official stamp or seal this  19  day of February, 2020.



[Signature]  
Notary Public

Lena M. Thomas  
Notary’s printed or typed name  
[Note: Notary Public must sign exactly as on notary seal]

My Commission Expires: 10/24/2023

[NOTARY SEAL] (MUST BE FULLY LEGIBLE)

[Signature Page: Special Warranty Deed]

SEE ATTACHED SIGNATURE AND NOTARY PAGE OF GRANTEE

Grantee executes this Deed for the purpose set forth above.

**THE CHARLOTTE-MECKLENBURG HOSPITAL  
AUTHORITY**

By: [Signature]  
Name: Collin Lane  
Title: Senior Vice President

STATE OF NORTH CAROLINA

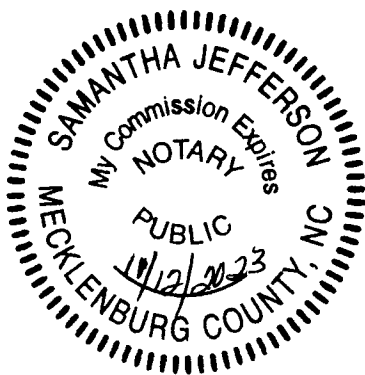
COUNTY OF MECKLENBURG

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document: Collin Lane, as Senior Vice President of The Charlotte-Mecklenburg Hospital Authority.

Date: 02/18/, 2020

[Signature]  
Samantha Jefferson, Notary Public  
[Notary's printed or typed name]  
My Commission Expires: 11/12/2023

[NOTARIAL SEAL]



[Signature Page: Special Warranty Deed]

## EXHIBIT A

Tax Lot Numbers: 033-012-25, 033-012-26, 033-012-44 and 033-012-51

### Tract 1:

Beginning at a 5/8" rebar found located at the intersection of the western right-of-way of Brookshire Blvd. (N.C. Highway 16) and the southern right-of-way of Mt. Holly -Huntersville Road, thence running along the western right-of-way of Brookshire Blvd. (N.C. Highway 16) S 44°01'12" E 392.05 feet to a concrete right-of-way monument found, thence S 43°57'29" E 808.18 feet to a right-of-way disk found at the intersection of the western right-of-way of Brookshire Blvd. (N.C. Highway 16) and the western right-of-way of Interstate 485, thence running along the western right-of-way of Interstate 485, S 41°13'51" W 118.94 feet to a right-of-way disk found, thence running along a curve to the left, having an arc length of 111.18 feet, a radius of 1371.79 feet, a chord bearing and distance of S 39°00'34" W 111.15 feet to a 1/2" rebar found, thence leaving the western right-of-way of Interstate 485, running along the common line of lands owned now or formerly by Mountain Island (E&A) LLC, N 40°33'30" W 183.47 feet to a 1/2" rebar found, thence N 12°05'06" W 105.23 feet to a 1/2" rebar found, thence N 42°24'08" W 202.31 feet to a 1/2" rebar found, thence S 39°05'00" W 660.55 feet to a 1/2" rebar found, thence S 50°56'32" E 116.31 feet to a 1/2" rebar found, thence S 75°34'51" E 446.48 feet to a 1/2" rebar found, located on the western right-of-way of Interstate 485, thence running along the western right-of-way of Interstate 485 along a curve to the left, having an arc length of 47.34 feet, a radius of 1371.79 feet, a chord bearing and distance of S 20°57'24" W 47.33 feet to a right-of-way disk found, thence S 67°22'19" W 189.96 feet to a 1/2" rebar found, thence S 14°01'32" W 208.07 feet to a 5/8" rebar bent found, thence leaving the western right-of-way of Interstate 485, running along the common line of lands owned now or formerly by Mt. Holly-Huntersville Medical II, LLC, N 57°22'03" W 90.65 feet to a 5/8" rebar found, thence N 47°36'38" W 442.69 feet to a 1/2" rebar found, thence N 42°18'39" W 90.08 feet to a 1/2" rebar found, thence running along the common line of lands owned now or formerly by State Employees Credit Union, N 44°05'38" E 105.99 feet to a 1/2" rebar bent found, thence N 45°44'40" W 52.76 feet to a 5/8" rebar found, thence running along the common line of E&A Southeast LP, N 65°32'39" E 62.22 feet to a 5/8" rebar found, thence N 46°56'56" E 73.64 feet to a 1/2" rebar found, thence N 62°51'21" E 152.04 feet to a 1/2" rebar found, thence N 40°14'57" E 73.83 feet to a 1/2" rebar found, thence N 11°39'24" E 60.44 feet to a 5/8" rebar found, thence N 23°20'35" E 71.52 feet to a 5/8" rebar found, thence N 40°21'10" E 125.82 feet to a 5/8" rebar found, thence N 39°01'15" E 158.89 feet to a 1/2" rebar found, thence N 50°10'53" W 410.82 feet to a 1/2" rebar found, thence running along the common line of land owned now or formerly by Lenette Realty & Investment Company, Outparcel "A" as shown in Map Book 26, page 637, N 44°01'32" W 288.52 feet to a 1/2" rebar found located on the southern right-of-way of Mt. Holly -Huntersville Road, thence running along the southern right-of-way of Mt. Holly -Huntersville Road along a curve to the right, having an arc length of 24.17 feet, a radius of 1985.47 feet, a chord bearing and distance of N 41°52'05" E 24.17 feet to a 1/2" rebar found, thence N 53°59'16" E 174.92 feet to a 5/8" rebar found, the point of beginning, containing 9.759 acres or 425,099 square feet, designated as Tract 1 on a plat entitled "ALTA/ACSM Land Title Survey Kimco Carolina Project, Site Name" Mountain Island Market Place, 3540 Mt. Holly - Huntersville Road, Charlotte, NC", dated May 17, 2012, prepared by R. Scott Barrett, PLS, NC Registration No. L-4513, bearing project no. 201200791-3.

## Tract 2

Beginning at a nail set located on the eastern right-of-way of Couloak Drive at the common corner of lands owned now or formerly by State Employees Credit Union, thence running along the eastern right-of-way of Couloak Drive, N 08°30'49" W 47.02 feet to a "X" in concrete set, thence leaving the eastern right-of-way of Couloak Drive and running along the common line of lands owned now or formerly by American Community Bank, Outparcel "D" as shown in Map Book 26, Page 637, N 80°17'26" E 94.49 feet to a point on sewer manhole, thence N 67°02'35" E 172.59 feet to a 1/2" rebar found, thence running along the common line of lands owned now or formerly by Redbird and c/o Patricia Sehorn, Outparcel "C", as shown on Map Book 26, Page 637, N 67°07'51" E 205.88 feet to a 5/8 rebar found, thence N 32°02'50" W 281.51 feet to a drill hole found in curb, located on the southern right-of-way of Mt. Holly - Huntersville Road, thence running along the southern right-of-way of Mt. Holly - Huntersville Road along a curve to the left, having an arc length of 57.20 feet, a radius of 1180.92 feet, a chord bearing and distance of N 58°16'06" E 57.19 feet to a drill hole found in curb, thence leaving the southern right-of-way of Mt. Holly - Huntersville Road, running S 31°58'23" E 286.47 feet to a 1/2" rebar bent found, thence continuing along the common line of lands owned now or formerly by Weir Associates, LP, Outparcel "B", as shown in Map Book 26, Page 637, N 58°57'48" E 184.84 feet to a 1/2" rebar found, thence running along the common line of lands owned now or formerly by Lenette Realty & Investment Company, Outparcel "A", as shown in Map Book 26, Page 637, N 49°27'35" E 191.55 feet to a 1/2" rebar found, thence running along the common line of land owned now or formerly by Mountain Island (E&A) LLC, S 50°10'53" E 410.82 feet to a 1/2" rebar found, thence S 39°01'15" W 158.89 feet to a 5/8" rebar found, thence S 40°21'10" W 125.82 feet to a 5/8" rebar found, thence S 23°20'35" W 71.52 feet to a 5/8" rebar found, thence S 11°39'24" W 60.44 feet to a 1/2" rebar found, thence S 40°14'57" W 73.83 feet to a 1/2" rebar found, thence S 62°51'21" W 152.04 feet to a 1/2" rebar found, thence S 46°56'56" W 73.64 feet to a 5/8" rebar found, thence S 65°32'39" W 62.22 feet to a 5/8" rebar found, thence running along the common line of lands owned now or formerly by State Employees Credit Union, N 45°57'36" W 51.13 feet to a 1/2" rebar set, thence N 17°53'32" W 126.36 feet to a "x" in curb set, thence N 50°55'57" W 141.12 feet to a spike set, thence N 05°55'57" W 106.07 feet to a nail set, thence N 50°55'57" W 157.80 feet to a nail set, thence S 67°08'06" W 214.59 feet to a 1/2" rebar set, thence S 80°18'18" W 74.47 feet to a nail set, the point of beginning, containing 8.553 acres or 372,581 square feet, designated as Tract 2 on plat entitled "ALTA/ACSM Land Title Survey Kimco Carolina Project, Site Name" Mountain Island Market Place, 3540 Mt. Holly -Huntersville Road, Charlotte, NC", dated May 17, 2012, prepared by R. Scott Barrett, PLS, NC Registration No. L-4513, bearing project no. 201200791-3.

### Tract 3

Beginning at a 1/2" rebar set located on the southern right-of-way of Mt. Holly -Huntersville Road on the common line of lands owned now or formerly by Gray Property 2105 LLC, thence running along the southern right-of-way of Mt.Holly - Huntersville Road, N 67°11'58" E 130.46 feet to a 1/2" rebar set, thence running along the western right-of-way of Couloak Drive along a curve to the right, having an arc length of 55.06 feet, a radius of 30.00 feet, a S 60°24'06" E 47.65 feet to a 1/2" rebar set, thence S 07°18'26" E 17.21 feet to a 5/8" rebar bent found, thence along a curve to the right, having an arc length of 80.13 feet, a radius of 1377.71 feet, a chord bearing and distance of S 05°55'36" E 80.12 feet to a 5/8" rebar bent found, thence S 03°49'20" E 27.06 feet to a 1/2" rebar found, thence along a curve to the left, having an arc length of 71.30 feet, a radius of 831.00 feet, a chord bearing and distance of S 06°36'58" E 71.28 feet to a "x" set in concrete, thence S 13°50'08" E 61.43 feet to a 1/2" rebar set, thence S 16°00'24" E 70.07 feet to a 1/2" rebar set, thence along a curve to the left, having an arc length of 03.98 feet, a radius of 330.00 feet, a chord bearing and distance of S 22°15'19" E 103.55 feet to a 1/2" rebar set, thence S 31°16'55" E 684.26 feet to a 1/2" rebar set, thence running along a curve to the right, having an arc length of 47.70 feet, a radius of 1970.00 feet, a chord bearing and distance of S 30°35'34" E 47.70 feet to a 1/2" rebar set, thence S 29°53'42" E 120.32 feet to a 1/2" rebar set, thence leaving the western right-of-way of Couloak Drive and running along the common line of lands owned now or formerly by Duke Energy Corporation S 68°31'46" W 45.44 feet to a 1/2" rebar found, thence running along the common line of lands owned now or formerly by Gray Property 2105 LLC, N 29°51'12" W 1311.16 feet to a 1/2" rebar, the point of beginning, containing 1.605 acres or 69,934 square feet, designated as Tract 3 on plat entitled "ALTA/ACSM Land Title Survey Kimco Carolina Project, Site Name" Mountain Island Market Place, 3540 Mt. Holly - Huntersville Road, Charlotte, NC", dated May 17, 2012, prepared by R. Scott Barrett, PLS, NC Registration No. L-4513, bearing project no. 201200791-3.

## Tract 4

### LEGAL DESCRIPTION

PARCEL 1;  
FEE

SITUATED NOW IN THE CITY OF CHARLOTTE, COUNTY OF MECKLENBURG AND STATE OF NORTH CAROLINA, KNOWN AS TRACT A1, AS SHOWN BY THE PLAT ENTITLED 'SUBDIVISION PLAT, PART OF PARCEL 'A', MOUNTAIN ISLAND, LLC' RECORDED IN MAP BOOK 53, PAGE 884, OF MECKLENBURG COUNTY REGISTRY AND BEING FURTHER BOUNDED AND DESCRIBED AS:

Starting at a found #4 rebar at the Intersection of the Easterly right-of-way margin of Mount Holly-Huntersville Road (public r/w varies), and the Southerly right-of-way margin of Brookshire Boulevard-N.C. Highway #16 (public r/w varies), (and being S. 13-07-12 E. 357.95 feet from NCGS monument: 'M030'); Thence with the right-of-way of Brookshire Boulevard the following two (2) courses and distances:

1) S. 43-58-43 E. 392.06 feet to a found r/w monument;  
2) S. 43-55-10 E. 808.25 feet to a found r/w disk, the Intersection of the Westerly right-of-way of Interstate 485 (public r/w varies); thence with the right-of-way of Intersection 485 the following two (2) courses and distances:

1) S. 41-18-34 W. 118.95 feet to a found r/w disk;  
2) with a curve to the left having a radius of 1371.79 feet an arc length of 111.24 (subtended by a chord S. 39-00-59 W. 111.21 feet) to a point, being the point and place of beginning;

Thence continuing with the right-of-way of Interstate 485 with a curve to the left having a radius of 1371.79 feet an arc length of 351.09 feet, (subtended by a chord S. 29-21-41 W. 350.13 feet) to a point; thence with a new line the following six (6) courses and distances:

1) N. 75-33-37 W. 446.63 feet to a point;  
2) N. 50-51-51 W. 116.29 feet to a point;  
3) N. 39-08-09 E. 660.51 feet to a point;  
4) S. 42-21-13 E. 202.34 feet to a point;  
5) S. 12-01-54 E. 105.18 feet to a point;  
6) S. 40-31-07 E. 183.56 feet to a point and the point and place of beginning.

PARCEL 2;  
EASEMENT

Those certain non-exclusive easements as set forth in the Declaration of Easements, Covenants, Conditions and Restrictions for Mountain Island Marketplace Shopping Center recorded April 9, 1995, in Book 8104, Page 274 as amended by the First Amendment to Declaration of Easements, Covenants, Conditions, and Restrictions for Mountain Island Marketplace Shopping Center recorded in Book 8175, Page 255 as supplemented by the Supplemental Agreement Regarding Declaration of Easements, Covenants, Conditions and Restrictions (Book 8104, Page 274) and Declaration of Easements, Covenants and Restrictions recorded March 18, 2008, in Book 23515, Page 728, as impacted by the Assignment and Agreement of Developer's Rights Under Declaration recorded in Book 18395, Page 605, as further supplemented by the Supplemental Agreement to Declaration recorded in Book 20145, Page 511.

PARCEL 3;  
EASEMENT

Those certain non-exclusive easements as set forth in the Grant of Easement and Agreement recorded December 14, 2007, in Book 23164, Page 446-469



## EXHIBIT B

1. Declaration of Easements, Covenants, Conditions and Restrictions for Mountain Island Marketplace Shopping Center recorded in Book 8104, Page 274, as amended by First Amendment to Declaration of Easements, Covenants, Conditions and Restrictions for Mountain Island Marketplace Shopping Center recorded in Book 8175, Page 255; as affected by Assignment and Agreement recorded in Book 18395, Page 605; as supplemented by Supplemental Agreement Regarding Declaration of Easements, Covenants, Conditions and Restrictions for Mountain Island Marketplace Shopping Center recorded in Book 20145, Page 511; as supplemented by Supplemental Agreement Regarding Declaration of Easements, Covenants, Conditions and Restrictions for Mountain Island Marketplace Shopping Center recorded in Book 23515, Page 728; as affected by NC Special Warranty Deed recorded in Book 27454, Page 434, all in the Mecklenburg County Public Registry.
2. Grant of Easement, Agreement and License recorded in Book 10534, Page 915.
3. Grant of Easement, Agreement to Dedicate recorded in Book 23164, Page 446.
4. Release and Easement Agreements recorded in Book 7311, Page 747 and Book 6750, Page 359, as amended by Amendment to Release and Easement Agreement and Relocation of Easement recorded in Book 7742, Page 4, and as amended by Supplemental Agreement Regarding Declaration of Easements, Covenants, Conditions and Restrictions for Mountain Island Marketplace Shopping Center recorded in Book 20145, Page 511.
5. Easement to Duke Power recorded in Book 918, page 183 and Book 1279, Page 536.
6. Easement to the City of Charlotte recorded in Book 8584, Page 737.
7. Grant of Sign Easement and Agreement recorded in Book 20145, Page 541.
8. Deed of Easement & Agreement recorded in Book 25087, Page 61.
9. Consent Judgment to the Department of Transportation recorded in Book 31079, Page 748 and Memorandum of Action recorded in Book 29712, Page 638.