



Minutes

Board of Commissioners Regular Meeting

7 p.m. Sept. 9, 2024

Board Meeting Room, Town Hall Annex, 105 E. Corbin St.

Present: Mayor Mark Bell and commissioners Meaghun Darab, Robb English, Kathleen Ferguson, Matt Hughes and Evelyn Lloyd

Staff: Planner II Molly Boyle, Budget Director Emily Bradford, Planning and Economic Development Manager Shannan Campbell, Administrative Services Director Jen Della Valle, Budget and Management Analyst Josh Fernandez, Environmental Engineering Supervisor Bryant Green, Police Chief Duane Hampton, Town Attorney Nick Herman, Town Clerk and Human Resources Technician Sarah Kimrey, Town Manager Eric Peterson, Senior Communications Specialist Cheryl Sadgrove and Public Space and Sustainability Manager Stephanie Trueblood

Opening of the meeting

Mayor Mark Bell called the meeting to order at 7 p.m.

1. Public charge

Bell did not read the public charge.

2. Audience comments not related to the printed agenda

There were none.

3. Agenda changes and approval

Item 8A – Closed session as authorized by North Carolina General Statute Section 143-318.11(a)(3) to consult with the town attorney in order to preserve the attorney-client privilege (potential litigation) was removed.

Motion: Commissioner Evelyn Lloyd moved to approve the amended agenda. Commissioner Matt Hughes seconded.

Vote: 5-0.

4. Appointments

- A. Tree Board – Appointment of Tim Logue for a term ending Oct. 30, 2027
- B. Parks and Recreation Board – Reappointment of Richard von Furstenberg for a term ending Oct 30, 2027
- C. Tree Board – Reappointment of Linda Paynter for a term ending Sept. 10, 2027
- D. Parks and Recreation Board – Appointment of Nevin Daryani for a term ending Sept. 10, 2027

Motion: Commissioner Kathleen Ferguson moved to approve the appointments. Lloyd seconded.

Vote: 5-0.

5. Items for decision – consent agenda

- A. Minutes
– Regular meeting Aug. 12, 2024

- Regular meeting closed session Aug. 12, 2024
- Work session and joint Water and Sewer Advisory Committee meeting Aug. 26, 2024
- Work session closed session Aug. 26, 2024

- B. Miscellaneous budget amendments and transfers
- C. Resolution authorizing ABC Permit signing authority
- D. Proclamation – Diaper Need Awareness Week
- E. Proclamation – Hispanic Heritage Month 2024
- F. Special Event Permit – Hillsborough Half Marathon and 5K
- G. Special Event Permit – Carolina Tarwheels Bikefest 2024
- H. Special Event Permit – Hog Day 2024
- I. Sale and Indemnity agreement authorizing the retirement of K-9 Vader and transfer of ownership to Sgt. Scott Foster

Motion: Ferguson moved to approve all items on the consent agenda. Commissioner Robb English seconded.

Vote: 5-0.

6. Items for decision - regular agenda

- A. Annexation and rezoning request for Waterstone South

Hillsborough Planner II Molly Boyle recapped the proposal and its project and consideration timeline. The developer proposed building 450 apartments, 205 townhomes and 240,000 square feet of medical, office and neighborhood commercial use space and had agreed to make 15% of the market-rate units affordable to those earning 80% of the average median income. The non-residential buildings would be built along Waterstone Drive and N.C. 86 South.

Hillsborough Environmental Engineering Supervisor Bryant Green reviewed the developer's commitments to financially contribute to several water and sewer upgrades, including a new pump station to replace the Nazarene and Woods Edge pump stations and \$250,000 for Elizabeth Brady Pump Station improvements. The water system connection was agreed upon and the system development fees would be paid when the site plan is filed.

Eric Chupp, vice president of Capkov Ventures Inc., said the development aligns with the town's plans for the area and the area has sewer capacity. The development would be close to major transportation corridors and would provide opportunities to walk to businesses and schools. Additional rooftops should help attract commercial businesses. Affordable townhome and apartment units would be among the market-rate units and have the same exterior.

John Dempsey, an Orange County resident, addressed the board to ask that the intermittent stream on the property be protected.

Dan Jewell, landscape architect and principal regional director of the engineering services firm Thomas & Hutton, addressed the board. He said the development should connect with the rest of town and the developer is committed to building a greenway in the N.C. 86 right of way. The developer will make a \$150,000 payment in lieu if the state does not approve the greenway location by the time the certificates of occupation are sought.

The board posed questions to those who had spoken. It was noted that:

- Utilities staff had considered all previously approved development when calculating whether this proposal could be accommodated.

- The Elizabeth Brady Pump Station will need to be replaced within five years.
- The developer's utilities contributions would be close to covering the cost of providing service in this new area.
- Affordable units would have the same heating and air conditioning units as market-rate units.

The greenway placement and payment in lieu were discussed at length. It was determined that the trail would be 1.25 miles long and asphalt where allowed in the N.C. 86 South right of way, located at the bottom of the slope. It was noted that payments in lieu are usually 125% of the cost at the expected construction date to build a sidewalk or greenway. Following discussion, Chupp agreed to pay \$187,000 as a payment in lieu if the greenway could not be built.

Motion: English moved to approve the rezoning request to include the greenway changes to the map and amended conditions the applicant presented, noting that the proposed amendment is consistent with the Land Use and Development chapter goal to "Ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater system capacity" and that the proposed regulations advance identified goals and strategies found in the Comprehensive Sustainability Plan and promote public health, safety and welfare by creating more diversity in the town's housing stock, creating more affordable housing options in the community, and adding commercial development at Waterstone Drive and N.C. 86 South. Ferguson seconded.

Motion: Darab moved to amend the motion to include that the affordable units shall be integrated with the market-rate units and shall include similar HVAC and insulation installations. Hughes seconded.

Vote: 5-0.

Motion: Hughes moved to approve the annexation request. Ferguson seconded.

Vote: 5-0.

B. Strategic Plan Annual Report

Administrative Services Director Jen Della Valle presented the annual report of progress made on the Strategic Plan goals in Fiscal Year 2024. She reviewed the achievements in the five focus areas: sustainability, connected community, economic vitality, community safety and service excellence. Achievements included two dozen tasks that had been completed, were on track to be completed on time, or have had progress made ahead of schedule. The report also noted 10 tasks that needed an extended timeframe for completion.

C. Hot topics for work session Sept. 23, 2024

The analysis of the Ridgewalk greenway would be presented at the work session.

7. Updates

A. Board members

Board members gave updates on the committees and boards on which they serve.

B. Town manager

There was no additional report.

C. Staff (written reports in agenda packet)

There was no additional report.

8. Closed session

~~A. Closed session as authorized by North Carolina General Statute Section 143-318.11(a)(3) to consult with the town attorney in order to preserve the attorney-client privilege (potential litigation).~~

9. Adjournment

The mayor adjourned the meeting at 8:44 p.m.

Respectfully submitted,



Sarah Kimrey
Town Clerk
Staff support to the Board of Commissioners

FY 2024-2025

TOWN OF HILLSBOROUGH
BUDGET CHANGES REPORT
 DATES: 09/09/2024 TO 09/09/2024

REFERENCE	CHANGE NUMBER	DATE	USER	ORIGINAL BUDGET	BUDGET CHANGE	AMENDED BUDGET
GF 10-00-9990-5300-000 CONTINGENCY Contingency To cover utility analysis contract	45504	09/09/2024	EBRADFORI	450,000.00	-600.00	434,283.00
Comms. 10-10-4600-5300-113 LICENSE FEES To cover Convertio subscription for web i	45513	09/09/2024	JFernandez	13,998.00	72.00	11,070.00
Comms. 10-10-4600-5300-330 SUPPLIES - DEPARTMENTAL To cover Convertio subscription for web i	45512	09/09/2024	JFernandez	1,740.00	-72.00	1,668.00
Special Approp. 10-60-6900-5300-475 C.S./UTILITY ANALYSIS To cover utility analysis contract	45503	09/09/2024	EBRADFORI	0.00	600.00	600.00
Admin. of Enterprise 30-80-7200-5300-475 C.S./UTILITY ANALYSIS To cover utility analysis contract	45506	09/09/2024	EBRADFORI	0.00	996.00	996.00
Utilities Admin. 30-80-7220-5300-570 MISCELLANEOUS To cover document scanning contract	45507	09/09/2024	EBRADFORI	12,600.00	17,000.00	29,600.00
Water Dist. 30-80-8140-5300-326 SUPPLIES - PATCH To cover curb & sidewalk repairs from w	45515	09/09/2024	JFernandez	4,000.00	4,000.00	10,000.00
Water Dist. 30-80-8140-5300-330 SUPPLIES - DEPARTMENTAL To cover curb & sidewalk repairs from w	45514	09/09/2024	JFernandez	120,000.00	-4,000.00	105,500.00
W&S Contingency 30-80-9990-5300-000 CONTINGENCY To cover utility analysis contract	45505	09/09/2024	EBRADFORI	400,000.00	-996.00	284,514.00
To cover document scanning contract	45508	09/09/2024	EBRADFORI	400,000.00	-17,000.00	267,514.00
					0.00	

APPROVED: 5/0

DATE: 9/9/24

VERIFIED: 

**NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL COMMISSION
(919) 779-0700**

Location: 400 E. Tryon Road
Raleigh, NC 27610

Mail: 4307 Mail Service Center
Raleigh, NC 27699-4307

RESOLUTION OF THE CITY OF Hillsborough, COUNTY OF Orange, REGARDING THE DESIGNATION OF AN OFFICIAL TO MAKE RECOMMENDATIONS TO THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION ON ABC PERMIT APPLICATIONS.

WHEREAS G.S.18B-904(f) authorizes a governing body to designate an official, by name or by position, to make recommendations concerning the suitability of persons or locations for ABC permits; and

WHEREAS the City of Hillsborough, County of Orange, wishes to notify the NC ABC Commission of its designation as required by G.S.18B-904(f);

BE IT THEREFORE RESOLVED that Duane Hampton, Chief of Police,
(Name of Official) (Title or Position)

Andy Simmons, Major and Jason Winn, Major,
(Name of Official) (Title or Position) (Name of Official) (Title or Position)

are hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the recommendations of the City of Hillsborough, County of Orange, regarding the suitability of persons and locations for ABC permits within its jurisdiction.

BE IT FURTHER RESOLVED THAT notices to the City of Hillsborough, County of Orange, should be mailed or delivered to the official designated above at the following address:

Mailing address: 127 N. Churton St. Hillsborough, NC 27278

Office location: 127 N. Churton St.

City: Hillsborough, NC

Zip Code: 27278 Phone #: (919) 296-9500

This the 9th day of September, 2024.

Mark Bell
(Mayor/Chairman)



Sworn to and subscribed before me this the 9th day of Septmeber, 2024.

Janet E. Kimrey
(Clerk)



PROCLAMATION

2024 Diaper Need Awareness Week

Sept. 23 - 29

PROCLAMATION #20240909-5.D

WHEREAS, diaper need, the condition of not having a sufficient supply of clean diapers to keep babies and toddlers clean, dry, and healthy, can adversely affect the health and well-being of babies, toddlers, and their families; and

WHEREAS, national surveys and research studies report that one in two families struggle with diaper need and 48 percent of families delay changing a diaper to extend their supply; and

WHEREAS, purchasing enough diapers to keep a baby or toddler clean, dry, and healthy can consume 14 percent of a low-wage family's post-tax income, making it difficult to obtain a sufficient supply; and

WHEREAS, a daily or weekly supply of diapers is generally an eligibility requirement for babies and toddlers to participate in child care programs and quality early-education programs; and

WHEREAS, without enough diapers, babies and toddlers risk infections and health problems that may require medical attention, and may prevent parents from attending work or school, thereby hurting the family's economic prospects and well-being; and

WHEREAS, the people of Hillsborough recognize that diaper need is a public health issue, and addressing diaper need can lead to economic opportunity for the state's families and communities and improved health for children, thus ensuring all people have access to the basic necessities required to thrive and reach their full potential; and

WHEREAS, Hillsborough is proud to be home to trusted community-based organizations including Diaper Bank of North Carolina that recognize the importance of diapers in ensuring health and providing economic stability for families and thus distribute diapers to families through various channels; and

NOW, THEREFORE, I, Mark Bell, mayor of the Town of Hillsborough, do hereby proclaim the week of Sept. 23 through Sept. 29, 2024, as Diaper Need Awareness Week in the Town of Hillsborough, thank the aforementioned diaper bank, their staff, volunteers and donors, for their service and encourage the residents of Hillsborough to donate generously to diaper banks, diaper drives, and those organizations that collect and distribute diapers to those struggling with diaper need, so that all of Hillsborough's children and families can thrive and reach their full potential.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 9th day of September in the year 2024.



Mark Bell

Mark Bell, Mayor
Town of Hillsborough



PROCLAMATION Hispanic Heritage Month 2024

WHEREAS, Sept. 15 is the anniversary of independence from the Spanish Empire for five Latin American countries: Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua; and Mexico and Chile achieved independence on Sept. 16 and 18, respectively; and

WHEREAS, Hispanic Americans bring a rich cultural heritage representing many countries, ethnicities and religious traditions that are part of the fabric of America; and

WHEREAS, between 1968 and 1988, Presidents Johnson, Nixon, Ford, Carter and Reagan issued a series of annual proclamations that designated a week in September containing Sept. 15 and 16 as National Hispanic Heritage Week; and

WHEREAS, in 1988, the United States Congress adopted a resolution designating Sept. 15 to Oct. 15 of each year as National Hispanic Heritage Month; and

WHEREAS, during National Hispanic Heritage Month, the United States highlights and celebrates the culture and traditions of Spanish-speaking residents who trace their roots to Spain, Mexico, Central America, South America and the Caribbean; and

WHEREAS, the Hispanic communities of North Carolina have been integral in the history, culture, governance, and economy of the state and will be a critical part of its future as their communities continue to grow; and

WHEREAS, Hillsborough is home to a growing Hispanic community that is involved the civic, cultural, and economic fabric of the town and continues to make substantial contributions to the overall quality of life in town; and

WHEREAS, regional organizations such as El Centro Hispano, El Futuro, El Pueblo and the Refugee Community Partnership provide many valuable services to Hispanic and Latino residents in Hillsborough and further strengthen the town as a whole;

NOW, THEREFORE, the Town of Hillsborough does hereby proclaim Sept. 15 through Oct. 15, 2024, as Hispanic Heritage Month and calls upon all residents of Hillsborough to celebrate this month through activities and programs that enlighten and inspire our understanding of the amazing heritage of our Hispanic families, neighbors and friends.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 9th day of September in the year 2024.



Mark Bell

Mark Bell, Mayor
Town of Hillsborough

NORTH CAROLINA
ORANGE COUNTY

SALE AND INDEMNITY AGREEMENT

THIS AGREEMENT is made as of the date below by and between Police Sergeant Scott Foster, Indemnitor, hereinafter known as "Sgt. Foster" and the Town of Hillsborough, North Carolina, a North Carolina municipality, Indemnitee, hereinafter known as "Hillsborough".

WHEREAS, "Vader" a canine owned by Hillsborough and heretofore used by the Hillsborough Police Department as a valuable member of its K-9 unit, has been retired from service because of his age and current health condition.

WHEREAS, the K-9 "Vader" has been declared surplus property and the Hillsborough Town Board has authorized the sale of "Vader" to Sgt. Foster on the terms set forth herein; and

WHEREAS, Sgt. Foster agrees to purchase and acquire "Vader" for the consideration stated herein and to indemnify and hold harmless the Town of Hillsborough, North Carolina, a municipality, and its employees, agents or elected officials Hillsborough, from (1) veterinary and health related expenses for "Vader" and any and (2) all other claims, actions, suits, damages, costs, losses and expenses, including attorney's fees, in any manner arising related to "Vader's" activities and conduct subsequent to the sale; and

NOW, THEREFORE, in consideration of the agreements stated herein and the payment by Sgt. Foster to the Town of Hillsborough of One Dollar (\$1.00) and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, Sgt. Foster does hereby indemnify and hold harmless the Town of Hillsborough, North Carolina and its employees, agents or elected officials of Hillsborough from (1) veterinary and health related expenses for "Vader", and (2) all other claims, actions, suits, damages, costs, losses and expenses, including attorney's fees, in any manner arising related to "Vader's" activities and conduct subsequent to the date hereof.

This the 30 day of September, 2024.



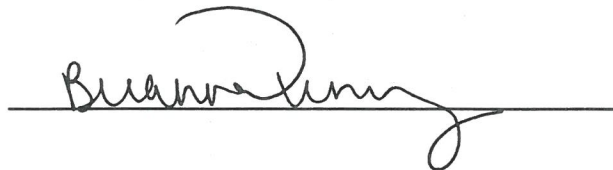
Signature



Witness: Duane Hampton, Chief of Police

I have hereby received the sum of \$1.00 from Sgt. Foster for the sale of K-9 "Vader" which has been declared as surplus property by the Town of Hillsborough Board of Commissioners.

This the 30 day of September, 2024.



BOARD OF COMMISSIONERS
TOWN OF HILLSBOROUGH, NORTH CAROLINA

Consistency Statement per Section 160D-605

*Request to amend the Official Zoning Map for the Town of Hillsborough -
Waterstone South Planned Development District*

September 9, 2024

The Board of Commissioners for the Town of Hillsborough has received and reviewed the request from Capkov Ventures, Inc. and Woodsedge Properties, LLC to amend the town's Official Zoning Map as follows:

- *Rezone approximately 98.948 acres from R1 (County), EDH-2 (County), and ESU (Town) to a Planned Development (PD) district for apartments, townhomes, and various nonresidential uses, such as medical, hospital, office, and neighborhood commercial*
(Parcel Identification Numbers: 9873-42-2375; 9873-42-5271; 9873-42-5076; 9873-41-5972; 9873-41-6716; 9873-51-0737; 9873-50-3553; 9873-50-4152; and 9872-49-4729)

The Board of Commissioners has determined that the proposed rezoning **is** with the town's Comprehensive Sustainability Plan (CSP) because:

1. The proposed amendment **is** with the *Land Use and Development* chapter goal to "Ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater system capacity."

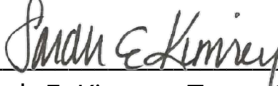
Strategy: Develop and adopt plans that contribute to meeting preferred future land use and growth patterns.

2. The proposed regulations **advance** identified goals and strategies found in the CSP and promote public health, safety, and welfare by creating more diversity in the town's housing stock, creating more affordable housing options in the community, and adding commercial development at Waterstone Drive and NC 86 S.

The foregoing consistency statement, having been submitted to a vote, received the following vote and was duly adopted this 9th day of September in the year 2024.

Ayes: 5
Noes: 0
Absent or excused: 0





Sarah E. Kimrey, Town Clerk

ORDINANCE #2020909-6.A-2



ORDINANCE

Annexing certain contiguous property to the Town of Hillsborough, NC Waterstone South, a Planned Development

WHEREAS, a petition was received requesting the annexation of Parcel Identification Numbers 9873-42-2375; 9873-42-5271; 9873-42-5076; 9873-41-5972; 9873-41-6716; 9873-51-0737; 9873-50-3553; 9873-50-4152; and 9872-49-4729, which are located south of Waterstone Drive, west of NC 86 S, north of E. Scarlett Mountain Road, and east of I-40 and together total 97.016 acres in area;

WHEREAS, the petition was signed by the owners of all the real property located within such area; and

WHEREAS, a properly advertised public hearing on the annexation was held on August 15, 2024, following notice of said hearing being published in the *News of Orange County* in accordance with NC GS § 160A-31 (c).

Now, therefore, the Board of Commissioners for the Town of Hillsborough ordains:

- Section 1.** The petition requesting the annexation of the area described in Section 2 was properly signed by the owners of all the real property located within such area and that such area is contiguous to the boundaries of the Town of Hillsborough, as the term "contiguous" is defined in NC GS § 160A-31 (f).
- Section 2.** The area shown and described hereto in Exhibits A and B is hereby annexed and made part of the Town of Hillsborough.
- Section 3.** This ordinance shall become effective upon adoption.
- Section 4.** The Town Clerk shall cause an accurate map of the annexed territory described in Section 2 together with a duly certified copy of this ordinance to be recorded in the office of the Register of Deeds of Orange County. Such a map shall also be delivered to the Orange County Board of Elections as required by NC GS § 163-288.1.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 9th day of September in the year 2024.

Ayes: 5
Noes: 0
Absent or excused: 0



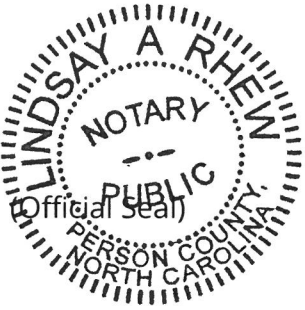
Sarah E. Kimrey

Sarah E. Kimrey, Town Clerk

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

I, Lindsay A Rhew, a Notary Public of the County and State aforesaid, certify that Sarah E. Kimrey personally appeared before me this day and acknowledged that she is the Town Clerk for the Town of Hillsborough, a North Carolina municipal corporation, and that she, as Town Clerk, being duly authorized to do so, executed the foregoing instrument to acknowledge that it is an Annexation Ordinance duly adopted by the Town of Hillsborough Board of Commissioners on the date indicated.

Witness my hand and official seal, this the 10 day of September, 2024.



Lindsay A Rhew

Notary Public Signature

My commission expires: 4-29-2025

**EXHIBIT A
LEGAL DESCRIPTION**

**PARCEL DESCRIPTION - NORTH ANNEX
14.283 ACRES**

Situated in the State of North Carolina, County of Orange, Hillsborough Township and being all of that 4.451 acre tract conveyed to Capkov Ventures, Inc. of record in Deed Book 6653, Page 1382, all of that 3.980 acre tract conveyed to Capkov Ventures Inc. in Deed Book 6728, Page 908, all of that 4.013 acre tract conveyed to Capkov Ventures, Inc. in Deed Book 6728, Page 908, all of that 0.920 acre tract conveyed to Capkov Ventures, Inc. in Deed Book 6728, Page 231, and all of that 0.919 acre tract conveyed to Capkov Ventures, Inc. in Deed Book 6822, Page 565 in the Office of the Register of Deeds of Orange County, North Carolina, and being more particularly bounded and described as follows;

Beginning, at an iron pipe found at the southeastern corner of a 2.134 acre tract conveyed to Capkov Ventures Inc. of record in Deed Book 6718, Page 1700, being on the westerly line of a 15.8 acre tract conveyed to Crabtree Glenn, LLC of record in Deed Book 6009, Page 565, being the northeastern corner of said 4.451 acre tract and having State Plane Ground Coordinates (NAD 83 – 2011 Adjustment): Northing 832390.8190, Easting 1975249.9620;

Thence **S 01° 05' 37" E**, with the easterly line of said 4.451 acre tract, said 3.980 acre tract, said 4.013 acre tract and said 0.919 acre tract, and the westerly line of said 15.8 acre tract a distance of **635.30 feet** to an iron pipe found along the westerly line of said 15.8 acre tract, the northern right-of-way of Phoebe Drive and being the southeastern corner of said 0.919 acre tract;

Thence **S 85° 58' 04" W**, along the northern right-of-way of said Phoebe Drive a distance of **217.33 feet** to an iron pipe found at the southeastern corner of a 0.918 acre tract conveyed to Roger Stephens of record in Deed Book 4444, Page 274;

Thence along the common lines of said 0.919 acre tract, said 0.918 acre tract, said 4.013 acre tract and said 0.920 acre tract the following three (3) courses:

N 01° 09' 34" W, a distance of **186.96 feet** to an iron pipe found;

S 87° 21' 19" W, a distance of **210.98 feet** to an iron pipe found;

S 01° 09' 57" E, a distance of **192.08 feet** to an iron pipe found along the northern right-of-way of said Phoebe Drive and being the southwestern corner of said 0.918 acre tract;

Thence **S 85° 58' 04" W**, along said Phoebe Drive right-of-way a distance of **205.70 feet** to an iron pipe set at the southeastern corner of that 3.206 acre tract conveyed to Worth and Deanna Overman of record in Deed Book 664, Page 551;

Thence along the common lines of said 3.206 acre tract, said 0.920 acre tract and said 4.013 acre tract the following two (2) courses:

N 01° 14' 22" W, a distance of **197.87 feet** to an iron pipe found;

S 87° 19' 37" W, a distance of **598.88 feet** to an iron pipe found at the northeastern corner of said 3.206 acre tract, being on the easterly line of a 57.7 acre tract conveyed to the University of North Carolina Hospitals at Chapel Hill #319 in Deed Book 4832, Page 301 and being the southwestern corner of said 4.013 acre tract;

Thence **N 07° 36' 56" W**, along the common line of said 57.7 acre tract, said 4.013 acre tract, said 3.980 acre tract, and said 4.451 acre tract a distance of **410.56 feet** to an iron pipe set at the southwestern corner of said 2.134 acre tract and being the northwestern corner of said 4.451 acre tract;

Thence **N 85° 23' 33" E**, with the common line of said 2.134 acre tract and said 4.451 acre tract a distance of **1281.55 feet** to the **Point of Beginning**, and containing **14.283 acres** of land, more or less, as calculated by the above courses. Subject, to all legal restrictions, easements and/or right-of-way.

The above description was prepared by James D. Whitacre, P.L.S. L-5273 on July 2, 2024. This description is based on existing records from the Orange County Register of Deeds and an actual field survey by Advanced Civil Design, Inc. completed in September, 2023.

The **Basis of Bearings** used in this description is based upon monuments established by the National Geodetic Survey (NAD 83, 2011 Adjustment) and was determined using GPS equipment and procedures.

All references used in this description can be found at the Register of Deeds, Orange County, North Carolina.

PARCEL DESCRIPTION - SOUTHERN ANNEX 82.733 ACRES

Situated in the State of North Carolina, County of Orange, Hillsborough and Chapel Hill Townships and being all of that 13.697 acre tract conveyed to Capkov Ventures, Inc. of record in Deed Book 6820, Page 513, all of that 52.803 acre tract conveyed to Capkov Ventures, Inc. of record in Deed Book 6812, Page 98, a portion of that 16.409 acre tract conveyed to Capkov Ventures, Inc. of record in Deed Book 6540, Page 1 also known as Lot 4 of record in Plat Book 128, Page 10, and all of that 1.823 acre tract conveyed to Capcov Ventures, Inc. in Deed Book 6856, Page 1337 in the Office of the Register of Deeds of Orange County, North Carolina, and being more particularly bounded and described as follows;

Beginning, at an iron pipe found in the westerly right-of-way of NC Highway 86, the southeasterly corner of said 13.697 acre tract, the northeasterly corner of said 52.803 acre tract and having State Plane Ground Coordinates (NAD 83 – 2011 Adjustment): Northing 829806.807, Easting 1976136.323;

Thence **S 09° 40' 00" E**, with the easterly line of said 52.803 acre tract and said right-of-way a distance of **118.52 feet** to an iron pipe set at the northeastern corner of a 5.108 acre tract conveyed to Advisory Board of the NC District Church of Nazarene of record in Deed Book 600, Page 329;

Thence with the common line of said 5.108 acre tract and said 52.803 acre tract the following two (2) courses:

S 88° 49' 38" W, a distance of **679.62 feet** to an iron pipe set;

S 09° 42' 51" E, a distance of **280.89 feet** to an iron pipe found at the southwestern corner of said 5.108 acre tract and being the northwestern corner of a 5.381 acre tract conveyed to Santos Guadalupe Mejia Reyes and Alicia Suyapa Mejia Vasquez of record in Deed Book 6637, Page 1403;

Thence **S 09° 35' 31" E**, with the common line of said 5.381 acre tract and said 52.803 acre tract a distance of **337.73 feet** to an iron pipe found at the northern right-of-way of Scarlette Mountain Road (private);

Thence **S 09° 35' 31" E**, across said right-of-way a distance of **29.05 feet** to a point on the center line of said Scarlette Mountain Road and being the southeasterly corner of said 52.803 acre tract;

Thence with the centerline of said Scarlette Mountain Road the following four (4) courses:

N 80° 27' 53" W, a distance of **449.66 feet** to a point;

N 87° 17' 53" W, a distance of **222.63 feet** to a point;

N 89° 46' 53" W, a distance of **199.58 feet** to a point;

N 73° 28' 04" W, a distance of **121.53 feet** to a point in the easterly line of a 7.87 acre tract conveyed to Karen Jordan of record in Deed Book 359, Page 169;

Thence with the common line of said 52.803 acre tract and said 7.87 acre tract the following two courses;

N 00° 28' 17" E, a distance of **36.71 feet** to an iron pipe found;

S 89° 39' 52" W, a distance of **942.40 feet** to a point on the easterly right of way of Interstate 40;

Thence with the westerly line of said 52.803 acre tract, the easterly right-of-way of said Interstate 40, the following six courses;

N 10°05' 55" W, a distance of **185.45 feet** to a concrete monument found;

N 13°40' 27" W, a distance of **305.71 feet** to a concrete monument found;

With a curve to the left, having a chord bearing and distance of **N 16° 38' 15" W**, **594.24 feet**, a radius of **3952.94 feet**, a central angle of **08° 37' 17"**, and an arc length of **594.80 feet** to a rebar found;

N 70°03' 27" E, a distance of **15.10 feet** to a concrete monument found;

N 12°43' 48" W, a distance of **154.12 feet** to a concrete monument found;

With a curve to the left, having a chord bearing and distance of **N 24° 03' 34" W**, **130.79 feet**, a radius of **3994.72 feet**, a central angle of **01° 52' 34"**, and an arc length of **130.80 feet** to a point in the centerline of a stream, the southwesterly corner of that 0.218 acre tract conveyed to North Carolina Department of Transportation of record in Deed Book 6814, Page 224;

Thence with the centerline of the stream, the common line of said 0.218 acre tract and said 52.803 acre tract the following seven (7) courses;

N 51°53' 36" E, a distance of **19.81 feet** to a point;

N 65°44' 56" E, a distance of **14.85 feet** to a point;

N 87°59' 35" E, a distance of **10.37 feet** to a point;

S 21°18' 06" E, a distance of **13.55 feet** to a point;

S 10°49' 00" E, a distance of **14.94 feet** to a point;

S 60°12' 19" E, a distance of **16.24 feet** to a point;

N 83°11' 17" E, a distance of **5.02 feet** to a point at the southeasterly corner of said 0.218 acre tract, southwesterly corner of said 1.823 acre tract;

Thence with the common line of said 1.823 acre tract and said 0.218 acre tract the following three courses;

N 09°42' 11" W, a distance of **6.91 feet** to a point;

N 24°51' 58" W, a distance of **53.01 feet** to a point;

N 37°12' 08" W, a distance of **329.50 feet** to a concrete monument found on the easterly right-of-way of said Interstate 40;

Thence with the westerly line of said 1.823 acre tract, the easterly right-of-way of said Interstate 40 the following two (2) courses;

N 36°05' 34" W, a distance of **104.78 feet** to a concrete monument found;

With a curve to the left, having a chord bearing and distance of **N 36° 44' 37" W, 747.03 feet**, a radius of **3984.72 feet**, a central angle of **10° 45' 26"**, and an arc length of **748.12 feet** to a point at the northwesterly corner of said 48.313 (orig.) acre tract the southwesterly corner of that 57.7 acre tract conveyed to University of North Carolina Hospitals at Chapel Hill #319 of record in Deed Book 4832, Page 301;

Thence **S 89° 58' 08" E**, with the common line of said 1.823 acre tract and said 57.7 acre tract a distance of **106.08 feet** to a point at the northwesterly corner of Lot 1 of record in Plat Book 128, Page 10;

Thence **S 35° 32' 16" E**, with the common line of said 1.823 acre tract and said Lot 1, a distance of **1211.14 feet** to a point in the centerline of the creek, the southerly line of said Lot 1 acre tract, the northerly line of said 52.803 acre tract;

Thence with the centerline of said creek, the common line of said Lot 1 and said 52.803 acre tract the following twenty-two courses;

S 79°54' 09" E, a distance of **15.47 feet** to a point;

S 87°24' 39" E, a distance of **27.59 feet** to a point;

N 78°38' 06" E, a distance of **22.76 feet** to a point;

N 84°18' 24" E, a distance of **19.35 feet** to a point;

S 72°25' 59" E, a distance of **70.41 feet** to a point;

N 69°27' 22" E, a distance of **13.58 feet** to a point;

N 55°59' 25" E, a distance of **16.05 feet** to a point;

S 64°00' 12" E, a distance of **11.36 feet** to a point;

S 80°43' 27" E, a distance of **28.61 feet** to a point;

N 58°34' 08" E, a distance of **7.81 feet** to a point;

N 82°04' 36" E, a distance of **27.81 feet** to a point;

N 69°02' 05" E, a distance of **31.39 feet** to a point;

S 70°48' 35" E, a distance of **57.04 feet** to a point;

S 49°54' 40" E, a distance of **45.06 feet** to a point;

S 89°28' 32" E, a distance of **41.22 feet** to a point;

S 48°46' 48" E, a distance of **36.86 feet** to a point;

N 77°03' 15" E, a distance of **44.59 feet** to a point;

N 69°17' 26" E, a distance of **42.52 feet** to a point;

N 48°34' 08" E, a distance of **31.88 feet** to a point;

S 63°48' 18" E, a distance of **73.07 feet** to a point;

N 90°00' 00" E, a distance of **302.17 feet** to a point;

N 61°54' 05" E, a distance of **184.24 feet** to a point;

S 71°37' 17" E, a distance of **86.76 feet** to a point on the westerly line of said Lot 4, the southeasterly corner of said Lot 1;

Thence **N 00° 16' 18" E**, with the common line of said Lot 1 said Lot 4 a distance of **174.79 feet** to an iron pipe set at the southwesterly corner of Lot 3 of record in Plat Book 128, Page 10;

Thence along the common lines of said Lot 3 and said Lot 4 the following two courses;

S 89°23' 25" E, a distance of **626.12 feet** to an iron pipe set;

N 01°11' 36" E, a distance of **138.91 feet** to an iron pipe set at the southwesterly corner of that 8.35 acre tract conveyed to Lillie Mangum of record in Deed Book 232, Page 1392;

Thence **S 89° 23' 25" E**, with the common line of said Lot 4 and said 8.35 acre tract a distance of **719.04 feet** to an iron pipe set on the westerly right-of-way of said State Route 86;

Thence with the westerly right-of-way of said State Route 86, the following two (2) courses:

S 08° 55' 32" E, with a distance of **506.04 feet** to a rebar found at the southeasterly corner of said 16.409 acre tract, the northeasterly corner of said 13.697 acre tract;

S 10° 28' 14" E, with a distance of **518.50 feet** to the **Point of Beginning**, and containing **82.733 acres** of land, more or less, as calculated by the above courses. Subject, to all legal restrictions, easements and/or right-of-way.

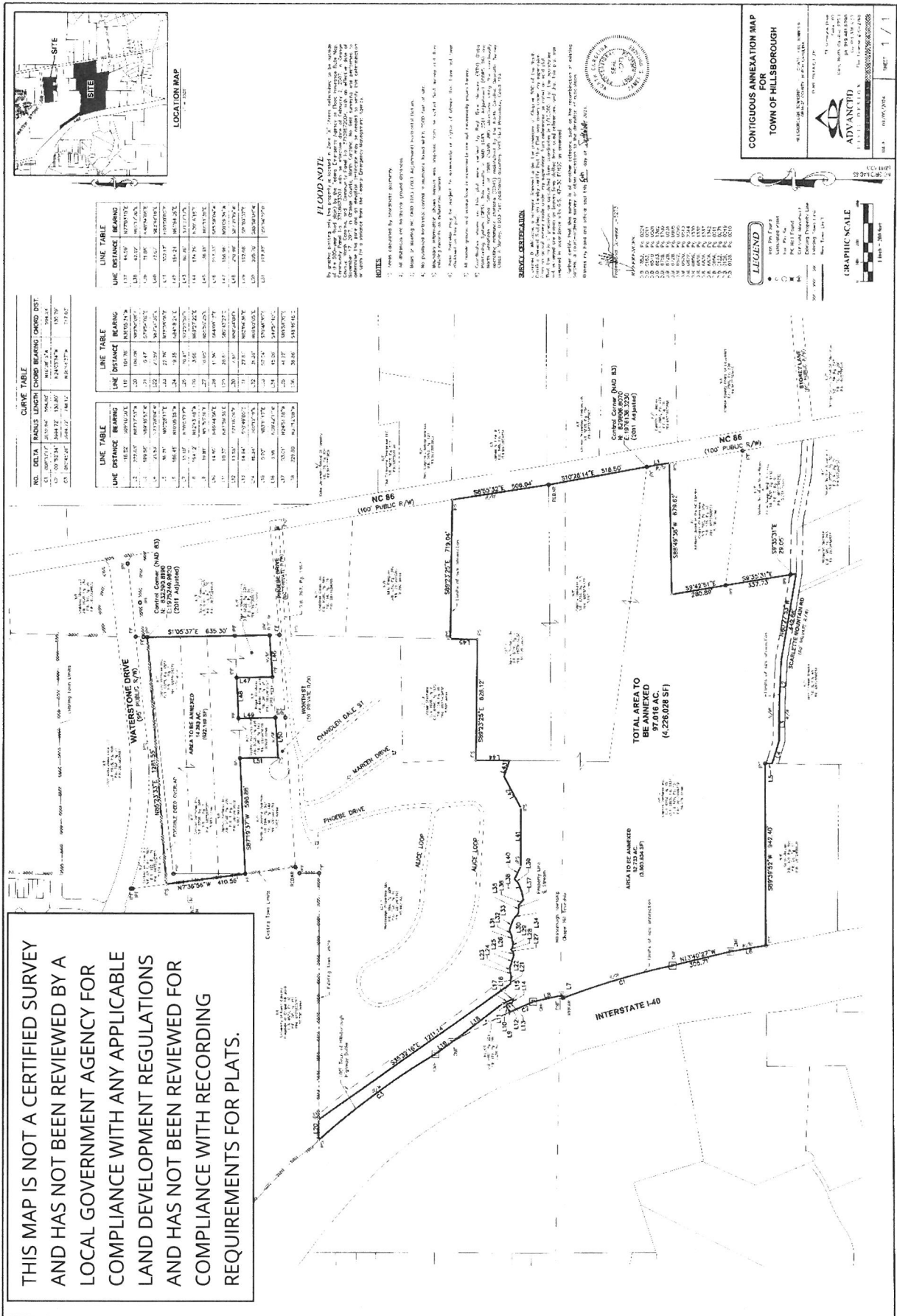
The above description was prepared by James D. Whitacre, P.L.S. L-5273 on September 6, 2024. This description is based on existing records from the Orange County Register of Deeds and an actual field survey completed by Advanced Civil Design, Inc. in September, 2023.

The **Basis of Bearings** used in this description is based upon monuments established by the National Geodetic Survey (NAD 83, 2011 Adjustment) and was determined using GPS equipment and procedures.

All references used in this description can be found at the Register of Deeds, Orange County, North Carolina.

ADVANCED CIVIL DESIGN, INC.

EXHIBIT B





ORDINANCE

Amending the Official Zoning Map for the Town of Hillsborough Waterstone South, a Planned Development

WHEREAS, an application was made to amend the Official Zoning Map for the Town of Hillsborough, specifically to rezone approximately 98.948 acres of property described hereto and identified as Parcel Identification Numbers 9873-42-2375; 9873-42-5271; 9873-42-5076; 9873-41-5972; 9873-41-6716; 9873-51-0737; 9873-50-3553; 9873-50-4152; and 9872-49-4729 to *Planned Development (PD)*;

WHEREAS, the application was referred to the town Planning Board for its recommendation, and the Planning Board has provided the town board with a written recommendation addressing the consistency of the proposed rezoning amendment with the town's comprehensive plan and such other matters as the Planning Board deemed appropriate;

WHEREAS, the applicant and the Board of Commissioners have negotiated and mutually agreed to a list of conditions to be placed on the zoning district as allowed under NC GS § 160D-703 (b); and

WHEREAS, the town board has, prior to acting on the application, adopted a statement describing the consistency of the proposed rezoning with the town's comprehensive plan and explaining why the action contemplated by the town board as reflected herein is reasonable and in the public interest.

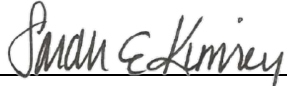
Now, therefore, the Board of Commissioners for the Town of Hillsborough ordains:

- Section 1.** The Official Zoning Map of the Town of Hillsborough is hereby amended to rezone the 98.948 acres of property shown and described hereto in Exhibits A and B to *Planned Development (PD)*.
- Section 2.** As part of this rezoning, the aforementioned property is subject to the conditions attached hereto as Exhibit C, to which both the applicant and the Board of Commissioners have mutually agreed.
- Section 3.** All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 4.** This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 9th day of September in the year 2024.

Ayes: 5
Noes: 0
Absent or excused: 0





Sarah E. Kimrey, Town Clerk

**EXHIBIT A
LEGAL DESCRIPTION**

**PARCEL DESCRIPTION - NORTH ANNEX
14.283 ACRES**

Situated in the State of North Carolina, County of Orange, Hillsborough Township and being all of that 4.451 acre tract conveyed to Capkov Ventures, Inc. of record in Deed Book 6653, Page 1382, all of that 3.980 acre tract conveyed to Capkov Ventures Inc. in Deed Book 6728, Page 908, all of that 4.013 acre tract conveyed to Capkov Ventures, Inc. in Deed Book 6728, Page 908, all of that 0.920 acre tract conveyed to Capkov Ventures, Inc. in Deed Book 6728, Page 231, and all of that 0.919 acre tract conveyed to Capkov Ventures, Inc. in Deed Book 6822, Page 565 in the Office of the Register of Deeds of Orange County, North Carolina, and being more particularly bounded and described as follows;

Beginning, at an iron pipe found at the southeastern corner of a 2.134 acre tract conveyed to Capkov Ventures Inc. of record in Deed Book 6718, Page 1700, being on the westerly line of a 15.8 acre tract conveyed to Crabtree Glenn, LLC of record in Deed Book 6009, Page 565, being the northeastern corner of said 4.451 acre tract and having State Plane Ground Coordinates (NAD 83 – 2011 Adjustment): Northing 832390.8190, Easting 1975249.9620;

Thence **S 01° 05' 37" E**, with the easterly line of said 4.451 acre tract, said 3.980 acre tract, said 4.013 acre tract and said 0.919 acre tract, and the westerly line of said 15.8 acre tract a distance of **635.30 feet** to an iron pipe found along the westerly line of said 15.8 acre tract, the northern right-of-way of Phoebe Drive and being the southeastern corner of said 0.919 acre tract;

Thence **S 85° 58' 04" W**, along the northern right-of-way of said Phoebe Drive a distance of **217.33 feet** to an iron pipe found at the southeastern corner of a 0.918 acre tract conveyed to Roger Stephens of record in Deed Book 4444, Page 274;

Thence along the common lines of said 0.919 acre tract, said 0.918 acre tract, said 4.013 acre tract and said 0.920 acre tract the following three (3) courses:

N 01° 09' 34" W, a distance of **186.96 feet** to an iron pipe found;

S 87° 21' 19" W, a distance of **210.98 feet** to an iron pipe found;

S 01° 09' 57" E, a distance of **192.08 feet** to an iron pipe found along the northern right-of-way of said Phoebe Drive and being the southwestern corner of said 0.918 acre tract;

Thence **S 85° 58' 04" W**, along said Phoebe Drive right-of-way a distance of **205.70 feet** to an iron pipe set at the southeastern corner of that 3.206 acre tract conveyed to Worth and Deanna Overman of record in Deed Book 664, Page 551;

Thence along the common lines of said 3.206 acre tract, said 0.920 acre tract and said 4.013 acre tract the following two (2) courses:

N 01° 14' 22" W, a distance of **197.87 feet** to an iron pipe found;

S 87° 19' 37" W, a distance of **598.88 feet** to an iron pipe found at the northeastern corner of said 3.206 acre tract, being on the easterly line of a 57.7 acre tract conveyed to the University of North Carolina Hospitals at Chapel Hill #319 in Deed Book 4832, Page 301 and being the southwestern corner of said 4.013 acre tract;

Thence **N 07° 36' 56" W**, along the common line of said 57.7 acre tract, said 4.013 acre tract, said 3.980 acre tract, and said 4.451 acre tract a distance of **410.56 feet** to an iron pipe set at the southwestern corner of said 2.134 acre tract and being the northwestern corner of said 4.451 acre tract;

Thence **N 85° 23' 33" E**, with the common line of said 2.134 acre tract and said 4.451 acre tract a distance of **1281.55 feet** to the **Point of Beginning**, and containing **14.283 acres** of land, more or less, as calculated by the above courses. Subject, to all legal restrictions, easements and/or right-of-way.

The above description was prepared by James D. Whitacre, P.L.S. L-5273 on July 2, 2024. This description is based on existing records from the Orange County Register of Deeds and an actual field survey by Advanced Civil Design, Inc. completed in September, 2023.

The **Basis of Bearings** used in this description is based upon monuments established by the National Geodetic Survey (NAD 83, 2011 Adjustment) and was determined using GPS equipment and procedures.

All references used in this description can be found at the Register of Deeds, Orange County, North Carolina.

PARCEL DESCRIPTION - SOUTHERN ANNEX 82.733 ACRES

Situated in the State of North Carolina, County of Orange, Hillsborough and Chapel Hill Townships and being all of that 13.697 acre tract conveyed to Capkov Ventures, Inc. of record in Deed Book 6820, Page 513, all of that 52.803 acre tract conveyed to Capkov Ventures, Inc. of record in Deed Book 6812, Page 98, a portion of that 16.409 acre tract conveyed to Capkov Ventures, Inc. of record in Deed Book 6540, Page 1 also known as Lot 4 of record in Plat Book 128, Page 10, and all of that 1.823 acre tract conveyed to Capcov Ventures, Inc. in Deed Book 6856, Page 1337 in the Office of the Register of Deeds of Orange County, North Carolina, and being more particularly bounded and described as follows;

Beginning, at an iron pipe found in the westerly right-of-way of NC Highway 86, the southeasterly corner of said 13.697 acre tract, the northeasterly corner of said 52.803 acre tract and having State Plane Ground Coordinates (NAD 83 – 2011 Adjustment): Northing 829806.807, Easting 1976136.323;

Thence **S 09° 40' 00" E**, with the easterly line of said 52.803 acre tract and said right-of-way a distance of **118.52 feet** to an iron pipe set at the northeastern corner of a 5.108 acre tract conveyed to Advisory Board of the NC District Church of Nazarene of record in Deed Book 600, Page 329;

Thence with the common line of said 5.108 acre tract and said 52.803 acre tract the following two (2) courses:

S 88° 49' 38" W, a distance of **679.62 feet** to an iron pipe set;

S 09° 42' 51" E, a distance of **280.89 feet** to an iron pipe found at the southwestern corner of said 5.108 acre tract and being the northwestern corner of a 5.381 acre tract conveyed to Santos Guadalupe Mejia Reyes and Alicia Suyapa Mejia Vasquez of record in Deed Book 6637, Page 1403;

Thence **S 09° 35' 31" E**, with the common line of said 5.381 acre tract and said 52.803 acre tract a distance of **337.73 feet** to an iron pipe found at the northern right-of-way of Scarlette Mountain Road (private);

Thence **S 09° 35' 31" E**, across said right-of-way a distance of **29.05 feet** to a point on the center line of said Scarlette Mountain Road and being the southeasterly corner of said 52.803 acre tract;

Thence with the centerline of said Scarlette Mountain Road the following four (4) courses:

N 80° 27' 53" W, a distance of **449.66 feet** to a point;

N 87° 17' 53" W, a distance of **222.63 feet** to a point;

N 89° 46' 53" W, a distance of **199.58 feet** to a point;

N 73° 28' 04" W, a distance of **121.53 feet** to a point in the easterly line of a 7.87 acre tract conveyed to Karen Jordan of record in Deed Book 359, Page 169;

Thence with the common line of said 52.803 acre tract and said 7.87 acre tract the following two courses;

N 00° 28' 17" E, a distance of **36.71 feet** to an iron pipe found;

S 89° 39' 52" W, a distance of **942.40 feet** to a point on the easterly right of way of Interstate 40;

Thence with the westerly line of said 52.803 acre tract, the easterly right-of-way of said Interstate 40, the following six courses;

N 10°05' 55" W, a distance of **185.45 feet** to a concrete monument found;

N 13°40' 27" W, a distance of **305.71 feet** to a concrete monument found;

With a curve to the left, having a chord bearing and distance of **N 16° 38' 15" W**, **594.24 feet**, a radius of **3952.94 feet**, a central angle of **08° 37' 17"**, and an arc length of **594.80 feet** to a rebar found;

N 70°03' 27" E, a distance of **15.10 feet** to a concrete monument found;

N 12°43' 48" W, a distance of **154.12 feet** to a concrete monument found;

With a curve to the left, having a chord bearing and distance of **N 24° 03' 34" W**, **130.79 feet**, a radius of **3994.72 feet**, a central angle of **01° 52' 34"**, and an arc length of **130.80 feet** to a point in the centerline of a stream, the southwesterly corner of that 0.218 acre tract conveyed to North Carolina Department of Transportation of record in Deed Book 6814, Page 224;

Thence with the centerline of the stream, the common line of said 0.218 acre tract and said 52.803 acre tract the following seven (7) courses;

N 51°53' 36" E, a distance of **19.81 feet** to a point;

N 65°44' 56" E, a distance of **14.85 feet** to a point;

N 87°59' 35" E, a distance of **10.37 feet** to a point;

S 21°18' 06" E, a distance of **13.55 feet** to a point;

S 10°49' 00" E, a distance of **14.94 feet** to a point;

S 60°12' 19" E, a distance of **16.24 feet** to a point;

N 83°11' 17" E, a distance of **5.02 feet** to a point at the southeasterly corner of said 0.218 acre tract, southwesterly corner of said 1.823 acre tract;

Thence with the common line of said 1.823 acre tract and said 0.218 acre tract the following three courses;

N 09°42' 11" W, a distance of **6.91 feet** to a point;

N 24°51' 58" W, a distance of **53.01 feet** to a point;

N 37°12' 08" W, a distance of **329.50 feet** to a concrete monument found on the easterly right-of-way of said Interstate 40;

Thence with the westerly line of said 1.823 acre tract, the easterly right-of-way of said Interstate 40 the following two (2) courses;

N 36°05' 34" W, a distance of **104.78 feet** to a concrete monument found;

With a curve to the left, having a chord bearing and distance of **N 36° 44' 37" W**, **747.03 feet**, a radius of **3984.72 feet**, a central angle of **10° 45' 26"**, and an arc length of **748.12 feet** to a point at the northwesterly corner of said 48.313 (orig.) acre tract the southwesterly corner of that 57.7 acre tract conveyed to University of North Carolina Hospitals at Chapel Hill #319 of record in Deed Book 4832, Page 301;

Thence **S 89° 58' 08" E**, with the common line of said 1.823 acre tract and said 57.7 acre tract a distance of **106.08 feet** to a point at the northwesterly corner of Lot 1 of record in Plat Book 128, Page 10;

Thence **S 35° 32' 16" E**, with the common line of said 1.823 acre tract and said Lot 1, a distance of **1211.14 feet** to a point in the centerline of the creek, the southerly line of said Lot 1 acre tract, the northerly line of said 52.803 acre tract;

Thence with the centerline of said creek, the common line of said Lot 1 and said 52.803 acre tract the following twenty-two courses;

S 79°54' 09" E, a distance of **15.47 feet** to a point;

S 87°24' 39" E, a distance of **27.59 feet** to a point;

N 78°38' 06" E, a distance of **22.76 feet** to a point;

N 84°18' 24" E, a distance of **19.35 feet** to a point;

S 72°25' 59" E, a distance of **70.41 feet** to a point;

N 69°27' 22" E, a distance of **13.58 feet** to a point;

N 55°59' 25" E, a distance of **16.05 feet** to a point;

S 64°00' 12" E, a distance of **11.36 feet** to a point;

S 80°43' 27" E, a distance of **28.61 feet** to a point;

N 58°34' 08" E, a distance of **7.81 feet** to a point;

N 82°04' 36" E, a distance of **27.81 feet** to a point;

N 69°02' 05" E, a distance of **31.39 feet** to a point;

S 70°48' 35" E, a distance of **57.04 feet** to a point;

S 49°54' 40" E, a distance of **45.06 feet** to a point;

S 89°28' 32" E, a distance of **41.22 feet** to a point;

S 48°46' 48" E, a distance of **36.86 feet** to a point;

N 77°03' 15" E, a distance of **44.59 feet** to a point;

N 69°17' 26" E, a distance of **42.52 feet** to a point;

N 48°34' 08" E, a distance of **31.88 feet** to a point;

S 63°48' 18" E, a distance of **73.07 feet** to a point;

N 90°00' 00" E, a distance of **302.17 feet** to a point;

N 61°54' 05" E, a distance of **184.24 feet** to a point;

S 71°37' 17" E, a distance of **86.76 feet** to a point on the westerly line of said Lot 4, the southeasterly corner of said Lot 1;

Thence N 00° 16' 18" E, with the common line of said Lot 1 said Lot 4 a distance of **174.79 feet** to an iron pipe set at the southwesterly corner of Lot 3 of record in Plat Book 128, Page 10;

Thence along the common lines of said Lot 3 and said Lot 4 the following two courses;

S 89°23' 25" E, a distance of **626.12 feet** to an iron pipe set;

N 01°11' 36" E, a distance of **138.91 feet** to an iron pipe set at the southwesterly corner of that 8.35 acre tract conveyed to Lillie Mangum of record in Deed Book 232, Page 1392;

Thence S 89° 23' 25" E, with the common line of said Lot 4 and said 8.35 acre tract a distance of **719.04 feet** to an iron pipe set on the westerly right-of-way of said State Route 86;

Thence with the westerly right-of-way of said State Route 86, the following two (2) courses:

S 08° 55' 32" E, with a distance of **506.04 feet** to a rebar found at the southeasterly corner of said 16.409 acre tract, the northeasterly corner of said 13.697 acre tract;

S 10° 28' 14" E, with a distance of **518.50 feet** to the **Point of Beginning**, and containing **82.733 acres** of land, more or less, as calculated by the above courses. Subject, to all legal restrictions, easements and/or right-of-way.

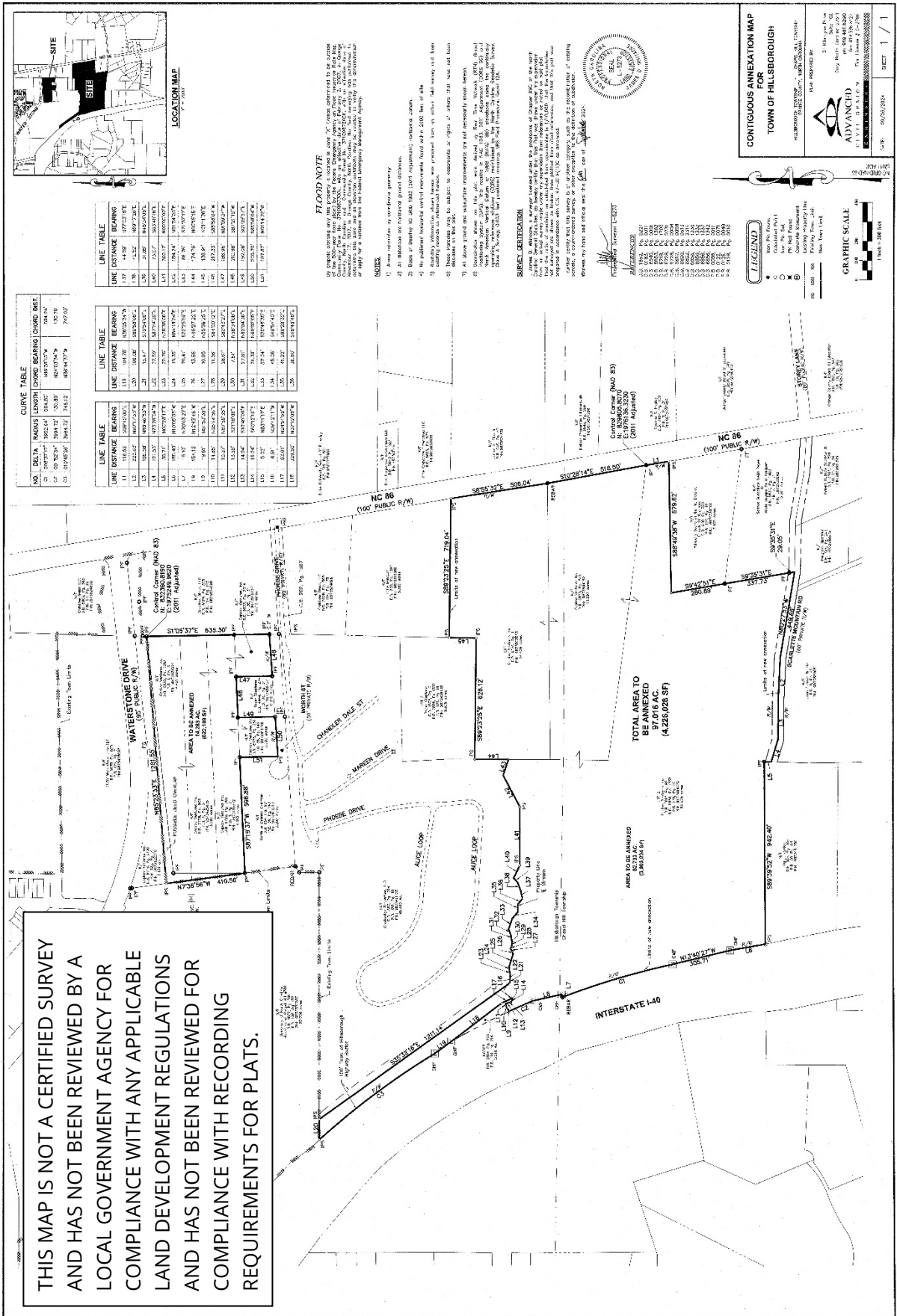
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The **Basis of Bearings** used in this description is based upon monuments established by the National Geodetic Survey (NAD 83, 2011 Adjustment) and was determined using GPS equipment and procedures.

All references used in this description can be found at the Register of Deeds, Orange County, North Carolina.

ADVANCED CIVIL DESIGN, INC.

EXHIBIT B



CONTIGUOUS ANNEXATION MAP FOR TOWN OF HILLSBOROUGH

ADVANCED SURVEYING & ENGINEERING, LLC
 1145 W. STATE ST., SUITE 101, HILLSBOROUGH, NC 27541
 TEL: 919.888.8888 FAX: 919.888.8889
 WWW.ADVANCEDSURVEYING.COM

DATE PREPARED BY: _____
 DATE CHECKED BY: _____
 DATE APPROVED BY: _____

PROJECT NO.: 20240909-6-A-1
 SHEET NO.: 1 / 1

LEGEND

- Red Pin Point
- Black Pin Point
- Black Line
- Black Circle
- Black Square
- Black Triangle
- Black Diamond
- Black Hexagon
- Black Octagon
- Black Star
- Black Cross
- Black Circle with Cross
- Black Circle with Square
- Black Circle with Triangle
- Black Circle with Diamond
- Black Circle with Hexagon
- Black Circle with Octagon
- Black Circle with Star
- Black Circle with Cross

GRAPHIC SCALE
 0 50 100 150 200 Feet

EXHIBIT C

CONDITIONS OF APPROVAL FOR WATERSTONE SOUTH, A PLANNED DEVELOPMENT

I. **Generally**

- a. Site plans and construction drawings for the development shall comply with these conditions of approval, as well as any applicable development regulations for the Town of Hillsborough that are in effect when the plans and/or drawings are submitted. When there is a conflict between a condition of approval and the development regulations of the town, the condition of approval shall govern.
- b. The size of the townhome blocks, denoted as Blocks A, B, C, and D on the master plan, and the number of units within them may be adjusted administratively with the Planning Manager's approval only if the overall acreage and density of the combined townhome blocks are not changed.
- c. Once construction on the project begins, the developer shall conduct a weekly inspection, as needed, of the erosion control and stream protection measures throughout the development of each phase to ensure that all the devices are working effectively. The developer will notify Town Planning staff and neighbors within 500' of the development site(s) of the planned inspection schedule.

II. **Affordable Housing**

- a. Fifteen percent (15%) of the total market rate homes in the development, including the townhomes and multi-family apartment units, shall be affordable to those earning an average of 80% or less of the median income. Median income shall be determined using data from the US Department of Housing and Urban Development for the geographic statistical area in which Hillsborough is located.
- b. A deed restriction reserving the affordable apartment units for a period of ninety-nine (99) years and requiring annual certification with the town of the number of affordable units shall be recorded before a Zoning Compliance Permit will be issued for the first residential unit. The deed restriction shall require the developer, its successors and/or assigns to certify to the town in writing during the month of July of each year that they comply with the affordability condition as of the date of the certification.
- c. For the affordable townhome units, the developer shall prepare and submit an affordable housing plan for the review and approval of the Planning Manager. The approved affordable housing plan shall be recorded in conjunction with the plat(s) for the townhome lots and these conditions of approval. The plan shall include the following information at a minimum:
 - i. General information about the nature and scope of the development.

- ii. The total number of market rate units and affordable dwelling units in the development.
 - iii. The number of bedrooms and bathrooms in each affordable dwelling unit.
 - iv. The approximate square footage of each affordable dwelling unit.
 - v. The approximate location of each affordable dwelling unit.
- d. The affordable units shall be integrated with the market-rate units, and the exterior finishes shall make the affordable units indistinguishable from those that are market-rate.
- e. Affordable units will be developed in accordance with the following minimum size schedule:

Minimum Net Livable Square Footage	
Number of Bedrooms in Unit	Minimum Square Footage
Efficiency/studio apartment	500
1 Bedroom	700
2 Bedroom	850
3 Bedroom	1,100
4 Bedrooms or more	1,200 plus 250 sq. ft. per additional bedroom above 4

- f. Floor plans for buildings containing affordable units must be submitted for review with zoning compliance permit applications.

III. Conservation Easement

- a. Approximately 12.8 acres along the southern project boundary shall be held in a conservation easement. The easement, shown on sheet MP1.1 of the approved Waterstone South Master Plan set, was mandated by the Orange County Board of Adjustment as part of the modified Special Use Permits for The Woods and Woodsedge on May 8, 2024. The applicant shall record the conservation easement in a form satisfactory to the Town of Hillsborough with the Orange County Register of Deeds within 120 days of annexation by the Town of Hillsborough. The Town of Hillsborough shall hold the conservation easement in perpetuity.

IV. Landscaping

- a. Invasive species are strictly prohibited from landscape designs for the development. All landscape plantings in the development shall be non-invasive, and the developer shall make every effort to use native species when commercially available.

V. Multi-modal Transportation

- a. The locations of the internal streets shown on the master plan are conceptual. Exact street locations will be established during site plan/construction drawing review.

The developer shall record a public access easement and private maintenance agreement in each phase for all trails labeled "Walking & Bicycle Trail" on the approved Master Plan before the recordation of the final plat for the residential lots for that phase.

- b.** The developer shall pave all trails labeled "Walking & Bicycle Trail" on the approved Master Plan unless a proposed trail is in an environmentally sensitive area (e.g., floodplains; wetlands; slopes exceeding 25%; highly erodible soils), in which case crushed stone or soft surfaces (e.g., natural earth; wood chips) may be used. All trails within the 12.8-acre conservation easement described in Section III above may be made of natural surfaces. The layout of trails shown on the Master Plan is conceptual. Exact trail locations and surfaces will be established during site plan/construction drawing review.
- c.** All trails shall be maintained in perpetuity by the developer, any successors and assigns of the developer, or other acquiring parties. The Town shall not be responsible for trail maintenance.
- d.** The developer shall install a sidewalk network interior to the site that connects with a sidewalk system on the west side of NC 86 S as shown on the Master Plan.
- e.** The developer shall install a painted crosswalk with high-visibility striping and a flashing beacon at E. Scarlett Mountain Road and Storey Lane at the NC 86 S intersections if allowed and approved by the North Carolina Department of Transportation.
- f.** The developer shall install a sidewalk on the east side of NC 86 S connecting to said crosswalk as shown on the Master Plan if allowed and approved by both the North Carolina Department of Transportation and the Orange County School Board.
- g.** The developer shall design all streets designated as public on the Master Plan to NCDOT Subdivision Design Standards and Town of Hillsborough cross-sections as required by the town's Unified Development Ordinance. This design shall include, but shall not be limited to, the following: radii, vertical curves, storm drainage design, and gutter spread. The design speed will be consistent with current Town of Hillsborough ordinances. Curb and gutter will be required on all streets proposed for town acceptance but will not be required at the taper and turn-lanes at the intersection of NC 86 S and the development's entrance.
- h.** The developer shall install all off-site improvements recommended by their Traffic Impact Analysis prepared September 19, 2023, and concurred with by NCDOT in its letter dated December 7, 2023.
- i.** The developer shall update the Traffic Impact Analysis prior to the issuance of any Zoning Compliance Permits for Phase 2 to ensure acceptable operation at the various study intersections. If an updated Traffic Impact Analysis projects a Level of Service (LOS) of D or

lower at the intersection of Waterstone Parkway and NC 86 S, then the developer shall install a traffic signal at the intersection before the approval of the final Certificate of Occupancy in Phase 2. If signalization has already been installed at Waterstone Parkway and NC 86 S by another developer, the developer of Waterstone South shall not be responsible for signalization at said intersection.

- j. The applicant will construct a greenway trail within the NCDOT right-of-way from their northern property line to Waterstone Drive conditioned on NCDOT approving the greenway trail. In the event NCDOT approval is not forthcoming by the issuance of the last Certificate of Occupancy in Phase 2 of the community, the applicant will proffer \$187,000 for the future acquisition and/or construction of a greenway trail connection adjacent to the community.

VI. Phasing

- a. The Town of Hillsborough will not issue zoning compliance permits for the last 10 (ten) dwelling units in a phase until the developer
 - i. completes, certifies, and submits for town acceptance of all public infrastructure (e.g., sidewalks, streets, trails, greenways, utilities) in said phase, and
 - ii. installs or provides adequate performance security for the installation of all landscaping, street trees, and stormwater conveyances in said phase.
- b. The development shall be constructed in three phases, with each phase of construction to last no more than three years per phase for a total of nine years of construction:
 - i. Phase 1: 205 townhomes and 10,000 square feet of neighborhood commercial.
 - ii. Phase 2: 225 apartment units and 10,000 square feet of neighborhood commercial.
 - iii. Phase 3: 225 apartment units and 20,000 square feet of neighborhood commercial.
- c. The developer shall coordinate with staff to create a mutually agreeable schedule for infrastructure improvements, and the developer shall install or provide adequate performance security for said improvements. However, the developer cannot post a performance security for the new sewer pumping station described in Section VII (a) below. The developer must construct this pumping station during Phase 1.
- d. The medical and general office portion of the development (Blocks H and I as shown on sheet MP1.1 of the approved Waterstone South Master Plan set) is not included in the phasing plan and shall be developed based on market demand as the adjacent UNC Health facility grows.

VII. Utilities

- a. As indicated on the approved Master Plan, a new sewer pumping station, associated force main, and all appurtenances shall be constructed by the developer and dedicated to the Town of Hillsborough by the developer after successful completion. The existing gravity sewer to the Woodsedge Back and Nazarene Pumping Stations shall be redirected into this new pumping station located at a site near or in the development as agreed to with the Town of Hillsborough.
 - i. The new gravity sewers and sewer pumping station shall be designed to Town of Hillsborough specifications and details including site layout, drive, fencing, and station features.
 - ii. If the new pumping station is in a conspicuous location, something more than a chain link fence may be required to soften the visual impact of the pumping station. However, no landscaping may be placed within three feet of any piping or fencing.
- b. The developer shall connect the project water main extension to the town's existing water distribution system at the general locations shown in the Master Plan. A minimum of two connections is required.
 - i. The new water main shall be of a size and type acceptable to the Town of Hillsborough and designed in accordance with the town's specifications and details. Final connection points shall be as shown on Exhibit C.1. The minimum size for any main to be dedicated to the town is 8".
- c. The developer agrees to accelerate payment of System Development Fees (SDFs) sooner than otherwise provided by statute for each planned phase upon its approval by the town to provide better cash flow for downstream capital improvement projects that are needed and will benefit the project. The SDFs shall be calculated based on the unit bedroom counts for each phase of site plan approval, and site plan approval will not be issued for a phase until the appropriate SDFs are paid. SDFs shall be those in effect at the time of payment.
- d. The developer shall demolish the existing Nazarene and Woodsedge Back pumping stations to specifications agreed upon with the town and the property owner of Woodsedge Mobile Home Park after the new pumping station is fully certified and operational with redirected flow from these existing pumping stations active with no apparent issues.
 - i. In general, the developer shall carefully salvage all equipment identified by the town as salvageable and provide such equipment to the town.

- ii.** The existing stations and force mains shall be flushed out. The station features, if unable to be removed completely, shall be taken to 3 feet below grade. Any voids shall be filled with excavatable flowable fill.
- iii.** The existing station sites shall be graded, seeded, and mulched to establish new ground cover.
- iv.** Water meters for Block H will be released upon completion of the water and sewer infrastructure required to serve the units in Block H and the stub to Worth Street. This infrastructure is shown as magenta in the attached Exhibit C.1. Block H will connect to the Town's existing sewer that drains to Woods Edge Front Pump Station, and no other blocks of the proposed development will be allowed to connect to the Woods Edge Front Pump Station. The developer shall evaluate the capacity of the Woods Edge Front pump station and make all upgrades needed to serve the proposed development if upgrades are needed to meet the state's minimum design criteria for pump stations.
- v.** Water meters for Blocks A, B, C, D, E, F and G will be released upon completion of the waterlines shown in orange in Exhibit C.1 as well as the abandonment of the existing Nazarene and Woods Edge Back Pump stations into the new pump station shown in Exhibit C.1.
- vi.** The developer shall make the connections shown in the green circles in Exhibit C.1 to all waterlines in platted Town right-of-way and NC DOT right-of-way. The developer shall make connections to existing Town waterlines on private property at the locations shown with green circles if the Town provides documentation of deeded and platted public utility easements at the proposed connection locations. If the Town does not provide the required easement and plat information by construction drawing approval of the proposed connection, the Town will require only a platted and deeded stub to the edge of the subject development.
- e.** The developer shall enter into a Water and Sewer Extension Contract as typical with the town. This contract shall provide the finer details of the design, permitting, construction and acceptance details.
- f.** The developer shall contribute \$250,000 to the cost of upgrading the Elizabeth Brady Pump Station to handle the additional flow generated by the proposed project. This contribution shall be made before the approval of the first site plan for the project and will be used by the town to install upgraded instrumentation, monitoring equipment, and controls.

- g.** By agreeing to the developer's proffers and pledged water and sewer improvements, the town guarantees capacity for each phase of the project as it comes online in accordance with the phasing schedule in Section V (b).

EXHIBIT C.1

ORDINANCE #20240909-6-A-1

