

Z-51-95 Wake Forest Road, west side, Wake Towne Road, south side, and I-440, south side. Approximately 20.3 acres to Office & Institution-2 CUD and SHOD-2.

Conditions: (7/28/95)

1. Stormwater: Upon development, the rate of stormwater runoff from the Property will comply with Certified Recommendation 7107 of the Raleigh Planning Commission.

2. Buffer A. The owners of the Property (the "Owners") and their grantees, successors, and assigns shall keep and maintain that portion of the Exhibit E, and hereby incorporated herein by reference, in a natural state and will not build, construct, or erect a building or any other structure thereon. The Owners and their grantees, successors, and assigns reserve the right, however, to remove dead, diseased, dangerous, or leaning trees from such buffer area and install sewer and drainage lines and utilities therein.

3. Buffer B. The Owners and their grantees, successors and assigns shall keep and maintain that portion of the Property identified and depicted as "Buffer B" on the map attached hereto as Exhibit E in a natural state and thereon. The Owners and their grantees, successors, and assigns may landscape portions of the Property included within such buffer area and install sewer and drainage lines and utilities therein, provided, that any person or persons owning residential property immediately adjacent to the area to be landscaped has been afforded a period of thirty (30) days within which to review the landscaping plan (the same having been mailed to each such person via certified mail, return receipt requested, at his or her mailing address as shown on the records of the Wake County Revenue Collector).

4. Buffer C. The Owners and their grantees, successors, and assigns shall keep and maintain that portion of the Property identified and depicted as "Buffer C" on the map attached hereto as Exhibit E in a natural state and will not build, construct, or erect a building or any other structure thereon. The Owners and their grantees, successors, and assigns may use and landscape as a construction buffer for purposes of road construction only portions of the Property included within such area, provided, that (i) any person or persons owning residential property immediately adjacent to the area to be landscaped has been afforded a period of thirty (30) days within which to review the use and landscaping plans (the same having been mailed to each such person via certified mail, return receipt requested, at his or her mailing address as shown on the records of the Wake County Revenue Collector) and (ii) all existing trees six (6) inches in diameter and larger located within such area are preserved.

5. Buffer D. The Owners and their grantees, successors, and assigns shall not build, construct or erect a building or other structure upon that portion of the Property identified as "Buffer D" on the map attached hereto as Exhibit E which exceeds more than three (3) stories in height (45 feet) above the highest natural grade adjacent to such building.

ORDINANCE (1995) 712 ZC 370

Effective: 9/5/95

6. Buffer E. The Owners and their grantees, successors, and assigns shall not build, construct, or erect a building or other structure upon that portion of the Property identified and depicted as "Buffer E" on the map attached hereto as Exhibit E which exceeds more than six (6) stories in height (90 feet) above the highest natural grade adjacent to such building.

7. Motel or Hotel. The Owners and their grantees, successors, and assigns shall not operate as a hotel or motel any building or other structure situated upon that portion of the Property south of Wake Towne Drive. For purposes of this Agreement, the terms "hotel" and "motel" shall refer only to lodging facilities utilized primarily on an overnight basis by transient individuals.

8. Swimming Pool. The Owners and their grantees, successors, and assigns shall not build or construct a swimming pool within two hundred (200) feet of any residential parcel adjoining the Property to the south (Tax Parcels 1715.13-14-6344, 4451, 2435, 1439, 0532; 1715.13-04-9546, 8627, 8756, 8895, 9963; 1715.09-05-5010, 9271, 8177, 7123, 3101, 3238, 3403). In addition, any swimming pool constructed in the area more than two hundred (200) feet, but less than three hundred (300) feet from such parcels shall be screened therefrom by a building.

9. Right-of-Way. Any additional right-of-way on Wake Forest Road required to be conveyed to the City of Raleigh shall be reimbursable at current R-20 zoning value.