

9:00⁰ clock
Wed. morning

NORTH CAROLINA
TOWN OF TOPSAIL BEACH

AMENDED
Special Use Permit

for

ISLAND DEVELOPMENT CORP.

(Queen's Grant Multi-Dwelling Units)

Original Permit:

In accordance with the provisions of the Town of Topsail Beach ordinances, amendments thereto, and other applicable rules and regulations, a special use permit is hereby granted to ISLAND DEVELOPMENT CORPORATION to begin construction of its proposed multi-family dwelling units in the vicinity of the Dolphin Pier, pursuant to the application dated August 16, 1979, and received by the Town August 17, 1979.

Discussion:

New dates are added for revisions subsequent to issuance of original permit.

Proposed Revision:

In accordance with the provisions of the Town of Topsail Beach ordinances, amendments thereto, and other applicable rules and regulations, the Town of Topsail Beach (herein referred to as "Town") hereby issues a special use permit to ISLAND DEVELOPMENT CORPORATION (herein referred to as "Developer") to construct its proposed multi-family dwelling units in the vicinity of the Dolphin Pier, pursuant to the application dated August 16, 1979, and received by the Town

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August 17, 1979 as revised by application dated January 13, 1982 and received by the Town January 13, 1982.

Original Permit:

1. This special use permit shall become voidable unless the multi-family dwelling units, sewer treatment plant, and all other areas of the proposed project, are constructed and/or erected in accordance with the approved plans, specifications, other supporting data, and the other conditions or limitations contained heretofore or hereafter in this special use permit are complied with.

Discussion:

The proposed revision differentiates between original plans and revised plans. The revision also adds exhibit "B" which contains a site plan showing proposed building locations and pertinent site information.

Proposed Revision:

1. This special use permit shall become voidable unless the multi-family dwelling units, sewage treatment plant, and all other areas of the proposed project are constructed and/or erected in accordance with the developer's revised plans, a copy of which is attached hereto as exhibit "B" and incorporated herein and the developer fully complies with all other terms of this special use permit.

Original Permit:

2. This special use permit is expressly limited to the use and benefit of the applicant and shall not be transferred or assigned without the written approval of the Town of Topsail Beach, and is effective to grant only those rights as are described in the application, specifications, supporting data and subject to those conditions of limitations herein contained.

Proposed Revision:

None

Original Permit:

3. No structure designed for human habitation shall be constructed over, upon or across any street, alley or other right of way, and in the event any legal action should be brought by or against the Town as a result of such construction, the Developers shall reimburse, indemnify and save the Town harmless from any and all expenses and losses resulting therefrom.

Proposed Revision:

None

Original Permit:

4. That all streets as shown on Developers' plans, a copy of which is attached hereto as exhibit "A" and incorporated herein by reference as if fully set out herein, shall be dedicated for use as road right of way easements for the purpose of ingress, egress and regress, and shall be constructed in accordance with the following requirements:

- (a) In the northern development area between the finger canal and the Frank Bowman property line, the width of the access road right of way shall be a minimum of 26 feet and the hard surfaced pavement width shall be at least 20 feet.
- (b) In the southern development area between the two finger canals, the width of the access road right of way shall be a minimum of 40 feet and the hard surfaced pavement width shall be at least 20 feet.
- (c) The pavement of the cul-de-sac or turn around of each street shall be within 12 feet of the canal water connected to Topsail Sound to enable fire fighting equipment to be situated parallel to the canal and draft water from the canal. This area shall be without obstructions to the canal from the pavement area.
- (d) The developer shall grant to the Town such easements as may be necessary to enable the Town to provide all municipal services including but not limited to police and fire protection to the project.

The conditions herein set out shall be complied with prior to any construction being commenced under this permit.

Original Permit:

5. That the Developers shall immediately dedicate two 10-foot wide ocean access areas for public use, one of which shall be located on the southern property line and the other at or near the northern property line of the area between N. C. Highway 50 and the Atlantic Ocean and North of the Dolphin Pier property. The developers agree to construct a cross walk at their own expense over the southern access area within 90

days of the issuance of this permit, and agree to construct the cross walk over the northern access area within 30 days of the time it proposes to develop said northern area. The conditions set out in this paragraph shall be complied with prior to any construction being commenced under this permit, except as herein stated.

Proposed Revision:

None

Original Permit:

6. That the Developers shall construct and maintain the turning lanes to its property abutting N. C. Highway 50 on the sound side as provided in plans previously submitted to the Town.

Proposed Revision:

None

Original Permit:

7. The Developers shall provide the Town with a current survey or a map or maps prepared, certified and sealed by a registered land surveyor or professional engineer, drawn to scale depicting the entire project, which map shall show clearly the total square footage contained in the area bounded by N. C. Highway 50 on the northwest, the Dolphin Pier property on the northeast, the Atlantic Ocean on the southeast, and the property of Robert Richards on the southwest; and also, said sketch shall separately show the square footage contained in the area bounded on the southeast by N. C. Highway 50, bounded on the southwest by the northerly edge of the canal nearest Gay Street; on the northwest by mean highwater line of Topsail Sound, and on the northeast by

dwelling unit from the total number of dwelling units within the structure, and multiply the result times 2,500 square feet and then add 5,000 square feet. The result shall be the total square footage of land area required for each separate structure.

Discussion:

"Dedicated easement for the street or road area" is clarified to be the rights of way of the access streets.

Proposed Revision:

9. Only the number of multi-family dwelling units permitted in the Town zoning ordinance shall be constructed in each of the three areas referred to in Condition #7. Each area shall be treated as a separate area for the purpose of computing the number of multi-family dwelling units that may be constructed therein. It is agreed that the open space required shall include the area that is within the rights of way of the access streets. The method of computing open space or required square footage of land shall be as follows: for each separate structure subtract one dwelling unit from the total number of dwelling units within the structure, and multiply the result times 2,500 square feet and then add 5,000 square feet. The result shall be the total square footage of land area required for each separate structure.

Original Permit:

10. That each dwelling unit shall be tapped onto the town water system and be individually metered. Developers shall provide the Town with a registered engineer's design of a method by which this can be accomplished.

front units a 6" detector check meter is not necessary. The clubhouse and waste treatment facility shall be metered separately. Requirement "5" is vague as to the definition of "action" and is omitted.

Proposed Revision:

10. That two water main meters be used: One for the Ocean Front Homeowners' Association and the other for the Sound Side Homeowners' Association. The clubhouse and waste Treatment facility shall be metered separately. Specific requirements are as follows;
- (a) A registered engineer shall execute plans and specifications describing all metering systems;
 - (b) Master meter serving the sound side units shall be 6" detector check with high and low flow and 6" turbine meter on the by-pass. Master meter serving the ocean front units shall be turbine type with high and low flow appropriately sized and turbine meter on the by-pass of the same size;
 - (c) That the Town be notified immediately of any problem with any meter and that any meter be repaired or replaced or put back in use within 14 days;
 - (d) That the Town's Public Works Department be entitled to inspect the meters at any reasonable hour;
 - (e) That all meters be cleaned, renovated, and re-calibrated every 18" months and that the Town be given a written certification by the testing facility.
 - (f) A surge system will be used to by-pass meters and provide adequate fire protection service.

Original Permit:

11. That the Developers shall provide two 10-foot wide utility easements for the installation of water mains, which 10-foot easements shall be 5 feet from each side of the centerline of the water and/or sewer mains, and shall be on opposite sides of the road. In addition, there shall be retained, set aside or provided for, for the purpose of future maintenance of said water and/or sewer mains, a construction easement not to exceed 25 feet in width for the purpose of the future maintenance of the water and/or sewer mains.

Proposed Revision:

None

Original Permit:

12. The developers shall dig up all existing septic tanks located on any of the property within the three areas described in Condition #7 above, prior to beginning construction under this permit. Provided, however, the septic tank servicing the model sales units may be used until the sewer treatment plant is operational.

Proposed Revision:

None

Original Permit:

13. The Developers shall agree in writing to bind themselves, their successors or assigns to abandon their sewer treatment plant and connect to the Town sewer system within 6 months of the date the Town shall install and begin operation of a central Town sewer system.

(140)

Proposed Revisions:

None

Original Permit:

14. The Developers shall not sell, convey, lease or otherwise transfer any dwelling unit or other structure to any person, firm or corporation without providing in writing that each transferee shall also be bound by the provisions contained in Condition # 13 above.

Proposed Revision:

None

Original Permit:

15. The Developers shall, in writing in a form and manner satisfactory to the Town, contract and agree that the Town shall under no circumstances have any responsibility now or in the future in the maintenance or operation of the Developers' sewer treatment plant, lift stations, or any sewerage lines interconnected therewith. That additionally, said Developers shall not sell, convey, lease or otherwise transfer any dwelling unit or other structure to any person, firm or corporation without providing in writing that each transferee shall also be bound by the above described provision.

Discussion:

The proposed revision more specifically indicates how the intent will be carried out.

Proposed Revision:

15. The Developer hereby agrees that the Town shall under no circumstances have any responsibility now or in the future in the maintenance or operation of the sewer treatment plant, lift stations, or any sewerage lines contained within the project. The Developer further agrees that this provision shall be incorporated in its declaration of restrictive covenants, or declaration of condominium and shall be binding upon Developer, its successors, transferees, and assigns, whether or not contained in any future deed or other muniment.

Original Permit:

16. The Developers shall provide the Town with an engineer's certification that each building (structure) and the dwelling units contained therein complies with all applicable State and Town building code provisions.

Proposed Revision:

The Developers shall provide an architect and/or engineer's certification that each building (structure) and the dwelling units contained therein complies with all applicable State and Town building code provisions.

Original Permit:

17. The Developers shall retain and pay for an independent qualified consultant, acceptable to the Town, to inspect the erection of each structure, and to certify to the Town the work being done is in accordance with all applicable building codes.

Discussion:

Since we are "Stick-Building" the units and not using prefabricated

(A7)

modular units, an independent consultant to inspect the construction is not necessary. The architect will perform regular inspections and provide certification that all construction complies with all applicable State and Town building code provisions as stated in Condition #16 above.

Proposed Revision:

Delete Condition #17.

Original Permit:

18. The Developers shall provide the Town Engineer with plans and details of the proposed bracing and fastening modifications of the dwelling units, and if the questions raised by the Engineer are not sufficiently answered with regard to the structural integrity of the units, the Developers, at their own expense, shall provide the Town with detailed structural analysis, i.e., bolt sizes and placement, type and quantity of fasteners, number and placement of pilings, bracing, and wind design calculations, all of which shall be prepared by and contain the seal of a professional engineer. The decision as to whether or not the additional data is needed shall be within the sole discretion of the Town Engineer.

Discussion:

This condition was written to insure that the prefabricated modular units were field assembled properly. Since we are not using these units this condition is not applicable. However, the Developers will provide under seal architect's and/or engineer's plans and specifications describing all structural connections, wind bracing, and piling placement.

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Original Permit:

21. The Developers shall provide the Town with copies of any request or application made by it to any Federal, State, or County agency for a modification, alteration, or variance from any existing permit already issued, together with a copy of any response thereto. Copies thereof shall be sent to the Town Hall at the same time a request is made or a response received. Additionally, the Developers shall, prior to making any modification to any structure or location change, submit a copy of the proposed changes to the Town for its approval.

Proposed Revision:

None

Original Permit:

22. The Developers shall promptly apply for any additional permit required under the Coastal Area Management Act or any other regional agency prior to beginning construction.

Proposed Revision:

None

Original Permit:

23. The Developers shall agree that the Town, in performing its responsibilities under this special use permit may be required to secure permits from Federal, State, or County agencies, and in the event any such required permit(s) shall not be granted, that the Developers shall not have any claim against the Town because of its failure to obtain such a permit. However, this

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shall not be construed to prevent the Developers from asserting a claim against the Town should the Town, without just cause, refuse to apply for a required permit.

Proposed Revision:

None

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STATE OF NORTH CAROLINA

COUNTY OF PENDER

TOWN OF TOPSAIL BEACH

IN THE MATTER OF APPLICATION FOR CONDITIONAL USE PERMIT FOR ISLAND
DEVELOPMENT CORP., EXPANDED QUEEN'S GRANT SANITARY SEWER
TREATMENT FACILITY

This matter was heard before the Board of Commissioners (the "Board") of the Town of Topsail Beach (the "Town") at its regular meeting on Feb 13, 2008 on application of R & Q, Inc. for a Conditional Use Permit for Replacement and Expansion of an Existing Sanitary Sewer Treatment Facility upon the property commonly known as Queen's Grant and further described and depicted in the Preliminary Plan submitted by the Applicant, a copy of which is attached hereto and incorporated herein by reference. The Board finds that the requirements of the Code of Ordinances of the Town have been substantially met, and specifically finds the following:

1. The requested use is the replacement and expansion of an existing sanitary sewer treatment facility for the purpose of collecting and treating and disposing of existing and additional sanitary sewer from all development in the area generally described as Queen's Grant, which area is depicted in the "Preliminary Plan for Queen's Grant" (the "Project"), prepared by Coastal Site Design, PC for Craig Quinn, dated 7-16-07 [sic] and revised 11/07/07 [sic].

2. "Public Utility Stations or Substations" are an allowed use in the Zoning District in which the Project is located as a "Conditional Use" and subject to the issuance by the Board of Commissioners of a Conditional Use Permit.

3. The requested use, Replacement and Expansion of an Existing Sanitary Sewer Treatment Facility will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals or welfare of the community or the immediate neighbors of the property, provided proper landscaping and screening techniques are employed in the installation and maintenance of the existing and expanded systems.

4. The requested use, Replacement and Expansion of an Existing Sanitary Sewer Treatment Facility is essential and desirable to the public convenience and welfare as the existing system serving that portion of the Project which has already been completed is not adequate to handle the additional sanitary sewer flow that will result from additional development of the Project.

5. The requested use, Replacement and Expansion of an Existing Sanitary Sewer Treatment Facility, is in conformity with the Town's Land Use Plan, in that it is a necessary result of the development of additional residential units which is, likewise, in conformity with the Town's Land Use Plan in the area of the Project.

6. Adequate other utilities, access roads and ways, drainage, and other necessary facilities have been or will be provided in connection with the installation and maintenance of the requested use, Replacement and Expansion of an Existing Sanitary Sewer Treatment Facility.

7. The Board recognizes that other permitting agencies have jurisdiction over various aspects of this Project and the Board therefore specifically requires as a condition to the issuance and the continuance in effect of this Conditional Use Permit that the Project conform to all other applicable regulations of the Zoning District in which it is located and that the Project conform to all other applicable regulations of the Town of Topsail Beach, Pender County, the State of North Carolina and the United States of America including any and all subdivisions of either of those entities or any other governmental or regulatory agency. Failure of the system for which the Conditional Use Permit is being issued to comply at any time with any condition of this Conditional Use Permit shall, in perpetuity, subject this Conditional Use Permit to revocation pursuant to Code Article XII., Section 12.4(b) and other applicable provisions of law.

8. The Board specifically declares that this Conditional Use Permit is being issued at this time solely and strictly for the purpose of approving the Replacement and Expansion of the Existing Sanitary Sewer System in the area described above such that it will have the capacity to serve additional and existing residential units constructed within the parameters of the Town's Code as it presently exists and/or may hereafter be amended..

9. This Conditional Use Permit is not intended and shall not be construed as altering, modifying, repealing, restricting or otherwise amending in any manner the Special Use Permit issued by the Town to Island Development Corp. on or about July 29, 1980 except as specifically concerns the Replacement and Expansion of the Existing Sanitary Sewer System as set out herein.

10. The Developer/Owner shall, in perpetuity provide for the maintenance of landscaping and screening substantially similar to that represented in the Landscape Plan submitted in support of the Application for this Conditional Use Permit, a copy of which is attached hereto and hereby incorporated herein by reference.

11. The Developer/Owner, R & Q Inc., and its successors in interest to any portion of this Project shall hold the Town harmless from any and all damages to streets, bikeways, walkways, sidewalks, utilities and all other Town property caused by the Developer/Owner and/or its agents, contractors and/or employees in the construction of the Project.

12. Before any infrastructure is installed pursuant to this Conditional Use Permit, Applicant shall provide the Town with working drawings showing the location of all sewer transmission lines, manholes, streets, drives and other vehicular ways, buildings and all other features of the system, and working drawings sealed by a professional engineer demonstrating that the sewer lines are, or will be when such streets, drives and other vehicular ways are opened to traffic sufficiently shielded and protected from damage from such traffic.

13. If any damage occurs to any publicly owned or maintained streets, sidewalks, water, sewer or other utility lines, easements, appliances, equipment or any other publicly owned

property, real or personal, whether below or above ground level as a result of any activity of Owner, its agents, officers, employees, contractors or any other person acting at the request of or on behalf of the Owner during the installation and/or any subsequent maintenance of the system, then, the Holder of this Conditional Use Permit, R & Q, Inc. will be primarily responsible for the immediate repair of any such damages, and by accepting this Conditional Use Permit, the Holder, R & Q, Inc. agrees and promises to indemnify the Town of Topsail Beach and to hold the Town harmless on account of any such damages.

14. The beginning of construction on the replacement and expansion of the system as described herein, "Beginning of construction defined as any act upon the property which results in the movement of any earth, any demolition or alteration of the existing system or any activity beyond routine operations and maintenance of the existing system" shall be deemed acceptance by Owner of the terms hereof and such acceptance shall be binding on Owner and assignees.

(GET ALL CORRECT NAMES FOR ASSOCIATION ETC).

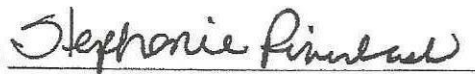
TOWN OF TOPSAIL BEACH

BY:


Howard Braxton, Mayor

(OFFICIAL SEAL)

Attest:


Stephanie Rivenbark, Town Clerk

R & Q Inc.

BY: M. King
President

(CORPORATE SEAL)

Attest: Gerald H. Quinn
Secretary

NORTH CAROLINA

COUNTY OF Duplin

I, a Notary Public of the County State aforesaid, certify that Gerald H Quinn personally came before me this day acknowledged that he is ___ Secretary of R & Q Inc., a North Carolina Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its ___ President, sealed with its corporate seal and attested by him as its ___ Secretary.

Witness my hand and official stamp or seal, this 23 day of Dec, 2008.

My commission expires: 7/2/2011

Notary Public

Kathryn J. Fussell
Kathryn J. Fussell

K:\Topsail-Beach-Town\Queen's Grant\CUP030508-draft.wpd

JIMMY: ARE THERE ANY OTHER CONDITIONS OR POINTS YOU THINK SHOULD BE ADDED TO THIS? MAYBE REQUIREMENT THAT ALL OF THEIR MAINTENANCE OBLIGATIONS BE TRANSFERRED TO THE QG OWNERS ASSOCIATION??? COULD HELP ELIMINATE A DISPUTE IN THE FUTURE OVER WHOSE RESPONSIBILITY A REPAIR IS???



820 S. Anderson Blvd.
Topsail Beach, North Carolina 28445
Telephone (910) 328-5841
Fax (910) 328-1560

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September 15, 2010

QUEENS GRANT
c/o M. Craig Quinn
504 Lake Drive
Warsaw, North Carolina 28398
Email: scquinn@embarqmail.com
Facsimile: 910-293-4058

Re: Town of Topsail of Beach ("Town") Conditional Use Permit for Queens Grant (2/13/2008, Amended 7/8/2009) ["C.U.P."] - Request During Duly Noticed September 8, 2010 Public Hearing for Town Board of Commissioners ("Board") To Extend Time to Perform C.U.P. "First Phase"

Dear Mr. Quinn:

The Town Board considered your request on behalf of the Permittee of the above C.U.P. to extend the time allotted for the C.U.P. "first phase". Among the reasons stated for the request are the current economy and litigation among the owners of the Permittee entity. The Board considered all the circumstances stated by you as well as the C.U.P. and the recent N.C. Permit Extension Act as passed and amended by the General Assembly in Session Laws 2009-406 & -484 and 2010-177. This confirms that upon consideration, the Board decided not to take any action on the C.U.P., as such was unnecessary under all the circumstances.

The Town encourages you and the Permittee to review the terms of the Permit Extension Act, as amended and to receive the advice of independent counsel. I enclose copies of the Act as amended.

Very truly yours,

Tim H. Holloman

Enclosures: (S.L. 2009-406 & -484 and 2010-177)

STATE OF NORTH CAROLINA

COUNTY OF PENDER

TOWN OF TOPSAIL BEACH


IN THE MATTER OF APPLICATION FOR CONDITIONAL USE PERMIT FOR
ADDITIONAL DEVELOPMENT PLANS FOR QUEENS GRANT

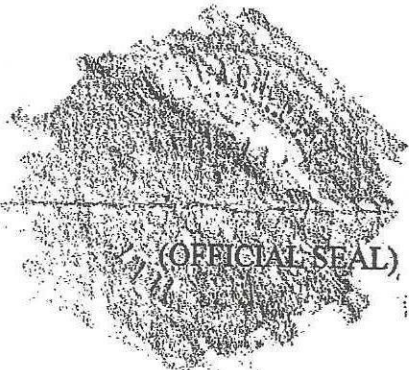
This matter was heard before the Board of Commissioners (hereinafter the "Board") of the Town of Topsail Beach (hereinafter the "Town") at a Regular Meeting on the 8th day of July, 2009 on the application of R&O, Inc. for approval of additional development plans for the Conditional Use Permit granted for Queens Grant on February 13, 2008. The Board finds that the requirements of the Code of Ordinances of the Town have been substantially met and that the permit is properly awarded to Petitioner, and specifically finds the following:

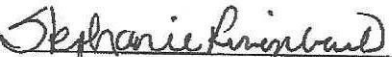
1. That the Conditional Use Permit granted by the Board on February 13, 2008 is expressly incorporated herein by reference, and unless explicitly stated herein, all conditions are requirements of said Permit continue to be binding upon the parties herein; and,
2. That the applicant shall be permitted to execute the proposed project in three phases; and,
3. That each phase shall have an eighteen month window for completion, and each phase shall be completed within each respective eighteen month window; and,
4. That the final plat shall be recorded before the Conditional Use Permit expires; and,
5. That the first phase shall begin within the next eighteen months from the date of the Board's vote to approve this permit; and,
6. That the boat ramp is approved as set forth in the proposed plans, and there shall be designated parking for boat ramp activity per the Code of Ordinances; and,
7. That only Queens Grant property owners shall be allowed to own boat slips within the Queens Grant development, and that only Queens Grant; and,
8. That the final plan as submitted to the Town has been approved by the Fire Marshall; and,

9. That a boat storage facility is a permitted use on the subject property for Queens Grant property owners only; and,
10. That all necessary parties have been made a party to this petition, such that this permit is and shall forever be binding upon all owners within the Queens Grant condominium development, their heirs, successors, and assigns, whether they be individuals, business entities, or homeowner's associations

TOWN OF TOPSAIL BEACH

By: 
Howard Braxton, Mayor



Attest: 
Stephanie Rivenbark, Town Clerk

NORTH CAROLINA
TOWN OF TOPSAIL BEACH

Special Use Permit

for

ISLAND DEVELOPMENT CORP.

(Queen's Grant Multi-Dwelling Units)

In accordance with the provisions of the Town of Topsail Beach ordinances, amendments thereto, and other applicable rules and regulations, a special use permit is hereby granted to ISLAND DEVELOPMENT CORPORATION to begin construction of its proposed multi-family dwelling units in the vicinity of the Dolphin Pier, pursuant to the application dated August 16, 1979, and received by the Town August 17, 1979.

This permit shall be and is effective from the date of its issuance and shall continue in effect until rescinded, and shall be subject to the following conditions and limitations:

1. This special use permit shall become voidable unless the multi-family dwelling units are constructed and/or erected in accordance with the approved plans, specifications, other supporting data, and the other conditions or limitations contained heretofore or hereafter in this special use permit are complied with.

2. This special use permit is expressly limited to the use and benefit of the applicant and shall not be transferred or assigned without the written approval of the Town of Topsail Beach, and is effective to grant only those rights as are described in the application, specifications, supporting data and subject to those conditions or limitations herein contained.

3. No structure designed for human habitation shall be constructed over, upon or across any street, alley or other right of way, and in the event any legal action should be brought by or against the Town as a result of such construction, the Developers shall reimburse, indemnify and save the Town harmless from any and all expenses and losses resulting therefrom.

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4. That all streets as shown on Developers' plans and specifications shall be dedicated for public use, be constructed in compliance with the Town regulations, and shall contain cul-de-sacs on the sound end. The conditions set out in this paragraph shall be complied with prior to any construction being commenced under this permit.

5. That the Developers shall dedicate two (2) 20-foot wide ocean access areas for public use, one of which shall be located on the southern property line and the other at or near the northern property line of the area between N. C. Highway 50 and the Atlantic Ocean and the Dolphin Pier property. The conditions set out in this paragraph shall be complied with prior to any construction being commenced under this permit.

6. That the Developers shall construct and maintain the turning lanes to its property abutting the east and west side of Highway # 50 in accordance with the N. C. Department of Transportation regulations.

7. The Developers shall provide the Town with a current survey or a map or maps prepared, certified and sealed by a registered land surveyor or professional engineer, drawn to scale depicting the entire project, which map shall show clearly the total square footage contained in the area bounded by N. C. Highway 50 on the northwest, the Dolphin Pier property on the northeast, the Atlantic Ocean on the southeast, and the property of Robert Richards on the southwest; and also, said sketch shall separately show the square footage contained in the area bounded on the southeast by N. C. Highway 50, bounded on the southwest by the northerly edge of the canal nearest Gay Street; on the northwest by mean highwater line of Topsail Sound, and on the northeast by the southerly edge of the next canal located just north of the canal referred to above; and also, said sketch shall separately show the square footage contained in the area bounded on the southeast by N. C. Highway 50; on the southwest by the northerly edge of the above referred to second canal; on the northwest by the mean highwater line of Topsail Sound; and on the northeast by the lands of Frank Bowman. In addition, the map or

maps shall show the location of all bulkheads, streets, ocean access areas, and other major improvements in their proposed location. The conditions set out in this paragraph shall be complied with prior to any construction being commenced under this permit.

8. The Developers shall provide the Town with an engineer's designed plans and specifications showing the design and placement of all proposed utility lines sufficient to be submitted to the Environmental Health Division of the N. C. Department of Human Resources. The conditions set out in this paragraph shall be complied with prior to any construction being commenced under this permit.

9. Only the number of multi-family dwelling units permitted in the Town zoning ordinance shall be constructed in each of the three areas referred to in Condition #7. Each area shall be treated as a separate area for the purpose of computing the number of multi-family dwelling units that may be constructed therein.

10. That each dwelling unit shall be tapped onto the Town water system and be individually metered.

11. That the Developers shall provide the Town a 25-foot wide temporary construction easement for the purpose of the Town installing water mains, which easement shall be as nearly as possible within the rights of way of dedicated streets. The conditions set out in this paragraph shall be complied with prior to any construction being commenced under this permit.

12. That the Developers shall convey to the Town a 10-foot wide easement, together with the water mains therein installed, which 10-foot easement shall be 5 feet from each side of the centerline of the water main. That additionally, the Developers shall grant to the Town a construction easement not to exceed 25 feet in width for the purpose of future maintenance of said water distribution lines. The conditions set out in this paragraph shall be complied with prior to any construction being commenced under this permit.

13. The Developers shall dig up all existing septic tanks located on any of the property within the three areas described in Condition #7 above, prior to beginning construction under this permit.

14. The Developers shall agree in writing to bind themselves, their successors or assigns to abandon their sewer treatment plant and connect to the Town sewer system within 6 months of the date the Town shall install and begin operation of a central Town sewer system.

15. The Developers shall not sell, convey, lease or otherwise transfer any dwelling unit or other structure to any person, firm or corporation without providing in writing that each transferee shall also be bound by the provisions contained in Condition #13 above.

16. The Developers shall, in writing in a form and manner satisfactory to the Town, contract and agree that the Town shall under no circumstances have any responsibility now or in the future in the maintenance or operation of the Developers' sewer treatment plant or any sewerage lines interconnected therewith. That additionally, said Developers shall not sell, convey, lease or otherwise transfer any dwelling unit or other structure to any person, firm or corporation without providing in writing that each transferee shall also be bound by the above described provision.

17. The Developers shall provide the Town with an engineer's certification that each building (structure) and the dwelling units contained therein complies with all applicable State and Town building code provisions.

? 18. The Developers shall retain and pay for an independent qualified consultant, acceptable to the Town, to inspect the erection of each structure, and to certify to the Town the work being done is in accordance with the plans and specifications and is in accordance with all applicable building codes.

19. The Developers shall provide the Town with detailed structural analysis, i.e., bolt sizes and placement, type and

quantity of fasteners, number and placement of pilings, bracing, and wind design calculations, all of which shall be prepared by and contain the seal of a professional engineer.

20. The Developers shall erect, plant or otherwise install a fence or greenbelt screen around its sewer treatment plant, that shall, in the case of a fence, be at least 6 feet high. In the event the Developers elect to plant shrubs or trees, said shrubs or trees shall be planted in an areas at least 5 feet wide and shall reach an average height of at least 5 feet within years and sufficient density to prevent a viewer from discerning the type of operation contained therein, and both the fence and/or screen shall be of a sufficient height and density to minimize operating noises.

21. The Developers and/or organization in charge of the multi-family dwelling units, as well as the individual owners therein, shall cause the sewer treatment plant to be dismantled and removed from the premises within months of the time they shall have been required to tap onto the Town sewer system, as provided in Condition #13 and #14 above.

22. The Developers shall provide the Town with copies of any request or application made by it to any Federal, State, or County agency for a modification, alteration, or variance from any existing permit already issued, together with a copy of any response thereto. Copies thereof shall be sent to the Town Hall at the same time a request is made or a response received. Additionally, the Developers shall, prior to making any modification to any structure or location change, submit a copy of the proposed changes to the Town for its approval.

23. The Developers shall promptly apply for an additional permit required under the Coastal Area Management Act or any other regional agency prior to beginning construction.

24. The Developers shall agree that the Town, in performing its responsibilities under this special use permit may be required to secure permits from Federal, State, or County agencies, and in the event any such required permit(s) shall not

be granted, that the Developers shall not have any claim against the Town because of its failure to obtain such a permit. However, this shall not be construed to prevent the Developers from asserting a claim against the Town should the Town, without just cause, refuse to apply for a required permit.

DATED: April , 1980

ATTEST:

TOWN OF TOPSAIL BEACH

Town Clerk

BY: _____
Mayor

This special use permit is accepted as written.

DATED:

ATTEST:

QUEEN'S GRANT PROJECT
ISLAND DEVELOPMENT CORP.

Secretary

BY: _____
President

STATE OF NORTH CAROLINA

COUNTY OF PENDER

This day of April, 1980, personally came before me, _____, who being duly sworn, says that she is Town Clerk of Town of Topsail Beach, and that the seal affixed to the foregoing instrument in writing is the municipal seal of said Town and the name of the municipality was subscribed thereto by the said Mayor, and the said Mayor and Town Clerk subscribed their names thereto and the said municipal seal was affixed, all by authority of the Board of Commissioners of said municipality and the said instrument is the act and deed of said municipality.

Witness my hand and notarial seal, this day of April, 1980.

Notary Public

My Commission Expires:

STATE OF NORTH CAROLINA

COUNTY OF

This day of April, 1980, personally came before me, _____, who being duly sworn, says that he is Secretary of Queen's Grant Project Island Development Corp., and that the seal affixed to the foregoing instrument in writing is the corporate seal of said company, and the name of the corporation was subscribed thereto by the said President, and the said President and Secretary subscribed their names thereto and the said corporate seal was affixed, all by authority of the Board of Directors of said corporation, and the said instrument is the act and deed of said corporation.

Witness my hand and notarial seal, this day of April, 1980.

Notary Public

My Commission Expires:

Prepared by: LANIER & FOUNTAIN, ESQS.

Filed for registration on the 18 Day of Nov. 1980 At 4:25 O'clock P.M.
and registered in the office of the Register of Deeds,
for Pender County in Book No. 586 Page 124
Hugh Overstreet
Register of Deeds for
PENDER COUNTY

Excise Tax NO STAMPS

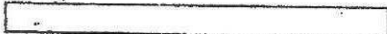
Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____
Verified by John E. ... County on the _____ day of _____, 19____
by _____

Mail after recording to ISLAND DEVELOPMENT CORPORATION

This instrument was prepared by LANIER & FOUNTAIN, ESQS., 114 Old Bridge St., Jacksonville, N.C. 28540

Brief description for the Index



NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 18 day of NOVEMBER, 1980, by and between

GRANTOR

GRANTEE

TOPSAIL VILLAGE, INC., a North Carolina corporation having its principal place of business located in Pender County, North Carolina

ISLAND DEVELOPMENT CORPORATION, a North Carolina corporation having its principal place of business located in Onslow County, North Carolina

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, all that certain lot or parcel of land situated in the City of Topsail Beach, Topsail Township, Pender County, North Carolina and more particularly described as follows:

Beginning at a new iron pipe in the Eastern right-of-way line of N. C. Highway 50, said point being located S. 37 degrees 30 minutes East 50 feet to an iron pipe; thence, S. 52 degrees 30 minutes west 20 feet to a concrete monument; thence S. 37 degrees 30 minutes East 60.38 feet from the Southeast corner of the property of George T. Matkins and wife, Elsie C. Matkins as recorded in Deed Book 488, Page 6, Pender County Registry; thence from said beginning point along the Eastern right-of-way of N. C. Highway 50 N. 52 degrees 30 minutes East 222.01 feet to a point; thence S. 35 degrees 37 minutes 42 seconds East 143.93 feet to the highwater mark of the Atlantic Ocean; thence along the highwater mark of the Atlantic Ocean S. 54 degrees 02 minutes 18 seconds West 218.22 feet to an iron pipe; thence N. 37 degrees 30 minutes West 138.01 feet to the point of beginning.

John E. ...
Memo # 10327
1401 Ocean Blvd